

立法會
Legislative Council

LC Paper No. CB(2)1174/19-20

Ref : CB2/H/5/19

House Committee of the Legislative Council

**Minutes of the 3rd meeting
held in Conference Room 2 of the Legislative Council Complex
at 2:30 pm on Friday, 5 June 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 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 Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, 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
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH

Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
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 Paul TSE Wai-chun, JP
Hon Claudia MO
Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
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
Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon SHIU Ka-chun
Hon YUNG Hoi-yan, JP
Dr Hon CHENG Chung-tai
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 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
Mr Arthur KAN	Legislative Assistant (2)7

Action

Meeting arrangement and order of the meeting

The Chairman said that the meeting venue was changed from Conference Room 1 to Conference Room 2 because suspicious foul-smelling liquid was found in Conference Room 1 shortly before this meeting was scheduled to start and the matter had been reported to the Police.

2. Mr Jeffrey LAM raised a point of order concerning the signs being displayed at the seats of some 13 Members who were not present at the meeting. He suggested that those signs should be removed. The Chairman considered that the signs were not related to any agenda items of the meeting and instructed the Secretariat staff to remove the signs. When the Chairman was speaking, Ms Tanya CHAN and Mr HUI Chi-fung spoke loudly without permission. The Chairman gave a warning to Ms CHAN and Mr HUI respectively for their disorderly conduct before they left the meeting venue.

Action

3. Mr CHAN Chi-chuen expressed dissatisfaction that at the last House Committee ("HC") meeting, the signs being displayed at the seats of some Members were removed by the Secretariat staff but he was not given back his own sign afterwards. The Chairman said that no Member had indicated his/her intention to get back the signs at the time of their removal from the Members' seats and she suggested that Mr CHAN should contact the security staff regarding this matter.

I. Confirmation of minutes of meetings

(a) **Verbatim transcript of the meeting on 11 October 2019 and minutes of the special meetings held between 15 October 2019 and 10 January 2020**

(LC Paper Nos. CB(2)1036/19-20 to 1048/19-20)

(b) **Minutes of the meeting on 18 May 2020 for the election of the Chairman of the House Committee for the 2019-2020 session**

(LC Paper No. CB(2)1114/19-20)

(c) **Minutes of the 2nd meeting held on 29 May 2020**

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

4. At the invitation of the Chairman, Members confirmed the above 15 sets of verbatim transcript/minutes of meetings.

II. Business arising from previous Council meetings

(a) **Legal Service Division report on subsidiary legislation gazetted on 29 May 2020**

(LC Paper No. LS89/19-20)

5. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on 16 items of subsidiary legislation (i.e. L.N. 98 to L.N. 113) which were gazetted on 29 May 2020 and tabled in Council on 3 June 2020. LA said that LSD was seeking clarifications from the Administration on certain drafting issues in relation to L.N. 98 to L.N. 111 and would report further, if necessary.

Action

6. Members did not raise any questions on the above 16 items of subsidiary legislation (i.e. L.N. 98 to L.N. 113).

7. The Chairman reminded Members that the deadline for amending the above items of subsidiary legislation would be the Council meeting of 24 June 2020.

(b) Legal Service Division report on subsidiary legislation gazetted on 2 June 2020

(LC Paper No. LS91/19-20)

8. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on four items of subsidiary legislation (i.e. L.N. 116 to L.N. 119) which were gazetted on 2 June 2020 and tabled in Council on 3 June 2020.

9. Mr YIU Si-wing considered it necessary to form a subcommittee to study the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 3) Regulation 2020 (L.N. 116), the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 2) Regulation 2020 (L.N. 117), the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 3) Regulation 2020 (L.N. 118) and the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 4) Regulation 2020 (L.N. 119) in detail. At the suggestion of the Chairman, Members agreed that the above four items of subsidiary legislation should be studied by the Subcommittee on Twelve Pieces of Subsidiary Legislation Relating to the Prevention and Control of Disease and Gazetted Respectively on 27 March, 28 March, 1 April, 28 April, 5 May and 19 May 2020. The Deputy Chairman considered it necessary for the Subcommittee to re-open its membership so that non-Subcommittee Members who were interested in studying the above items of subsidiary legislation would be given an opportunity to do so. Members also agreed.

10. 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 the first Council meeting in the next session if extended by a resolution of the Council.

III. Further business for the Council meeting of 10 June 2020

Report No. 3/19-20 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

11. The Chairman said that the above draft Report, which covered subsidiary legislation the period for amendment of which would expire at the Council meeting of 10 June 2020, had been issued to Members. No Member had indicated intention to speak on any of those items of subsidiary legislation.

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

- 1. Limited Partnership Fund Bill**
- 2. Insurance (Amendment) Bill 2020**
- 3. Insurance (Amendment) (No. 2) Bill 2020**

12. The Chairman said that HC would consider the above three Bills at its meeting on 12 June 2020.

IV. Business for the Council meeting of 17 June 2020

- (a) **Questions**
(*LC Paper No. CB(3)495/19-20*)

13. 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)**

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

(c) **Government Motion**

Proposed resolution under Article 73(7) of the Basic Law and section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) on appointment of the Chief Justice of the Court of Final Appeal to be moved by the Chief Secretary for Administration

(LC Paper No. CB(3)503/19-20)

15. Members noted that the Administration would move the above proposed resolution at the meeting.

(d) **Members' Motions**

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

Report of HC on Consideration of Subsidiary Legislation

17. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)499/19-20), which contained 19 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 17 June 2020. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 9 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 Evidence (Amendment) Bill 2018**

(LC Paper No. CB(4)663/19-20)

18. Mr CHEUNG KWOK-kwan, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHEUNG said that in response to the views of members of the Bills Committee and of deputations, the Administration intended to propose a number of amendments to the Bill. The Bills Committee raised no objection to the amendments proposed by the Administration. Mr CHEUNG further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill, and would not propose any amendments to the Bill.

Action

19. The Chairman reminded Members that if the Second Reading debate on the Bill would be resumed at the Council meeting of 24 June 2020, the deadline for giving notice of amendments, if any, to the Bill would be Monday, 15 June 2020.

(b) Second report of the Subcommittee on Twelve Pieces of Subsidiary Legislation Relating to the Prevention and Control of Disease and Gazetted Respectively on 27 March, 28 March, 1 April, 28 April, 5 May and 19 May 2020

20. Ms CHAN Hoi-yan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. She said that the Subcommittee had held one meeting after its first verbal report to HC on 29 May 2020 in respect of six items of subsidiary legislation, and had completed scrutiny of the remaining six items of subsidiary legislation, namely, one item relating to exemption from quarantine arrangement and cancellation of quarantine orders, one item relating to exemption from prohibited group gatherings and four other items relating to other issues.

21. Ms CHAN said that members of the Subcommittee had noted that L.N. 48 expanded the Chief Secretary for Administration's ("CS") power under the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) to exempt persons arriving at Hong Kong from the Mainland, Macao or Taiwan; and persons arriving at Hong Kong from other places but having stayed in the Mainland, Macao or Taiwan during the 14 days before the date of arrival from compulsory quarantine for 14 days. The expansion of CS's power to grant exemption from the quarantine requirement in respect of persons included the travelling of those persons that was necessary for purposes relating to manufacturing operations, business activities or the provision of professional services in the interest of Hong Kong's economic development. Members of the Subcommittee had expressed concern over the mechanism and criteria for determining the categories of persons that could be exempted from compulsory quarantine. They had requested the Administration to include persons from the financial and retail sectors in the scope of exemption as well.

22. Ms CHAN further said that L.N. 48 also empowered a health officer to cancel the compulsory quarantine orders in respect of those arrivals who had fulfilled certain criteria and were tested negative for the coronavirus disease 2019 ("COVID-19"). Members of the Subcommittee had called on the Administration to strengthen the joint

Action

prevention and control efforts of COVID-19 with the Guangdong and Macao authorities, and to discuss mutual recognition of the testing results of COVID-19 that were issued by accredited laboratories, so as to exempt persons entering the Mainland from the present 14-day compulsory quarantine arrangement.

23. Ms CHAN advised that in view that the local epidemic situation remained volatile, and that Hong Kong residents stranded overseas would fly back to Hong Kong progressively, members of the Subcommittee understood that there was a need for the Administration to keep quarantine facilities in order to cope with the demand for such facilities that might arise. However, since around 1 500 additional quarantine units at Penny's Bay were expected to be available from July to September 2020 in phases, members of the Subcommittee had requested the Administration to announce the timetable for ceasing to use Chun Yeung Estate as a quarantine centre as soon as possible, and consider providing prospective tenants with further financial relief, so as to help them tide over problems and inconvenience caused by a deferred intake.

24. Ms CHAN also advised that L.N. 82 introduced religious activities held at religious worship premises as a new category of exempted group gatherings under the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G). Members of the Subcommittee had expressed concern as to how to ensure that the relevant activities would not cause public health risks. The Administration had advised that apart from setting out the overarching principles in the legislative provision, religious bodies had worked out individual sets of preventive measures which could best suit their own religious needs based on the Department of Health's health advice for religious assemblies.

25. Members noted that members of the Subcommittee did not have any views on the remaining four items of subsidiary legislation. The Subcommittee would not propose any amendments to the six items of subsidiary legislation that were reported at this meeting, and would submit a written report in due course.

26. The Chairman reminded Members that the period for amending these six items of subsidiary legislation 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.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)1125/19-20*)

27. The Chairman said that as at 4 June 2020, there were nine 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.

28. The Chairman invited members to note that only one Member had signified to join the proposed Subcommittee on Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2020 by the deadline for signification of membership. According to the relevant House Rules, a subcommittee should consist of not less than three members and the above proposed subcommittee could not be formed.

VII. 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
(*Appendix IV of LC Paper No. CB(2)1021/19-20*)

29. The Chairman said that at the HC meeting on 29 May 2020, Members agreed that the nomination and election of Members of the Legislative Council ("LegCo") to serve on the Council of The Chinese University of Hong Kong ("CUHK Council") and the Court of the University of Hong Kong ("HKU Court") would be held at this meeting. The Chairman further said that according to the nomination and election procedure as well as the voting arrangements agreed to be adopted by HC at its meeting on 14 October 2016, if the number of nominations exceeded that required for appointment, a poll should be taken and Members would use the Electronic Voting System to cast their votes.

(a) Three Members to serve on the CUHK Council

30. The Chairman invited nominations for the election of three Members to serve on the CUHK Council.

31. Mr Tommy CHEUNG, Ms Alice MAK and Mr LAU Kwok-fan were validly nominated. As there was no other nomination, the Chairman declared them elected to serve on the CUHK Council.

(b) Five Members to serve on the HKU Court

32. The Chairman then invited nominations for the election of five Members to serve on the HKU Court.

33. Mr Abraham SHEK, Mrs Regina IP, Mr CHEUNG Kwok-kwan, Mr Vincent CHENG, and Mr Jimmy NG were validly nominated. Before Mr NG accepted the nomination, he informed Members that he was currently serving on the Council of the Hong Kong Polytechnic University. As there was no other nomination, the Chairman declared them elected to serve on the HKU Court.

VIII. Any other business

Letter dated 4 June 2020 from the Secretary for Labour and Welfare regarding the resumption of the Second Reading debate on the Employment (Amendment) Bill 2019
(LC Paper No. CB(2)1153/19-20(01))

34. The Chairman said that the motion moved by the Secretary for Labour and Welfare ("SLW") under Rule 54(4) of the Rules of Procedure ("RoP") that the Second Reading debate on the Employment (Amendment) Bill 2019 be adjourned and the Bill be referred to the Panel on Manpower ("the Manpower Panel") instead of HC was passed at the Council meeting of 15 January 2020. She further said that on 31 May 2020, the Manpower Panel had issued to Panel members a report on the Panel's deliberations on issues relating to the Bill, and the report had also been copied to all other LegCo Members. The Manpower Panel was supportive of the Bill and called for its early implementation.

35. The Chairman further said that SLW had issued a letter to her on 4 June 2020 in accordance with RoP 54(5) consulting her on the Administration's intention to resume the Second Reading debate on the Bill at the Council Meeting of 24 June 2020 and the letter was circulated to Members for reference before this meeting. The Chairman invited Members to note that she would direct the Secretariat to reply SLW in writing in accordance with the relevant procedures, indicating that SLW had consulted her with regard to the resumption of the Second Reading debate on the Bill.

Action

36. There being no other business, the meeting ended at 2:58 pm.

Council Business Division 2
Legislative Council Secretariat
10 June 2020