

立法會
Legislative Council

LC Paper No. CB(2)489/20-21

Ref : CB2/H/5/20

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, 4 December 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
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 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 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 CHAN Han-pan, BBS, JP

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
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 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

Action

I. Confirmation of minutes of meeting

Minutes of 7th meeting held on 27 November 2020

(LC Paper No. CB(2)427/20-21)

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' views and concerns on various issues expressed at the last meeting of the House Committee ("HC") held on 27 November 2020 had been relayed to the Chief Secretary for Administration ("CS"). CS had noted Members' views and indicated that the Administration attached great importance to the relationship between the Executive Authorities and the Legislature. The Chief Executive had made it clear during the Chief Executive's Question and Answer Session held on 26 November 2020 that relevant arrangements would be taken forward. CS had also indicated that the Administration had given due regard to Members' views and decided to withdraw all the staff establishment proposals awaiting scrutiny, and would review them individually. The Administration would make an overall review of these and other staff establishment proposals. If any of the posts was confirmed to be absolutely necessary, the Administration would only seek to create initially time-limited supernumerary posts for the related duties.

Vaccines for coronavirus disease 2019 ("COVID-19")

3. Ir Dr LO Wai-kwok, Ms Elizabeth QUAT, Mr LUK Chung-hung, Mr Holden CHOW and Mr Jeffrey LAM expressed concern about the progress in procuring COVID-19 vaccines and the timetable for administering those vaccines to members of the public. These Members took the view that given significant progress in vaccine development/procurement in various places such as the Mainland, the United Kingdom and Macao, the Administration should endeavour to release more information and to arrange vaccination for members of the public at the earliest possible time. Besides, the Mainland had authorized emergency use of vaccines developed on the Mainland, and the Administration should therefore enhance communication with the Mainland authorities and explore options for such emergency use of

COVID-19 vaccines in Hong Kong. Mr LUK urged the Administration to expeditiously make vaccines available for those Hong Kong residents who had a genuine need to travel to the Mainland for work. Ms QUAT considered that Hong Kong residents, after getting vaccinated, should be granted a "Health Code" to facilitate their travel between Hong Kong and the Mainland.

4. Dr CHENG Chung-tai said that there had been a number of fatal cases following influenza vaccination in South Korea a few months ago. Therefore, he considered that the Administration should not rush into procuring COVID-19 vaccines or administering those vaccines to members of the public. In his view, the more pressing problem was how to alleviate the financial difficulties encountered by enterprises and individuals in the next few months, and so the Administration should launch new relief measures shortly.

Other anti-epidemic measures

5. Mr SHIU Ka-fai and Mr Jeffrey LAM expressed concern that the "LeaveHomeSafe" mobile application had not yet been widely used by members of the public, rendering the tracing of confirmed cases and their close contacts ineffective. In their view, the Administration should consider making it mandatory for members of the public to install and use the mobile application. Mr SHIU also noted that only a limited number of specimen bottles for COVID-19 tests were available for daily distribution at Post Offices, and members of the public might need to wait a few days for the test results. He urged the Administration to improve the relevant arrangements.

6. Dr Junius HO and Ms Elizabeth QUAT urged the Administration to take forward population-wide compulsory testing. Dr HO considered that it was the right time for the Administration to conduct population-wide compulsory testing, given that face-to-face classes in schools were being suspended, civil servants were working from home, and the Administration had urged employers in the private sector to allow their staff to work from home. He also considered that upon the completion of the population-wide compulsory testing, the "Health Code" system could be implemented for relaunching Hong Kong's economy.

7. Mr Michael TIEN expressed support for the Administration's plan to require inbound travellers arriving in Hong Kong to be quarantined in designated hotels. However, he considered that the Administration

should refine the plan by coordinating the provision of meals for those inbound travellers during the quarantine period, such that guesthouses without in-house catering facilities could also be used as designated quarantine facilities. He also urged the Administration to arrange designated vehicles to transport those inbound travellers to the designated hotels.

8. Mr Steven HO said that following the latest legislative amendment, the number of persons allowed in group gatherings in public places had been reduced from four to two. He was worried that such restriction would affect the operation of small vessels used for leisure fishing, e.g. one vessel operator providing service for two passengers would be prohibited. He urged the Administration to provide assistance to operators of small pleasure vessels.

9. The Chairman said that Members' views would be relayed to CS and Members could also follow up their issues of concern through the relevant Panel(s).

III. Business arising from previous Council meetings

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

1. Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill (LC Paper No. LS13/20-21)

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

11. Dr Priscilla LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Dr Priscilla LEUNG, Ms Alice MAK, Ms Elizabeth QUAT, Dr Junius HO and Dr CHENG Chung-tai.

2. Stamp Duty (Amendment) Bill 2020
(LC Paper No. LS16/20-21)

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

13. Mr Tony TSE considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Tony TSE agreed to join the proposed Bills Committee.

(b) Legal Service Division report on subsidiary legislation gazetted on 25 November 2020

(LC Paper No. LS14/20-21)

14. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Public Revenue Protection (Stamp Duty) Order 2020 (L.N. 231) which was gazetted on 25 November 2020 and tabled in Council on 2 December 2020.

15. Members did not raise any questions on the above Order.

(c) Legal Service Division report on subsidiary legislation gazetted on 27 November 2020

(LC Paper No. LS15/20-21)

16. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on three items of subsidiary legislation (i.e. L.N. 232 to L.N. 234) which were gazetted on 27 November 2020 and tabled in Council on 2 December 2020.

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

(d) Legal Service Division report on subsidiary legislation gazetted on 1 December 2020

(LC Paper No. LS19/20-21)

18. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 14) Regulation 2020 (L.N. 235) which was gazetted on 1 December 2020 and tabled in Council on 2 December 2020.

19. Dr CHENG Chung-tai considered it necessary to study the above Regulation 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.

20. The Chairman reminded Members that the deadline for amending the above five items of subsidiary legislation (i.e. L.N. 231 to L.N. 235) would be the Council meeting of 16 December 2020, or that of 20 January 2021 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 9 December 2020

Report No. 5/20-21 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

21. The Chairman said that the above draft Report, which covered two items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 9 December 2020, had been issued to Members. No Member had indicated intention to speak on any of those items of subsidiary legislation.

22. The Chairman further said that in view of the severe outbreak of COVID-19 in Hong Kong, the President had decided that the meeting would be adjourned after dealing with items with legislative effect.

V. Business for the Council meeting of 16 December 2020

(a) Questions
(*LC Paper No. CB(3)195/20-21*)

23. The 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)

24. The Chairman said that the Immigration (Amendment) Bill 2020 would be introduced into the Council at the meeting and HC would consider the Bill at its meeting on 18 December 2020.

(c) **Government Motion**

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

(d) **Members' Motions**

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

27. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the two Members' motions originally scheduled to be dealt with at the meeting, i.e. the motion on "Developing Hong Kong into a regional professional services hub" to be moved by Ir Dr LO Wai-kyok and the motion on "Seizing the opportunities to improve governance" to be moved by Mr CHEUNG Kwok-kwan, would be Wednesday, 9 December 2020.

Report of HC on Consideration of Subsidiary Legislation

28. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)198/20-21), which contained 12 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 16 December 2020. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 8 December 2020, should they wish to speak on any of those items of subsidiary legislation.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)428/20-21)

29. The Chairman said that as at 3 December 2020, there were two Bills Committees, three subcommittees under HC and one subcommittee on policy issues ("policy subcommittee") under a Panel in action. Fifteen policy subcommittees were pending activation.

VII. Matters for consideration on resources allocation to the servicing work of investigation committees, select committees and subcommittees on policy issues in the 2020-2021 session

(LC Paper No. CB(2)430/20-21)

30. The Chairman invited Members to note the resources constraints encountered by the Secretariat and other relevant factors for consideration in relation to how resources should be allocated to the servicing work of investigation committees ("ICs"), select committees formed by a petition ("SCs by petition") and policy subcommittees in the 2020-2021 session, the details of which were set out in paragraphs 4 to 9 of the paper. The Chairman said that in gist, the Secretariat's manpower resources were sufficient to service up to 10 policy subcommittees at any one time. As there was currently only one policy subcommittee in operation, there would be nine vacant slots available for activation of policy subcommittees. If 10 policy subcommittees were activated at the same time, the Secretariat would have no further resources to service any IC or SC by petition for the time being. Alternatively, if resources were committed to the work of three ICs and one SC by petition, the Secretariat's resources could only service one more policy subcommittee. The Chairman suggested that Members be invited to indicate their preference, in writing, concerning which of the above committees should be supported for immediate activation, and those options that received the most support would be taken as endorsed by HC. Members agreed.

31. Ir Dr LO Wai-kwok enquired whether a circular attaching a list setting out all the relevant committees would be issued to Members for them to indicate their preference. The Chairman replied in the affirmative, adding that pursuant to Members' agreement at the HC meeting on 14 June 2013, the number of SCs by petition operating at any one time should be capped at one. Therefore, the list to be sent to Members would contain the three ICs, the first SC by petition on the waiting list and the 15 policy subcommittees pending activation/re-activation set out respectively in Tables (A) to (C) of the Appendix to the paper. The Chairman further said that in terms of the resources required, one IC/SC by petition would be equivalent to two policy subcommittees. Therefore, if resources were allocated to the servicing work of any IC or SC by petition, the slots available for the activation of policy subcommittees would be reduced accordingly. Members raised no other questions.

VIII. Vacancy in the Disaster Relief Fund Advisory Committee
(LC Paper No. CB(2)429/20-21)

32. Members agreed that an election be conducted at the HC meeting on 11 December 2020 to fill the vacancy in the Disaster Relief Fund Advisory Committee in accordance with the election procedure set out in the paper.

IX. Any other business

33. There being no other business, the meeting ended at 3:01 pm.

Council Business Division 2
Legislative Council Secretariat
9 December 2020