

立法會  
*Legislative Council*

LC Paper No. CB(2)384/20-21

Ref : CB2/H/5/20

**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, 20 November 2020**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon MA Fung-kwok, GBS, 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 Christopher CHEUNG Wah-fung, SBS, 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  
Dr Hon CHENG Chung-tai  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS, JP

**Member 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 WU Chi-wai, MH  
Hon Charles Peter MOK, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Andrew WAN Siu-kin  
Hon LAM Cheuk-ting  
Hon SHIU Ka-chun  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho

**Clerk in attendance :**

Miss Flora TAI	Clerk to the House Committee
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**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
Ms Clara TAM	Acting Senior Assistant Legal Adviser 2
Mr Richard WONG	Acting 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
Mr Mark LAM	Assistant Legal Adviser 7
Mr Cliff IP	Assistant Legal Adviser 8
Miss Connie AU	Senior Council Secretary (2)6
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 5th meeting held on 13 November 2020**  
(LC Paper No. CB(2)332/20-21)

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that Members' concerns on various issues expressed at the last meeting of the House Committee ("HC") held on 13 November 2020 had been relayed to the Chief Secretary for Administration ("CS"). CS had indicated that the Secretary for Food and Health ("SFH") had recently announced a number of new anti-epidemic measures, which included empowering SFH to require certain groups or individuals to undergo COVID-19 testing, tightening social distancing measures, enhancing the testing requirements for exempted persons, and tightening other relevant arrangements. CS had also reiterated that the Administration would enhance communication with Members, and he would be pleased to attend future HC meetings in due course. The Chairman further said that CS had noted that the Chief Executive ("CE") would deliver the Policy Address next week, and he believed that the concerns of Members would then be focused on the content of the Policy Address.

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Anti-epidemic measures

3. Ms Elizabeth QUAT, Mr Michael TIEN, Mr CHAN Han-pan considered that there were loopholes in the existing quarantine procedures for inbound travellers via the Hong Kong International Airport, which had allowed imported cases to spread the COVID-19 virus into the community. Ms QUAT expressed concern about the expected large number of students returning from overseas to Hong Kong during the upcoming holiday season. She considered that the Administration should take bold measures to control the epidemic, e.g. compulsory population-wide testing and "Health Code" system with tracking function. Mr TIEN expressed dissatisfaction that the Administration had stuck with conducting viral tests on deep throat saliva samples, the reliability of which were questionable. He urged the Administration to switch to nasal/throat swab tests instead. Mr CHAN considered it desirable for CS to lead an inter-departmental taskforce to examine the relevant quarantine procedures with a view to plugging the loopholes.

4. Mr SHIU Ka-fai, Ms Alice MAK and Mr Wilson OR expressed concern about the lack of a concrete timeline for reopening the economy. Ms MAK considered that the Administration could learn from the Singapore Government, which had announced that restriction measures could be relaxed if the participation rate of the "TraceTogether" programme reached 70 per cent by the end of December 2020. She urged the Administration to lay out a clear anti-epidemic plan so as to encourage Hong Kong residents to use the "LeaveHomeSafe" mobile application and accept the implementation of compulsory population-wide testing. Mr SHIU considered it not necessary for cross-boundary travel between Hong Kong and Guangdong/Macao to be resumed under reciprocal arrangements. In Mr SHIU's view, given the latest epidemic situation, Guangdong residents could be allowed to enter Hong Kong without being subject to the quarantine requirements, and after the local epidemic situation had stabilized, such exemptions could be made to Hong Kong residents entering Guangdong. Mr OR said that as the Employment Support Scheme ("ESS") would end shortly, he expected the unemployment rate to keep rising. He hoped that the Administration would consider extending ESS.

The fire incident in Yau Ma Tei

5. Mr Vincent CHENG expressed concern about the fatal fire incident in Yau Ma Tei which occurred on 15 November 2020. He hoped that the

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Administration would expeditiously conduct a probe into the incident, and provide assistance to the affected residents who were mainly Nepalese. Mr CHENG said that quite a number of aged buildings in old districts were "three-nils" buildings where fire safety problems were common. He hoped that the Administration would devise assistance measures and provide fire safety facilities for those buildings.

### **III. Business arising from previous Council meetings**

**(a) Legal Service Division report on subsidiary legislation gazetted on 13 November 2020**  

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*(LC Paper No. LS9/20-21)*

6. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on three items of subsidiary legislation (i.e. L.N. 215 to L.N. 217) which were gazetted on 13 November 2020.

7. Members did not raise any questions on the Statute Law (Miscellaneous Provisions) Ordinance 2020 (Commencement) Notice (L.N. 215).

8. Regarding the United Nations Sanctions (Central African Republic) Regulation 2020 (Amendment) Regulation 2020 (L.N. 216) and the United Nations Sanctions (Mali) Regulation 2019 (Amendment) Regulation 2020 (L.N. 217) made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in the Legislative Council ("LegCo") and were not subject to amendment by LegCo, Members agreed that these two Regulations 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.

**(b) Legal Service Division report on subsidiary legislation gazetted on 14 November 2020**  

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*(LC Paper No. LS10/20-21)*

9. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (L.N. 221) which was gazetted on 14 November 2020 and tabled in Council on

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18 November 2020. LA said that the LegCo Brief issued by the Administration on the Regulation had yet to be received, and LSD was scrutinizing the legal and drafting aspects of the Regulation and would report further, if necessary.

10. The Chairman said that the Administration should provide the relevant LegCo Brief as soon as possible upon gazettal of the subsidiary legislation. She would follow up this matter when she met with CS next week.

*(Post-meeting note: The Secretariat has received the English version of the LegCo Brief on the above Regulation in the afternoon on 20 November 2020 after this HC meeting.)*

11. Dr CHIANG Lai-wan and Dr CHENG Chung-tai considered it necessary to form a subcommittee to study the Regulation (L.N. 221) in detail. At the suggestion of the Chairman, Members agreed that the Regulation should be studied by the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease.

12. The Chairman reminded Members that the deadline for amending L.N. 215 and L.N. 221 would be the Council meeting of 16 December 2020, or that of 6 January 2021 if extended by a resolution of the Council.

*(The Chairman left the meeting at this juncture and the Deputy Chairman took over the chair.)*

#### **IV. Further business for the Council meeting of 25 November 2020**

##### **(a) Laying of Papers on the Table of the Council**

**Report No. 3/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
*(LC Paper No. CB(2)334/20-21)*

13. The Deputy Chairman said that the Report covered two items of subsidiary legislation and the period for amending them would expire at the Council meeting of 25 November 2020. No Member had indicated intention to speak on those items of subsidiary legislation.

**(b) The Chief Executive's Policy Address**

14. The Deputy Chairman said that the President had directed that the meeting would be adjourned immediately after CE had delivered the Policy Address.

**V. The Chief Executive's Question and Answer Session on 26 November 2020**

15. The Deputy Chairman said that the CE's Question and Answer Session on the Policy Address would be held on 26 November 2020, from 10:30 am to 12:00 noon.

**VI. Business for the Council meeting of 2 December 2020**

**(a) Questions**

*(LC Paper No. CB(3)141/20-21)*

16. The Deputy Chairman said that a list setting out the Members who had been allocated question slots for the meeting had already been issued to Members.

**(b) Government Bill - First Reading and Second Reading (debate to be adjourned)**

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17. The Deputy Chairman said that no notice had been received yet.

**(c) Government Motion**

18. The Deputy Chairman said that no notice had been received yet.

**(d) Members' Motions**

**Motion on "Supporting the unemployed and underemployed"  
to be moved by Hon CHAN Hak-kan  
*(LC Paper No. CB(3)156/20-21)***

19. The Deputy Chairman said that in addition to the above motion, the motion on "Examining the amendment of the Protection of the Harbour Ordinance and implementing the Kwun Tong Typhoon Shelter reclamation works" to be moved by Mr Paul TSE, which had stood over from previous Council meetings, would also be dealt with at the meeting.

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20. The Deputy Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motion to be moved by Mr CHAN Hak-kan would be Wednesday, 25 November 2020.

Report of HC on Consideration of Subsidiary Legislation

21. The Deputy Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)155/20-21), which contained nine items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 2 December 2020. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 24 November 2020, should they wish to speak on any of those items of subsidiary legislation.

**VII. Reports of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Emergency (Date of General Election) (Seventh Term of the Legislative Council) Regulation**

22. Mr CHEUNG Kwok-kwan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Regulation studied by the Subcommittee was made by CE in Council under section 2(1) of the Emergency Regulations Ordinance (Cap. 241) to postpone the general election to elect members for the seventh term of office of LegCo originally scheduled to be held on 6 September 2020 for one year; to discontinue the relevant electoral procedure; to specify 5 September 2021 as the new election date; and to deal with matters relating to election expenses and election donations, etc. The commencement date of the Regulation was 1 August 2020.

23. Mr CHEUNG further said that the Subcommittee had held three meetings with the Administration. All Members of the pro-establishment camp supported the Regulation, and considered it necessary to postpone the general election amidst the resurged outbreak of COVID-19 in early July this year, in order to alleviate the impact of the epidemic and to protect public health. However, non-establishment Members strongly opposed the postponement of the general election. These Members queried whether the justifications for postponing the general election provided by the Government of the Hong Kong Special Administration Region ("HKSAR Government") were sufficient, and whether the decision to postpone the election was made out of political considerations, rather than based on objective criteria having regard to the situation of the epidemic. They were worried that CE might further postpone the general election on different grounds in the future.



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24. Mr CHEUNG further said that according to the Administration, although the current epidemic situation had eased slightly as compared to July 2020, it had not yet stabilized. Both the rationale for and the timing of postponing the general election involved holistic consideration on a host of factors, including the development of the COVID-19 epidemic, the important and substantive functions performed by LegCo and its annual business cycle, as well as the lead time required for organizing the general election and conducting the voter registration exercise, which would take months to complete. The Administration had stressed time and again that the impact of the epidemic on the election would change with the way the epidemic situation developed, and therefore, it was not practicable to formulate a set of rigid criteria for postponing the general election based on the epidemic situation. The Regulation had specified 5 September 2021 as the new election date. The Constitutional and Mainland Affairs Bureau ("CMAB") would work closely with the Electoral Affairs Commission to ensure that the election be conducted in an open, fair and honest manner in accordance with the relevant legislation. CMAB would also strive to improve the existing electoral arrangements, closely monitor the latest development of the epidemic in assessing its possible impact on the election from now until the general election took place, and formulate various plans in a timely manner.

25. Mr CHEUNG further said that some non-establishment Members had indicated that they would consider proposing amendments to the Regulation or moving a motion to repeal it. The Administration had responded that the Standing Committee of the National People's Congress ("NPCSC") had made an authoritative decision on 11 August 2020. In accordance with the said decision, the sixth term of LegCo was to continue to discharge duties for not less than one year until the seventh term of office of LegCo began. After the seventh term of LegCo was formed in accordance with the law, its term of office remained to be four years. Even if Members sought to repeal the Regulation and the amendment was passed by a resolution of LegCo, the constitutional and legal effect of NPCSC's decision would not be affected. Besides, having regard to the current circumstances, the HKSAR Government would not hold the general election immediately upon the passage of the relevant resolution by LegCo.

26. Mr CHEUNG further said that Members of various political parties and groupings had expressed concern about the arrangements for reimbursement of election expenses to eligible persons or eligible groups. They were worried that some candidates might abuse the payment

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arrangements by making false declarations on election expenses. Therefore, these Members urged the Administration to take all necessary measures to prevent false claims. At the Subcommittee's request, the Administration would provide the Panel on Constitutional Affairs in due course with a report on the overall position on the reimbursement of election expenses, including the follow-up actions taken against suspected false declaration cases.

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

**(b) Report of the Subcommittee on Three Pieces of Subsidiary Legislation Relating to the Commissioning of Heung Yuen Wai Boundary Control Point**

*(LC Paper No. CB(1)233/20-21)*

28. Mr Abraham SHEK, member of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the three items of subsidiary legislation and that neither the Subcommittee nor the Administration would propose any amendments to the three items of subsidiary legislation.

**(c) Report of the Subcommittee on Three Pieces of Subsidiary Legislation Relating to Fees Payable for Marine Fish Culture Licences and Renewal of Livestock Keeping Licences**

*(LC Paper No. CB(1)234/20-21)*

29. Mr Steven HO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr HO said that the Subcommittee supported the three items of subsidiary legislation.

**(d) Report of the Subcommittee on Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2020**

*(LC Paper No. CB(2)335/20-21)*

30. Dr Pierre CHAN, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that members of the Subcommittee generally supported the Amendment Notice and that the Subcommittee would not propose any amendments to the Amendment Notice.

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31. The Deputy Chairman reminded Members that the period for amending the eight items of subsidiary legislation studied by the above four Subcommittees would expire at the Council meeting of 2 December 2020, and that the deadline for giving notice of amendments, if any, would be Wednesday, 25 November 2020.

(e) **Report of the Subcommittee on Five Pieces of Subsidiary Legislation Relating to the Extension of Waivers of Government Fees and Charges to Support the Maritime and Logistics Sectors**

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*(LC Paper No. CB(4)193/20-21)*

32. Mr Abraham SHEK, member of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the five items of subsidiary legislation.

(f) **Report of the Subcommittee on Five Pieces of Subsidiary Legislation on Fee Waiving or Concession Measures to Support the Transport Sector**

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*(LC Paper No. CB(4)196/20-21)*

33. Mr Abraham SHEK, member of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the five items of subsidiary legislation.

(g) **Report of the Subcommittee on Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020**

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*(LC Paper No. CB(4)195/20-21)*

34. Mr Abraham SHEK, member of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the Amendment Regulation.

(h) **Report of the Subcommittee on Employment (Amendment) Ordinance 2020 (Commencement) Notice**

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*(LC Paper No. CB(2)336/20-21)*

35. Mr Abraham SHEK, member of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the Commencement Notice.

### **VIII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)333/20-21)*

36. The Deputy Chairman said that as at 19 November 2020, there were two Bills Committees, 19 subcommittees under HC and one subcommittee on policy issues under a Panel in action. Eleven subcommittees on policy issues were pending activation.

37. The Deputy Chairman further said that at the HC meeting on 6 November 2020, Members had agreed to form a Bills Committee to study the Supplementary Appropriation (2019-2020) Bill. According to rule 21(b) of the House Rules, a Bills Committee should consist of not less than three members. Since less than three Members had signified to join the proposed Bills Committee by the deadline for signification of membership, the proposed Bills Committee could not be formed.

38. Members agreed to rescind HC's earlier decision to form a Bills Committee to study the Supplementary Appropriation (2019-2020) Bill, and did not raise objection to the resumption of the Second Reading debate on the Bill.

39. The Deputy Chairman said that following the latest changes in LegCo Membership, the membership of the Subcommittee on Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2020 and that of the Subcommittee on Census and Statistics (2021 Population Census) Order had each reduced to less than three Members. He then consulted Members as to whether it was necessary for those two Subcommittees to continue operation for scrutiny of the two Orders.

40. Members considered it not necessary for the aforesaid two Subcommittees to continue operation, and agreed that those two Subcommittees be dissolved.

### **IX. Vacancies in the Public Accounts Committee, Committee on Members' Interests and Committee on Rules of Procedure**

*(LC Paper No. CB(4)199/20-21)*

41. Members agreed that an election be conducted at the HC meeting to be held on 27 November 2020 to fill the vacancies in the Public Accounts Committee, the Committee on Members' Interests and the Committee on Rules of Procedure in accordance with the election procedures set out in the paper.

**X. Proposal from four Members for setting up a subcommittee under the House Committee to study issues relating to new directions for economic and employment development**

*(LC Paper No. CB(2)353/20-21(01))*

42. The Deputy Chairman said that should the above proposal be endorsed at this meeting, whether and when the subcommittee could commence work would be subject to HC's consideration and decision on issues relating to how the Secretariat's resources should be allocated to the servicing of various types of committees at a later meeting, which was expected to be held on 4 December 2020.

43. At the invitation of the Deputy Chairman, Mr WONG Kwok-kin, on behalf of the four Members of the Hong Kong Federation of Trade Unions, briefed Members on the proposal for setting up a subcommittee under HC to study issues relating to new directions for economic and employment development, the details of which were set out in the paper. He said that against the background of the Hong Kong economy hard hit by the social unrest over the past year and the current epidemic, the employment market was expected to further deteriorate. Worse, there had long been weaknesses in the overall structure of the Hong Kong economy. Therefore, the four Members considered it imperative to set up a subcommittee to study the causes of the economic difficulties, to find solutions and to make recommendations. Mr WONG added that the proposed work plan straddled a number of policy bureaux and Panels, and therefore, it was desirable for the proposed subcommittee to be set up under HC. He called on Members to support the early commencement of the proposed subcommittee.

44. Dr CHIANG Lai-wan considered it necessary to study issues relating to the economic and employment situation of Hong Kong. However, she noted that the Panel on Commerce and Industry had already appointed a subcommittee to study issues relating to the stimulation of Hong Kong's economy, and she wondered whether there would be overlapping of work between the two subcommittees.

45. The Deputy Chairman said that to his understanding, the subcommittee set up under the Panel on Commerce and Industry put more emphasis on the economy, whereas the subcommittee proposed by the four Members focused more on employment. He added that should HC's endorsement be given to the proposed subcommittee at this meeting,

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Members might further consider how resources should be allocated to various subcommittees pending activation at the HC meeting to be held on 4 December 2020.

46. Dr CHIANG Lai-wan said that Members of the Democratic Alliance for the Betterment and Progress of Hong Kong supported the proposal from the four Members.

47. Mr Abraham SHEK said the Members of the Business and Professionals Alliance for Hong Kong supported the proposal from the four Members.

48. The Deputy Chairman concluded that as no Members raised objection, HC's endorsement would be given to the proposal from the four Members for setting up a subcommittee under HC to study issues relating to new directions for economic and employment development.

**XI. Any other business**

49. There being no other business, the meeting ended at 3:10 pm.