

立法會
Legislative Council

LC Paper No. CB(2)905/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 16th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 19 March 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 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

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
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
Ms Doreen WAN	Assistant Legal Adviser 9
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
Miss Meisy KWOK	Legislative Assistant (2)5

Action

I. Confirmation of minutes of meeting

Minutes of 15th meeting held on 12 March 2021

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

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"), CS had advised that as soon as the Standing Committee of the National People's Congress ("NPCSC") had completed the amendments to Annex I and Annex II to the Basic Law ("BL") to implement the Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region ("NPC's Decision"), the Hong Kong Special Administrative Region ("HKSAR") Government would press ahead with the work to amend the relevant local legislation at full speed and would closely cooperate with the Legislative Council ("LegCo") in the scrutiny of the relevant bill.

3. The Chairman further said that the Chief Executive ("CE") had written to the President on Wednesday (17 March 2021) in respect of the above matter and the letter would be dealt with under agenda item VI.

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. Employment (Amendment) Bill 2021
(LC Paper No. LS50/20-21)

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. Mr POON Siu-ping 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: Ms Starry LEE, Mr POON Siu-ping, Mr LUK Chung-hung and Dr CHENG Chung-tai.

2. Revenue (First Registration Tax and Licence Fees for Motor Vehicles) Bill 2021

(LC Paper No. LS49/20-21)

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

7. Mr Frankie YICK 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: Mr Frankie YICK, Mr CHAN Han-pan, Mr CHUNG Kwok-pan, Mr SHIU Ka-fai, Mr LUK Chung-hung and Dr CHENG Chung-tai.

8. The Chairman invited Members to note that it had been agreed at the House Committee ("HC") meeting on 26 February 2021 that a subcommittee be formed to study the Public Revenue Protection (Revenue) Order 2021 (L.N. 31), and that the Chairman of the Subcommittee was Mr CHAN Kin-por. As the contents of above Bill were basically the same as those of L.N. 31, the Chairman suggested that members of the Subcommittee should become members of the Bills Committee in order to facilitate the immediate commencement of work by the Bills Committee, and that it was not necessary for the Subcommittee to continue its work. Members agreed. The Chairman further advised that the Secretariat would issue a circular to invite other Members to join the Bills Committee and it would be for the Bills Committee to consider whether it was necessary to elect a new chairman at its first meeting.

3. Public Offices (Candidacy and Taking Up Offices) (Miscellaneous Amendments) Bill 2021

(LC Paper No. LS48/20-21)

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

10. 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: Mr Tommy CHEUNG, Dr Priscilla LEUNG, Dr Junius HO, Mr Holden CHOW and Ms YUNG Hoi-yan.

4. Revenue (Stamp Duty) Bill 2021
(LC Paper No. LS52/20-21)

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

12. Mr Christopher CHEUNG 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: Mr WONG Ting-kwong, Mrs Regina IP, Mr Christopher CHEUNG, Dr CHIANG Lai-wan and Mr LUK Chung-hung.

5. Revenue (Tax Concessions) Bill 2021
(LC Paper No. LS51/20-21)

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

14. 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.

6. Waterworks (Waterworks Regulations) (Amendment) Bill 2021
(LC Paper No. LS53/20-21)

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

16. 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.

(b) Legal Service Division report on subsidiary legislation gazetted on 12 March 2021

(LC Paper No. LS54/20-21)

17. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Statutes of the University of Hong Kong (Amendment) Statute 2021 (L.N. 35) which was gazetted on 12 March 2021 and tabled in Council on 17 March 2021.

18. Members did not raise any questions on L.N. 35 and noted that the deadline for amending the subsidiary legislation would be the Council meeting of 24 March 2021.

IV. Further business for the Council meeting of 24 March 2021

Report No. 14/20-21 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

19. 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 24 March 2021, had been issued to Members. No Member had indicated intention to speak on any of those items of subsidiary legislation.

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

- 1. Air Pollution Control (Amendment) Bill 2021**
- 2. Crimes (Amendment) Bill 2021**
- 3. Free-Flow Tolling (Miscellaneous Amendments) Bill 2021**
- 4. Securities and Futures and Companies Legislation (Amendment) Bill 2021**
- 5. Inland Revenue (Amendment) (Miscellaneous Provisions) Bill 2021**

20. The Chairman said that HC would consider the above five Bills at its meeting on 26 March 2021.

(b) Members' Motions

**Proposed resolution under Article 75 of the Basic Law to
amend the Rules of Procedure to be moved by Hon Paul TSE
(LC Paper No. CB(3)402/20-21)**

21. The Chairman said that the above proposed resolution would be dealt with at the meeting.

V. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)886/20-21*)

22. The Chairman said that as at 18 March 2021, there were seven Bills Committees, four subcommittees under HC and 10 subcommittees on policy issues under Panels in action. Six subcommittees on policy issues were on the waiting list.

VI. Letter from the Chief Executive dated 17 March 2021 regarding the Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region
(*LC Paper No. CB(2)894/20-21(01)*)

23. The Chairman said that CE had indicated, both in her introductory remarks made at the CE's Question Time on Wednesday (17 March 2021) and in her letter of the same date to the President, that after NPCSC had completed the relevant work on amending Annex I and Annex II to BL, the HKSAR Government would press ahead with the work to amend the relevant local electoral legislation (including the drafting of the necessary amendments to the primary legislation and subsidiary legislation) in accordance with the relevant amendments to Annex I and Annex II to BL and present the relevant bill to LegCo upon securing the consent of the Executive Council.

24. The Chairman further said that in view of the tight schedule for the relevant work, the HKSAR Government had proposed to LegCo to consider setting up a subcommittee under HC while the relevant bill was being drafted to discuss the key contents of NPC's Decision as well as the amendments to Annex I and Annex II to BL to be made by NPCSC later on, and transforming the subcommittee into a Bills Committee immediately after the relevant bill was presented to LegCo so that the scrutiny of the bill could be taken forward expeditiously ("the Government's proposal").

25. Mr Jeffrey LAM and Dr Priscilla LEUNG expressed support for the Government's proposal. Mr LAM said that three elections would be held in the coming 12 months and amendments had to be made to about 20 pieces of local legislation to implement NPC's Decision prior to the three elections. Therefore, priority should be accorded to this important task and Members should grasp the opportunity to conduct the relevant preliminary work. Sharing a similar view, Dr LEUNG considered that there was urgency in completing the relevant legislative amendment

exercise and that it was desirable for Members to commence the study on NPC's Decision and related issues as soon as possible. Mr LAM stressed that it was perfectly justified for patriots to administer Hong Kong which could uphold the implementation of the "One Country, Two Systems" principle, and considered that NPC's Decision would ensure that LegCo would be led by patriots. Mr LAM and Dr LEUNG shared the view that by improving the local electoral system, the long-term prosperity and stability of Hong Kong as well as the national security could be safeguarded.

26. Mr Martin LIAO also expressed support for the Government's proposal and he considered that the proposed arrangements were well justified and reasonable. Mr Tommy CHEUNG said that Members of the Liberal Party supported the Government's proposal. Mr CHEUNG further said that he noted that in addition to the forthcoming bill under discussion, CE had advised Members in the last CE's Question and Answer Session that five major legislative proposals on various policy areas would be submitted to LegCo for scrutiny within the current session. As LegCo would need to scrutinize a number of bills in the coming few months, Mr CHEUNG urged Government officials to answer the questions from Members in a concise and precise manner so as to facilitate the early passage of the bills.

27. Dr CHENG Chung-tai expressed objection to the Government's proposal. He said that making amendments to the local electoral system was a major and serious matter as it would have significant impact on the existing electoral system. While he noted that HC had adopted similar arrangements when dealing with the Copyright (Suspension of Amendments) Bill 2001, Dr CHENG commented that the proposed arrangements of setting up a subcommittee under HC to consider NPC's Decision and related issues in the absence of the relevant legal document (i.e. the blue bill) would seem to him that it was a trifling matter. Mr Paul TSE expressed disagreement with the view of Dr CHENG and he said that NPC's Decision was a solemn decision and an important legal document on improving the local electoral system. Mr TSE considered it appropriate for Members to first study NPC's Decision and the policy aspects relating to the amendments to the local electoral system.

28. Mr SHIU Ka-fai said that although the details regarding the amendments to be made to the local electoral system were not yet available, the framework of the amendments had been stipulated in NPC's Decision. It was already known that the number of Election Committee members and LegCo Members would be increased from 1 200 to 1 500

and from 70 to 90 respectively. Mr CHAN Hak-kan said that according to past experience, Members would spend considerable time in deliberating on the legislative intent and policy aspects of a bill before commencing the clause-by-clause examination of the bill. Mr SHIU and Mr CHAN shared a similar view that as three elections would be held in the coming 12 months, the legislative schedule was very tight and it would facilitate the scrutiny of the relevant bill by Members if discussion on NPC's Decision and related issues could be commenced as early as possible. Mr CHAN hoped that Members would support the Government's proposal.

29. Ir Dr LO Wai-kwok, Ms YUNG Hoi-yan and Dr Junius HO expressed support for the Government's proposal. Ir Dr LO and Ms YUNG said that as it would take some time for NPCSC to complete the work on amending Annex I and Annex II to BL and for the HKSAR Government to draft the necessary amendments to the local primary legislation and subsidiary legislation, they considered it appropriate for Members to commence the relevant discussion on NPC's Decision and related issues in the meantime. Dr HO said that members of the public had expressed concern about the setting up of a candidate qualification review committee responsible for reviewing and confirming the qualifications of candidates for the Election Committee members, CE and LegCo members. Dr HO considered that if a subcommittee was formed under HC to study NPC's Decision and related issues, Members could give their views in this regard at the earliest opportunity.

30. The Chairman said that as a dissenting view was expressed, she would put to vote the following question: "That this Committee agrees that a subcommittee be appointed under the House Committee for immediate activation to study the Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region and related issues, and that a Bills Committee be formed to take over the work of the aforesaid Subcommittee to scrutinize the relevant bill after its introduction into the Legislative Council and members of the Subcommittee will become members of the Bills Committee". Dr CHENG Chung-tai requested a division.

The following Members voted in favour of the question:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing,

Mr MA Fung-kwok, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Jimmy NG, Dr Junius HO, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU, Mr Vincent CHENG and Mr Tony TSE.
(37 Members)

The following Member voted against the question:

Dr CHENG Chung-tai
(1 Member)

31. The Chairman declared that 37 Members voted for and 1 Member voted against the question, and that no Member abstained from voting. The Chairman declared that the question was supported.

32. The Chairman said that as members of the Subcommittee would eventually become members of the Bills Committee to facilitate the continuity of work, she invited Members who would like to participate in the scrutiny of the relevant bill to join the Subcommittee. The following Members agreed to join the Subcommittee: Mr Tommy CHEUNG, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Frankie YICK, Mr MA Fung-kwok, Ms Alice MAK, Mr Martin LIAO, Ir Dr LO Wai-kwok, Mr Wilson OR, Mr CHEUNG Kwok-kwan and Dr CHENG Chung-tai.

VII. Any other business

33. There being no other business, the meeting ended at 3:02 pm.