

立法會
Legislative Council

LC Paper No. CB(2)1402/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 33rd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 20 August 2021**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon MA Fung-kwok, GBS, JP (Deputy Chairman)
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
Dr Hon Priscilla LEUNG Mei-fun, SBS, 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 KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, 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
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH, JP
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 Abraham SHEK Lai-him, GBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon Elizabeth QUAT, 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, SBS	Legal Adviser
Ms Dora WAI	Deputy Secretary General (Council and Corporate Services)
Mr Timothy TSO	Principal Assistant Legal Adviser
Ms Anita SIT	Assistant Secretary General 1
Ms Miranda HON	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Ms Clara TAM	Acting Senior Assistant Legal Adviser 2
Miss Rachel DAI	Acting Senior Assistant Legal Adviser 3
Ms Alice LEUNG	Chief Council Secretary (2)5
Mr Mark LAM	Assistant Legal Adviser 7
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 32nd meeting held on 13 August 2021

(LC Paper No. CB(2)1379/20-21)

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)

National Flag and National Emblem (Amendment) Bill 2021

(LC Paper No. LS110/20-21)

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. 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: Dr Priscilla LEUNG, Mrs Regina IP, Mr Steven HO, Mr CHAN Han-pan, Dr CHIANG Lai-wan, Mr Holden CHOW, Mr CHEUNG Kwok-kwan, Mr LAU Kwok-fan and Mr Tony TSE.

(b) Legal Service Division report on subsidiary legislation gazetted on 13 August 2021

(LC Paper No. LS107/20-21)

5. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 15 items of subsidiary legislation (i.e. L.N. 147 to L.N. 161) which were gazetted on 13 August 2021 and tabled in Council on 18 August 2021.

6. Mr CHAN Han-pan considered it necessary to form a subcommittee to study the Road Traffic (Driving Licences) (Amendment) Regulation 2021 (L.N. 154) in detail. Members agreed. The following Members agreed to join the Subcommittee: Mr CHAN Han-pan, Ms Elizabeth QUAT (as advised by the Chairman), Dr CHIANG Lai-wan, Mr CHEUNG Kwok-kwan and Mr LUK Chung-hung.

7. Members did not raise any questions on the other 14 items of subsidiary legislation (i.e. L.N. 147 to L.N. 153 and L.N. 155 to L.N. 161).

8. The Chairman reminded Members that the deadline for amending the above items of subsidiary legislation would be the Council meeting of 15 September 2021, or that of 6 October 2021 if extended by a resolution of the Council.

IV. Further business for the Council meeting of 25 August 2021

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

Report No. 25/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)1381/20-21*)

9. The Chairman said that the Report covered one item of subsidiary legislation (i.e. Financial Institutions (Resolution) (Contractual Recognition of Suspension of Termination Rights—Banking Sector) Rules (L.N. 106)) and the period for amending it would expire at the Council meeting of 25 August 2021. No Member had indicated intention to speak on that item of subsidiary legislation.

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

1. Legal Practitioners (Amendment) Bill 2021

2. Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018

3. Ocean Park Corporation (Amendment) Bill 2021

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

V. Business for the Council meeting of 1 September 2021

(a) Questions

(LC Paper No. CB(3)865/20-21)

11. The Chairman informed Members that a list setting out the Members allocated with question slots for the meeting had already been issued to Members.

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

12. The Chairman said that the Supplementary Appropriation (2020-2021) Bill would be presented to the Council at the meeting, and the House Committee ("HC") would consider the Bill at its meeting on 3 September 2021.

(c) Government Motions

1. Proposed resolution under the Costs in Criminal Cases Ordinance to be moved by the Chief Secretary for Administration

(LC Paper No. CB(3)841/20-21)

(LC Paper No. LS108/20-21)

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

14. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 1 September 2021.

2. Proposed resolution under the Buildings Ordinance to be moved by the Secretary for Development

(LC Paper No. CB(3)842/20-21)

(LC Paper No. LS109/20-21)

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

16. Members did not raise any questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 1 September 2021.

(d) **Member's Motion**

Motion on "Resolving social conflicts and eradicating disparity between the rich and the poor" to be moved by Hon Alice MAK (LC Paper No. CB(3)887/20-21)

17. The Chairman invited Members to note that the Secretariat had issued a circular on the day before this HC meeting to inform Members that Dr Priscilla LEUNG, who was allocated a debate slot for moving a motion at the Council meeting of 1 September 2021, had decided to give up her debate slot after the deadline for giving notice of motion. As such, only one motion not intended to have legislative effect moved by Ms Alice MAK would be dealt with at the meeting. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motion would be Wednesday, 25 August 2021.

Report of HC on Consideration of Subsidiary Legislation and Other Instruments

18. The Chairman invited Members to note that there was one item of subsidiary legislation the period for amendment of which would expire at the Council meeting of 1 September 2021. A draft Report of HC on Consideration of Subsidiary Legislation and Other Instruments covering this item of subsidiary legislation would be issued to Members later. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 24 August 2021, should they wish to speak on that item of subsidiary legislation.

VI. Reports of Bills Committees and subcommittees

Report of the Subcommittee on Peak Tramway (Safety) (Amendment) Regulation 2018 (Commencement) Notice

19. Mr CHAN Kin-por, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had completed scrutiny of the Commencement Notice. The Commencement Notice appointed 17 December 2021 as the day on which the Peak Tramway (Safety) (Amendment) Regulation 2018 would come into operation. The purposes of the Amendment Regulation were to amend the definition of "tramcar" under the Peak Tramway (Safety)

Regulations (Cap. 265A) and increase the tramcar capacity from a maximum of 120 passengers to 210 passengers, so as to implement the upgrading plan for the peak tramway.

20. Mr CHAN further said that members of the Subcommittee supported the upgrading plan for the peak tramway. However, they were mainly concerned about the financial arrangements for the upgrading plan, the peak tramway fares, and the relevant ancillary and supporting arrangements, etc. upon completion of the upgrading plan. According to the Administration and the Peak Tramways Company Limited, the upgrading plan was wholly funded by the Peak Tramways Company Limited. Due to the pandemic, there had been delays and additional expenditure incurred under the upgrading plan. The entire project currently costed over HK\$700 million and was targeted to complete by the end of 2021. As the Lower Terminus at Garden Road could accommodate 1 300 waiting passengers after expansion, and the tramcar capacity would also be increased to 210 passengers, queues waiting for peak trams would not build up under normal circumstances. The Administration also explained that as the peak tramway was a tourism and recreational facility, it would be more appropriate for the market to decide on the peak tramway fares.

21. Mr CHAN informed Members that the Subcommittee would not propose any amendments to the Commencement Notice and would submit a written report in due course.

22. The Chairman reminded Members that the period for amending the Commencement Notice would expire at the Council meeting of 1 September 2021, and that the deadline for giving notice of amendments, if any, would be Wednesday, 25 August 2021.

VII. Position on Bills Committees and subcommittees *(LC Paper No. CB(2)1380/20-21)*

23. The Chairman said that as at 19 August 2021, there were 10 Bills Committees, five subcommittees under HC and eight subcommittees on policy issues under Panels in action.

VIII. Any other business

24. There being no other business, the meeting ended at 2:49 pm.

Council Business Division 2
Legislative Council Secretariat
25 August 2021