

立法會
Legislative Council

LC Paper No. CB(2)885/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 12 March 2021**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
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 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
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

Members absent :

Hon MA Fung-kwok, GBS, JP (Deputy Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon Pierre CHAN

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
Ms Dora WAI	Deputy Secretary General (Council and Corporate Services)
Ms Anita SIT	Assistant Secretary General 1
Ms Miranda HON	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 Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr Mark LAM	Assistant Legal Adviser 7
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 14th meeting held on 26 February 2021
(LC Paper No. CB(2)857/20-21)

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 her last meeting with the Chief Secretary for Administration ("CS") was held on 1 March 2021, at which she had informed CS that regarding the review of the Rules of Procedure ("RoP") and House Rules ("HR"), the House Committee ("HC") had endorsed the first batch of proposed amendments, including suspending a Member from the service of the Council for his grossly disorderly conduct. She had also told CS that subject to making necessary amendments to the relevant legislation, a financial penalty would be imposed on the suspended Member for the period of suspension. CS had indicated that the Administration would fully cooperate in the relevant follow-up work, and would present the relevant Bill to the Legislative Council ("LegCo") after studying the aforesaid amendment.

3. The Chairman further said that she had also told CS that there would only be 10-odd Council meetings in the remainder of the current legislative session, and she hoped that the Administration would seize the time to follow through the Legislative Programme and present the remaining Bills which required LegCo's scrutiny within this legislative session as soon as possible. CS had advised that the Administration fully understood that the legislative timetable was tight, and would therefore race against time with a view to working hand in hand with LegCo to follow through the Legislative Programme of the current session.

4. Mr Michael TIEN said that the MTR Corporation Limited had indicated earlier that there would be financial difficulty for the 20% fare discount to be extended beyond March 2021. He hoped that the Chairman would relay to CS his concern about whether the Administration would provide additional funding for the MTR Corporation Limited to extend the 20% fare discount for three more months.

5. The Chairman said that Members should not express views on matters which fell within the purview of Panels under this agenda item. She suggested that Mr Michael TIEN could follow up such matter through other channels, such as the Subcommittee on Matters Relating to Railways and the Panel on Transport, if he so wished.

III. Legal Service Division report on subsidiary legislation gazetted on 5 March 2021

(LC Paper No. LS47/20-21)

6. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on two items of subsidiary legislation (i.e. L.N. 33 and L.N. 34) which were gazetted on 5 March 2021 and would be tabled in Council on 17 March 2021.

7. Members did not raise any questions on the two items of subsidiary legislation.

8. Members noted that the deadline for amending the two items of subsidiary legislation would be the Council meeting of 24 March 2021.

IV. The Chief Executive's Question Time on 17 March 2021

9. The Chairman said that the Chief Executive's Question Time would be held from 11:00 am to 11:30 am, and the regular Council meeting of 17 March 2021 would be held immediately after the Chief Executive's Question Time ended.

V. Business for the Council meeting of 17 March 2021

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

Report No. 13/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)859/20-21)

10. The Chairman said that the Report covered two items of subsidiary legislation and the period for amending them would expire at the Council meeting of 17 March 2021. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(b) **Questions**

(LC Paper No. CB(3)392/20-21)

11. The Chairman said that the questions approved by the President to be asked at the meeting had already been issued to Members.

(c) **Government Bills - First Reading and Second Reading (debate to be adjourned)**

1. **Employment (Amendment) Bill 2021**
2. **Revenue (First Registration Tax and Licence Fees for Motor Vehicles) Bill 2021**
3. **Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021**
4. **Revenue (Stamp Duty) Bill 2021**
5. **Revenue (Tax Concessions) Bill 2021**

12. The Chairman said that HC would consider the above five Bills at its meeting on 19 March 2021.

(d) **Government Bills - Second Reading (debate to resume), consideration by committee of the whole Council and Third Reading**

1. **Arbitration (Amendment) Bill 2021**
2. **Stamp Duty (Amendment) Bill 2020**
3. **Sex Discrimination (Amendment) Bill 2020**

13. The Chairman said that the Second Reading debates on the above three Bills would be resumed at the meeting.

(e) **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)

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)

14. The Chairman said that the above four proposed resolutions would be dealt with at the meeting.

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

15. The Chairman said that the Waterworks (Waterworks Regulations) (Amendment) Bill 2021 would be presented to the Council at the meeting, and HC would consider the Bill at its meeting on 19 March 2021.

(g) Members' Motions

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

VI. Business for the Council meeting of 24 March 2021

(a) Questions
(LC Paper No. CB(3)382/20-21)

17. 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)

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

(c) Government Motions

1. Motion on taking forward the follow-up tasks of implementing co-location arrangement at the Huanggang Port to be moved by the Secretary for Security
(LC Paper No. CB(3)384/20-21)

19. The Chairman informed Members that in accordance with RoP 36(5), the speaking time limit for each Member at the debate was 15 minutes.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motion would be Wednesday, 17 March 2021.

2. Proposed resolution under the Buildings Ordinance to be moved by the Secretary for Development
(LC Paper No. CB(3)383/20-21)
(LC Paper No. LS46/20-21)

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

22. Mr CHAN Han-pan considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Steven HO (as advised by Mr CHAN Han-pan), Mr CHAN Han-pan, Dr Junius HO and Mr CHEUNG Kwok-kwan.

23. The Chairman took the opportunity to remind Members that in accordance with the current HR 21(c) and 26(f), a subcommittee under HC would only be formed when not less than three Members indicated their interest in joining that subcommittee at the relevant HC meeting. The Chairman then said that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the subcommittee to carry out its scrutiny work.

(d) Members' Motions

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

Report of HC on Consideration of Subsidiary Legislation

25. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)389/20-21), which contained 18 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 24 March 2021. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 16 March 2021, should they wish to speak on any of those items of subsidiary legislation.

VII. Reports of Bills Committees and subcommittees

Fifth report of the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease

26. Dr CHIANG Lai-wan, Chairman of the Subcommittee, made a verbal report on the Subcommittee's deliberations. She said that after the submission of the Subcommittee's fourth report to HC on 29 January 2021, the Subcommittee had held one meeting with the Administration and completed scrutiny of eight items of subsidiary legislation relating to the prevention and control of disease.

27. Dr CHIANG further said that members of the Subcommittee had requested the Administration to take measures to monitor the testing standard of the testing institutions and raise the testing capacity with a view to coping with the demand. Besides, some members of the Subcommittee had hoped that the Administration could explore whether travel restrictions could be relaxed and assist Hong Kong residents stranded overseas to return to Hong Kong.

28. Dr CHIANG further advised that regarding the requirement made by the Administration that a person responsible for carrying on a catering business should ensure that members of the public had scanned the "LeaveHomeSafe" QR code or registered their contact information before they were allowed to enter the catering premises concerned, members of the Subcommittee had expressed concern on whether the Administration had conducted any enforcement actions including inspections. With regard to the requirement made by the Administration that dedicated staff

should be arranged in catering premises for clearing tables and the Administration's plan to make requirements on the amount of fresh air inside catering premises, members of the Subcommittee were concerned about the implementation details and the impact of these measures on the catering sector. Some members of the Subcommittee had requested the Administration to review the current requirement that allowed members of the public to remove their masks to eat or drink when they were on board public transport carriers, and to explore whether live performances with performers wearing masks could be allowed at catering premises. In addition, there were concerns about issues including the severe adverse events that had been encountered by some members of the public after receiving the coronavirus disease 2019 vaccination and the operational arrangements for the Community Vaccination Centres.

29. Dr CHIANG informed Members that the Subcommittee would not propose any amendments to these eight items of subsidiary legislation, and would submit a written report in due course.

30. The Chairman reminded Members that the period for amending the eight items of subsidiary legislation covered in the above Subcommittee's report would expire at the Council meeting of 24 March 2021, and that the deadline for giving notice of amendments, if any, would be Wednesday, 17 March 2021.

VIII. Position on Bills Committees and subcommittees (*LC Paper No. CB(2)858/20-21*)

31. The Chairman said that as at 11 March 2021, there were seven 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.

IX. Any other business

32. There being no other business, the meeting ended at 2:46 pm.