

立法會
Legislative Council

LC Paper No. CB(2)1434/19-20

Ref : CB2/H/5/19

House Committee of the Legislative Council

**Minutes of the 8th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 10 July 2020**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon MA Fung-kuok, 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 Mrs Regina IP LAU Suk-ye, 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-kuok, SBS, MH, JP
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 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 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 WONG Kwok-kin, 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 CHUNG Kwok-pan
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
Hon Tanya CHAN
Hon HUI Chi-fung
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 Rachel DAI	Assistant Legal Adviser 2
Ms Vanessa CHENG	Assistant Legal Adviser 5
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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(When the meeting commenced, the Chairman noted that white paperboards were placed at the seats of some 20 Members who were not present at the meeting. She considered that those paperboards were not related to any agenda items of the meeting and instructed the Secretariat staff to remove them.)

I. Confirmation of minutes of meetings

- (a) **Minutes of the special meetings held on 17 and 24 April 2020 and 8 May 2020 at 10:00 am and the verbatim transcript of the special meeting held on 8 May 2020 at 2:30 pm**
(LC Paper Nos. CB(2)1321/19-20, CB(2)1322/19-20, CB(2)1323/19-20 and CB(2)1324/19-20)

(b) **Minutes of the 7th meeting held on 3 July 2020**
(LC Paper No. CB(2)1325/19-20)

The above five sets of minutes/verbatim transcript of meetings were confirmed.

II. Matters arising

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

2. 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 3 July 2020. She further said that at the meeting with CS, she had reiterated that she hoped that the Administration would assign certain quota specifically for those who had urgent need to travel between Hong Kong and the Mainland when the pilot scheme of Hong Kong's "health code" system was launched. Besides, the Administration should endeavour to lower the costs of the viral tests so as to benefit the general public. The Chairman then said that the Deputy Chairman had again urged the Administration to provide assistance to film-making practitioners so that they would be allowed to go to the Mainland and resume their work, and the Deputy Chairman had also pointed out that the Administration should provide financial assistance to those who were engaged in performing arts as freelancers, so as to alleviate their financial difficulties as a result of not being able to work during the epidemic.

3. The Chairman then informed Members of CS's responses as follows:

- (a) the Administration was actively making preparation for the pilot scheme of Hong Kong's "health code" system. If no announcement was made within this week, CS would be pleased to attend a special HC meeting on 10 July 2020 and brief Members on the progress of the scheme;
- (b) as regards the lowering of the eligible age of elderly persons under the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("the Transport Fare Concession Scheme") from 65 to 60, CS

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had indicated that the Labour and Welfare Bureau would take forward the review upon receipt of the consultancy report, and would provide the details of the feasible option and implementation timetable at the earliest possible time;

- (c) the first tranche of the Employment Support Scheme covered employees aged 65 or above who had Mandatory Provident Fund ("MPF") accounts, even if the employers had not made any MPF voluntary contributions for them. As for the cases where employers had not made any MPF voluntary contributions for their employees who were aged 65 or above and had not provided to the MPF trustee(s) information on the basic salaries of such employees, the Administration would take such cases into account when reviewing the experience of and arrangements for the first tranche of the Scheme, and would announce the details of application for the second tranche of the Scheme in due course;
- (d) as regards the Anti-epidemic Fund, the Administration would maintain a flexible approach and provide assistance as far as possible to industries and practitioners with genuine need, including freelancers who were engaged in performing arts; and
- (e) as for the suggestion to arrange "a priority queue" for elderly electors and electors with disabilities to obtain the ballot papers and cast their votes in the 2020 Legislative Council General Election, the Administration would maintain active discussion with the Electoral Affairs Commission ("EAC"), so as to ensure that through flexible adjustment of the grouping of electors among ballot paper issuing desks, electors who were in need and waiting outside the polling stations could get in directly and obtain the ballot papers as soon as possible. Besides, EAC would assign some staff members to step up its control and queue diverting work outside the polling stations to prevent long queues and people with malicious intent from repeatedly joining the queues, thereby ensuring that the election would be conducted in a fair manner. More details had been provided in the Administration's paper entitled "Practical Arrangements for Public Elections" which had been issued to Members vide LC Paper No. CB(2)1339/19-20(01) on 9 July 2020.

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4. The Chairman further said that on the day before this meeting, the Administration had notified her that due to the recent upsurge of the epidemic, the concrete timeframe for launching the pilot scheme of Hong Kong's "health code" system would need to be re-considered. Besides, Members had received an update from the Administration on the relevant issues at the meeting of the Panel on Health Services held earlier on the day of this meeting. The Chairman then said that while this was the last regular HC meeting of the Sixth Legislative Council ("LegCo"), she believed that CS would continue to communicate with Members to better understand their concerns. If Members had further views, she and the Deputy Chairman would relay those views to CS during their next meeting with CS.

5. Mr LUK Chung-hung, Ms Alice MAK, Ms Elizabeth QUAT and Dr Priscilla LEUNG expressed concern about the recent upsurge of the epidemic, and these Members considered it necessary for the Administration to increase the testing capacity and make the viral tests more affordable. Mr LUK and Ms MAK suggested that the Administration should seek assistance from the Mainland with a view to eventually conducting the viral tests for all Hong Kong citizens, e.g. by assigning the Mainland experts to come to Hong Kong to carry out such work and sending specimens taken in Hong Kong for testing in laboratories on the Mainland, etc. Ms QUAT considered that if the Administration would seek assistance from the Mainland experts/laboratories, the testing costs would be much lower and more affordable for the general public. Dr LEUNG noted that the testing costs in Hong Kong were multiple times higher than that on the Mainland, and suggested that the Administration should seriously consider bulk procurement of test kits from the Mainland.

6. Mr Michael TIEN, Mr MA Fung-kwok and Mr Wilson OR considered that the Administration should step up its work in various areas in the prevention and control of the epidemic. Mr TIEN noted that Chun Yeung Estate in Fo Tan would cease to be used as a quarantine centre in end July this year, and he suggested that the Administration could consider using cruise ships and/or hotels as quarantine centres to meet the demand. He also considered that those inbound travellers who were currently granted exemption from the quarantine requirement should be required to provide deep throat saliva specimens for conducting the viral tests. Mr MA suggested that the Administration could consider setting up laboratories near the immigration control points so as to speed up the testing process. He considered that such

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arrangements could facilitate mutual recognition of the test results between Hong Kong and the Mainland. Mr OR considered that the Administration should step up its efforts in inter-departmental coordination and the release of information so as to make quicker response to the recent upsurge of the epidemic. He also considered that the Administration should expedite the distribution of deep throat saliva specimen bottles to residents of buildings where confirmed patients of coronavirus disease 2019 lived.

7. Dr Priscilla LEUNG, Ms Alice MAK, Mr MA Fung-kyok, Mr Holden CHOW and Mr CHAN Han-pan considered that the Administration should further expand the coverage of the Anti-epidemic Fund to those enterprises and individuals who were affected by the epidemic but had not yet benefitted from the Fund. Mr MA and Mr CHOW considered that the Administration should give due regard to the difficulties encountered by those who were self-employed or engaged in freelance jobs, e.g. performing arts practitioners. Dr LEUNG considered it necessary for the Administration to also provide financial assistance to self-employed persons, e.g. photographers, designers and estate agents, etc. Mr CHAN pointed out that a large number of retailers had missed the deadline for making applications for the Retail Sector Subsidy Scheme, and given that only a small percentage of the fund committed had been paid, he considered that the Scheme should be re-opened for application.

8. Mr CHAN Hak-kan, Mr Steven HO, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Holden CHOW expressed disappointment that Hong Kong's "health code" system had not yet been launched. They reiterated their views that the Administration should endeavour to provide assistance to those citizens who had genuine and urgent need to travel between Hong Kong and the Mainland, e.g. visiting their families, going to work, seeking medical consultation, and attending funerals, etc. Mr CHAN Han-pan, Ms QUAT, Mr LEUNG and Dr CHIANG considered that pending the launch of Hong Kong's "health code" system, the Administration could consider putting in place some temporary facilitation measures for those citizens. Dr CHIANG suggested that CS could set up a taskforce specifically for dealing with individual cases with urgent need. Mr CHAN Hak-kan, Mr HO, Mr CHOW and Mr LEUNG urged CS to attend a special HC meeting and listen to Members' views on the relevant issues.

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9. As regards the implementation timetable for the Transport Fare Concession Scheme, Mr Michael TIEN, Mr Steven HO and Mr KWOK Wai-keung remained dissatisfied with CS's response. These Members were of the view that the Administration should expedite the relevant work and provide a specific date of implementation.

10. The Chairman said that Members' views and concerns expressed at this meeting would be relayed to CS. She would also convey to CS Members' strong request for him to attend a special HC meeting before the prorogation of the Sixth LegCo.

(Post-meeting note: With the direction of the Chairman, a special HC meeting was held on 15 July 2020 to meet with CS and relevant officials on the implementation of Hong Kong's "health code" system and measures to assist enterprises and the public affected by the epidemic.)

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 30 June 2020

(LC Paper No. LS108/19-20)

11. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division on two items of subsidiary legislation (i.e. L.N. 137 and L.N. 138) which were gazetted on 30 June 2020 and tabled in Council on 8 July 2020. LA supplemented that G.N. (E.) 68 and G.N. (E.) 69 of 2020 (gazetted on 30 June 2020) relating to catering business and scheduled premises had been replaced by the latest directions issued by the Secretary for Food and Health (G.N. (E.) 75 and G.N. (E.) 76 of 2020) gazetted on 9 July 2020.

12. The Chairman said that the deadline for amending the above two items of subsidiary legislation would be the second Council meeting of the next legislative session. She added that it was the practice that irrespective of whether Members considered it necessary to form a subcommittee to study those two items of subsidiary legislation at this meeting, Members of the Seventh LegCo would be invited to consider whether to form a subcommittee to study them when HC started to deal with normal business in the new term. The Chairman reminded Members that 18 July 2020 had been appointed as the date from which the Sixth LegCo would stand prorogued, and that no committee meetings would be held from that date onwards.

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13. Members did not raise any questions on the above two items of subsidiary legislation (i.e. L.N. 137 and L.N. 138).

(At 3:00 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.)

IV. Further business for the Council meeting of 15 July 2020

Laying of Papers on the Table of the Council

**Report No. 6/19-20 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments**

(LC Paper No. CB(2)1326/19-20)

14. 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 15 July 2020.

V. Reports of Bills Committees and subcommittees

**(a) Report of the Bills Committee on Waste Disposal (Charging for
Municipal Solid Waste) (Amendment) Bill 2018**

(LC Paper No. CB(1)849/19-20)

15. Mr MA Fung-kwok, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee and its decision to discontinue its work as detailed in its report. He said that the object of the Bill was to implement a municipal solid waste ("MSW") charging scheme.

16. Mr MA further said that the Bills Committee had held 16 meetings, including 11 meetings to study with the Administration the general merits and policy aspects of the Bill, and one meeting to receive views from members of the public. Members of the Bills Committee held different views about the effectiveness of the MSW charging scheme to attain the objective of waste reduction, and they raised concern that some members of the public might engage in fly-tipping activities for the sake of evading payment of the MSW charges, thereby aggravating environmental

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hygiene problems. Members of the Bills Committee were also concerned whether the measures to support waste reduction and recycling could complement the implementation of the MSW charging scheme. Having regard to the recent economic downturn, some members of the Bills Committee also expressed concern over the timing of implementing the MSW charging scheme. Regarding the drafting aspects of the Bill, the Bills Committee had requested the Administration to consider amending certain new definitions and offence clauses proposed to be added to the Waste Disposal Ordinance (Cap. 354), with a view to ensuring the clarity and comprehensibility of these clauses.

17. Mr MA further advised that at its meeting on 22 June 2020, the Bills Committee had reviewed the progress of the scrutiny work of the Bill and had discussed the way forward of the Bills Committee. Some members of the Bills Committee held the view that the Bills Committee should hold meetings more frequently with a view to completing the scrutiny of the Bill as soon as possible, so that the Second Reading debate on the Bill could be resumed in the current legislative term. Some other members of the Bills Committee, however, considered it impracticable for the Bills Committee to complete the scrutiny of the Bill in the remainder of this legislative term. After voting, the Bills Committee decided to discontinue its scrutiny work.

18. Members agreed that having regard to the decision of the Bills Committee, the Bills Committee be dissolved.

(b) Report of the Bills Committee on Rating (Amendment) Bill 2019

(LC Paper No. CB(1)845/19-20)

19. Mr Jeffrey LAM, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee and its decision to discontinue its work as detailed in its report. He said that the object of the Bill was to amend the Rating Ordinance (Cap. 116) to introduce special rates on vacant first-hand private residential units. He further said that the Bills Committee had held two meetings to study the Bill. Members of the Bills Committee held diverse views on the Bill, and some of them raised a few queries about the policy rationale and objective of the Bill.

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20. Mr LAM further advised that some members of the Bills Committee considered that the Bills Committee should endeavour to complete the scrutiny of the Bill by expediting its work as far as possible. However, the majority of members held the view that taking into account that a considerable amount of work remained outstanding (including receiving views on the Bill from the public and stakeholders), and that the clause-by-clause examination of the Bill had not yet started, it would be impracticable for the Bills Committee to complete the scrutiny of the Bill in time before the prorogation of the current legislative term. After deliberations, the Bills Committee decided to discontinue its scrutiny work on the Bill.

21. Members agreed that having regard to the decision of the Bills Committee, the Bills Committee be dissolved.

(c) **Report of the Subcommittee on Issues Relating to Policy on Industrial Buildings**

(LC Paper No. CB(1)852/19-20)

22. The Chairman informed Members that Mr Jeremy TAM, Chairman of the Subcommittee, was not present at the meeting. She invited Members to note the deliberations of the Subcommittee as detailed in its report.

(d) **Report of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions**

(LC Paper No. CB(1)846/19-20)

23. Mr Martin LIAO, on behalf of the Chairman of the Subcommittee, Mr Kenneth LEUNG, who was not present at the meeting, briefed Members on the work of the Subcommittee as detailed in its report. Members noted that the Subcommittee had recommended that a dedicated subcommittee be set up under HC in the Seventh LegCo to study regulations made under the United Nations Sanctions Ordinance (Cap. 537).

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VI. Any other business

24. The Chairman said that this was the last regular HC meeting in the current LegCo term. She thanked Members for their support over the past four years.

25. There being no other business, the meeting ended at 3:08 pm.

Council Business Division 2
Legislative Council Secretariat
17 August 2020