

立法會
Legislative Council

LC Paper No. CB(2)1280/19-20

Ref : CB2/H/5/19

House Committee of the Legislative Council

**Minutes of the 6th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 26 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
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 Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, 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
Dr Hon Junius HO Kwan-yiu, JP
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
Hon Vincent CHENG Wing-shun, MH, JP
Hon CHAN Hoi-yan

Members absent :

Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Prof Hon Joseph LEE Kok-long, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Claudia MO
Hon WU Chi-wai, MH
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
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
Hon LAM Cheuk-ting
Hon SHIU Ka-chun
Hon Tanya CHAN
Hon HUI Chi-fung
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Tony TSE Wai-chuen, BBS

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 Rachel DAI	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 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

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Point of order

Ms Elizabeth QUAT, Mr CHAN Han-pan and Dr CHIANG Lai-wan respectively raised a point of order concerning the placards being displayed at the seats of some 20 Members who were not present at the meeting. These Members considered that those placards were not related to any agenda items of the meeting and should be removed. Mr Steven HO added that he considered that no matter whether Members were present at the meeting or not, placards not related to any agenda items of the meeting should not be displayed at Members' seats. The Chairman concurred and instructed the Secretariat staff to remove the placards.

I. Confirmation of minutes of meetings

- (a) **Minutes of the special meeting held on 13 March 2020**
(LC Paper No. CB(2)1240/19-20)
- (b) **Minutes of the special meeting held on 20 March 2020**
(LC Paper No. CB(2)1241/19-20)
- (c) **Minutes of the 5th meeting held on 19 June 2020**
(LC Paper No. CB(2)1244/19-20)

- 2. The above three sets of minutes were confirmed.

II. Matters arising

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

3. The Chairman said that she and the Deputy Chairman had conveyed to the Chief Secretary for Administration ("CS") the views and concerns raised by Members on various issues at the last House Committee ("HC") meeting held on 19 June 2020. On the issue of "health code", CS had responded that the Hong Kong Government had been actively discussing with the Governments of Guangdong and Macao under the framework of joint prevention and control in the three places. There were presently 14 recognized private hospitals and laboratories in Hong Kong which could provide nucleic acid tests and the Administration hoped that the test charges could be lowered through increasing market competition. In order to stay cautious, the Hong Kong and Guangdong Governments planned to launch a scheme, on a pilot basis and in "small steps", that would allow persons to be exempted from the 14-day quarantine requirement at the two places under specified conditions. During the initial phase of the pilot scheme, consideration would be given to providing facilitation on a limited basis to persons who were on official duty or business travel between Hong Kong and Guangdong and between Hong Kong and Macao. The preparation work of the pilot scheme was near completion and it could be launched as soon as certain technical issues were resolved.

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4. The Chairman further said that in respect of the Anti-epidemic Fund, CS had advised that more than 60 measures were launched to-date under the Fund covering beneficiaries in different areas. The Administration had been maintaining communication with the stakeholders of various trades in order to understand the impact of the ongoing pandemic on them. The Administration would remain flexible and would consider providing support to those trades and practitioners in genuine need where possible. With regard to the issue of job creation, CS had responded that the Administration had earmarked \$6 billion under the Fund to create around 30 000 jobs in the public and private sectors in the coming two years. As at mid-June 2020, about 700 government positions had already been filled while the recruitment for some 6 000 positions was in progress. In addition, various government bureaux and departments were actively discussing with different trades and professions (including engineering, surveying, planning, horticulture, financial services and etc.) to roll out programmes on subsidized employment suitable for the trades concerned. Three such programmes would be launched in June/July 2020 to provide about 3 000 short-term jobs.

5. The Chairman further advised that on the issue of Chun Yeung Estate, CS had responded that the Administration understood the housing needs of the prospective tenants who had accepted the advance housing offer of the Estate. Subject to the latest situation of the pandemic, the Administration would closely keep in view whether Chun Yeung Estate had to be used continuously as quarantine facilities and would make announcement as early as possible. Regarding the proposal to extend the coverage of the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities to include elderly persons aged between 60 and 64, CS had advised that the Labour and Welfare Bureau had requested the consultancy company, which was commissioned to conduct a comprehensive review of the Scheme, to propose feasible options for implementation of the proposal and the consultancy study was close to completion. Upon receipt of the consultancy report, the Administration would consider in detail the recommendations in the report with a view to providing the details on the arrangements for implementation of the proposal as soon as possible.

6. The Chairman also advised that CS had mentioned that the relevant bureaux secretaries had given notices for resumption of the Second Reading debates on 13 Bills. The Administration hoped that Members could complete the legislative process of these Bills before the prorogation of the current legislative term on 18 July 2020.

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7. The Chairman invited Members to note that Mr CHAN Hak-kan and Mr CHEUNG Kwok-kwan had written to her jointly on 24 June 2020 requesting that a special HC meeting be held to discuss issues relating to the arrangements for implementation of the "health code" system in Hong Kong. She said that she had already instructed the Secretariat to write to CS concerning the request on the same day and the joint-letter from the two Members was also forwarded for CS's consideration. However, the reply from CS was still being awaited.

Hong Kong's "health code" system

8. Mr CHAN Hak-kan said that he had proposed to invite CS to attend a special HC meeting to discuss issues relating to the arrangements for implementation of the "health code" system in Hong Kong. He further said that there were various problems relating to Hong Kong's "health code" system that needed to be addressed, such as the high charges for taking the nucleic acid tests in Hong Kong, very limited quota on the number of applications for the "health code" and failure to address the need of the cross-border families and persons who resided in Guangdong and worked in Hong Kong. Many Members including Ms Alice MAK, Mr CHAN Chun-ying, Mr YIU Si-wing, Mr LEUNG Che-cheung, Mr Steven HO, Mr Wilson OR and Ms YUNG Hoi-yan expressed support for Mr CHAN Hak-kan's proposal. Mr LEUNG, Mr OR and Ms YUNG expressed a similar view that members of the public were concerned about the implementation of Hong Kong's "health code" system and the arrangements on mutual recognition of "health codes" between Hong Kong, Guangdong and Macao. The proposed special HC meeting would provide a platform for the Administration to listen to the views of Members and respond to the concerns of Members as well as members of the public.

9. Noting that the Governments of Guangdong and Hong Kong were discussing the launch of a pilot scheme on mutual recognition of "health codes" of Guangdong and Hong Kong, Ms Elizabeth QUAT, Mr Holden CHOW, Mr LEUNG Che-cheung and Ms Alice MAK considered that the scope of the pilot scheme should be broadened to cover cross-border families and grass-root people who needed to frequently travel across borders. Ms MAK considered that not only those people who were on official duty or business travel but also cross-border families had the need to travel across borders. Mr CHOW and Mr LEUNG urged for the early implementation of Hong Kong's "health code" system and mutual recognition of "health codes" of Guangdong and Hong Kong.

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Mr Steven HO said that Hong Kong fishermen had to travel to and from Hong Kong and Guangdong for the purpose of arranging the relevant inspections and applying for the relevant certificates for their fishing vessels. As such, people engaged in the fishing operations should also be covered in the pilot scheme.

10. Ms Elizabeth QUAT, Mr Holden CHOW, Mr Steven HO, Mr CHAN Han-pan and Ms YUNG Hoi-yan expressed concern about the high charges for taking the nucleic acid tests in Hong Kong. Mr HO said that as the tests would cost more than \$1,500, he was concerned that this might give the public a wrong impression that the proposed mutual recognition system for "health codes" of Guangdong, Hong Kong and Macao was catered for wealthy people only. Ms QUAT said that according to the media reports, the cost of a test kit for coronavirus disease 2019 was only \$15 in Guangdong through bulk purchase by the authorities concerned, she suggested that the Administration should consider adopting a similar arrangement in Hong Kong with a view to lowering the local test charges. Mr CHAN and Ms YUNG considered that the Administration should assume a more proactive role in lowering the local test charges to a level which was more affordable by grass-root people. Mr YIU Si-wing considered that the Administration should provide more details on the implementation of Hong Kong's "health code" system and the future entry/exit arrangements for residents/visitors to Hong Kong so that laboratories in Hong Kong would be more willing to allocate resources for providing the viral tests, which would help lower the test charges.

11. Pointing out that Guangdong and Macao had already been implementing the system for mutual recognition of "health codes" for more than a month, Mr SHIU Ka-fai and Ir Dr LO Wai-kwok queried why the Administration had taken such a long time to launch Hong Kong's "health code" system. Mr SHIU urged the Administration to deal with the matter seriously and expedite the implementation of the pilot scheme on mutual recognition of "health codes" of Guangdong and Hong Kong. Ir Dr LO added that many people engaged in the engineering field also had the need to travel across the border.

12. Mr CHAN Chun-ying said that at present certain categories of persons (such as directors of listed companies and certified public accountants) who could meet the eligibility criteria might apply for exemption from the compulsory quarantine arrangement when they arrived at Hong Kong from the Mainland. He considered that persons

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engaged in the banking and finance sectors should also be eligible for applying for such exemption. Mr CHAN also expressed concern about whether the exemption from the compulsory quarantine arrangement would continue to be granted to eligible persons upon the implementation of Hong Kong's "health code" system and the system on mutual recognition of "health codes" of Guangdong and Hong Kong.

Other issues

13. Mr Wilson OR said that he was disappointed at CS's response in respect of the use of Chun Yeung Estate as quarantine facilities. He hoped CS would understand the difficulties especially in respect of living environment and schooling that the prospective tenants of the Estate were facing.

14. Ms Elizabeth QUAT, Mr CHAN Han-pan, Mr LEUNG Che-cheung and Mr Michael TIEN urged the Administration to expedite the implementation of the proposal to extend the coverage of the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities to include elderly persons aged between 60 and 64. Mr TIEN hoped that the Administration would consider allowing elderly persons aged between 60 and 64 to purchase and use Elder Octopus for travelling on public transport which, in his view, was an easy way to implement the proposal.

(At 2:54 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.)

15. Dr CHIANG Lai-wan expressed concern about the Hong Kong Autonomy Act which had just been passed by the United States ("US") Senate. She said that according to her understanding, the legislation would impose sanctions on officials, persons and entities who/which, in the view of US, had undermined Hong Kong's autonomy. Dr CHIANG said that it was stipulated in Article 12 of the Basic Law that "the Hong Kong Special Administrative Region shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government". Therefore, she considered it necessary for CS to explain to the relevant authorities in the US in writing that Hong Kong had all along enjoyed a high degree of autonomy but not complete autonomy, and that Hong Kong might also consider imposing sanctions on those persons who authored the Act.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 19 June 2020

(LC Paper No. LS102/19-20)

16. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on three items of subsidiary legislation (i.e. L.N. 126 to L.N. 128) which were gazetted on 19 June 2020 and tabled in Council on 24 June 2020.

17. Members did not raise any questions on the above three items of subsidiary legislation.

18. The Chairman reminded Members that the deadline for amending the above three items of subsidiary legislation would be the second Council meeting of the next legislative session.

IV. Business for the Council meeting of 8 July 2020

(a) Questions

(LC Paper No. CB(3)572/19-20)

19. 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)

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

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

1. Court Proceedings (Electronic Technology) Bill

2. Statute Law (Miscellaneous Provisions) Bill 2019

3. Evidence (Amendment) Bill 2018

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4. **Freight Containers (Safety) (Amendment) Bill 2019**
5. **Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019**
6. **Pharmacy and Poisons (Amendment) Bill 2019**
7. **Fisheries Protection (Amendment) Bill 2019**
8. **Broadcasting and Telecommunications Legislation (Amendment) Bill 2019**
9. **Mandatory Provident Fund Schemes (Amendment) Bill 2019**
10. **Inland Revenue (Amendment) (Profits Tax Concessions for Insurance-related Businesses) Bill 2019**
11. **Insurance (Amendment) (No. 2) Bill 2020**
12. **Insurance (Amendment) Bill 2020**
13. **Limited Partnership Fund Bill**

21. Members noted that the Second Reading debates on the above 13 Bills would be resumed at the meeting. The Chairman said that the President would decide on the order for dealing with the Second Reading debates on the above Bills after considering the Government's proposal.

(d) **Government Motion**

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

(e) **Members' Motions**

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

V. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Building (Minor Works) (Amendment) Regulation 2020 and Building (Planning) (Amendment) Regulation 2020

(LC Paper No. CB(1)797/19-20)

24. Ir Dr LO Wai-kyok, on behalf of the Chairman of the Subcommittee, Mr Tony TSE, who was unable to attend the meeting, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee generally supported the two items of subsidiary legislation.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1245/19-20)

25. The Chairman said that as at 24 June 2020, there were three Bills Committees, six subcommittees under HC and six subcommittees on policy issues under Panels in action.

VII. Any other business

26. There being no other business, the meeting ended at 3:06 pm.