

立法會
Legislative Council

LC Paper No. CB(2) 995/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 16 April 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
Miss Joyce CHAN	Acting Senior Assistant Legal Adviser 1
Ms Clara TAM	Acting Senior Assistant Legal Adviser 2
Mr Bonny LOO	Senior Assistant Legal Adviser 3
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
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
Mr Arthur KAN	Legislative Assistant (2)6

I. Confirmation of minutes of meeting

Minutes of 17th meeting held on 26 March 2021

(LC Paper No. CB(2)963/20-21)

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") held on 29 March 2021, CS had indicated that he noted that the amended Rules of Procedure and consequential amendments to the House Rules ("HR") had taken effect. Regarding the proposal for imposing financial penalties on Members who were suspended from the service of the Council for grossly disorderly conduct, the Administration would closely cooperate with the Legislative Council ("LegCo") Secretariat to take forward the work of amending the relevant legislation.

III. Business arising from previous Council meetings

Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)

Improving Electoral System (Consolidated Amendments) Bill 2021

(LC Paper No. LS65/20-21)

3. 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.

4. The Chairman said that at the Council meeting of 14 April 2021, the Bill had been introduced into LegCo and referred to the House Committee ("HC"). She reminded Members that HC had decided at its meeting on 19 March 2021 that a Bills Committee be formed to take over the work of the Subcommittee on Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region to scrutinize the Bill after its introduction into LegCo, and that members of the Subcommittee would become members of the Bills Committee.

5. Mr Tony TSE said that the relevant legislation to be amended by the Bill involved various sectors, and he was concerned how those Members who were not members of the Bills Committee ("non-BC members") could raise questions to the Administration, such as whether those Members could submit their questions in writing to the Bills Committee, or some time would be allowed for them to raise questions at a meeting of the Bills Committee. Mr TSE wondered whether the Secretariat would prepare a marked-up copy of the relevant legislation showing the amendments proposed under the Bill ("the marked-up copy"), and if so, whether Members who were non-BC members would also be provided with the marked-up copy.

6. Mr Jeffrey LAM said that it had all along been the practice that a Member could attend any meetings of any Bills Committees, irrespective of whether he/she was a member of those Bills Committees. He considered that Members who were non-BC members, if they so wished, could attend meetings of the Bills Committee and raise questions to the Administration.

7. The Chairman said that she had previously indicated to CS that government officials should explain the content of the Bill to and communicate with individual Members belonging to various political parties and groupings as soon as the Bill had been introduced into LegCo. She further said that Members could contact the Administration directly to raise questions and express views on the Bill, and the Administration should endeavour to respond to questions raised by Members at meetings of the Bills Committee. At the invitation of the Chairman, LA said that in view of the voluminous provisions in the Bill and the urgency of the scrutiny work, it was agreed that the Administration would provide its own version of a marked-up copy to LegCo and LSD would vet the copy. As the marked-up copy was voluminous, the Secretariat was considering how best to provide it to Members for reference.

IV. Legal Service Division report on subsidiary legislation gazetted on 26 March 2021

(LC Paper No. LS62/20-21)

8. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Arbitration (Amendment) Ordinance 2021 (Commencement) Notice (L.N. 46) which was gazetted on 26 March 2021 and would be tabled in Council on 21 April 2021.

9. Members did not raise any questions on the Commencement Notice.

V. Legal Service Division report on subsidiary legislation gazetted on 30 March 2021

(LC Paper No. LS63/20-21)

10. 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. 2) Regulation 2021 (L.N. 48) which was gazetted on 30 March 2021 and would be tabled in Council on 21 April 2021.

11. Members did not raise any questions on the Amendment Regulation.

VI. Legal Service Division report on subsidiary legislation gazetted on 1 April 2021

(LC Paper No. LS64/20-21)

12. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Tax Reserve Certificates (Rate of Interest) (Consolidation) (Amendment) Notice 2021 (L.N. 49) which was gazetted on 1 April 2021 and would be tabled in Council on 21 April 2021.

13. Mr CHUNG Kwok-pan considered it necessary to form a subcommittee to study the Amendment Notice in detail. Mr CHUNG Kwok-pan and Mr SHIU Ka-fai indicated intention to join the proposed subcommittee. The Chairman said that as less than three Members had indicated intention to join the proposed subcommittee, pursuant to HR 21(c) and 26(f), the proposed subcommittee would not be formed.

14. Members noted that the deadline for amending the above three items of subsidiary legislation would be the Council meeting of 12 May 2021.

VII. Business for the Council meeting of 21 April 2021

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

Report No. 15/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)965/20-21*)

15. The Chairman said that the Report covered six items of subsidiary legislation and the period for amending them would expire at the Council meeting of 21 April 2021. No Member had indicated intention to speak on any of those items of subsidiary legislation.

(b) Questions

(*LC Paper No. CB(3)463/20-21*)

16. The Chairman said that only written questions would be scheduled for the meeting, and the questions approved by the President to be asked at the meeting had already been issued to Members.

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

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

(d) Government Bill - Second Reading (debate to resume)

Appropriation Bill 2021
(Members speak)

18. The Chairman said that in accordance with Appendix IIIA to HR, each Member could speak once for a maximum of 10 minutes in the Second Reading debate. The Chairman reminded Members that the President had directed that the meeting be held in one day only on 21 April 2021 and be adjourned when no more Member indicated intention to speak, and that those Members who did not speak on 21 April 2021 would not be allowed to speak in the debate.

VIII. The Chief Executive's Question Time on 28 April 2021

19. 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 28 April 2021 would be held immediately after the Chief Executive's Question Time ended.

IX. Business for the Council meeting of 28 April 2021

(a) Questions

(LC Paper No. CB(3)450/20-21)

20. The Chairman said that only written questions would be scheduled for the meeting, and 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)

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

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

1. Appropriation Bill 2021

(Response by the Administration)

22. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2021 at the meeting. Subject to the Bill receiving its Second Reading, the Council would deal with its remaining proceedings.

2. Air Pollution Control (Amendment) Bill 2021

3. Revenue (Tax Concessions) Bill 2021

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

X. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill

(LC Paper No. CB(4)775/20-21)

24. Dr Priscilla LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its

report. Dr LEUNG said that having considered the views expressed by members of the Bills Committee and after reviewing the provisions concerned, the Administration would propose a number of amendments to the Bill. The Bills Committee had no objection to these proposed amendments and would not propose any amendments to the Bill. She further said that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 5 May 2021.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Saturday, 24 April 2021.

(b) Report of the Bills Committee on Immigration (Amendment) Bill 2020

(LC Paper No. CB(2)966/20-21)

26. Ms Elizabeth QUAT, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Ms QUAT said that having regard to members' views, the Administration would propose an amendment to the Bill to specify that in deciding whether the period of detention of a claimant was reasonable, the Immigration Department would take into account whether the claimant posed or was likely to pose a threat or security risk to the community. In addition, the Administration would propose another amendment to specify that the Bill, if passed, would come into operation on 1 August 2021. Members of the Bills Committee raised no objection to the proposed amendments.

27. Ms QUAT informed Members that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 April 2021.

(c) Report of the Bills Committee on Inland Revenue (Amendment) (Tax Concessions for Carried Interest) Bill 2021

(LC Paper No. CB(1)780/20-21)

28. Mr CHEUNG KWOK-kwan, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHEUNG said that neither the Bills Committee nor the Administration would propose any amendments to the Bill and that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 28 April 2021.

(d) Report of the Bills Committee on Employees' Compensation (Amendment) Bill 2021

(LC Paper No. CB(2)967/20-21)

29. Mr LUK Chung-hung, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr LUK said that neither the Administration nor the Bills Committee would propose any amendments to the Bill and that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 April 2021.

(e) Report of the Bills Committee on Road Traffic (Amendment) Bill 2021

(LC Paper No. CB(2)962/20-21)

30. Mr CHAN Hak-kan, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHAN said that neither the Administration nor the Bills Committee would propose any amendments to the Bill and that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 April 2021.

31. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above four Bills would be Monday, 19 April 2021.

XI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)964/20-21)

32. The Chairman said that as at 15 April 2021, there were 15 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.

XII. Any other business

33. There being no other business, the meeting ended at 2:53 pm.