

立法會
Legislative Council

LC Paper No. CB(2)1316/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 30th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 16 July 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, SBS, JP
Hon CHAN Kin-por, GBS, JP
Hon WONG Kwok-kin, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBM, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, SBS
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, GBS, 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

Action

I. Confirmation of minutes of meeting

Minutes of 29th meeting held on 9 July 2021

(LC Paper No. CB(2)1290/20-21)

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 expressed gratitude to Members for the completion of scrutiny of and the passage of the Employment (Amendment) Bill 2021 at the Council meeting of 7 July 2021. CS had considered that the whole scrutiny process was rigorous and also highly effective, which epitomized that the Legislative Council ("LegCo") monitored the Government while working together to administer Hong Kong and manifested the positive interaction between LegCo and the Government. CS had also thanked the House Committee ("HC") for its plan to schedule an additional meeting for 23 July 2021, which would enable Members to scrutinize as soon as possible the bills to be presented by the Administration to LegCo for First Reading at the Council meeting of 21 July 2021. The Chairman further said that a circular had been issued to inform Members that an HC meeting would be held on 23 July 2021.

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. Legal Practitioners (Amendment) Bill 2021

(LC Paper No. LS92/20-21)

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. Mr SHIU Ka-fai and Ms YUNG Hoi-yan 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: Dr Junius HO, Mr SHIU Ka-fai, Ms YUNG Hoi-yan and Mr Tony TSE.

2. Sale of Goods (United Nations Convention) Bill
(LC Paper No. LS93/20-21)

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

6. Mr Holden CHOW considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr WONG Ting-kwong, Mr Steven HO and Mr Holden CHOW agreed to join the Bills Committee.

3. Landlord and Tenant (Consolidation) (Amendment) Bill 2021
(LC Paper No. LS91/20-21)

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

8. Mr Wilson OR 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 Abraham SHEK, Mr Tommy CHEUNG, Ms Starry LEE, Mrs Regina IP, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Ir Dr LO Wai-kwok, Mr Wilson OR, Ms YUNG Hoi-yan, Dr CHENG Chung-tai, Mr Vincent CHENG and Mr Tony TSE.

4. Telecommunications (Amendment) Bill 2021
(LC Paper No. LS95/20-21)

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

10. Mr CHAN Hak-kan and Ms Elizabeth QUAT considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr CHAN Hak-kan, Ms Elizabeth QUAT and Mr CHEUNG Kwok-kwan agreed to join the Bills Committee.

5. Mandatory Provident Fund Schemes (Amendment) Bill 2021
(LC Paper No. LS96/20-21)

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

12. Mr WONG Ting-kwong 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 Abraham SHEK, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr YIU Si-wing, Mr Christopher CHEUNG, Dr CHIANG Lai-wan, Mr Jimmy NG and Mr CHAN Chun-ying.

6. Dangerous Goods (Miscellaneous Amendments) Bill 2021
(LC Paper No. LS94/20-21)

13. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above Bill. LA said that LSD was scrutinizing the legal and drafting aspects of the Bill.

14. Members considered it not necessary to form a Bills Committee to study the Bill. LA advised that LSD would make a further report, if necessary.

(b) Legal Service Division report on subsidiary legislation gazetted on 9 July 2021

(LC Paper No. LS97/20-21)

15. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on three items of subsidiary legislation (i.e. L.N. 109 to L.N. 111) which were gazetted on 9 July 2021. Members noted that the United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2021 (L.N. 111), which was made under the United Nations Sanctions Ordinance (Cap. 537), was not required to be tabled in LegCo and was not subject to amendment by LegCo.

16. Mr YIU Si-wing and Mr CHAN Chun-ying considered it necessary to form a subcommittee to study the Peak Tramway (Safety) (Amendment) Regulation 2018 (Commencement) Notice (L.N. 110) in detail. Members agreed. Mr CHAN Kin-por, Mr YIU Si-wing and Mr CHAN Chun-ying agreed to join the subcommittee.

17. Members did not raise any questions on the other two items of subsidiary legislation (i.e. L.N. 109 and L.N. 111).

18. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation (i.e. L.N. 109 and L.N. 110) which had been tabled in Council on 14 July 2021 would be the Council meeting

of 21 July 2021, or that of 1 September 2021 if extended by a resolution of the Council. Given that a subcommittee had just been formed to study L.N. 110 in detail, Members agreed that the Chairman should move a proposed resolution at the Council meeting of 21 July 2021 to extend the period for amending L.N. 110 to the Council meeting of 1 September 2021.

IV. Further business for the Council meeting of 21 July 2021

Report No. 23/20-21 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 21 July 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. **Personal Data (Privacy) (Amendment) Bill 2021**
2. **Financial Reporting Council (Amendment) Bill 2021**

20. The Chairman said that HC would consider the above two Bills at its meeting on 23 July 2021.

(b) Member's Motion on Subsidiary Legislation

Proposed resolution to extend the period for amending subsidiary legislation (L.N. 106 of 27021) to be moved by Hon Holden CHOW
(*LC Paper No. CB(3)804/20-21*)

21. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the Financial Institutions (Resolution) (Contractual Recognition of Suspension of Termination Rights — Banking Sector) Rules (L.N. 106) to the Council meeting of 25 August 2021.

V. Reports of Bills Committees and subcommittees

(a) Report of the Subcommittee on Fire Service (Installations and Equipment) (Amendment) Regulation 2021

22. Mr Vincent CHENG, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had completed scrutiny of the Fire Service (Installations and Equipment) (Amendment) Regulation 2021. The objective of the Amendment Regulation was to exempt the statutory duty required to be discharged by owners and occupants of buildings and premises under the Fire Service (Installations and Equipment) Regulations (Cap. 95B), namely, owners and occupants of buildings and premises could install stand-alone fire detectors on their own volition without the need of having them installed, maintained, inspected or repaired by registered contractors. In addition, these detectors were not required to be inspected by registered contractors at least once in every 12 months.

23. Mr CHENG further said that members of the Subcommittee supported the Amendment Regulation with a view to encouraging members of the public to install stand-alone fire detectors in buildings and premises on their own initiatives and allowing timely evacuation of building occupants by giving them a warning at the incipient stage of fire. During the course of scrutiny, members of the Subcommittee had discussed issues relating to the quality, installation and maintenance of stand-alone fire detectors.

24. Mr CHENG advised that according to the Administration, the stand-alone fire detectors available in the market did not require specific installation and maintenance skills and they had very high reliability. Members of the public could purchase and install these detectors on their own. The Administration would launch a pilot scheme in which volunteers from the Fire Services Department would visit individual target residential premises and assist the residents, especially the elders and ethnic minorities, to install stand-alone fire detectors. The Fire Services Department would also launch publicity to raise the public understanding of the use of stand-alone fire detectors.

25. Mr CHENG further advised that in respect of the concern over the fire safety of old buildings expressed by members of the Subcommittee, the Administration had advised that it would later distribute fire extinguishers and fire blankets, commonly known as the "two treasures of

firefighting tools", to residents in some districts with more "three-nil" buildings and subdivided units, so as to safeguard the fire safety of old buildings.

26. Mr CHENG informed Members that the Subcommittee would not propose any amendments to the Amendment Regulation and would submit a written report in due course.

**(b) Report of the Subcommittee on Telecommunications
(Registration of SIM Cards) Regulation**
(LC Paper No. CB(1)1118/20-21)

27. Mr WONG Ting-kwong, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee supported the Regulation and that neither the Administration nor the Subcommittee would propose any amendments to the Regulation.

**(c) Report of the Subcommittee on Building (Minor Works)
(Amendment) Regulation 2021 and Buildings Ordinance —
Resolution of the Legislative Council (Commencement) Notice**

28. Mr Holden CHOW, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the objectives of the Building (Minor Works) (Amendment) Regulation 2021 were to extend the validation scheme under the Minor Works Control System to cover 11 additional types of existing unauthorized minor amenity features which involved a total of 21 items of works and to prescribe the details of these items of works. The objective of the Buildings Ordinance — Resolution of the Legislative Council (Commencement) Notice was to appoint 1 September 2021 as the day on which the resolution proposed under section 2(3) of the Buildings Ordinance (Cap. 123) and passed by LegCo on 13 May 2021 would come into operation, so as to dovetail with the commencement date of the Amendment Regulation.

29. Mr CHOW further said that the Subcommittee had held one meeting and had completed the scrutiny work. Members of the Subcommittee generally welcomed the introduction of the two items of subsidiary legislation.

30. Mr CHOW advised that some members of the Subcommittee had suggested that the Administration should give discretion to the Buildings Department ("BD") to allow building owners to erect other amenity features the structures of which were similar to those of the 21 newly added items of works under the Minor Works Control System or allow the continued use of these amenity features which were currently unauthorized after undergoing validation, so as to meet the genuine needs of building owners. The Administration had advised that the Amendment Regulation had prescribed the details of these 21 items of works. Any changes to the details of minor works items and these 21 items of works had to be effected by way of legislative amendments after consultation with the industry.

31. Mr CHOW further advised that some members of the Subcommittee had expressed concern as to how BD would handle the unauthorized amenity features that involved the 21 newly added items of works before the two items of subsidiary legislation came into operation on 1 September 2021. They suggested that BD should consider withholding the relevant enforcement actions so as to allow building owners to seek validation for these amenity features after 1 September 2021, thereby obviating the need for building owners to demolish these amenity features. The Administration had advised that if a building owner received a demolition order, he should perform the works specified in such order as soon as possible. However, if the relevant owner had any questions about an individual case or the compliance with the contents of the order, he could contact BD for follow-up.

32. Mr CHOW informed Members that the Subcommittee would not propose any amendments to the two items of subsidiary legislation and would submit a written report in due course.

(d) Report of the Subcommittee on Seven Pieces of Subsidiary Legislation Relating to the Implementation of the New Inspection Regime of the Companies Register under the Companies Ordinance

33. Mr CHAN Chun-ying, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the objectives of the seven items of subsidiary legislation studied by the Subcommittee were to implement the new inspection regime of the Companies Register under the Companies Ordinance (Cap. 622) which had yet to come into operation and provide for the relevant requirements.

Under the new inspection regime, all searchers would be able to access the correspondence addresses or partial identification numbers of directors etc. on the Companies Register, while the usual residential addresses and full identification numbers ("protected information") would only be made accessible to "specified persons" upon application.

34. Mr CHAN further said that the Subcommittee had held one meeting with the Administration. Members of the Subcommittee generally supported the implementation of the new inspection regime to enhance protection of personal data and reduce cases of doxxing and personal data misuse.

35. Mr CHAN advised that some members of the Subcommittee had enquired about how the Administration could ensure that a searcher could effectively ascertain the identity of a director under the new inspection regime in the following two scenarios: (a) an individual director using different patterns of names for different companies recorded on the Companies Register ("same director with different names"); and (b) different directors with identical full names and partial identification numbers appearing on the Companies Register ("different directors with identical names"). The Administration had advised that upon implementation of the new inspection regime, the Companies Registry would step up monitoring of the current requirement that the name of a director stated in specified forms should be the same as that in the identification document of the director concerned. Regarding the scenario of "same director with different names", the Integrated Companies Registry Information System ("ICRIS") would be able to identify and group the relevant records of the director concerned, which would be displayed to the searcher in a consolidated manner. If the "different directors with identical names" scenario appeared, ICRIS would provide additional digit(s) of the identification numbers of the relevant directors, so that the searcher would be able to see that these directors were different individuals.

36. Mr CHAN further advised that some members of the Subcommittee had suggested that trade unions which often assisted employees in handling cases of recovery of outstanding wages should be included in the list of "specified persons". There was also an enquiry about whether media organizations could be allowed to apply for access to the protected information on the Companies Register on grounds of public interest in order to carry out journalistic investigations. The Administration had responded that in the course of devising the list of

"specified persons", the prime consideration was whether the relevant persons required the protected information of directors when carrying out their functions in relation to statutory procedures, statutory obligations and law enforcement. The new inspection regime had struck a reasonable balance between ensuring that the public could continue to inspect the Companies Register under Cap. 622 and enhancing protection of personal data. It had also catered for the need of the professionals and other searchers who were not included in the list of "specified persons" to ascertain the identity of a director. The Administration had stressed that the new inspection regime did not pose any unequal treatment to any persons or attempt to limit press freedom.

37. Mr CHAN also advised that some members of the Subcommittee had urged the Companies Registry to devise simple application procedures, so as to allow "specified persons" to have access to the protected information on the Companies Register in a timely manner in order to carry out their functions. Some members of the Subcommittee had also called on the Administration to step up monitoring cases of abuse of the protected information by the "specified persons" who had obtained access to such information through the new inspection regime.

38. Mr CHAN informed Members that neither the Subcommittee nor the Administration would propose any amendments to the seven items of subsidiary legislation. The Subcommittee would submit a written report in due course.

(e) Seventh report of the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease

39. Mr YIU Si-wing, Deputy Chairman of the Subcommittee, made a verbal report on the Subcommittee's deliberations. He said that after the submission of the Subcommittee's sixth report to HC in June 2021, the Subcommittee had held one meeting with the Administration and had completed scrutiny of two items of subsidiary legislation relating to the prevention and control of disease (i.e. L.N. 102 and L.N. 103 tabled in Council on 23 June 2021).

40. Mr YIU further said that members of the Subcommittee had expressed concern over the enforcement of the two items of subsidiary legislation. Regarding the requirement made by the Administration that passengers who joined the "cruise-to-nowhere" itineraries had to undergo a coronavirus disease 2019 polymerase chain reaction nucleic acid test

and obtain a negative result within 48 hours prior to boarding, some members of the Subcommittee had suggested that the Administration should relax the relevant time limit to 72 hours. Members of the Subcommittee were also concerned about the effectiveness of the measures for guarding against the importation of cases. Some members of the Subcommittee had suggested that the Administration should require staff working at the airport and quarantine hotels to be fully vaccinated and tested positive in a serology antibody test and to step up efforts to implement the flight suspension mechanism.

41. Mr YIU also said that some members of the Subcommittee had expressed concern about the details of the report submitted by the Chief Executive to the Central People's Government seeking to resume cross-boundary travel with the Mainland and whether the Administration would continue the discussion on "travel bubble" arrangements with the Singapore government in view of its new anti-epidemic policy. Some members of the Subcommittee had also requested the Administration to devise a timetable and a roadmap for raising the vaccination rate and require civil servants, school staff and healthcare staff to get vaccinated. There was also a concern about how the Administration would prevent stealing of vaccination records that belonged to other persons.

42. Mr YIU informed Members that the Subcommittee would not propose any amendments to the two items of subsidiary legislation and would submit a written report in due course.

43. The Chairman reminded Members that the period for amending the 13 items of subsidiary legislation studied by the above five Subcommittees would expire at the Council meeting of 18 August 2021, and that the deadline for giving notice of amendments, if any, would be Wednesday, 11 August 2021.

VI. Position on Bills Committees and subcommittees *(LC Paper No. CB(2)1291/20-21)*

44. The Chairman said that as at 15 July 2021, there were six Bills Committees, seven subcommittees under HC and nine subcommittees on policy issues under Panels in action.

VII. Any other business

45. There being no other business, the meeting ended at 3:04 pm.

Council Business Division 2
Legislative Council Secretariat
22 July 2021