

立法會  
*Legislative Council*

LC Paper No. CB(2)1088/20-21

Ref : CB2/H/5/20

**House Committee of the Legislative Council**

**Minutes of the 21st meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 7 May 2021**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon MA Fung-kuok, 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 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-kuok, SBS, MH, JP  
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

**Members absent :**

Hon Paul TSE Wai-chun, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon CHUNG Kwok-pan

**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 Bonny LOO	Senior Assistant Legal Adviser 3
Ms Clara WONG	Assistant Legal Adviser 4
Ms Wendy KAN	Assistant Legal Adviser 6
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 20th meeting held on 30 April 2021**  
(LC Paper No. CB(2)1052/20-21)

The minutes were confirmed.

**II. Matters arising**

**Report by the Chairman on her meeting with the Chief Secretary for Administration**

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2. The Chairman said that at her last meeting with the Chief Secretary for Administration ("CS"), she had relayed to CS Members' views and concerns on various issues expressed at the last House Committee ("HC") meeting. The Administration had publicly responded to related issues.

3. Mr Michael TIEN said that following a child abuse case which had recently aroused great public concern, the social welfare sector had relayed to him a view that as social work services for kindergartens and secondary schools fell within the purview of the Social Welfare Department, the Administration should examine whether social work services for primary schools should continue to fall within the purview of the Education Bureau. Mr TIEN asked the Chairman to relay such view to CS.

4. The Chairman reiterated that under this item, Members should not express views on policy issues which fell within the purview of Panels. She considered that Mr TIEN could follow up the issue through the relevant Panel(s) or other channels as appropriate.

**III. Business arising from previous Council meetings**

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

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**Mercury Control Bill**  
(LC Paper No. LS70/20-21)

5. 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. LA said that LSD was studying the legal and drafting aspects of the Bill.

6. Dr CHENG Chung-tai considered it necessary to form a Bills Committee to study the Bill in detail, but no other Member indicated intention to join the proposed Bills Committee. The Chairman said that as less than three Members had indicated intention to join the proposed Bills Committee, pursuant to rule 21(c) of the House Rules, the proposed Bills Committee would not be formed. LA advised that LSD would make a further report if necessary.

**(b) Legal Service Division report on subsidiary legislation gazetted on 30 April 2021**

*(LC Paper No. LS69/20-21)*

7. 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) (No. 2) Notice 2021 (L.N. 54) which was gazetted on 30 April 2021 and tabled in Council on 5 May 2021.

8. Members did not raise any questions on the Amendment Notice, and noted that the deadline for amending the Amendment Notice would be the Council meeting of 2 June 2021.

**IV. Further business for the Council meeting of 12 May 2021**

**Laying of Papers on the Table of the Council**

**Report No. 16/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2)1054/20-21)*

9. The Chairman said that the Report covered five items of subsidiary legislation and the period for amending them would expire at the Council meeting of 12 May 2021. No Member had indicated intention to speak on any of those items of subsidiary legislation.

**V. Reports of Bills Committee and subcommittees**

**Report of the Bills Committee on Improving Electoral System (Consolidated Amendments) Bill 2021**

10. Mr Martin LIAO, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. He said that the

objective of the Bill was to implement the Decision of the National People's Congress ("NPC") on Improving the Electoral System of the Hong Kong Special Administrative Region ("NPC's Decision") made on 11 March 2021, and the amended Annex I (Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region) and Annex II (Method for the Formation of the Legislative Council of the Hong Kong Special Administrative Region and Its Voting Procedures) to the Basic Law ("BL") adopted by the Standing Committee of NPC on 30 March 2021. In addition, the Bill also included amendments to the relevant electoral legislation in order to implement a host of measures to enhance the electoral arrangements.

11. Mr LIAO further said that to implement the aforesaid decisions as early as possible, HC had decided at its meeting on 19 March 2021 that a subcommittee be set up first to study NPC's Decision, the amended Annexes I and II to BL as well as related policy issues, and that the subcommittee would transform into the Bills Committee after the Bill was presented to the Legislative Council ("LegCo") on 14 April 2021 to continue examination of the clauses of the Bill. During the period between 26 March and 3 May 2021, the Bills Committee and the Subcommittee had held a total of 17 meetings and had conducted 47 hours of deliberations. Members of the Bills Committee had held in-depth and thorough discussions on the Bill and had expressed concerns over various issues, including (a) the reconstitution of the Election Committee ("EC") and selection criteria for corporate voters; (b) the nomination and voting arrangements for EC candidates; (c) the election of the Chief Executive; (d) the composition and method for the formation of LegCo; (e) the establishment and composition of the Candidate Eligibility Review Committee; (f) the voter registration procedures in 2021 and thereafter; and (g) the Administration's proposal to create a new offence to prohibit any person from inciting another person not to vote, or to cast a blank vote or invalid vote, by way of public activity during an election period.

12. Mr LIAO also said that during the deliberations of the Bills Committee, the Administration had adopted many views expressed by members of the Bills Committee and had proposed a number of amendments to the Bill. For instance, having regard to the view expressed by some members of the Bills Committee that an EC member should not be restricted from using their different capacities to nominate different candidates in geographical constituencies or functional constituencies, the Administration had proposed to amend the Bill to lift the relevant restrictions, such that each EC member could subscribe a

maximum of five nomination forms in different capacities. The other two issues with which more members of the Bills Committee had raised concern were that (a) it should be specified in the Bill that if a validly nominated candidate for a geographical constituency or a functional constituency had died or was disqualified after the close of nominations for an election but before the close of polling on the date of the election, the relevant election proceedings should not be terminated; and (b) the Administration should provide more clearly in the Bill that an authorized representative should be appointed by the governing authority of a corporate elector/voter. The Administration had accepted the suggestions made by members of the Bills Committee and had proposed related amendments to the Bill. Apart from the above proposed amendments, the Administration had also proposed other amendments to the Bill in response to the suggestions made by members of the Bills Committee. Details of the proposed amendments would be set out in the written report of the Bills Committee to be submitted in due course.

13. Mr LIAO advised that the Bill involved amendments to a total of eight principal Ordinances and 24 items of subsidiary legislation. The contents of the amendments were very extensive involving various areas. At his suggestion, the Bills Committee had adopted a new method to conduct the clause-by-clause examination of the Bill and examine the amendments proposed by the Administration. He explained that the contents of the Bill were categorized into 10 odd areas, and the clauses of the Bill and the related proposed amendments were examined area by area. Mr LIAO considered that the method had made the scrutiny work smooth and greatly enhanced the efficiency of the Bills Committee. He hoped that this method could be applied to the scrutiny work of bills that were of a more complex nature in future.

14. Mr LIAO informed Members that the scrutiny work of the Bill had been completed. The Bills Committee supported the amendments proposed by the Administration and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 26 May 2021. Members noted that the Bills Committee would not propose any amendments to the Bill and would submit a written report in due course.

15. In concluding his report, Mr LIAO expressed his gratitude to members of the Bills Committee for their active participation in the scrutiny work on the Bill and their invaluable views. He also thanked the staff members of the Secretariat and Members' assistants for their efforts in supporting the work of, and their dedication in providing a lot of assistance to, both the Subcommittee and the Bills Committee.

16. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Saturday, 15 May 2021.

**VI. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2)1053/20-21*)

17. The Chairman said that as at 6 May 2021, there were 10 Bills Committees, two subcommittees under HC and nine subcommittees on policy issues under Panels in action.

**VII. Any other business**

18. There being no other business, the meeting ended at 2:43 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 May 2021