

立法會
Legislative Council

LC Paper No. CB(2)1211/19-20

Ref : CB2/H/5/19

House Committee of the Legislative Council

**Minutes of the 4th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 12 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
Prof Hon Joseph LEE Kok-long, SBS, 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 Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
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
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
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-kiwok, SBS, MH, JP
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
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 KWONG Chun-yu
Hon Jeremy TAM Man-ho
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
Hon WONG Kwok-kin, SBS, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
Hon Dennis KWOK Wing-hang
Hon CHUNG Kwok-pan
Hon LAM Cheuk-ting
Dr Hon CHENG Chung-tai

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
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Mark LAM	Assistant Legal Adviser 7
Mr Cliff IP	Assistant Legal Adviser 8
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
Mr Arthur KAN	Legislative Assistant (2)7

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Order of the meeting

(When the meeting commenced, some Members were standing in protest with placards in their hands and shouting slogans loudly in front of the Chairman's podium.)

The Chairman asked Members who were standing in front of the Chairman's podium to stop shouting and return to their seats. She reminded those Members that they should not obstruct the conduct of the meeting, adding that there was a lot of business to be dealt with at this meeting. As these Members continued standing in front of the

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Chairman's podium and shouting loudly, the Chairman warned them that if they did not return to their seats, she would order them to withdraw from the meeting. The Chairman also reminded them that under section 17(c) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), any person who created or joined in any disturbance which interrupted or was likely to interrupt the proceedings of the meeting would commit an offence.

2. Mr Steven HO, Mr CHAN Han-pan and Ms Alice MAK respectively raised a point of order. They considered that those Members who were standing in front of the Chairman's podium and shouting slogans loudly had committed an offence under Cap. 382, and urged the Chairman to restore the order of the meeting. Mr HO also considered that the Chairman should strictly enforce the Rules of Procedure to maintain order of the meeting. Mr CHAN said that if those Members persisted in ignoring the Chairman's warnings, it might perhaps be necessary to call the police.

(Despite the Chairman's repeated warnings, those Members continued standing with placards in their hands and shouting slogans loudly in front of the Chairman's podium.)

3. The Chairman considered that the conduct of the following Members was grossly disorderly and ordered them to withdraw from the meeting: Mr WU Chi-wai, Mr CHAN Chi-chuen, Mr HUI Chi-fung, Mr CHU Hoi-dick, Ms Claudia MO, Mr Jeremy TAM, Mr Andrew WAN, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG and Mr KWONG Chun-yu.

4. Ms Elizabeth QUAT raised a point of order concerning the placards being displayed at the seats of some Members who were not present at the meeting. She considered that those placards 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 placards.

I. Confirmation of minutes of meeting

Minutes of the 3rd meeting held on 5 June 2020
(LC Paper No. CB(2)1174/19-20)

5. The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration

6. The Chairman said that this was the first time she and the Deputy Chairman met with the Chief Secretary for Administration ("CS") in the 2019-2020 session. CS had indicated that he was pleased that the House Committee ("HC") had eventually restarted and resumed normal operation, and he hoped that before its prorogation, the Legislative Council ("LegCo") could complete as much as possible the scrutiny of bills and motions already introduced by the Administration. CS had also indicated that the Administration would give full support to the work of LegCo.

Hong Kong's "health code" system

7. Mr CHAN Han-pan and Mr Holden CHOW asked the Chairman to relay to CS their concerns about the "health code" system, which was to be launched by the Hong Kong Government to allow those who were tested negative for coronavirus disease 2019 ("COVID-19") to be exempted from quarantine requirements when travelling between Hong Kong, Macao and Guangdong. Mr CHAN and Mr CHOW considered that government subsidies should be provided to make the tests which cost more than \$1,000 more affordable. Mr CHAN pointed out that subsidies to cross-boundary students were particularly warranted.

8. Mr Steven HO, Mr CHAN Hak-kan and Ms Elizabeth QUAT considered that the type of persons covered under the "health code" system should be broadened. Mr HO pointed out that seafarers as well as those engaging in fishing operations should be included in the system, and he also considered that the Administration should consult different industries before implementing the system. Mr CHAN was concerned that the quota on the number of "health code" applications might not be sufficient to meet the demand. He also considered that the Administration should adopt a more humane approach in implementing the system and consider providing subsidies to elderly persons who were recipients of monthly allowance under the Guangdong Scheme of the Social Welfare Department. Ms QUAT urged the Administration to give due consideration to those Hong Kong citizens who needed to frequently travel between Hong Kong and Guangdong, particularly members of cross-border families, and those who resided in Guangdong and worked in Hong Kong.

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9. Ms Alice MAK and Mr LUK Chung-hung expressed a similar view that the "health code" system should also cover members of cross-border families and those who resided in Guangdong and worked in Hong Kong. Ms MAK was concerned that there were too few authorized institutions providing the COVID-19 tests, and the fees for the tests were high. Mr LUK considered that government subsidies should be provided to make the tests more affordable so as to help those workers who needed to frequently travel between Hong Kong and Guangdong. Ms MAK also urged that the Anti-epidemic Fund should introduce a third round of relief measures providing cash subsidies to those who were engaged in the sea, land and air transportation.

10. The Chairman said that the above views and concerns raised by Members would be relayed to CS.

III. Business arising from previous Council meetings

Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)

1. Limited Partnership Fund Bill *(LC Paper No. LS97/19-20)*

11. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the above Bill.

12. Mr Holden CHOW considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr CHIANG Lai-wan and Mr Holden CHOW agreed to join the proposed Bills Committee.

(At 2:52 pm, the Chairman secured the consent of the Chairman of the Finance Committee for the HC meeting to continue for not more than 15 minutes beyond 3:00 pm so as to allow HC to conclude its business on the agenda.)

2. Insurance (Amendment) Bill 2020 *(LC Paper No. LS94/19-20)*

13. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above Bill.

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14. Mr Holden CHOW considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Holden CHOW agreed to join the proposed Bills Committee.

3. Insurance (Amendment) (No. 2) Bill 2020
(LC Paper No. LS96/19-20)

15. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above Bill. LA said that LSD was scrutinizing the legal and drafting aspects of the Bill, and would report further if necessary.

16. Members considered it not necessary to form a Bills Committee to study the Bill and did not raise objection to the resumption of the Second Reading debate on the Bill.

IV. Further business for the Council meeting of 17 June 2020

Laying of Papers on the Table of the Council

**Report No. 4/19-20 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments**
(LC Paper No. CB(2)1176/19-20)

17. The Chairman said that the Report covered 19 items of subsidiary legislation and the period for amending them would expire at the Council meeting of 17 June 2020. No Member had indicated intention to speak on any of those items of subsidiary legislation.

V. Business for the Council meeting of 24 June 2020

(a) Questions
(LC Paper No. CB(3)524/19-20)

18. 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)

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

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(c) **Government Bill - Second Reading (debate to resume), consideration by committee of the whole Council and Third Reading**

20. The Chairman said that the Second Reading debate on the Employment (Amendment) Bill 2019 would be resumed at the meeting.

(d) **Government Motion**

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

(e) **Members' Motions**

22. 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

23. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)532/19-20), which contained 32 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 24 June 2020. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 16 June 2020, should they wish to speak on any of those items of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Mandatory Provident Fund Schemes (Amendment) Bill 2019**

(LC Paper No. CB(1)740/19-20)

24. Mr Christopher CHEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHEUNG said that the Administration would propose amendments to the Bill and the Bills Committee had no objection to the proposed amendments. He further said that the Bills Committee would not propose any amendments to the Bill, and had no objection to the resumption of the Second Reading debate on the Bill in the 2019-2020 session. Members noted that the Administration would advise on the date of the resumption of the Second Reading debate in due course.

(b) Report of the Bills Committee on Pharmacy and Poisons (Amendment) Bill 2019

(LC Paper No. CB(2)1172/19-20)

25. Ms Alice MAK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Ms MAK said that in response to the views of the Legal Adviser to the Bills Committee, the Administration had proposed to move a technical amendment to the Bill. She further said that the Bills Committee raised no objection to the proposed amendment and would not propose any amendments to the Bill. Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 8 July 2020 the earliest.

(c) Report of the Bills Committee on Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019

(LC Paper No. CB(4)689/19-20)

26. Mr Frankie YICK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr YICK said that the Bill was published in the Gazette in mid-November 2019 and was introduced into LegCo on 27 November 2019. However, as the Bills Committee was only formed to study the Bill at the special HC meeting held in the afternoon of 8 May 2020, the original proposed commencement date of the Bill on 1 May 2020 had already lapsed. Therefore, the Administration proposed that the commencement date of the Bill should be amended to 1 August 2020. Members of the Bills Committee raised no objection to the proposed amendment to the Bill. Members noted that the Bills Committee had no objection to the resumption of the Second Reading debate on the Bill at a future Council meeting, and would not propose any amendments to the Bill.

27. The Chairman invited Members to note that the Second Reading debates on the above three Bills could be resumed at the Council meeting of 8 July 2020 the earliest. She reminded Members that if the Second Reading debates on the above three Bills would be resumed at the Council meeting of 8 July 2020, the deadline for giving notice of amendments, if any, to the above three Bills would be Saturday, 27 June 2020.

(d) Report of the Subcommittee on Pleasure Grounds (Amendment) Regulation 2020

28. Mr Vincent CHENG, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had completed scrutiny of the Pleasure Grounds (Amendment) Regulation 2020. He further said that the main purpose of the Amendment Regulation was to step up regulation of noise nuisance as a result of the carrying out of music activities in parks managed by the Leisure and Cultural Services Department ("LCSD").

29. Mr CHENG further said that the Subcommittee raised no objection to the Amendment Regulation. Members of the Subcommittee were mainly concerned about the preparatory work to be carried out by the Administration for implementing the Amendment Regulation, including the staffing arrangements for undertaking the enforcement work, the formulation of the enforcement strategy and the mechanism for reporting non-compliant activities. The Administration had advised that LCSD was preparing for the implementation of the Amendment Regulation, including strengthening staff training, drawing up enforcement guidelines, and reviewing the existing manpower of the parks with noise problems, etc.

30. Members noted that the Subcommittee would not propose any amendments to the Amendment Regulation, and would submit a written report in due course.

31. The Chairman reminded Members that the period for amending the Amendment Regulation 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.

VII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)1175/19-20*)

32. The Chairman said that as at 11 June 2020, there were eight 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.

VIII. Election of members of The Legislative Council Commission

(LC Paper No. AS22/19-20)

IX. Election of members of the Committee on Access to the Legislature's Documents and Records

(LC Paper No. COA7/19-20)

(On the Chairman's suggestion and with Members' agreement at the meeting, Items VIII and IX were dealt with after items I to III and before the remaining items on the agenda.)

33. The Chairman said that Members had been invited to make nominations of Members for election to The Legislative Council Commission ("the Commission") and the Committee on Access to the Legislature's Documents and Records ("CoA") respectively. By the deadline for nominations (i.e. 8 June 2020), a total of 10 nominations were received each for elections to the Commission and CoA. As the number of nominations received was equal to the maximum number of members that could be elected to the Commission or CoA, no poll would need to be taken for elections of members of the Commission and CoA.

34. The Chairman further said that the 10 nominees for election to the Commission were the same as those for election to CoA, and declared the following 10 Members duly elected as members of the Commission and CoA respectively:

Mr Abraham SHEK
Mr WONG Ting-kwong
Mr CHAN Hak-kan
Mr CHAN Kin-por
Mrs Regina IP
Mr Paul TSE
Mr Frankie YICK
Ms Alice MAK
Mr CHUNG Kwok-pan
Mr Jimmy NG

X. Any other business

35. There being no other business, the meeting ended at 3:07 pm.