

立法會  
*Legislative Council*

LC Paper No. CB(2)48/20-21

Ref : CB2/H/5/20

**House Committee of the Legislative Council**

**Minutes of the 1st meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 16 October 2020**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon MA Fung-kwok, GBS, JP (Deputy Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, 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 Han-pan, BBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
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 Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, BBS, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon LAM Cheuk-ting  
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 HUI Chi-fung  
Hon LUK Chung-hung, JP  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS, JP

**Members absent :**

Dr Hon CHIANG Lai-wan, SBS, JP  
Hon SHIU Ka-chun

**Clerk in attendance :**

Miss Flora TAI

Clerk to the House Committee

**Staff in attendance :**

Mr Kenneth CHEN, SBS	Secretary General
Mr Timothy TSO	Acting 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
Ms Clara TAM	Acting Senior Assistant Legal Adviser 2
Mr Bonny LOO	Senior Assistant Legal Adviser 3
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
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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**I. Confirmation of minutes of meeting**

**Minutes of the meeting held on 9 October 2020**

*(LC Paper No. CB(2)11/20-21)*

The minutes were confirmed.

**II. Legal Service Division reports on subsidiary legislation gazetted since 10 July 2020**

*(LC Paper Nos. LS111/19-20, LS113/19-20 to LS119/19-20, LS121/19-20 to LS126/19-20, LS1/20-21 and LS2/20-21)*

2. At the invitation of the Chairman, Acting Legal Adviser ("Acting LA") briefed Members on the reports prepared by the Legal Service Division ("LSD") on 65 items of subsidiary legislation gazetted between 10 July and 9 October 2020, of which four items (i.e. L.N. 140 to L.N. 143) had been tabled in Council on 15 July 2020, 58 items (i.e. L.N. 144 to L.N. 153, L.N. 155 to L.N. 160, L.N. 162, L.N. 163 and L.N. 166 to L.N. 205) had been tabled in Council on 14 October 2020, and the remaining three items (i.e. L.N. 161, L.N. 164 and L.N. 165) were not

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required to be tabled in the Legislative Council ("LegCo") and were not subject to amendment by LegCo.

3. Regarding the 21 items of subsidiary legislation (i.e. L.N. 141 to L.N. 151, L.N. 158 to L.N. 160, L.N. 162 and L.N. 198 to L.N. 203) made under the Prevention and Control of Disease Ordinance (Cap. 599), upon the enquiries of the Chairman, Acting LA said that while the Administration had issued a LegCo Brief on L.N. 141 to L.N. 143, no LegCo Brief(s) had been issued by the Administration on the remaining 18 items of subsidiary legislation. He also informed Members that LSD was making enquiries with the Administration in relation to the legal and drafting aspects of L.N. 142, L.N. 143, L.N. 149 and L.N. 159, and would report further if necessary. Referring to the LSD reports on L.N. 152 and L.N. 153, Acting LA informed Members that the LegCo Briefs on these two items of subsidiary legislation had subsequently been issued by the Administration in October 2020.

4. Mr James TO and Mr HUI Chi-fung expressed serious concern that no LegCo Brief(s) had been issued by the Administration on the 18 items of subsidiary legislation made under Cap. 599. Mr TO said that some of these items of subsidiary legislation had been gazetted since 22 July 2020 and had been in operation for a while. As LegCo would soon proceed to scrutinize these items of subsidiary legislation, he found it unacceptable for the Administration not to provide LegCo Brief(s) setting out the justifications for making such subsidiary legislation. Mr HUI considered that the Administration's delay in providing LegCo Brief(s) was unusual and the Administration should provide a written explanation on this matter. He enquired whether the Secretariat had sought an explanation from the Administration.

5. At the invitation of the Chairman, Acting LA said that the Secretariat had followed up the matter with the Administration. The Secretariat would make further enquiries to see if the Administration could issue the relevant LegCo Brief(s) as soon as possible.

6. The Chairman said that it was undesirable that the Administration had not yet provided LegCo Brief(s) on these 18 items of subsidiary legislation. She would request the Administration to provide the LegCo Brief(s) concerned before the scrutiny work of the subsidiary legislation started and would follow up this matter when she met with the Chief Secretary for Administration next week.

Grouping of subsidiary legislation relating to fee waiving or concession measures for formation of subcommittees

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7. Mr Jeremy TAM, Mr WU Chi-wai, Mr LEUNG Yiu-chung and Mr LAM Cheuk-ting expressed the view that L.N. 167 to L.N. 173 and L.N. 190 to L.N. 193 relating to fee waiving or concession measures benefitting three different sectors, namely the maritime sector (L.N. 167 to L.N. 169, L.N. 190 and L.N. 191), the logistics sector (L.N. 170 to L.N. 172, L.N. 192 and L.N. 193) and the aviation sector (L.N. 173), were under the purview of various policy bureaux and government departments. They considered it more appropriate and efficient to form three subcommittees to study these 11 items of subsidiary legislation in three groups based on each individual sector. After discussion, Members agreed to do so.

8. Ms Claudia MO said that L.N. 174 related to fee concession measures benefitting the marine fish culture industry, while L.N. 175 and L.N. 176 related to fee concessions on licence fees for keeping animals and birds. She considered it more appropriate to form one subcommittee to study L.N. 174 and another subcommittee to study L.N. 175 and L.N. 176. Dr Helena WONG and Mr HUI Chi-fung shared a similar view that as L.N. 177 to L.N. 179 related to fee concessions on waterworks, and L.N. 194 and L.N. 195 related to fee concessions on liquor licences, it would be more appropriate to form one subcommittee to study L.N. 177 to L.N. 179 and another subcommittee to study L.N. 194 and L.N. 195. Expressing a similar view, Mr Jeremy TAM said that as L.N. 177 to L.N. 179 and L.N. 194 and L.N. 195 were under the purview of various policy bureaux and government departments, he considered it reasonable and efficient to form two subcommittees to study these five items of subsidiary legislation separately.

9. Mrs Regina IP and Mr Tommy CHEUNG held the view that L.N. 177 to L.N. 179, and L.N. 194 and L.N. 195 related to the implementation of some of the Administration's fee concession measures to sustain the support for businesses and relieve individuals' financial burden in view of the impact of the coronavirus disease 2019. They considered it appropriate to group the subsidiary legislation by sectors and not by policy bureaux for the purpose of formation of subcommittees. Echoing Mrs IP's and Mr CHEUNG's views, Mr Steven HO said that L.N. 174 to L.N. 176 related to the fee waiver and/or reduction of the licence fees of marine fish culture licences and livestock keeping licences, which would benefit the agriculture and fisheries sector as a whole. He hoped that

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these three items of subsidiary legislation could be studied together by one single subcommittee, in order to facilitate the early implementation of the relevant fee waiving or concession measures.

10. The Chairman said that the general principles for deciding how the subsidiary legislation should be grouped for formation of subcommittees were whether the items of subsidiary legislation were grouped in a reasonable way and whether appropriate government officials could be present at the relevant subcommittee meetings to answer Members' enquiries during scrutiny of the subsidiary legislation concerned. She pointed out that L.N. 167 to L.N. 197 were covered under one LegCo Brief issued by the Financial Services and the Treasury Bureau. Having regard to Members' views, she considered it appropriate for one subcommittee to study L.N. 174 to L.N. 176 and for another subcommittee to study L.N. 177 to L.N. 179, L.N. 194 and L.N. 195. The Chairman added that she would relay Members' views to the Administration in order to ensure that relevant government officials would be present at subcommittee meetings to facilitate the scrutiny work.

11. At the invitation of the Chairman, Acting LA advised that Members might decide on the manner in which various items of subsidiary legislation were to be considered. In relation to L.N. 177 to L.N. 179, L.N. 194 and L.N. 195, Acting LA said that these five items of subsidiary legislation related to the implementation of various fee concession measures that would benefit the retail and catering sector.

12. The Chairman concluded that the subsidiary legislation concerned generally related to the implementation of the Administration's various fee waiving or concession measures. Given that there were a total of 65 items of subsidiary legislation awaiting LegCo's scrutiny, she would maintain her earlier decision on the grouping arrangement for the purpose of forming subcommittees. The Chairman further said that should Members encounter any difficulties in the operation of the relevant subcommittees which were formed to study certain groups of subsidiary legislation, they could include their views when reporting their deliberations to the House Committee ("HC"). She would consider such views when considering the grouping of subsidiary legislation for formation of subcommittees in the future.

Subcommittees formed by House Committee

13. Mr James TO considered it necessary to form a subcommittee to study the Hotel and Guesthouse Accommodation (Amendment) Ordinance 2020 (Commencement) Notice (L.N. 140) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr James TO, Mr YIU Si-wing, Mr LAM Cheuk-ting, Mr HUI Chi-fung and Mr Jeremy TAM.

14. Dr Helena WONG considered it necessary to form a subcommittee to study the 21 items of subsidiary legislation (i.e. L.N. 141 to L.N. 151, L.N. 158 to L.N. 160, L.N. 162 and L.N. 198 to L.N. 203) made under Cap. 599 in detail. Members agreed. The following Members agreed to join the subcommittee: Mr James TO, Dr KWOK Ka-ki, Dr Helena WONG and Mr HUI Chi-fung.

15. Dr Helena WONG considered it necessary to form a subcommittee to study the Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation (L.N. 152) in detail. Members agreed. Mr James TO, Dr Helena WONG and Mr HUI Chi-fung agreed to join the subcommittee.

16. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Medical Laboratory Technologists (Special Exemptions) Regulation (L.N. 153) in detail. Members agreed. Mrs Regina IP, Dr KWOK Ka-ki and Dr Helena WONG agreed to join the subcommittee.

17. Mr LEUNG Yiu-chung considered it necessary to form a subcommittee to study the three items of subsidiary legislation relating to the commissioning of Heung Yuen Wai Boundary Control Point (i.e. L.N. 155 to L.N. 157) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr James TO, Mr LEUNG Yiu-chung, Mr WU Chi-wai and Mr KWONG Chun-yu.

18. Mr Jeremy TAM considered it necessary to form a subcommittee to study the Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2020 (L.N. 161) in detail. Members agreed. Mr LEUNG Yiu-chung and Mr Jeremy TAM agreed to join the proposed subcommittee.

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19. Mr James TO considered it necessary to form a subcommittee to study the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) (No. 2) Order 2020 (L.N. 163) in detail. Members agreed. Mr James TO, Mr LEUNG Yiu-chung and Ms Claudia MO agreed to join the subcommittee.

20. Mr LEUNG Yiu-chung considered it necessary to form a subcommittee to study the Rating (Exemption) Order 2020 (Amendment) Order 2020 (L.N. 166) in detail. Members agreed. Mr James TO and Mr LEUNG Yiu-chung agreed to join the proposed subcommittee.

21. Mr WU Chi-wai considered it necessary to form a subcommittee to study the five items of subsidiary legislation relating to fee waiving or concession measures benefitting the maritime sector (i.e. L.N. 167 to 169, L.N. 190 and L.N. 191. Members agreed. Mr LEUNG Yiu-chung and Mr WU Chi-wai agreed to join the proposed subcommittee.

22. Mr LEUNG Yiu-chung considered it necessary to form a subcommittee to study the five items of subsidiary legislation relating to fee waiving or concession measures benefitting the logistics sector (i.e. L.N. 170 to L.N. 172, L.N. 192 and L.N. 193) in detail. Members agreed. Mr LEUNG Yiu-chung, Mr LAM Cheuk-ting and Mr Jeremy TAM agreed to join the subcommittee.

23. Mr Jeremy TAM considered it necessary to form a subcommittee to study the Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020 (L.N. 173) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr LEUNG Yiu-chung, Mr Kenneth LEUNG, Mr Alvin YEUNG and Mr Jeremy TAM.

24. Mr Steven HO considered it necessary to form a subcommittee to study the three items of subsidiary legislation relating to fee waiving or concession measures benefitting the agriculture and fisheries sector (i.e. L.N. 174 to L.N. 176) in detail. Members agreed. Ms Claudia MO, Mr Steven HO and Dr KWOK Ka-ki agreed to join the subcommittee.

25. Dr Helena WONG considered it necessary to form a subcommittee to study the five items of subsidiary legislation relating to fee waiving or concession measures benefitting the retail and catering sector (i.e. L.N. 177 to L.N. 179, L.N. 194 and L.N. 195) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr LEUNG Yiu-chung, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Dr Helena WONG, Mr SHIU Ka-fai, Mr HUI Chi-fung and Mr Jeremy TAM.



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26. Mr LEUNG Yiu-chung considered it necessary to form a subcommittee to study the seven items of subsidiary legislation relating to fee waiving or concession measures benefitting the construction sector (i.e. L.N. 180 to L.N. 185 and L.N. 197) in detail. Members agreed. Mr LEUNG Yiu-chung and Mr Abraham SHEK agreed to join the proposed subcommittee.

27. Mr Alvin YEUNG considered it necessary to form a subcommittee to study the five items of subsidiary legislation relating to fee waiving or concession measures benefitting the tourism and entertainment sectors (i.e. L.N. 186 to L.N. 189 and L.N. 196) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr LEUNG Yiu-chung, Mr Tommy CHEUNG, Mr YIU Si-wing, Mr Christopher CHEUNG, Mr Alvin YEUNG and Mr Jeremy TAM.

28. Mr LEUNG Yiu-chung considered it necessary to form a subcommittee to study the Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2020 (L.N. 204) in detail. Members agreed. Mr LEUNG Yiu-chung, Dr KWOK Ka-ki and Mr HUI Chi-fung agreed to join the subcommittee.

29. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Employment (Amendment) Ordinance 2020 (Commencement) Notice (L.N. 205) in detail. Members agreed. Mr LEUNG Yiu-chung and Dr KWOK Ka-ki agreed to join the proposed subcommittee.

30. Regarding the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2019 (Amendment) Regulation 2020 (L.N. 164) and the United Nations Sanctions (South Sudan) Regulation 2019 (Amendment) Regulation 2020 (L.N. 165) made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in LegCo and were not subject to amendment by LegCo, Members agreed that these two 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.

31. As the deadline for amending the four items of subsidiary legislation tabled in Council on 15 July 2020 (i.e. L.N. 140 to L.N. 143) would be the Council meeting of 21 October 2020 unless extended by a resolution of the Council, Members agreed that the Chairman should, in

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her capacity as the HC Chairman, move motions at the Council meeting of 21 October 2020 to extend the scrutiny period of these items of subsidiary legislation to the Council meeting of 11 November 2020.

32. Regarding the remaining 58 items of subsidiary legislation tabled in Council on 14 October 2020 (i.e. L.N. 144 to L.N. 153, L.N. 155 to L.N. 160, L.N. 162, L.N. 163 and L.N. 166 to L.N. 205), the Chairman reminded Members that the deadline for amending these items of subsidiary legislation would be the Council meeting of 11 November 2020, or that of 2 December 2020 if extended by a resolution of the Council.

### **III. Business for the Council meeting of 21 October 2020**

Report No. 1/20-21 of the House Committee on Consideration of  
Subsidiary Legislation and Other Instruments

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33. 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 21 October 2020, had been issued to Members. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(a) **Questions**  
(*LC Paper No. CB(3)26/20-21*)

34. 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)**

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

(c) **Government Motion**

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

(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.

**IV. Business for the Council meeting of 28 October 2020**

(a) **Questions**

*(LC Paper No. CB(3)27/20-21)*

38. 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)**

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

(c) **Government Motion**

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

(d) **Members' Motions**

41. 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**

**Second report of the Bills Committee on Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019**

*(LC Paper No. CB(4)6/20-21)*

*(Letter dated 12 October 2020 from the Secretary for Transport and Housing (LC Paper No. CB(2)17/20-21(01))*

42. Mr Frankie YICK, Chairman of the Bills Committee, briefed Members on the scrutiny work of the Bills Committee on the Administration's new proposed amendments to the Road Traffic Legislation (Parking Spaces) (Amendment) Bill 2019 ("the Bill") as detailed in its second report. He said that the resumption of the Second

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Reading debate on the Bill could not be dealt with in the 2019-2020 session. As the Bill would be carried forward to the 2020-2021 session, the Secretary for Transport and Housing ("STH") had written on 25 September 2020 to advise members of the Bills Committee that the Administration intended to withdraw the original amendment proposed to be moved to the Bill, and that the Administration would propose new amendments on the commencement date and/or the effective dates of certain clauses of the Bill, so as to tie in with the Administration's latest plan. In the light of the views of the Bills Committee, the Administration had written to the Clerk to LegCo on 12 October 2020 seeking the President's leave to dispense with the notice of moving the new proposed amendments at the Council meeting of 21 October 2020. Mr YICK further said that HC was invited to consider giving support to the Administration's seeking the President's leave to dispense with the requisite notice.

43. Mr James TO said that he noted that the Administration proposed to revise the commencement date of the Bill to 12 December 2020. As the Second Reading debates on four other Bills originally scheduled to resume at the Council meeting of 14 October 2020 had stood over to the Council meeting of 21 October 2020, it would be unrealistic to expect that the resumption of the Second Reading debate on the Bill could be dealt with at the Council meeting of 21 October 2020. Therefore, he did not consider it necessary to seek the President's leave to dispense with the notice of moving the new proposed amendments at the Council meeting of 21 October 2020. In Mr TO's view, the Administration should have sufficient time to give fresh notices of resumption of the Second Reading debate on the Bill and of the new proposed amendments thereto.

44. At the invitation of the Chairman, Assistant Secretary General 3 ("ASG3") said that the Bill was a stand over item from the 2019-2020 session. As the Administration had given notice to resume the Second Reading debate on the Bill at the Council meeting of 8 July 2020, the deadline for giving notice of amendments to the Bill was 27 June 2020, which had expired and could not be reopened. The lapse of time had made it necessary for the Administration to move several new amendments to defer the commencement of the Amendment Ordinance. ASG3 further said that as the Administration had obtained the support of the Bills Committee for moving the new proposed amendments, it would like to consult HC before seeking the President's leave to dispense with the notice of the new proposed amendments. This arrangement might obviate the need to give fresh notices of resumption of the Second

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Reading debate on the Bill and the new proposed amendments. The Administration considered that if such leave could be granted, the Amendment Ordinance might be able to come into operation in time.

45. Mr James TO remained of his view that the Administration should give fresh notices of resumption of Second Reading debate on the Bill and of amendments thereto. Mr TO said that he objected to HC recommending the President to dispense with the notice of amendments to the Bill proposed to be moved at the Council meeting of 21 October 2020. Other Members including Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN and Mr Jeremy TAM also indicated their objection to the Administration's proposal.

**VI. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)12/20-21)*

46. The Chairman said that as at 15 October 2020, there were two subcommittees under HC and one subcommittee on policy issues under Panel in action. Two subcommittees on policy issues were on the waiting list.

**VII. Senior judicial appointment**

*(Director of Administration's letter dated 5 October 2020)*

47. The Chairman said that the Chief Executive had announced on 5 October 2020 her acceptance of the recommendation of the Judicial Officers Recommendation Commission ("JORC") to appoint the Right Honourable Lord Patrick Hodge as a non-permanent judge from another common law jurisdiction of the Court of Final Appeal. The Chairman further said that in accordance with the procedure for endorsement of appointment of judges by LegCo which was endorsed by HC on 16 May 2003, it was for HC to decide whether it was necessary to form a subcommittee to consider the recommended appointment.

48. Dr Priscilla LEUNG considered it necessary to form a subcommittee to consider the recommended appointment. Members agreed. The following Members agreed to join the subcommittee: Mr James TO, Dr Priscilla LEUNG, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Ms Elizabeth QUAT, Mr Alvin YEUNG, Dr Junius HO, Mr Holden CHOW and Mr HUI Chi-fung.

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49. Members noted that the Administration would move a motion to seek LegCo's endorsement of the recommended appointment after the subcommittee had reported its deliberations to HC.

**VIII. Matter for consideration in relation to the four Bills referred to the House Committee in previous sessions under Rule 54(4) of the Rules of Procedure**

*(LC Paper No. CB(2)13/20-21)*

50. The Chairman invited Members to consider and decide how to deal with the four Bills, the details of which were set out in the paper, namely the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018, the Smoking (Public Health) (Amendment) Bill 2019, the Franchised Taxi Services Bill, and the Rating (Amendment) Bill 2019. The Chairman said that the four Bills Committees ("BCs") previously formed to study these four Bills ("the four former BCs") had reported their deliberations and decisions to discontinue their scrutiny work to HC in the 2019-2020 session. Having regard to their decisions, HC had agreed to dissolve the four former BCs pursuant to rule 21(r) of the House Rules ("HR"). As the scrutiny work of the four Bills had not been completed and the four former BCs had been dissolved, it was open to HC to decide how the four Bills should be considered in the exercise of its power and function under RoP 75(4). She invited Members to note that the 2020-2021 Legislative Programme which contained 20 bills had been issued to Members for reference on 15 October 2020 (LC Paper No. CB(2)21/20-21(01)). The Chairman further said that STH had informed her before the meeting that the Administration would consider putting a halt to the work relating to the Franchised Taxi Services Bill and the Rating (Amendment) Bill 2019, but she had not yet received anything in writing in that regard.

51. Mr Abraham SHEK wondered whether the Administration had plans to continue taking forward the four Bills, and if not, he questioned whether Members should continue to scrutinize the four Bills. Mr HUI Chi-fung and Dr KWOK Ka-ki considered that it was necessary to clarify whether it was proper for Members to continue to scrutinize the four Bills as well as the Administration's latest position in respect of the four Bills. Dr CHENG Chung-tai said that the Administration had undertaken to consider members' concerns before the dissolution of the four former BCs, and therefore, he considered it necessary for the Administration to provide an update on its position in respect of the four Bills.

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52. At the invitation of the Chairman, Acting LA advised that under RoP 75(4), at any time after a bill had been referred to HC under RoP 54(4), HC might allocate it to a BC for consideration, or might cause it to be considered in such other manner as HC thought fit. While HC had agreed to dissolve the four former BCs in the 2019-2020 session, procedurally speaking, the four Bills had been referred to HC under RoP 54(4). Therefore, HC could decide how the four Bills should be considered in the exercise of its power and function under RoP 75(4).

53. The Chairman advised that as said earlier, STH had informed her before the meeting that the Administration would consider putting a halt to the work relating to the Franchised Taxi Services Bill and the Rating (Amendment) Bill 2019. However, she had not received any update from the Administration on its position in respect of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 or the Smoking (Public Health) (Amendment) Bill 2019.

54. Mr Jeremy TAM and Mr Kenneth LEUNG considered that the scrutiny work of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 and the Smoking (Public Health) (Amendment) Bill 2019 should continue. Dr KWOK Ka-ki and Dr Pierre CHAN expressed a similar view that Members should continue to scrutinize the four Bills. Mr TAM, Mr LEUNG, Dr KWOK and Dr CHAN considered that if new BCs were set up, it was desirable for the new BCs to continue the scrutiny work on the basis of the deliberations made by the former BCs. For example, the former BC formed to scrutinize the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 had already started the clause-by-clause examination of the Bill, and the new BC should continue the examination of the remaining clauses of the Bill. Dr KWOK criticized the Administration for not making clear whether the Franchised Taxi Services Bill and the Rating (Amendment) Bill 2019 would be withdrawn.

55. Mr Tommy CHEUNG, Mr Frankie YICK and Mr SHIU Ka-fai took the view that unless the Bills had been withdrawn by the Administration, it was necessary for Members to conduct the scrutiny work. However, they considered that the scrutiny work of the newly formed BCs should start afresh, as there might be changes in membership and chairmanship of the new BCs. Mr CHEUNG and Mr YICK also expressed a strong view that the Administration should state clearly whether any Bills would be withdrawn.

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56. Mr WU Chi-wai, Dr Helena WONG and Mr HUI Chi-fung took the view that if new BCs were set up, those new BCs should continue the scrutiny work on the basis of the deliberations made by the former BCs. Mr HUI considered that for this purpose, HC should provide guidelines to the newly formed BCs in accordance with RoP 75(8). He added that the scrutiny work of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 would have been much expedited if meetings had been held more frequently. Mr WU and Dr WONG urged the Administration to confirm in writing whether it had plans to withdraw the Franchised Taxi Services Bill and the Rating (Amendment) Bill 2019.

57. The Deputy Chairman, Mr Tony TSE and Mr Paul TSE expressed similar views that Members should continue to scrutinize the Bills unless the Administration had withdrawn the Bills. The Deputy Chairman said that he was the Chairman of the former BC on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018, and as a lot of scrutiny work had been done, he hoped that the new BC could focus on those areas of work which the former BC had not yet covered. He added that the former BC had not held meetings more frequently because of a variety of factors such as holiday seasons, availability of meeting venues, and the pandemic. Mr Paul TSE cautioned that Members should give careful considerations as to whether it was appropriate to propose HC giving guidelines to a BC. He further said that there were no precedents of HC providing guidelines to BCs on how to start their scrutiny work.

58. Dr Fernando CHEUNG and Mr Dennis KWOK criticized Members of the pro-establishment camp for not agreeing to the suggestion that new BCs should continue the scrutiny work on the basis of the deliberations made by the former BCs. Mr KWOK added that if Members of the pro-establishment camp had genuine respect for the autonomy of BCs, they would not have proposed HC to provide guidelines to the BC previously formed to scrutinize the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, and they would not have subsequently supported HC to rescind its decision to form the BC.

59. Mr WONG Ting-kwong, Mr KWOK Wai-keung and Ir Dr LO Wai-kwok also took the view that Members had a duty to continue to scrutinize the four Bills if the Administration did not withdraw them. Mr WONG considered that as the former BCs had been dissolved, new BCs could be set up, and it should be for the new BCs to decide how to continue with the scrutiny work. Dr LO concurred, adding that it was



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also important for the new BCs, when considering how to continue with the scrutiny work, to give regard to the Administration's latest position on the relevant Bills. Mr KWOK said that he was concerned whether the new BCs could directly proceed to clause-by-clause examination of the Bills or had to start the scrutiny work afresh. Mr KWOK added that in his view, Members should not make reference to the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, as there had not been any disruptions to the scrutiny work of the four former BCs.

60. At the invitation of the Chairman, Acting LA advised that given that the four former BCs had been dissolved in the 2019-2020 session, should Members agree to allocate any one of the four Bills to a BC for consideration, it would appear that a new BC would be formed. Members would then be invited to join the new BC, and a new chairman would be elected from among the members of the new BC. It would be for the new BC to decide whether to start the scrutiny work afresh or to continue with the scrutiny work of the former BC having regard to relevant considerations, such as any changes in membership of BC and whether the Administration would propose amendments to the Bill.

61. In conclusion, the Chairman said that the Administration would be requested to advise in writing its latest position on the Franchised Taxi Services Bill and the Rating (Amendment) Bill 2019, and Members would be invited to consider how to deal with the two Bills after receiving the Administration's written response. As regards the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 and the Smoking (Public Health) (Amendment) Bill 2019, she noted that Members of various political parties and groupings had agreed to set up new BCs to study the two Bills respectively. The Chairman further said that unlike the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, there had not been any disruptions during the scrutiny of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 or the Smoking (Public Health) (Amendment) Bill 2019. Therefore, she did not see any need for HC to consider providing guidelines to the two new BCs, and it would be for the two new BCs to decide how to conduct the scrutiny work of the Bills respectively. The Chairman then invited Members to join the two new BCs.

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62. The following Members agreed to join the Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018: Mr Tommy CHEUNG, Mr MA Fung-kwok, Dr Fernando CHEUNG, Mr SHIU Ka-fai, Mr HUI Chi-fung, Mr Jeremy TAM and Mr Tony TSE.

63. The following Members agreed to join the Bills Committee on Smoking (Public Health) (Amendment) Bill 2019: Mr Tommy CHEUNG, Dr KWOK Ka-ki, Mr KWOK Wai-keung, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr SHIU Ka-fai and Dr Pierre CHAN.

**IX. Proposed timeline for activation of subcommittees on policy issues in the 2020-2021 session**

*(LC Paper No. CB(2)14/20-21)*

**X. Matters for consideration in respect of the work of select committees and investigation committees in the 2020-2021 session**

*(LC Paper No. CB(2)16/20-21)*

64. The Chairman invited Members to consider the proposed timeline for activation of subcommittees on policy issues ("policy subcommittees") in the 2020-2021 session as set out in paragraph 7 of the paper under agenda item IX. As the proposed timeline was related to the matters for consideration in respect of the work of select committees formed by a petition ("SC") and investigation committees ("IC") in the 2020-2021 session as set out in the paper under agenda item X, the Chairman suggested that Members could consider the two items at the same time.

65. The Chairman said that the maximum number of policy subcommittees that might be in operation at any one time was 10 ("the Quota"). There were currently one policy subcommittee in operation (namely, the Subcommittee to Study the Development of Textbooks and Teaching Materials for Kindergartens, Primary and Secondary Schools) and two policy subcommittees on the waiting list awaiting activation/re-activation (namely, the Subcommittee on Issues Relating to the Silver Age Card and the Subcommittee to Study Issues Relating to Animal Rights). Besides, HC's endorsement was being sought to give priority for the Subcommittee on Matters Relating to Railways ("the Railway Subcommittee") and the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("the WKCD Subcommittee") to work in the 2020-2021 session having regard

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to the terms of reference of these two Subcommittees having a continuous nature. Therefore, five slots were expected to be available for other newly appointed policy subcommittees. The Chairman further said that as she understood from the Secretariat before the meeting, Members had already submitted to various Panels a total of eight proposals for setting up new policy subcommittees to study the following issues: (a) the setting up of an unemployment system in Hong Kong; (b) parking spaces and Park-and-Ride Scheme in Hong Kong; (c) transitional housing and subdivided units; (d) insurance for the transport sector; (e) typhoon shelters and sheltered anchorages; (f) improvement of environmental hygiene and cityscape; (g) anti-epidemic policies relating to residential care homes and long-term care services; and (h) boosting Hong Kong's economy. If the proposals for setting up the new policy subcommittees were endorsed by the relevant Panels, the Quota for policy subcommittees would be full and some new policy subcommittees would have to be put on the waiting list. Furthermore, she had received just before the start of this meeting a joint letter signed by Mr WU Chi-wai and some other Members proposing to set up three policy subcommittees under HC to study the following issues: (a) the establishment of unemployment assistance; (b) anti-epidemic matters; and (c) assisting micro-enterprises and small and medium-sized enterprises ("the three proposed policy subcommittees under HC"). The Chairman drew to Members' attention that if they were minded to take forward the work of policy subcommittees, the resources available for SCs and ICs would be diminished.

66. As regards the three proposed policy subcommittees under HC, the Chairman said that as the joint letter only set out three policy areas, the relevant Members would be requested to provide further details so that Members could consider the proposals later. Also, as the three policy areas might fall squarely within the purview of Panels, the relevant Members should consider whether to submit the proposals to HC or to the relevant Panels as appropriate.

67. Mr WU Chi-wai and Mr LAM Cheuk-ting enquired about the resources available for servicing various types of committees, particularly whether resources would be available for servicing SCs or ICs if the number of policy subcommittees in operation reached 10.

68. At the invitation of the Chairman, Secretary General advised that in short HC was invited to decide whether priority should be accorded to the activation of policy subcommittees, SCs or ICs. He invited Members to

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note that the 2020-2021 Legislative Programme contained a total of 20 bills. As the current session was the last session of the Sixth LegCo, it was anticipated that the number of BCs would very likely reach the maximum number of BCs at any one time (i.e. 16) very soon. The Secretariat's manpower resources were sufficient to service up to 10 policy subcommittees. Once 10 policy subcommittees were formed, the Secretariat would have no further resources to service any SC or IC for the time being. The Chairman also reminded Members that Members had agreed to form a total of 17 subcommittees on subsidiary legislation, two new BCs and one subcommittee on Senior Judicial Appointment earlier at this meeting. She further said that to her understanding, if 10 policy subcommittees were in operation at the same time, there would not be sufficient resources for the servicing of any SC or IC unless additional resources were available. She added that based on the past experience, the workload for servicing one SC/IC was about twice that for one policy subcommittee.

69. Mr CHAN Hak-kan and Mr Holden CHOW considered that priority should be accorded to the work relating to people's livelihood. Mr CHAN expressed support for allocating slots to the two policy subcommittees on the waiting list, the Railway Subcommittee and the WKCD Subcommittee. As for the five remaining slots, he suggested allowing more time for Members to coordinate among themselves and to consolidate their proposals for the formation of policy subcommittees. He also considered it desirable if the relevant decision could be made after all the chairmen and deputy chairmen of Panels were elected. Mr CHAN added that if consensus could not be reached on the priority of activation of the proposed policy subcommittees, decision would have to be made by voting. Mr CHOW said that he concurred with Mr CHAN's views, adding that if there had to be a trade-off among various committees, he would prefer focusing on the work relating to anti-epidemic matters and people's livelihood.

70. Mr Jeremy TAM, Mr LAM Cheuk-ting and Mr WU Chi-wai considered it unfair if no resources were allocated to the servicing of SCs. Mr TAM noted that of the three SCs formed pursuant to RoP 20(6), one had been awaiting activation since November 2016 and the other two since December 2017. During that time, a number of policy subcommittees had been formed and they had commenced and completed their work. Mr LAM noted that HC had agreed at its meeting on 14 June 2013 that SC formed pursuant to RoP 20(6) operating at any one time should be capped at one. He considered it unacceptable for

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resources to be allocated to the servicing of policy subcommittees at the expense of SCs. Mr WU suggested that resources be allocated for activating one SC and the three proposed policy subcommittees under HC as the issues proposed to be studied by the latter were epidemic-related.

71. Dr Helena WONG and Mr LEUNG Yiu-chung considered that more resources should be sought from the Government to support the servicing of various types of committees. Dr WONG said that she had no problem with allocating slots to the two policy subcommittees on the waiting list, the Railway Subcommittee and the WKCD Subcommittee. However, she considered that HC should decide on the allocation of the remaining five slots at a later meeting, as Members had yet to consider the respective work plan of the 18 Panels. Mr LEUNG considered that the issues to be studied by the three proposed policy subcommittees under HC were of an urgent nature, and therefore, HC should accord priority to those three subcommittees as soon as possible. Mr LEUNG added that additional resources should be sought from the Administration.

72. Dr Fernando CHEUNG and Mr LAM Cheuk-ting considered it necessary for Members to be better informed about how resources of the Secretariat were being allocated to the servicing of various types of committees. Dr CHEUNG considered it problematic to keep according priority to the Railway Subcommittee and the WKCD Subcommittee, as there were many other policy areas which, in his view, also had a continuous nature, e.g. long-term care. Dr CHEUNG also considered it unreasonable for policy subcommittees to be given a higher priority over the three SCs which had been awaiting activation for several years. Mr LAM reiterated his view that it was unreasonable not to activate the work of SCs when the Quota for policy subcommittees was full. He requested the Secretariat to provide a paper setting out the practice of the allocation of resources to the servicing of various types of committees.

73. In conclusion, the Chairman advised that while The LegCo Commission would continue to endeavour to seek additional resources from the Administration, HC had the duty to decide on how to allocate resources for servicing various types of committees including policy subcommittees, SCs and ICs under the prevailing resource constraints. However, various Members might have different preferences on the priority for the activation of policy subcommittees. Given that the election of chairmen and deputy chairmen of the 18 Panels had not yet completed, Members would be invited to consider the relevant matters at a later meeting, and the Secretariat would provide for Members'

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consideration at that meeting a paper which should include: (a) a full list of proposed policy subcommittees as well as SCs and ICs pending activation; and (b) how the Secretariat's resources were allocated to the servicing of various types of committees.

**XI. Any other business**

74. There being no other business, the meeting ended at 4:44 pm.

Council Business Division 2  
Legislative Council Secretariat  
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