

立法會
Legislative Council

LC Paper No. CB(2)857/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 26 February 2021**

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 CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Jimmy NG Wing-ka, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding

Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP

Member absent :

Hon Christopher CHEUNG Wah-fung, SBS, 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 Dora WAI	Deputy Secretary General (Council and Corporate Services)(Designate)
Ms Anita SIT	Assistant Secretary General 1
Ms Miranda HON	Assistant Secretary General 3
Ms Angel WONG	Acting Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Ms Clara TAM	Acting Senior Assistant Legal Adviser 2
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
Mr Mark LAM	Assistant Legal Adviser 7
Miss Evelyn LEE	Assistant Legal Adviser 10
Ms Alice LEUNG	Chief Council Secretary (2)5
Miss Connie AU	Senior Council Secretary (2)5

Mr Richard WONG	Senior Council Secretary (2)6
Miss Michelle TANG	Council Secretary (2)5
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)6

Action

I. Confirmation of minutes of meeting

Minutes of 13th meeting held on 19 February 2021
(LC Paper No. CB(2)804/20-21)

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 at her last meeting with the Chief Secretary for Administration ("CS"), she had reflected to CS the relevant details of various items that had been dealt with at the last House Committee ("HC") meeting.

3. The Chairman further said that CS had indicated to her that as the relevant Bureaux had planned to present several bills at the Council meeting of 24 March 2021 for First Reading and Second Reading, he hoped that HC could deal with the relevant bills as soon as possible. The Chairman invited members to note that taking into consideration the schedule of HC meetings, she would convene a regular HC meeting on 26 March 2021 to consider those bills.

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. Arbitration (Amendment) Bill 2021
(LC Paper No. LS38/20-21)

4. 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.

5. Members considered it not necessary to form a Bills Committee to study the Bill and did not raise objection to the resumption of the Second Reading debate on the Bill.

2. Employees' Compensation (Amendment) Bill 2021
(LC Paper No. LS39/20-21)

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

7. Dr CHENG Chung-tai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Dr CHENG Chung-tai and Mr Vincent CHENG agreed to join the proposed Bills Committee.

3. Road Traffic (Amendment) Bill 2021
(LC Paper No. LS40/20-21)

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

9. Mr CHAN Hak-kan considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr CHAN Hak-kan, Ms Elizabeth QUAT and Dr CHENG Chung-tai agreed to join the Bills Committee.

(b) Legal Service Division report on subsidiary legislation gazetted on 19 February 2021

(LC Paper No. LS37/20-21)

10. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on four items of subsidiary legislation (i.e. L.N. 20 to L.N. 23) which were gazetted on 19 February 2021 and tabled in Council on 24 February 2021. Members noted that LSD was scrutinizing the legal and drafting aspects of L.N. 20 and L.N. 21 and would report further, if necessary.

11. Members did not raise any questions on the above four items of subsidiary legislation.

(c) Legal Service Division report on subsidiary legislation gazetted on 23 February 2021

(LC Paper No. LS43/20-21)

12. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on seven items of subsidiary legislation (i.e. L.N. 24 to L.N. 30) which were gazetted on 23 February 2021 and tabled in Council on 24 February 2021.

13. Dr CHENG Chung-tai considered it necessary to study the Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) Regulation 2021 (L.N. 24), the Prevention and Control of Disease (Disclosure of Information) (Amendment) Regulation 2021 (L.N. 25), the Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) Regulation 2021 (L.N. 26), the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) Regulation 2021 (L.N. 27), the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) Regulation 2021 (L.N. 28), the Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2021 (L.N. 29) and the Prevention and Control of Disease (Wearing of Mask) (Amendment) Regulation 2021 (L.N. 30) in detail. At the suggestion of the Chairman, Members agreed that the above seven items of subsidiary legislation should be studied by the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease.

14. The Chairman reminded Members that the deadline for amending the above 11 items of subsidiary legislation (i.e. L.N. 20 to L.N. 30) would be the Council meeting of 24 March 2021, or that of 21 April 2021 if extended by a resolution of the Council.

(d) Legal Service Division report on subsidiary legislation gazetted on 24 February 2021

(LC Paper No. LS44/20-21)

15. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Public Revenue Protection (Revenue) Order 2021 (L.N. 31) which was gazetted on 24 February 2021 and would be tabled in Council on 17 March 2021. LA said that LSD was scrutinizing the legal and drafting aspects of L.N. 31 and would report further, if necessary.

16. Mr SHIU Ka-fai considered it necessary to study the Order in detail. Members agreed. Mr Frankie YICK, Mr SHIU Ka-fai and Dr CHENG Chung-tai agreed to join the subcommittee.

17. The Chairman reminded Members that the deadline for amending the Order would be the Council meeting of 24 March 2021, or that of 5 May 2021 if extended by a resolution of the Council.

IV. Advance information on business for the Council meeting of 17 March 2021

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

18. The Chairman said that the Administration would present the Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021 to the Council at the meeting, and HC would consider the Bill at its meeting on 19 March 2021.

(b) Government Motions

- 1. Proposed resolution under the Employees' Compensation Ordinance to be moved by the Secretary for Labour and Welfare**
- 2. Proposed resolution under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance to be moved by the Secretary for Labour and Welfare**
- 3. Proposed resolution under the Occupational Deafness (Compensation) Ordinance to be moved by the Secretary for Labour and Welfare**

(LC Paper No. CB(3)355/20-21)

(LC Paper No. LS42/20-21)

19. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above three proposed resolutions.

20. Members did not raise any questions on the above three proposed resolutions and had no objection to the Administration moving the three proposed resolutions at the Council meeting of 17 March 2021.

4. Proposed resolution under the Public Finance Ordinance to be moved by the Secretary for Financial Services and the Treasury

(LC Paper No. CB(3)365/20-21)

(LC Paper No. LS45/20-21)

21. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above proposed resolution.

22. Members did not raise any questions on the above proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 17 March 2021.

(c) Member's Bill - First Reading and Second Reading (debate to be adjourned)

23. The Chairman said that Ms Alice MAK would present the Waterworks (Waterworks Regulations) (Amendment) Bill 2021 to the Council at the meeting, and HC would consider the Bill at its meeting on 19 March 2021.

V. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Sex Discrimination (Amendment) Bill 2020

(LC Paper No. CB(2)806/20-21)

24. Ms Alice MAK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Ms MAK said that the Administration would propose amendments to the Bill to further amend the Sex Discrimination Ordinance (Cap. 480) to replace references to "sexual harassment" and "sexually harass" by "harassment" and "harass" in the new provisions (i.e. section 23A (sexual harassment at workplace) and section 39A (sexual harassment by clubs)) introduced by the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 such that relevant provisions of the amended Cap. 480 would apply to both sexual harassment and harassment of breastfeeding women. Members of the Bills Committee raised no objection to these proposed amendments.

25. Ms MAK informed Members that the Bills Committee supported the resumption of the Second Reading debate on the Bill and that the Administration had indicated its intention to resume the Second Reading debate on the Bill at the Council meeting of 17 March 2021.

26. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the Bill would be Monday, 8 March 2021.

(b) Report of the Subcommittee on Insurance (Amendment) Ordinance 2020 (Commencement) Notice and Insurance (Special Purpose Business) Rules

(LC Paper No. CB(1)607/20-21)

27. Mr WONG Ting-kwong, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr WONG said that neither the Subcommittee nor the Administration would propose amendments to the two items of subsidiary legislation.

28. The Chairman reminded Members that the period for amending the two items of subsidiary legislation would expire at the Council meeting of 17 March 2021, and that the deadline for giving notice of amendments, if any, would be Wednesday, 10 March 2021.

VI. Position on Bills Committees and subcommittees
(LC Paper No. CB(2)805/20-21)

29. The Chairman said that as at 25 February 2021, there were six Bills Committees, three subcommittees under HC and 10 subcommittees on policy issues under Panels in action. Six subcommittees on policy issues were on the waiting list.

VII. Paper of the Committee on Rules of Procedure

Review of the Rules of Procedure and House Rules – First batch of proposed amendments

(LC Paper No. CROP46/20-21)

30. At the invitation of the Chairman, Mr Paul TSE, Chairman of the

Committee on Rules of Procedure ("CRoP") said that since the commencement of the 2020-2021 session of the Sixth Legislative Council ("LegCo"), CRoP had been examining proposals submitted by Members to amend the Rules of Procedure ("RoP") and House Rules ("HR"). Except for individual proposals which had to be further studied, CRoP had decided to take forward the remaining proposals and three consultation exercises had been conducted on those proposals separately. Following the consultation exercises, CRoP agreed to submit to HC for endorsement the first batch of proposed amendments to RoP and HR which had received sufficient support from Members ("the Proposed Amendments"). Mr TSE briefed Members on the Proposed Amendments which were divided into eight groups the details of which were set out in Proposals 1 to 8 of the paper. Regarding Proposal 1 on sanction against grossly disorderly conduct of Members, Mr TSE highlighted that if the motion to suspend a Member from the service of LegCo for the period of time specified in that motion was carried, the Member suspended would be prohibited from participating in all business of the Council and, subject to making necessary amendments to the relevant legislation, the remuneration of that Member (including allowances and end-of-service gratuity) would be withheld for the specified period of suspension on a pro-rata basis.

31. Dr Priscilla LEUNG said that she strongly supported the Proposed Amendments, albeit they had come rather belatedly. She stressed that the purpose of the Proposed Amendments was not to make RoP more stringent but rather to improve RoP. Dr LEUNG further said that she had been a CRoP member for three LegCo terms in a row and since the Fourth LegCo, CRoP had been discussing matters relating to the proposed mechanisms on imposing sanctions against Members' misconduct during meetings. However, a consensus could not be reached by CRoP members on the subject until recently. Dr LEUNG considered it reasonable to have different levels of sanction under the proposed sanction as detailed in Proposal 1 to deal with the various types of grossly disorderly conduct committed by Members as appropriate, and in her view, the proposed sanction could help reduce the need to ask for the assistance of the Police to deal with such cases.

32. Mr YIU Si-wing said that it had become increasingly prevalent in recent years for Members of the opposition camp and the "mutual destruction camp" to abuse RoP with a view to paralyzing the operation of LegCo. He criticized these Members for obstructing LegCo's scrutiny of Government's bills and funding proposals and making the Government a "lame duck". Mr YIU further said that this had made Hong Kong lag

behind other countries/places in the region, in particular other cities on the Mainland. He was in support of the Proposed Amendments in general as they could address the above problems. However, he considered that the proposed sanction against the grossly disorderly conduct of Members (i.e. prohibition from participation in all business of the Council and imposition of a financial penalty for the period of suspension) might be rather severe.

33. Mr Tony TSE expressed support in principle for the Proposed Amendments to plug the loopholes in RoP. However, he considered that the proposed time limit for each Member to speak (i.e. 5 minutes) in certain types of debates (including motions to amend/repeal subsidiary legislation, motions to impeach the Chief Executive and motions to amend the Basic Law) was a bit short. He wondered whether the speaking time limit for each Member in debates on certain types of motions with legislative/binding effect could be set at 7 minutes instead of 5 minutes. In his view, it might not be necessary to shorten the speaking time of individual Members to 5 minutes if the overall debate time had been capped. Referring to Proposal 8 on the proposed amendment to HR 21(c) in relation to the formation of a Bills Committee ("BC") or a subcommittee ("SC") to study subsidiary legislation, Mr TSE enquired whether, if a Member could not attend the relevant HC meeting at which a bill or an item of subsidiary legislation was considered by HC, the Member concerned could write to the HC Chairman before the relevant HC meeting to indicate his/her interest in joining a BC or SC on subsidiary legislation.

34. The Chairman responded that under the amended HR 21(c), a BC or SC to study subsidiary legislation would only be formed when not less than three Members had indicated their interest in joining the BC/SC concerned at the relevant HC meeting. It would be acceptable for a Member who could not attend the relevant HC meeting to indicate his/her interest in joining the BC/SC concerned by writing to the HC Chairman prior to the meeting. The Member concerned could also ask another Member who would be attending the relevant HC meeting to indicate his/her interest on his/her behalf.

35. Mr CHEUNG Kwok-kwan said that Members of the Democratic Alliance for the Betterment and Progress of Hong Kong supported the Proposed Amendments. He considered that there was a genuine need to review and amend the relevant provisions of RoP and HR to ensure the smooth and efficient operation of the Council. Mr CHEUNG further said that he had put forth Proposal 7 to specify that debates on motions

under Article 73(5) and (10) of the Basic Law or section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the relevant motions") would take place after debates on individual Members' motions not intended to have legislative effect, unless HC's prior endorsement for according priority to the debates on such motions had been obtained. He stressed that the proposal was to ensure that Members would be given a fair chance to move motions not intended to have legislative effect in the Council and to prohibit Members from "jumping the queue" by proposing the relevant motions.

36. Ms Alice MAK said that Members of the Hong Kong Federation of Trade Unions supported the Proposed Amendments. She said that disruptions to the operation of LegCo over the past years had affected the development of Hong Kong and a number of proposals in the Proposed Amendments, including the proposed sanction against grossly disorderly conduct of Members, were actually responding to the public's call for improvements in RoP. Noting that the Proposed Amendments were the first batch of amendments put forth by CRoP, Ms MAK hoped that CRoP could expedite the consideration of other proposed amendments to RoP and HR, in particular those concerning the election of chairman and deputy chairman of committees, in order to further improve the rules and procedures of LegCo.

37. Mr Tommy CHEUNG said that Members of the Liberal Party were also in support of the Proposed Amendments. He said that over the past few years, Members of the "mutual destruction camp" had employed all sorts of tactics to disrupt the operation of LegCo so as to achieve "mutual destruction". He stressed that there should be an appropriate balance between upholding the rights of Members to speak and ensuring the efficient disposition of Council business. Mr CHEUNG further said that by imposing a 5-minute speaking time limit on most motion debates, Members would be encouraged to make concise speeches. He called on Members to support the Proposed Amendments although he understood that some Members might have slightly different views regarding the details of individual proposals.

38. Mrs Regina IP said that Members of the New People's Party fully supported the Proposed Amendments in order to improve the efficiency of the Legislature and especially in considering bills relating to the livelihood of people. As a LegCo Member for the past 13 years, Mrs IP considered that the problems arising from the grossly disorderly conduct of Members at meetings of the Council and committees had become more and more serious. The situation had improved only recently after

Members of the "mutual destruction camp" had ceased to be LegCo Members. She stressed that those problems relating to the filibustering of Members must be resolved without delay to ensure the effective use of the Council's time.

39. The Chairman invited Members to (a) endorse Proposals 1 to 5; and (b) approve Proposals 6 to 8 and the relevant proposed amendments to HR in Appendices IV to VI of the paper. All Members present agreed.

40. The Chairman informed Members that in respect of Proposals 1 to 5 endorsed by HC, the CRoP Chairman would move a proposed resolution at the Council meeting of 24 March 2021 to amend the relevant provisions of RoP, and that the deadline for giving notice of amendments, if any, to the proposed resolution would be Wednesday, 17 March 2021. Subject to the passage of the resolution, proposed consequential amendments to the relevant provisions of HR would be submitted to HC for Members' consideration. The Chairman also reminded Members that Proposals 6 to 8 and the relevant proposed amendments to HR in Appendices IV to VI of the paper would take immediate effect upon the approval of HC.

VIII. Any other business

41. The Chairman said that this meeting was the last HC meeting attended by the Deputy Secretary General ("DSG"). She said that DSG had always done her best and had devoted a substantial amount of time and efforts to LegCo. On behalf of Members, she thanked DSG for her dedication and contributions to LegCo over the past many years. The Chairman wished DSG a happy retirement. Mr Paul TSE also expressed appreciation for the efforts of DSG over the years and wished her a happy life after retirement.

42. There being no other business, the meeting ended at 3:18 pm.