

立法會
Legislative Council

LC Paper No. CB(2)1238/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 27th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 25 June 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 WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, 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

Members absent :

Hon Jeffrey LAM Kin-fung, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, 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
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
Miss Rachel DAI	Assistant Legal Adviser 2
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Mark LAM	Assistant Legal Adviser 7
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

Action

I. Confirmation of minutes of meeting

Minutes of 26th meeting held on 18 June 2021

(LC Paper No. CB(2)1213/20-21)

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 there was nothing special to report.

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)

1. Ocean Park Corporation (Amendment) Bill 2021
(LC Paper No. LS83/20-21)

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. Ms Starry LEE, Mr YIU Si-wing, Ms Elizabeth QUAT, Dr CHENG Chung-tai and Mr Tony TSE 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 YIU Si-wing, Ms Elizabeth QUAT, Dr CHENG Chung-tai and Mr Tony TSE.

2. The Open University of Hong Kong (Amendment) Bill 2021
(LC Paper No. LS82/20-21)

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

6. 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 18 June 2021
(LC Paper No. LS81/20-21)

7. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 12 items of subsidiary legislation (i.e. L.N. 90 to L.N. 101) which were gazetted on 18 June 2021 and tabled in Council on 23 June 2021.

8. Dr Junius HO considered it necessary to form a subcommittee to study the Building (Minor Works) (Amendment) Regulation 2021 (L.N. 93) and the Buildings Ordinance—Resolution of the Legislative Council (Commencement) Notice (L.N. 94) in detail. Dr Junius HO and Dr CHENG Chung-tai indicated intention to join the proposed subcommittee. The Chairman reminded Members that if less than three Members indicated intention to join the proposed subcommittee, pursuant to the relevant rules of the House Rules ("HR"), the proposed subcommittee would not be formed. Mr Holden CHOW subsequently notified the Chairman that he also intended to join the proposed subcommittee. Hence, the subcommittee was formed. Dr Junius HO, Mr Holden CHOW and Dr CHENG Chung-tai agreed to join the subcommittee.

9. Ms Starry LEE, Mr Holden CHOW, Mr CHAN Chun-ying, Mr LUK Chung-hung and Dr CHENG Chung-tai considered it necessary to form a subcommittee to study in detail the seven items of subsidiary legislation (i.e. L.N. 95 to L.N. 101) relating to the Companies Ordinance (Cap. 622). Members agreed. The following Members agreed to join the subcommittee: Ms Starry LEE, Mr Holden CHOW, Mr CHAN Chun-ying, Mr LUK Chung-hung and Dr CHENG Chung-tai.

10. Members did not raise any questions on the remaining three items of subsidiary legislation (i.e. L.N. 90 to L.N. 92).

(c) Legal Service Division report on subsidiary legislation gazetted on 22 June 2021

(LC Paper No. LS85/20-21)

11. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on two items of subsidiary legislation (i.e. L.N. 102 and L.N. 103) which were gazetted on 22 June 2021 and tabled in Council on 23 June 2021.

12. Mr YIU Si-wing and Dr CHENG Chung-tai considered it necessary to study the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 3) Regulation 2021 (L.N. 102) and the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 4) Regulation 2021 (L.N. 103) in detail. The Chairman said that in accordance with the arrangement agreed by the House Committee ("HC") earlier, the two Regulations should be studied by the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease.

13. The Chairman reminded Members that the deadline for amending the above 14 items of subsidiary legislation would be the Council meeting of 21 July 2021, or that of 18 August 2021 if extended by a resolution of the Council.

IV. Business for the Council meeting of 7 July 2021

(a) Questions

(LC Paper No. CB(3)706/20-21)

14. The Chairman said that as directed by the President, the Council meeting of 30 June 2021 would not be held, and the items (including questions) originally scheduled for that meeting would be dealt with at the Council meeting of 7 July 2021. The questions approved by the President to be asked at the meeting had been issued to Members.

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

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

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

16. The Chairman said that the Second Reading debate on the Employment (Amendment) Bill 2021 would be resumed at the meeting.

(d) Government Motion

Proposed resolution under Article 73(7) of the Basic Law and section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) on appointment of a permanent judge of the Court of Final Appeal to be moved by the Chief Secretary for Administration

(LC Paper No. CB(3)695/20-21)

17. Members noted that the above proposed resolution would be dealt with at the meeting.

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

18. The Chairman said that the Organized and Serious Crimes (Amendment) Bill 2021 would be presented to the Council at the meeting, and HC would consider the Bill at its meeting on 9 July 2021.

(f) Members' Motions

19. The Chairman said that two Members' motions not intended to have legislative effect originally scheduled for the Council meeting of 30 June 2021 would be dealt with at the meeting.

20. The Chairman further said that two Members' motions originally scheduled for the Council meeting of 7 July 2021, namely Mr Holden CHOW's motion on "Commencing a new phase in Hong Kong's development of re-industrialization" and Mr Tony TSE's motion on "Reforming the housing policy to resolve the housing problem", would be rescheduled to the Council meeting of 14 July 2021. She reminded Members that the deadline for giving notice of amendments, if any, to the two motions would be Tuesday, 29 June 2021.

Report of HC on Consideration of Subsidiary Legislation

21. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)700/20-21), which contained 13 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 7 July 2021. She reminded Members to indicate their intention by 5:00 pm on Monday, 28 June 2021, should they wish to speak on any of those items of subsidiary legislation.

V. Position on Bills Committees and subcommittees (LC Paper No. CB(2)1214/20-21)

22. The Chairman said that as at 24 June 2021, there were four Bills Committees, five subcommittees under HC and nine subcommittees on policy issues under Panels in action.

VI. Paper of the Committee on Rules of Procedure

Review of the Rules of Procedure and House Rules – Second batch of proposed amendments (LC Paper No. CROP71/20-21)

23. At the invitation of the Chairman, Mr Paul TSE, Chairman of the Committee on Rules of Procedure ("CRoP") said that following the implementation of the first batch of amendments to the Rules of Procedure ("RoP") and HR in February and March 2021, CRoP had proceeded to the second phase of the review and invited Members' views on the second batch of proposed amendments. Following the consultation exercise, CRoP had agreed to submit to HC for endorsement the proposals and the related proposed amendments to the relevant provisions of RoP and HR that had received sufficient support from Members ("CRoP's proposals and proposed amendments to RoP and HR"). Mr TSE briefed Members on the proposals which were divided into four groups as detailed in Proposals 1 to 4 in the paper, namely, Proposal 1 "Committee membership and election of the chairman and deputy chairman of a committee"; Proposal 2 "Procedures for dealing with quorum calls and points of order"; Proposal 3 "Attire for Members attending Council meetings"; and Proposal 4 "Display of objects by Members at Council meetings".

24. Mr Paul TSE further said that subject to HC's endorsement, he as the CROp Chairman would move a proposed resolution under Article 75 of the Basic Law at a Council meeting to amend the relevant provisions of RoP. Subject to its passage, the resolution would be published in the Government Gazette whereupon the amendments to RoP set forth therein (except those relating to the membership and election of chairmen of committees) would come into operation. As regards the amended provisions of RoP and HR in Appendix III under Proposal 1 "Committee membership and election of the chairman and deputy chairman of a committee", they would come into operation on the day on which the Seventh Legislative Council ("LegCo") began.

25. Mr CHAN Hak-kan expressed support for CROp's proposals and proposed amendments to RoP and HR. In his view, the proposed amendments would plug the loopholes which some Members had taken advantage of in the past few years, such as requesting quorum calls and abusing the raising of a point of order for the purpose of filibustering. As the number of seats in LegCo would be increased from 70 to 90 in the Seventh LegCo, the proposed amendments would also facilitate the smooth operation of LegCo and its committees. Mr CHAN considered that the proposed amendments concerned the internal operation of LegCo, and would not reduce LegCo's power to monitor the Government. Mr CHAN called on Members to support CROp's proposals and proposed amendments to RoP and HR.

26. Mr Michael TIEN said that he had strong reservation on the proposals to set a cap on the membership size of committees and to specify that each Member could serve on a maximum of six Panels at the same time, though he had no problem with the other proposed amendments to RoP and HR. He considered that setting a cap on the membership size of committees could not achieve the effect of enhancing the operational efficiency of committees, but would take away the rights of individual Members to vote on certain matters that were under the purview of committees. Mr TIEN considered that Members should be trusted to make their own decision on the number of committees they would join. Mr TIEN made it clear that he had reservation on supporting CROp's proposals and proposed amendments to RoP and HR.

27. Mr Tony TSE said that he was basically in support of CROp's proposals and proposed amendments to RoP and HR with a view to ensuring the efficient disposition of Council business and monitoring the Government. However, regarding the proposed imposition of a financial

penalty on a Member absent without valid reasons when a Council meeting was adjourned due to a lack of quorum, he considered that apart from the valid reasons specified in paragraph 9 of the paper, the submission of a prior application for leave in writing to the President should be considered as a valid reason as well. He hoped that a clarification on this matter could be made.

28. Mr Martin LIAO expressed support for the proposal to set a cap on the membership size of committees. He said that based on the findings of research studies on overseas legislatures conducted by Members and the Secretariat, it was common for legislatures to set a cap on the membership size of committees, with the size of a committee usually capped at 10-odd members or at most, 30-odd members at a few of these legislatures. Therefore, while committees would be open to all Members to indicate their intention to join, Members should not expect to have the right to join all committees. Mr LIAO also considered that committee members should stay through each committee meeting and not attend the meeting for a few minutes just to express their views, and that capping the membership size of committees would facilitate the operation of committees.

29. Dr Junius HO said that he welcomed CRoP's proposals and proposed amendments to RoP and HR. He recalled that LegCo had experienced a number of chaotic situations over the past few years, particularly the election of the chairman and deputy chairman of HC for the 2019-2020 session. Besides, in some instances, a large number of Members had joined certain committees intending to seize the chairmanships of those committees. Dr HO expressed support for the proposed amendments relating to committee membership as they had struck an appropriate balance among all relevant factors, adding that the proposed amendments did not seek to prevent Members from attending or giving views at any meetings of these committees.

30. Ms Alice MAK expressed support for CRoP's proposals and proposed amendments to RoP and HR which, in her view, could improve the rules and procedures of LegCo. Ms MAK also considered that the proposal to set a cap on the membership size of committees could ensure achieving higher efficiency in the operation and proceedings of committees.

31. Mr Tommy CHEUNG said that Members belonging to the Liberal Party were in support of CRoP's proposals and proposed amendments to RoP and HR. Mr CHEUNG further said that while he understood the concerns expressed by some Members, especially those without political party affiliations, over the proposals to set a cap on the membership size of committees and to specify the number of Panels that a Member could serve on at the same time, such proposals would not prevent a non-committee Member from attending and giving views at meetings of these committees. Having regard to the increase in the number of seats in the Seventh LegCo, he considered that there was a need to balance all relevant factors including the operation and the efficiency of these committees.

32. Ir Dr LO Wai-kyok said that Members belonging to the Business and Professionals Alliance for Hong Kong were also in support of CRoP's proposals and proposed amendments to RoP and HR. Since the number of Members in the Seventh LegCo would be increased to 90, he considered it necessary to set a cap on the membership size of committees to better facilitate the effective division of work among Members. Ir Dr LO also considered that there was a need to prescribe the attire for Members attending Council meetings. He opined that while it was important for LegCo to perform its functions, it was also important for Members to maintain an image that matched with their identity when discharging duties as LegCo Members.

33. Mr Paul TSE considered that while those Members who did not belong to any political parties might perceive the proposal to set a cap on the membership size of committees as taking away some of their rights to vote on matters to be decided by committees, it was more important to interpret the proposal as a way to enhance the overall operation of LegCo. He added that in overseas legislatures, it was common to set a cap on the membership size of committees with a view to achieving a more balanced division of work among Members, and there was no such case where an individual Member could join all the committees. Mr TSE called on Members to support CRoP's proposals and proposed amendments to RoP and HR for the sake of the Council's overall interests.

34. In conclusion, the Chairman said that Members had been consulted on CRoP's proposals and proposed amendments to RoP and HR before they were submitted to HC for consideration. Subject to HC's endorsement, the CRoP Chairman would move a proposed resolution at a Council meeting to amend the relevant provisions of RoP, and Members

could then further express their views. The Chairman invited Members to consider whether HC should endorse Proposals 1 to 4 and the related proposed amendments to the relevant provisions of RoP and HR in Appendices III, IV, V and VII, and the "Guidance on Members' attire which might be deemed inappropriate for attending Council meetings" in Appendix VI. The Chairman put the question to vote. The Chairman declared that the question was agreed to by a majority of Members voting and that CROp's proposals and proposed amendments to RoP and HR were endorsed by HC with no objection but one abstention. The Chairman further advised that the CROp Chairman could move the proposed resolution at the Council meeting of 14 July 2021 at the earliest for the purpose of amending the relevant provisions of RoP.

VII. Any other business

35. There being no other business, the meeting ended at 3:11 pm.

Council Business Division 2
Legislative Council Secretariat
30 June 2021