

立法會
Legislative Council

LC Paper No. CB(2)1486/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 36th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 10 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 LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, 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
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP

Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Junius HO Kwan-yiu, JP

Miss Flora TAI Clerk to the House Committee

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 Joyce CHAN	Assistant Legal Adviser 1
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Doreen WAN	Assistant Legal Adviser 9
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 35th meeting held on 3 September 2021

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

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

Legal Service Division report on subsidiary legislation gazetted on 3 September 2021

(LC Paper No. LS117/20-21)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Pharmacy and Poisons (Amendment) (No. 2) Regulation 2021 (L.N. 218) which was gazetted on 3 September 2021 and tabled in Council on 8 September 2021.

4. Members did not raise any questions on L.N. 218.

5. The Chairman reminded Members that the deadline for amending the above item of subsidiary legislation would be the Council meeting of 6 October 2021.

IV. Further business for the Council meeting of 15 September 2021

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

Report No. 28/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)1442/20-21)

6. The Chairman said that the Report covered 33 items of subsidiary legislation and the period for amending them would expire at the Council meeting of 15 September 2021. No Member had indicated intention to speak on any of those items of subsidiary legislation.

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

1. Legislative Council (Disciplinary Sanctions and Remote Sitting) (Miscellaneous Amendments) Bill 2021

2. Supplementary Appropriation (2020-2021) Bill

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

V. Advance information on business for the Council meeting of 29 September 2021

Government Motion

Proposed resolution under the Criminal Procedure Ordinance to be moved by the Chief Secretary for Administration

(LC Paper No. CB(3)963/20-21)

(LC Paper No. LS118/20-21)

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

9. Members did not raise any questions on the above proposed resolution and had no objection to the Administration moving the proposed resolution at the Council meeting of 29 September 2021.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Crimes (Amendment) Bill 2021
(LC Paper No. CB(2)1443/20-21)

10. Ms Elizabeth QUAT, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its

report. Ms QUAT said that in the light of the views expressed by members of the Bills Committee, the Administration would propose a number of amendments to the Bill which were mainly concerned with amending the offence elements in certain proposed offence provisions. Members of the Bills Committee raised no objection to these proposed amendments.

11. Members noted that the Bills Committee would not propose any amendments to the Bill and raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 29 September 2021.

(b) Report of the Bills Committee on Limited Partnership Fund and Business Registration Legislation (Amendment) Bill 2021
(LC Paper No. CB(1)1299/20-21)

12. Ir Dr LO Wai-kwok, on behalf of the Chairman of the Bills Committee, Mr Christopher CHEUNG, who was unable to attend the meeting, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that neither the Bills Committee nor the Administration would propose any amendments to the Bill and that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 29 September 2021.

(c) Report of the Bills Committee on Sale of Goods (United Nations Convention) Bill
(LC Paper No. CB(4)1505/20-21)

13. Mr Steven HO, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that neither the Bills Committee nor the Administration would propose any amendments to the Bill and that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 29 September 2021.

(d) Report of the Bills Committee on Personal Data (Privacy) (Amendment) Bill 2021
(LC Paper No. CB(4)1504/20-21)

14. Ms Alice MAK, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Ms MAK said that in the light of the concerns expressed by members of the Bills Committee, the Administration would propose amendments to the

Bill to introduce an immunity provision to protect a recipient of a cessation notice from incurring any civil liability arising from compliance with the cessation notice, and to ensure that doxxing messages could be expeditiously removed.

15. Members noted that the Bills Committee supported the amendments proposed by the Administration and would not propose any amendments to the Bill. Members also noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 29 September 2021.

(e) Report of the Bills Committee on National Flag and National Emblem (Amendment) Bill 2021

16. Mr CHEUNG Kwok-kwan, 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 relevant provisions in the amended Law of the People's Republic of China on the National Flag ("the National Flag Law") and the amended Law of the People's Republic of China on the National Emblem ("the National Emblem Law"). The Administration had pointed out that in the light of the amendments to the National Flag Law and the National Emblem Law endorsed by the Standing Committee of the 13th National People's Congress in October 2020, the Bill sought to implement in Hong Kong the provisions, principles and spirit of the amended National Flag Law and National Emblem Law, safeguard the proper use and preserve the dignity of the national flag and national emblem which were the symbols and signs of the People's Republic of China, so as to promote respect for the national flag and national emblem, enhance the sense of national identity among citizens and promote patriotism, whilst taking into account the common law system and the actual circumstances in Hong Kong.

17. Mr CHEUNG further said that the Bills Committee had held two meetings with the Administration. While Members of the Bills Committee generally supported the Bill, they were mainly concerned about what acts might violate the law and what acts constituted public and intentional desecrating behaviour in relation to the national flag and national emblem. As regards whether a particular case would constitute a violation of the law, the Administration explained that the law enforcement agencies would need to consider holistically the actual circumstances and the gathered evidence according to the relevant stipulations in the legislation. If there was sufficient evidence to prove that the said behaviour was done under the circumstances of publicly and

intentionally desecrating the national flag or national emblem, the law enforcement agencies would take actions, and the case would be handled by the court to determine whether the prosecution had proved all the necessary elements of the crime beyond reasonable doubt. The Administration also undertook to launch extensive publicity campaigns after the legislative amendment exercise, so as to help members of the public understand the areas to which they should pay attention.

18. Mr CHEUNG also said that members of the Bills Committee were also concerned about the part on education under the Bill, particularly teacher training on the education in national flag and national emblem. The Administration advised that apart from enhancing the relevant teaching resources, it would strengthen teacher training in the new school year, including conducting webinars and teacher workshops on matters relating to the display of the national flag and the conduct of national flag raising ceremonies, etc.

19. Mr CHEUNG informed Members that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 29 September 2021 and that neither the Bills Committee nor the Administration would propose any amendments to the Bill. The Bills Committee would submit a written report in due course.

20. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above five Bills would be Saturday, 18 September 2021.

(f) Report of the Subcommittee on Disability Discrimination Ordinance (Amendment of Schedule 5) Notice 2021

21. Mr Frankie YICK, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the purpose of the Amendment Notice was to ensure that under the expanded Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("the Fare Concession Scheme"), the provision of the newly added public transport fare concessions in respect of red minibuses and trams to recipients of the Comprehensive Social Security Assistance who were aged below 60 with 100% disabilities or recipients of the Disability Allowance of the same age group would not constitute a contravention of the Disability Discrimination Ordinance (Cap. 487). The Subcommittee had held two meetings with the Administration and had invited written submissions from the public in respect of the Amendment Notice.

22. Mr YICK further said that members of the Subcommittee generally supported the Amendment Notice, with a view to implementing the policy objective of building a caring and inclusive society in Hong Kong. Some members of the Subcommittee considered that as the service scope and operation mode of residents' services routes met the requirements for public transport, residents' services routes should be included in the Fare Concession Scheme as early as possible. These members urged the Administration to finalize a concrete timetable for implementing the relevant measure.

23. Mr YICK advised that in the light of the views expressed by members of the Subcommittee, the Administration had undertaken that without compromising the implementation timetable for the enhancement and anti-abuse measures under the Fare Concession Scheme that were scheduled to take effect on 27 February 2022, including the lowering of the eligible age to 60 and the expansion of its coverage to red minibuses, kaitos and trams, the Administration would commence in September 2021 the preparatory work for the inclusion of residents' services routes in the Fare Concession Scheme. It was anticipated that the residents' services routes which had proved that their service scope and operation mode fulfilled the requirements for public transport and had undertaken to fully comply with the requirements under the Fare Concession Scheme would be included in the Fare Concession Scheme starting from September 2022 at the earliest.

24. Mr YICK further advised that members of the Subcommittee also requested the Administration to step up inspection and verification, so as to eradicate the abuse of the Fare Concession Scheme by ineligible passengers. According to the Administration, it would enhance publicity to raise public awareness against abuse of the Fare Concession Scheme, continue to request the participating public transport operators to step up ticket inspection and passenger identity verification work, and strictly enforce the penalty provisions stipulated in the relevant legislation and by-laws.

25. Mr YICK informed Members that the Administration intended to give fresh notice to move a proposed resolution at the Council meeting of 29 September 2021 seeking the Council's approval of the Amendment Notice. The Subcommittee would not propose any amendments to the proposed resolution and would submit a written report in due course.

26. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above proposed resolution which was intended to be moved at the Council meeting of 29 September 2021 would be Tuesday, 21 September 2021.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1441/20-21)

27. The Chairman said that as at 9 September 2021, there were 11 Bills Committees, four subcommittees under the House Committee ("HC") and seven subcommittees on policy issues under Panels in action.

28. The Chairman further said that at the HC meeting on 16 July 2021, Members had agreed to form a Bills Committee to study the Telecommunications (Amendment) Bill 2021. According to rule 21(b) of the House Rules, a Bills Committee should consist of not less than three members. Since less than three Members had signified to join the Bills Committee by the deadline for signification of membership, the Bills Committee could not be formed.

29. Members agreed to rescind HC's earlier decision to form a Bills Committee to study the Telecommunications (Amendment) Bill 2021, and did not raise objection to the resumption of the Second Reading debate on the Bill. Members also noted that LSD was scrutinizing the legal and drafting aspects of the Bill and a further report would be made, if necessary.

VIII. Any other business

30. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 2
Legislative Council Secretariat
21 September 2021