

立法會

Legislative Council

LC Paper No. CB (2)13/20-21

Ref: CB2/T/16/1

Paper for the House Committee meeting on 16 October 2020

Matter for consideration in relation to the four Bills referred to the House Committee in previous sessions under Rule 54(4) of the Rules of Procedure

Purpose

This paper invites Members to consider and decide how to deal with the four Bills referred to the House Committee ("HC") in the 2018-2019 and 2019-2020 sessions respectively under Rule 54(4) of the Rules of Procedure ("RoP") of which the relevant Bills Committees ("BCs") were dissolved prior to completion of their scrutiny work.

Background

2. At the HC meetings on 16 November 2018, 1 March 2019, 10 May 2019 and 8 May 2020, Members decided to form BCs to study the following four Bills respectively which have been referred to HC under RoP 54(4):

- (a) Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018;
- (b) Smoking (Public Health) (Amendment) Bill 2019;
- (c) Franchised Taxi Services Bill; and
- (d) Rating (Amendment) Bill 2019.

3. While the scrutiny work on the four Bills concerned have not yet completed, these four BCs reported their deliberations and decisions to discontinue their scrutiny work to HC respectively in June/July 2020. Members of HC noted that majority of members of these four BCs had expressed reservation on the feasibility of completing scrutiny of the relevant Bills under a tight timeframe before the prorogation of the Sixth Legislative Council ("LegCo") in July 2020.¹ HC agreed to dissolve the above four Bills Committees having regard to their decisions to discontinue their work. The gist of the discussion of the four BCs in relation to their decision to discontinue the scrutiny work on the Bills concerned is set out in the **Appendix**.

The term of the Sixth LegCo

4. The Sixth LegCo commenced on 1 October 2016 and the general election for the Seventh LegCo ("the 2020 LegCo General Election") was scheduled to be held on 6 September 2020. On 31 July 2020, the Government announced that CE in Council had decided to postpone the 2020 LegCo General Election for one year to 5 September 2021 having regard to the severe COVID-19 epidemic situation. On 11 August 2020, the Standing Committee of the National People's Congress ("NPCSC") decided that after 30 September 2020, the Sixth LegCo is to continue to discharge duties for not less than one year until the Seventh LegCo begins.

Matter for consideration

5. Pursuant to section 9 of the Legislative Council Ordinance (Cap. 542) and in accordance with RoP 11(4), the consideration of any bill is not to be affected by the end of a session and may be resumed at any subsequent meeting, but is to lapse at the end of a term of office. Given NPCSC's decision on the continuing operation of the Sixth LegCo for not less than one year until the Seventh LegCo begins, the four Bills which have been referred to HC under RoP 54(4) as set out in paragraph 2 above can continue to be dealt with in the 2020-2021 session.

¹ The Government announced in the Gazette dated 14 August 2020 that in exercise of the powers conferred by section 46 of the Interpretation and General Clauses Ordinance (Cap. 1), the Chief Executive ("CE") has revoked the decision to prorogue the sixth term of LegCo made under section 6(3) and (4) of the Legislative Council Ordinance (Cap. 542) with effect from 14 August 2020. The Government Notice which specified 18 July 2020 as the date from which the sixth term of LegCo shall stand prorogued is also revoked.

6. Under RoP 75(4), at any time after a bill has been referred to HC under RoP 54(4), HC may allocate it to a Bills Committee for consideration, or may cause it to be considered in such other manner as HC thinks fit. As the scrutiny work of the four Bills concerned has not been completed and the Bills Committees previously formed had been dissolved by HC pursuant to rule 21(r) of the House Rules, it is open to HC to decide how these four Bills should be considered in the exercise of its power and function under RoP 75(4).

Advice sought

7. Members are invited to consider the matter set out in paragraphs 5 and 6 above and decide how to deal with the four Bills referred to HC under RoP 54(4) as set out in paragraph 2 above.

Council Business Division 2
Legislative Council Secretariat
15 October 2020

**Gist of the discussion of the Bills Committees
in relation to their decisions to discontinue the scrutiny work on the Bills**

1. Bills Committee on Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018

Date of First Reading of Bill	14.11.18
Date of formation of the Bills Committee ("BC") (i.e. Date of meeting of the House Committee ("HC"))	16.11.18
Date of first meeting of BC (number of meetings held)	5.12.18 (16) ¹
Date of reporting to HC (LC Paper No. of the report)	10.7.20 (CB(1)849/19-20)
Gist of the discussion of BC in relation to its decision to discontinue the scrutiny work on the Bill	<p>While members supported the policy direction of waste reduction, some members held different views about the effectiveness of the proposed municipal solid waste ("MSW") charging scheme to attain the objective of waste reduction. Members questioned whether and how the proposed charging scheme could be enforced to tackle problems of fly-tipping and possible evasion of MSW charges, and the readiness/progress of complementary measures to support waste reduction and recycling in parallel. Concern was also raised over the timing of implementing the MSW charging scheme having regard to the recent economic downturn. At its meeting on 22 June 2020, BC reviewed the progress of the scrutiny work on the Bill and discussed the way forward of BC. After discussion and voting, BC decided to discontinue its scrutiny work on the Bill and report its decision to HC.</p> <p>The Administration was invited to prudently consider the views raised by members during BC's deliberations.</p>

¹ These 16 meetings included one meeting to receive views from deputations, 11 meetings to study the general merits and principles of the Bill, three meetings to conduct clause-by-clause examination and one meeting to discuss the way forward of BC.

2. Bills Committee on Smoking (Public Health) (Amendment) Bill 2019

Date of First Reading of Bill	20.2.19
Date of formation of BC (i.e. Date of HC meeting)	1.3.19
Date of first meeting of BC (number of meetings held)	18.3.19 (9) ²
Date of reporting to HC (LC Paper No. of the report)	3.7.20 (CB(2)1267/19-20)
Gist of the discussion of BC in relation to its decision to discontinue the scrutiny work on the Bill	<p>At the BC meeting on 2 June 2020, members discussed the way forward of BC. While some members considered that BC should endeavour to complete scrutiny of the Bill, some other members held the view that it was practically impossible that the scrutiny of the Bill could be completed in time before the prorogation of the Sixth Legislative Council ("LegCo") as BC had yet started clause-by-clause examination of the Bill and some members had indicated that a number of amendments would be proposed to the Bill for BC's consideration. After voting, BC decided to discontinue its scrutiny work and report its decision to HC.</p> <p>Having regard to BC's decision, the Administration indicated that it would take into account BC's discussions and concerns on the Bill and would consider introducing legislative proposals on alternative smoking products in the next term of LegCo when the opportunity arose.</p>

² BC had held nine meetings with the Administration to study the general merits and principles of the Bill, and had received oral representations from organizations/individuals at three of these meetings.

3. Bills Committee on Franchised Taxi Services Bill

Date of First Reading of Bill	8.5.19
Date of formation of BC (i.e. Date of HC meeting)	10.5.19
Date of first meeting of BC (number of meetings held)	3.6.19 (4)
Date of reporting to HC (LC Paper No. of the report)	19.6.20 (CB(4)717/19-20)
Gist of the discussion of BC in relation to its decision to discontinue the scrutiny work on the Bill	<p>The progress of BC's work was seriously affected by the outbreak of the severe COVID-19 pandemic since late January 2020. Although BC had received views from 52 individuals/organizations at its meeting on 6 January 2020, as at mid-May 2020, BC had yet to receive views from the remaining 125 individuals/organizations who had indicated that they would like to make an oral representation on the Bill, and the clause-by-clause scrutiny of the Bill had yet to be started. At the BC meeting on 1 June 2020, members discussed the way forward of BC and the majority of members had expressed reservation on the feasibility of completing scrutiny of the Bill within a short period of time. Members opined that it would be imperative to allow more time to study the clauses of the Bill in detail and to receive views from the public having regard to its wide implication on other public transport trades. Some members considered that it was not an opportune time to introduce franchised taxis in view of the current economic situation in Hong Kong. Having regard to the foregoing, BC decided to discontinue its scrutiny work and report its decision to HC.</p> <p>The Administration was invited to prudently consider the views expressed by members and make suitable adjustments to the Bill if it decided to re-introduce the Bill into LegCo in the future.</p>

4. Bills Committee on Rating (Amendment) Bill 2019

Date of First Reading of Bill	23.10.19
Date of formation of BC (i.e. Date of HC meeting)	8.5.20
Date of first meeting of BC (number of meetings held)	15.6.20 (2)
Date of reporting to HC (LC Paper No. of the report)	10.7.20 (CB(1)845/19-20)
Gist of the discussion of BC in relation to its decision to discontinue the scrutiny work on the Bill	The majority of members had expressed reservation on the feasibility of completing scrutiny of the Bill within a short period of time. At its second meeting on 23 June 2020, in view that a considerable amount of work remained outstanding, including the need for receiving views on the Bill from the public and stakeholders, and clause-by-clause examination of the Bill, BC agreed to discontinue its work and report its decision to HC.