

立法會
Legislative Council

LC Paper No. CB(2)1115/19-20

Ref : CB2/H/5/19

House Committee of the Legislative Council

**Minutes of the 2nd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 29 May 2020**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon MA Fung-kwok, SBS, JP (Deputy Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Jimmy NG Wing-ka, BBS, JP

Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS
Hon CHAN Hoi-yan

Members absent :

Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Claudia MO
Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon Dennis KWOK Wing-hang
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon LAM Cheuk-ting
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon HUI Chi-fung
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Bonny LOO	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Mark LAM	Assistant Legal Adviser 7
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Connie AU	Senior Council Secretary (2)6
Mr Richard WONG	Senior Council Secretary (2)8
Miss Michelle TANG	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Miss Meisy KWOK	Legislative Assistant (2)6

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I. Confirmation of minutes of meeting

Minutes of the 1st meeting held on 22 May 2020
(LC Paper No. CB(2)1073/19-20)

The minutes were confirmed.

II. Business arising from previous Council meetings

(a) **Legal Service Division reports on L.N. 157, 158, 175, 176, 189/2019 and L.N. 27/2020 gazetted between 25 October 2019 and 20 March 2020**

(LC Paper Nos. LS12/19-20, LS25/19-20, LS31/19-20 and LS57/19-20)

2. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the reports prepared by the Legal Service Division ("LSD") on six items of subsidiary legislation (i.e. L.N. 157, L.N. 158, L.N. 175, L.N. 176 and L.N. 189 of 2019 and L.N. 27 of 2020) which were gazetted between 25 October 2019 and 20 March 2020, and were not required to be tabled in the Legislative Council ("LegCo") and were not subject to amendment by LegCo.

3. Members agreed that the five items of subsidiary legislation (L.N. 157, L.N. 158, L.N. 175 and L.N. 176 of 2019 and L.N. 27 of 2020) made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as they came within the Subcommittee's terms of reference.

4. Members did not raise any questions on the other item of subsidiary legislation (i.e. L.N. 189 of 2019).

(b) **Legal Service Division report on subsidiary legislation gazetted on 8 May 2020**

(LC Paper No. LS71/19-20)

5. Ms Elizabeth QUAT raised a point of order concerning the signs being displayed at the seats of some 20 Members who were not present at the meeting. Ms QUAT considered that those signs not related to any agenda items of the meeting should be removed. The Chairman concurred with Ms QUAT and instructed the Secretariat staff to remove the signs.

6. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on eight items of subsidiary legislation (i.e. L.N. 60 to L.N. 67) which were gazetted on 8 May 2020 and tabled in Council on 13 May 2020.

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7. Mr Tony TSE considered it necessary to form a subcommittee to study the Building (Minor Works) (Amendment) Regulation 2020 (L.N. 60) and the Building (Planning) (Amendment) Regulation 2020 (L.N. 61) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Abraham SHEK, Ir Dr LO Wai-kwok, Mr LUK Chung-hung and Mr Tony TSE.

8. Members did not raise any questions on the other six items of subsidiary legislation (i.e. L.N. 62 to L.N. 67).

9. The Chairman reminded Members that the deadline for amending the above items of subsidiary legislation would be the Council meeting of 10 June 2020, or that of 8 July 2020 if extended by a resolution of the Council.

(c) **Legal Service Division report on subsidiary legislation gazetted on 15 May 2020**
(LC Paper No. LS77/19-20)

10. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 14 items of subsidiary legislation gazetted on 15 May 2020, including 11 items (i.e. L.N. 68 to L.N. 78) which were tabled in Council on 20 May 2020, and three items (i.e. L.N. 79 to L.N. 81) which were not required to be tabled in LegCo and were not subject to amendment by LegCo.

11. Dr CHIANG Lai-wan considered it necessary to form a subcommittee to study the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2020 (L.N. 75) in detail. Members agreed. Dr CHIANG Lai-wan agreed to join the proposed subcommittee.

12. Regarding the three items of subsidiary legislation (L.N. 79 to L.N. 81) made under section 3 of the United Nations Sanctions Ordinance (Cap. 537), Members agreed that these items of subsidiary legislation be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as they came within the Subcommittee's terms of reference.

13. Members did not raise any questions on the other 10 items of subsidiary legislation (i.e. L.N. 68 to L.N. 74, and L.N. 76 to L.N. 78). Members also noted that LSD was scrutinizing the legal and drafting aspects of L.N. 79 to L.N. 81 and would report further, if necessary.

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14. The Chairman reminded Members that the deadline for amending the above 11 items of subsidiary legislation tabled in Council on 20 May 2020 would be the Council meeting of 17 June 2020, or that of 8 July 2020 if extended by a resolution of the Council.

(d) Legal Service Division report on subsidiary legislation gazetted on 19 May 2020

(LC Paper No. LS81/19-20 (Revised))

15. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 3) Regulation 2020 (L.N. 82) which was gazetted on 19 May 2020 and tabled in Council on 20 May 2020.

16. Members agreed that L.N. 82 should be studied by the subcommittee which was formed on 8 May 2020 for the purpose of studying the relevant subsidiary legislation previously gazetted, namely, the Subcommittee on Eleven Pieces of Subsidiary Legislation Relating to the Prevention and Control of Disease and Gazetted Respectively on 27 March, 28 March, 1 April, 28 April and 5 May 2020.

17. The Chairman reminded Members that the deadline for amending L.N. 82 would be the Council meeting of 17 June 2020, or that of 8 July 2020 if extended by a resolution of the Council.

(e) Legal Service Division report on subsidiary legislation gazetted on 22 May 2020

(LC Paper No. LS83/19-20)

18. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 11 items of subsidiary legislation (i.e. L.N. 83 to L.N. 93) which were gazetted on 22 May 2020 and tabled in Council on 27 May 2020.

19. Mr Holden CHOW considered it necessary to form a subcommittee to study the Property Management Services Ordinance (Commencement) Notice 2020 (L.N. 86) and the Property Management Services (Licensing and Related Matters) Regulation (L.N. 87) in detail. Members agreed. Mr CHAN Han-pan and Mr Holden CHOW agreed to join the proposed subcommittee.

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20. Mr Vincent CHENG considered it necessary to form a subcommittee to study the Pleasure Grounds (Amendment) Regulation 2020 (L.N. 88) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Holden CHOW, Mr Wilson OR, Ms YUNG Hoi-yan and Mr Vincent CHENG.

21. Members did not raise any questions on the other eight items of subsidiary legislation (i.e. L.N. 83 to L.N. 85, and L.N. 89 to L.N. 93). Members also noted that LSD was scrutinizing the legal and drafting aspects of L.N. 84 and L.N. 85, and a further report would be provided if necessary.

22. The Chairman reminded Members that the deadline for amending the above items of subsidiary legislation would be the Council meeting of 24 June 2020, or that of 15 July 2020 if extended by a resolution of the Council.

III. Business for the Council meeting of 3 June 2020

(a) Laying of Papers on the Table of the Council

Report No. 2/19-20 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(LC Paper No. CB(2)1076/19-20)

23. The Chairman said that the Report covered six items of subsidiary legislation and the period for amending them would expire at the Council meeting of 3 June 2020. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(b) Questions

24. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

(c) Government Bill - First Reading and Second Reading (debate to be adjourned)

25. The Chairman said that no notice had been received yet.

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(d) **Government Motion**

Proposed resolution under the Fatal Accidents Ordinance to be moved by the Secretary for Justice

(LC Paper No. CB(3)440/19-20)

(LC Paper No. LS75/19-20)

26. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

27. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 3 June 2020.

(e) **Members' Motions**

28. The Chairman said that Members' motions which had stood over from previous Council meetings would be dealt with at the meeting.

IV. Business for the Council meeting of 10 June 2020

(a) **Questions**

(LC Paper No. CB(3)463/19-20)

29. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

(b) **Government Bill - First Reading and Second Reading (debate to be adjourned)**

30. The Chairman said that no notice had been received yet.

(c) **Government Motions**

1. Proposed resolution under section 7(a) of the Legal Aid Ordinance to be moved by the Chief Secretary for Administration

(LC Paper No. CB(3)465/19-20)

(LC Paper No. LS86/19-20)

31. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

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32. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 10 June 2020.

2. Proposed resolution under section 22A of the Legal Aid Ordinance to be moved by the Chief Secretary for Administration

(LC Paper No. CB(3)465/19-20)

(LC Paper No. LS87/19-20)

33. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

34. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 10 June 2020.

3. Proposed resolution under the Criminal Procedure Ordinance to be moved by the Chief Secretary for Administration

(LC Paper No. CB(3)465/19-20)

(LC Paper No. LS85/19-20)

35. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

36. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 10 June 2020.

(d) Members' Motions

37. The Chairman said that Members' motions which had stood over from previous Council meetings would be dealt with at the meeting.

Report of the House Committee ("HC") on Consideration of Subsidiary Legislation

38. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)481/19-20), which contained 19 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 10 June 2020. She reminded Members to

indicate their intention by 5:00 pm on Tuesday, 2 June 2020, should they wish to speak on any of those items of subsidiary legislation.

V. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Broadcasting and Telecommunications Legislation (Amendment) Bill 2019** (LC Paper No. CB(1)656/19-20)

39. Ms Elizabeth QUAT, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Ms QUAT said that the Bills Committee supported the Bill and the resumption of the Second Reading debate on the Bill. She further said that neither the Bills Committee nor the Administration intended to propose any amendments to the Bill. The Administration had indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 3 June 2020.

40. The Chairman said that the report of the Bills Committee was originally scheduled to be considered at the HC meeting on 22 May 2020. However, the said HC meeting was closed before the relevant agenda item was dealt with. The Chairman further said that according to the relevant provisions under Rule 54(5) of the Rules of Procedure ("RoP"), upon HC's consideration of the report of the Bills Committee at this meeting, the public officer in charge of the Bill, after consultation with the Chairman of HC, could give notice to resume the Second Reading debate on the Bill at the Council meeting of 10 June 2020. Members noted that the Secretariat would inform the Administration of the relevant arrangements.

41. The Chairman reminded Members that if the Second Reading debate on the Bill would be resumed at the Council meeting of 10 June 2020, the deadline for giving notice of amendments, if any, to the Bill would be Monday, 1 June 2020.

(b) **Report of the Subcommittee on Proposed Senior Judicial Appointment**

42. Dr Priscilla LEUNG, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. She said that the Subcommittee had held one meeting. Members of the Subcommittee

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noted that the Honourable Mr Justice Andrew CHEUNG Kui-nung ("Mr Justice CHEUNG") had served the Judiciary since 2001, and that he should be able to command respect within the Judiciary and from the legal profession. Mr Justice CHEUNG had written many important judgments on major and complicated cases in respect of constitutional and public law, and he had considerable administrative experience in the Judiciary.

43. Dr LEUNG further said that as the Chief Judge of the High Court from 2011 to 2018, Mr Justice CHEUNG had served as a Member or a Chairman of various committees, including Member of the Committee on Information Technology and Chairperson of the Working Group on Integrated Court Case Management System under that Committee, Member of the Working Group on Retirement Ages of Judges and Judicial Officers and Chairman of the Steering Group on Consultancy Study under that Working Group, Chairman of the Executive Committee of the Hong Kong Judicial Institute, Chairman of The Chief Justice's Committee on Judicial Remuneration, etc., and he had discharged onerous administrative duties. Mr Justice CHEUNG was also the key adviser to the Chief Justice on strategic matters and court operation issues. Since 2018, Mr Justice CHEUNG had been a Member of the Law Reform Commission.

44. Dr LEUNG also said that the Subcommittee unanimously supported the proposed judicial appointment of Mr Justice CHEUNG as the Chief Justice of the Court of Final Appeal ("Chief Justice"). At the same time, some members of the Subcommittee hoped that upon his assumption of office, Mr Justice CHEUNG could lead the Judiciary with foresight and could bring about reforms to the judicial administration and operation.

45. Dr LEUNG further advised that in the course of discussion, some members of the Subcommittee had expressed various views on issues relating to the procedures for selecting the candidate to be recommended for appointment as the Chief Justice by the Judicial Officers Recommendation Commission ("JORC"), the appointment criteria adopted by JORC for considering recommendation of the candidate, and the way in which the nationality requirement under Article 90 of the Basic Law ("BL") was ascertained during the selection process. Some members had also expressed their views on the power and function of LegCo to endorse the appointment of the judges of the Court of Final Appeal and the Chief Judge of the High Court under BL 73(7).

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46. Dr LEUNG informed Members that the Subcommittee had completed the deliberations in respect of the proposed appointment of Mr Justice CHEUNG as the Chief Justice and the details of the deliberations of the Subcommittee would be provided in its written report to be submitted in due course.

47. The Chairman reminded Members that pursuant to the relevant provisions in RoP, the Administration could give notice to move a proposed resolution to seek LegCo's endorsement of the recommended appointment.

(c) Report of the Subcommittee on Employees Retraining Ordinance (Amendment of Schedule 4) Notice 2020

48. Mr LUK Chung-hung, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Employees Retraining Ordinance (Amendment of Schedule 4) Notice 2020 sought to increase the maximum amount of monthly retraining allowance from \$4,000 to \$5,800.

49. Mr LUK informed Members that the Subcommittee raised no objection to the Notice. He further said that members of the Subcommittee were mainly concerned about the maximum amount of the monthly retraining allowance and the amount of daily allowance that a trainee under the "Love Upgrading Special Scheme" ("the Scheme") was eligible to receive, and the scope and duration of the courses covered by the Scheme. Mr LUK advised that according to the Administration, the Employees Retraining Board would review relevant issues relating to the retraining allowance under its 3-year Strategy Plan. Mr LUK further said that the Subcommittee would not propose any amendments to the Notice and would submit a written report in due course.

50. The Chairman reminded Members that the period for amending the Notice would expire at the Council meeting of 10 June 2020, and the deadline for giving notice of amendments, if any, would be Wednesday, 3 June 2020.

(d) First report of the Subcommittee on Eleven Pieces of Subsidiary Legislation Relating to the Prevention and Control of Disease and Gazetted Respectively on 27 March, 28 March, 1 April, 28 April and 5 May 2020

51. Ms CHAN Hoi-yan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. She said that the 11 items of subsidiary legislation gazetted respectively on 27 March, 28 March, 1 April, 28 April and 5 May 2020 were made under the Prevention and Control of Disease Ordinance (Cap. 599) to respond to the public health emergency relating to the coronavirus disease 2019 ("COVID-19"). The scope covered by these 11 items of subsidiary legislation included imposing temporary measures on catering businesses and scheduled premises, prohibiting group gatherings, exempting from quarantine arrangement and cancelling quarantine orders, and other relevant issues. Ms CHAN further said that the Subcommittee had held two meetings with the Administration, and had completed the scrutiny work of three items of subsidiary legislation relating to imposing temporary measures on catering businesses and scheduled premises (i.e. L.N. 31, L.N. 33 and L.N. 51 of 2020), and three other items of subsidiary legislation relating to prohibiting group gatherings (i.e. L.N. 32, L.N. 52 and L.N. 59 of 2020).

52. Ms CHAN advised that members of the Subcommittee had noted that the purpose of those social distancing measures was to regulate or prohibit activities where a group of people would stay closely for a prolonged period of time or premises where these activities would be conducted, as well as activities that would render the wearing of surgical masks impossible, so as to prevent the spread of COVID-19. In formulating the necessary measures, the Administration had taken into account whether the activities and premises were of higher risk as far as COVID-19 transmission was concerned and whether there were alternative measures to mitigate such risk, and had strived to balance the impact of these measures on the daily lives of individuals and business operation. Some members of the Subcommittee were of the view that the definitions of some scheduled premises made in L.N. 31 and L.N. 33 of 2020 were not clear. These members were concerned whether premises used for teaching dance fell within the definition of "fitness centre" or not, and that the term "beauty parlour" could not clearly reflect whether a hair salon offering nail treatment fell within the definition of that term. The Administration had advised that there was currently no licensing regime put in place for fitness centres and beauty parlours. Whether particular premises fell under the relevant definitions would be

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subject to the nature and extent of the activities and services provided, and would be decided according to the actual circumstances of individual cases.

53. Ms CHAN further advised that members of the Subcommittee had agreed that it was necessary to limit group gatherings in public places to reduce the risk of transmitting the virus. They had requested the Administration to explain whether premises which were chartered for exclusive use would be considered as a public place, and whether different group gatherings with a distance of not less than 1.5 metres apart would be considered as prohibited group gatherings. The Administration had advised that a "public place" stipulated in L.N. 32 of 2020 referred to a place that members of the public were permitted to have access from time to time. If the parties who chartered the premises for exclusive use were members of the public, then such premises would fall under the definition of public places. As regards the general meaning of a group gathering, it referred to a group of people who gathered for a common purpose. Whether a particular gathering was a group gathering would depend on actual circumstances, such as whether the gathering was organized beforehand, whether there was any interaction between the participants, and whether the gathering only lasted for a very short period of time. If the group gathering exceeded the limit of eight persons, even if the participants were divided into small groups of not more than eight persons each and there was a distance of not less than 1.5 metres between them, they were still regarded as one group gathering. Members of the Subcommittee had requested the Administration to step up enforcement actions, so as to deter members of the public from organizing prohibited group gatherings through online platforms, soliciting other persons to participate in prohibited group gatherings, and gathering in public places in the name of supplying items that were conducive to the prevention and control of disease but in fact conducting other activities.

54. Ms CHAN further said that in response to an enquiry raised by members of the Subcommittee about the criteria for relaxing those social distancing measures, the Administration had advised that it had all along adopted a "suppress and lift" strategy and had struck a suitable balance among public health, economic development and day-to-day operation of the society. The Administration would give due regard to the development of the epidemic situation and would make suitable adjustments to social distancing measures after considering all relevant factors. The Administration would also maintain close communication with the trade.

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55. Ms CHAN informed Members that the Subcommittee would not propose any amendments to the six items of subsidiary legislation, and would submit a written report in due course. Members noted that the Subcommittee would hold the third meeting with the Administration on 1 June 2020 to discuss the remaining five items of subsidiary legislation, and would report its deliberations to HC upon the completion of the scrutiny of these five items of subsidiary legislation.

56. The Chairman reminded Members that regarding the Subcommittee's report on the six items of subsidiary legislation:

- (a) the period for amending L.N. 31 to L.N. 33 of 2020 would expire at the Council meeting of 10 June 2020, and the deadline for giving notice of amendments, if any, would be Wednesday, 3 June 2020;
 - (b) the period for amending L.N. 51 and L.N. 52 of 2020 would expire at the Council meeting of 17 June 2020, and the deadline for giving notice of amendments, if any, would be Wednesday, 10 June 2020; and
 - (c) the period for amending L.N. 59 of 2020 would expire at the Council meeting of 24 June 2020, and the deadline for giving notice of amendments, if any, would be Wednesday, 17 June 2020.
- (e) **Report of the Subcommittee on Subsidiary Legislation Relating to the Commissioning of the Tuen Mun-Chek Lap Kok Tunnel and the Tseung Kwan O-Lam Tin Tunnel**

57. Mr CHAN Han-pan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had completed scrutiny of L.N. 34 to L.N. 38 of 2020 that were relating to the commissioning of the Tuen Mun-Chek Lap Kok Tunnel ("TM-CLKT") and the Tseung Kwan O-Lam-Tin Tunnel ("TKO-LTT"). These five items of subsidiary legislation were made in connection with the planned commissioning of TM-CLKT and TKO-LTT by the end of 2020 at the earliest and by the end of 2021 respectively. L.N. 35 to L.N. 38 of 2020 also implemented the proposal announced in the 2019 Policy Address to waive the tolls of the Lantau Link and the Tseung Kwan O Tunnel upon the commissioning of TM-CLKT and TKO-LTT respectively.

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58. Mr CHAN said that the Subcommittee had held a meeting with the Administration on 25 May 2020. Members of the Subcommittee were mainly concerned about the toll waiver of the Lantau Link, and the impact on the traffic flow of the Lantau Link and TM-CLKT. Having regard that the recent aircraft movement had been significantly reduced and the traffic flow of the Hong Kong-Zhuhai-Macao Bridge ("HZMB") had been very low, some members of the Subcommittee had requested the Administration to advance the implementation of the toll waiver of Lantau Link. The Administration had advised that it would be the best time to implement the toll waiver of the Lantau Link upon the commissioning of TM-CLKT, when the traffic to and from the Lantau Island could be diverted by the new tunnel. Before implementing the relevant measure, the Administration would also need to carry out works including demolition of toll booths and modification of road signs, and would need to make adjustments to the existing staffing arrangements under the employment of the operator of the Tsing Ma Control Area. Besides, as the HZMB shuttle bus Hong Kong/Macao Route had resumed operation early this month, and with the ease of the situation of COVID-19 epidemic, the aircraft movement and the traffic flow between Hong Kong and Zhuhai might increase. The Administration would take into account factors including the condition of the above works, the manpower of the operator, the traffic flow and the change in the airport operation, and would be cautious in reviewing whether there was room for advancing the implementation of the relevant measure.

59. Mr CHAN informed Members that the Subcommittee supported the five items of subsidiary legislation, and the details of the deliberations of the Subcommittee would be provided in its written report to be submitted in due course.

60. The Chairman reminded Members that the period for amending the five items of subsidiary legislation would expire at the Council meeting of 10 June 2020, and the deadline for giving notice of amendments, if any, would be Wednesday, 3 June 2020.

(f) Report of the Subcommittee on Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2020 and Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2020

(LC Paper No. CB(4)631/19-20)

61. Mr Frankie YICK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr YICK said that the Subcommittee raised no objection to the two items of subsidiary legislation, and would not propose any amendments to the two items of subsidiary legislation.

62. The Chairman reminded Members that the period for amending the two items of subsidiary legislation would expire at the Council meeting of 10 June 2020, and the deadline for giving notice of amendments, if any, would be Wednesday, 3 June 2020.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1074/19-20)

63. The Chairman said that as at 28 May 2020, there were 10 Bills Committees, eight subcommittees under HC and six subcommittees on policy issues under Panels in action. Two subcommittees on policy issues were on the waiting list.

64. The Chairman further said that at the special HC meeting on 8 May 2020 at 2:30 pm, Members agreed to form Bills Committees to respectively study the following four Bills: (a) the Freight Containers (Safety) (Amendment) Bill 2019; (b) the Fisheries Protection (Amendment) Bill 2019; (c) the Inland Revenue (Amendment) (Profits Tax Concessions for Insurance-related Businesses) Bill 2019; and (d) the Court Proceedings (Electronic Technology) Bill. The Chairman further said that according to rule 21(b) of the House Rules, a Bills Committee should consist of not less than three members. Since less than three Members had signified to join these four proposed Bills Committees by the deadline for signification of membership respectively, these four proposed Bills Committees could not be formed.

65. Members agreed to rescind HC's earlier decisions to form Bills Committees to study the four Bills, and did not raise objection to the resumption of the Second Reading debate on the four Bills.

VII. Report of the joint-Panel delegation of the Panel on Economic Development, Panel on Commerce and Industry, Panel on Financial Affairs and Panel on Information Technology and Broadcasting on its duty visit to the major cities in the Yangtze River Delta Region

(LC Paper No. CB(4)618/19-20)

66. At the invitation of the Chairman, Ms Elizabeth QUAT, Deputy Delegation Leader of the joint-Panel delegation of the Panel on Economic Development, Panel on Commerce and Industry, Panel on Financial Affairs and Panel on Information Technology and Broadcasting ("the joint-Panel Delegation"), briefed Members on the findings and observations of the joint-Panel Delegation from its four-day duty visit from 21 to 24 April 2019 to the major cities in the Yangtze River Delta Region to better understand their economic, financial and innovation and technology developments as well as study the issues of concern to members, the details of which were set out in the joint-Panel Delegation report.

VIII. Report of the delegation of the Legislative Council on its parliamentary visit to the United Kingdom

(LC Paper No. CB(4)637/19-20)

67. At the invitation of the Chairman, Dr Junius HO, member of the LegCo delegation to the United Kingdom ("UK") ("the LegCo Delegation"), from 10 to 14 September 2018, briefed Members on the findings and observations of the visit, which was recommended by the Parliamentary Liaison Subcommittee, the details of which were set out in the LegCo Delegation report.

68. The Chairman noted that among the major findings and observations of the LegCo Delegation was useful knowledge and insights on how the Parliaments of the UK and Scotland dealt with various procedural issues that arose frequently during meetings. She considered that it might be useful for the Secretariat to study in detail the LegCo Delegation Report in respect of the procedural issues.

IX. Determination of a date for the elections of members of The Legislative Council Commission and the Committee on Access to the Legislature's Documents and Records

(LC Paper No. AS17/19-20)

69. Members agreed that the elections of members of The Legislative Council Commission and the Committee on Access to the Legislature's Documents and Records be held at the HC meeting on 12 June 2020 (i.e. the second HC meeting after this meeting), and should there be any unforeseen circumstances rendering the elections unable to be held at the aforementioned meeting, the elections be held at the third or fourth HC meeting and so on after this HC meeting, whichever was earlier.

X. Determination of a date for the nomination and election of Members of the Legislative Council to serve on the Council of The Chinese University of Hong Kong and the Court of the University of Hong Kong

(LC Paper No. CB(2)1021/19-20)

70. Members agreed that the nomination and election be held at the HC meeting on 5 June 2020 (i.e. the first HC meeting after this meeting) for the purpose of electing three Members to serve on the Council of The Chinese University of Hong Kong ("CUHK Council") and five Members to serve on the Court of the University of Hong Kong ("HKU Court"), and should there be any unforeseen circumstances rendering the nomination and election unable to be held at the aforementioned meeting, the nomination and election be held at the second or third HC meeting and so on after this meeting, whichever was earlier.

71. Members noted that the nomination and election procedure for Members to serve on the CUHK Council and the HKU Court agreed by HC at its meeting on 14 October 2016 was set out in Appendix IV to the paper. Members also noted that the Electronic Voting System would be used for casting votes in the election, and the voting records for the election would be uploaded onto the LegCo website.

XI. Matters for consideration in relation to establishment of investigation committees under Rule 49B(2A) of the Rules of Procedure
(*LC Paper No. CB(2)1075/19-20*)

72. The Chairman said that an investigation committee ("IC") established under RoP 49B(2A) in respect of a motion under RoP 49B(1A) ("censure motion") should consist of a chairman, a deputy chairman and five members who should be Members appointed by the President in accordance with an election procedure determined by HC. However, based on the past operational experience, an IC could not complete its work within 12 months. Given that less than two months were left before the prorogation of the Sixth LegCo in mid July 2020, Members were therefore invited to consider whether it was practicable for the new ICs in respect of the four censure motions, which were moved at the Council meeting of 11 December 2019, to complete their work and table their reports in Council before prorogation. The Chairman then invited Members' views on whether to take forward the nomination and election of Members for appointment to the new ICs in respect of the four censure motions.

73. Mr Holden CHOW took the view that in accordance with RoP, the matters stated in these censure motions were each referred to an IC, and therefore, best efforts should be made to deal with these matters. Mr CHOW added that among these four censure motions, priority should be accorded to the motion to censure Dr CHENG Chung-tai and the motion to censure Mr LAM Cheuk-ting, as the matters stated in these two censure motions might involve criminal behaviour.

74. The Chairman asked the Secretary General ("SG") about the workload of the Secretariat. In response, SG sought clarification of whether to take forward the work of all four ICs, or to accord priority to any of these ICs. Mr Holden CHOW reiterated his view that priority should be accorded to the motion to censure Dr CHENG Chung-tai and the motion to censure Mr LAM Cheuk-ting.

75. Mr Paul TSE, Mr Tommy CHEUNG and Mr Tony TSE expressed reservations about Mr Holden CHOW's suggestion. Mr Paul TSE and Mr CHEUNG shared the view that it was very unlikely for any new ICs to conclude their work before the prorogation of the Sixth LegCo, and therefore, taking forward the relevant work amounted to a waste of the time and effort of Members as well as of the Secretariat. Mr CHEUNG

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said that given the limited availability of meeting time and venues, the Bills Committee of which he was the Chairman, and a couple of other Bills Committees were even contemplating whether their work should be discontinued. Mr TSE said that according priority to the two aforesaid ICs might be perceived as selectively targeting those Members who were not from the pro-establishment camp. Mr TSE considered it undesirable to take forward the relevant work of the four new ICs and pointed out that two ICs previously established were still in operation and had yet to complete their work. He added that if under any unforeseen circumstances, the term of the Sixth LegCo was extended, HC might then give consideration to taking forward the work of the four ICs. Echoing the view of Mr TSE, Mr Tony TSE considered that to be fair to all Members, no priority should be accorded to any of the four new ICs. He wondered whether the Secretariat could further assess the practicability of taking forward the work of the four ICs.

76. The Chairman said that the Secretariat had already given its view in the paper about the practicability of completing the work of an IC before prorogation of the Sixth LegCo. As a number of subcommittees were formed at this meeting, she would ask the Secretariat to further review, where appropriate, the issues in relation to the establishment of ICs from a holistic perspective, and the matter would be considered later.

XII. Any other business

77. There being no other business, the meeting ended at 3:39 pm.