

立法會
Legislative Council

LC Paper No. CB(2)1440/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 35th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 3 September 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
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 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
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
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP

Members absent :

Hon LEUNG Che-cheung, SBS, MH, JP
Dr Hon CHIANG Lai-wan, 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, 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
Mr Bonny LOO	Senior Assistant Legal Adviser 3
Ms Alice LEUNG	Chief Council Secretary (2)5
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Clara WONG	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 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 34th meeting held on 27 August 2021
(LC Paper No. CB(2)1416/20-21)

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"), she had pointed out to CS that the Second Reading debates on 16 bills (including the three bills which had received their First Reading at the Council meeting of 1 September 2021) had to be resumed before the prorogation of the Sixth Legislative Council ("LegCo"). She hoped that the Administration could make arrangements such that the proceedings for the Second Reading and Third Reading of these 16 bills could be more evenly spread out among the remaining Council meetings of the current legislative term so that Members could scrutinize the bills in a more focused manner. CS had indicated that he would direct the Administration Wing of the CS's Office to follow up the matter with the LegCo Secretariat.

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. Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Bill 2021
(LC Paper No. LS114/20-21)

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. Members considered it not necessary to form a Bills Committee to study the Bill.

5. The Chairman said that the proposals on imposing sanctions in relation to a Member who was suspended from the service of LegCo or who was absent without valid reasons from a meeting of LegCo which was adjourned due to a lack of quorum had been discussed for quite some time, and that consultations had been conducted with all Members on such proposals which were subsequently endorsed by the House Committee ("HC"). The Chairman further said that Mr Paul TSE, Chairman of the Committee on Rules of Procedure ("CRoP"), had indicated to her before this HC meeting that he hoped that the Second Reading debate on the Bill could be resumed at the Council meeting of 15 September 2021 so as to facilitate the early passage of the Bill. Members raised no objection.

2. Film Censorship (Amendment) Bill 2021
(LC Paper No. LS115/20-21)

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

7. Mr MA Fung-kwok 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: Mrs Regina IP, Mr MA Fung-kwok, Mr Holden CHOW and Ms YUNG Hoi-yan.

3. Supplementary Appropriation (2020-2021) Bill
(LC Paper No. LS113/20-21)

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

9. Members considered it not necessary to form a Bills Committee to study the Bill. The Chairman advised that the Administration had indicated that it intended to resume the Second Reading debate on the Bill at the Council meeting of 15 September 2021 if no Bills Committee was formed to study the Bill. Members raised no objection.

(b) Legal Service Division report on subsidiary legislation gazetted on 27 August 2021

(LC Paper No. LS112/20-21)

10. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on 43 items of subsidiary legislation (i.e. L.N. 175 to L.N. 217) which were gazetted on 27 August 2021 and tabled in Council on 1 September 2021.

11. Members did not raise any questions on the above 43 items of subsidiary legislation. Members also noted that LSD was scrutinizing the legal and drafting aspects of L.N. 209, and a further report would be made if necessary.

12. The Chairman reminded Members that the deadline for amending the above 43 items of subsidiary legislation would be the Council meeting of 29 September 2021.

IV. Further business for the Council meeting of 8 September 2021

Laying of Papers on the Table of the Council

**Report No. 27/20-21 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments**
(*LC Paper No. CB(2)1418/20-21*)

13. 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 8 September 2021. No Member had indicated intention to speak on any of those items of subsidiary legislation.

V. Business for the Council meeting of 15 September 2021

(a) Questions (*LC Paper No. CB(3)929/20-21*)

14. The Chairman informed Members that a list setting out the names of 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)

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 Dangerous Goods (Miscellaneous Amendments) Bill 2021 would be resumed at the meeting.

(d) Government Motion

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

(e) Members' Motions

1. **Motion on "Further enhancing Hong Kong's status as an offshore Renminbi centre" to be moved by Hon Christopher CHEUNG**
(LC Paper No. CB(3)936/20-21)

2. **Motion on "Promoting education on the history of War of Resistance against Japanese Aggression" to be moved by Hon Kenneth LAU**
(LC Paper No. CB(3)938/20-21)

18. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motions would be Wednesday, 8 September 2021.

Report of HC on Consideration of Subsidiary Legislation and Other Instruments

19. The Chairman invited Members to note that there were 33 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 15 September 2021. A draft Report of HC on Consideration of Subsidiary Legislation and Other Instruments covering these items of subsidiary legislation would be issued to Members later. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 7 September 2021, should they wish to speak on any of those items of subsidiary legislation.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1417/20-21)

20. The Chairman said that as at 2 September 2021, there were 11 Bills Committees, four subcommittees under HC and seven subcommittees on policy issues under Panels in action.

VII. Paper of the Committee on Rules of Procedure

Review of the Rules of Procedure and House Rules – Third batch of proposed amendments

(LC Paper No. CROP90/20-21)

21. At the invitation of the Chairman, Mr Paul TSE, CRoP Chairman, said that following the first and second phases of the review of the Rules of Procedure ("RoP") and House Rules ("HR"), CRoP had proceeded with the consultation with Members on the third batch of proposed amendments to RoP and HR ("the third batch of proposed amendments"). Having considered the consultation results, CRoP agreed to submit to HC for endorsement the third batch of proposed amendments that had received sufficient support from Members. Mr TSE then briefed Members on the proposals which were divided into three groups as detailed in Proposals 1 to 3 in the paper. Mr TSE advised that Proposal 1 was related to the membership and election of the chairman and deputy chairman of the Finance Committee ("FC") and HC, and proposed amendments relating to the operation of HC. It was proposed that all Members (except the President) should be given the choice as to whether to join FC and/or HC and that the two committees should each consist of not less than 50 members including the chairman. As regards the election of the chairman and deputy chairman of FC and HC, it was proposed that amendments to the procedure for the election of chairman and deputy chairman of Panels, Bills Committees and subcommittees ("SC") put forth in the second batch of amendments to RoP and HR should also apply to HC with modifications, and that FC should be recommended to adopt a similar election procedure for FC and its two SCs.

22. Mr TSE further said that Proposal 2 sought to add a new rule to HR (i.e. new HR 1C) to provide that: (a) should a Member wish to initiate an observance of silence at a Council meeting, prior permission of the President should be obtained before that meeting; and (b) the observance of silence should take place only at the beginning of a Council meeting.

Proposal 3 related to proposed consequential amendments to RoP 46(2) to prescribe that the passage of motions or bills introduced by individual Members, or amendments introduced by individual Members to any motions or bills, should require a simple majority vote of each of the two groups of Members present: (a) Members returned by the Election Committee; and (b) Members returned by functional constituencies and by geographical constituencies through direct elections.

23. Mr TSE also advised that subject to HC's endorsement of Proposals 1 and 3, 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 the passage of the resolution, the relevant amended provisions of RoP and HR in Appendices I, II and IV would come into operation on the day on which the Seventh LegCo began. Proposal 2 and the proposed new HR 1C in Appendix III would take immediate effect upon HC's approval.

24. The Chairman invited Members to (a) endorse Proposals 1 and 3, and the related proposed amendments to the relevant provisions of RoP and HR in Appendices I, II and IV; and (b) approve Proposal 2 and the proposed new rule 1C of HR in Appendix III. All Members present agreed.

VIII. Any other business

25. There being no other business, the meeting ended at 2:57 pm.