

立法會
Legislative Council

LC Paper No. CB(2)536/2022

Ref : CB2/H/5/22

House Committee of the Legislative Council

**Minutes of the 16th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 17 June 2022**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon MA Fung-kiok, GBS, JP (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon CHAN Hak-kan, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBM, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Steven HO Chun-yin, BBS, JP
Hon CHAN Han-pan, BBS, 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
Ir Dr Hon LO Wai-kiok, GBS, MH, JP
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 YUNG Hoi-yan, JP
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH, JP
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP
Hon Doreen KONG Yuk-foon
Hon CHU Kwok-keung
Hon Stanley LI Sai-wing, MH

Dr Hon Hoey Simon LEE, MH, JP
Hon Robert LEE Wai-wang
Hon Dominic LEE Tsz-king
Ir Hon LEE Chun-keung
Dr Hon TIK Chi-yuen, SBS, JP
Hon Stanley NG Chau-pei, SBS
Dr Hon Johnny NG Kit-chong, MH
Hon CHAU Siu-chung
Dr Hon CHOW Man-kong
Dr Hon David LAM Tzit-yuen
Hon LAM Chun-sing
Hon LAM So-wai
Hon Nixie LAM Lam
Prof Hon Nelson LAM Chi-yuen, JP
Dr Hon Dennis LAM Shun-chiu, JP
Hon LAM San-keung, JP
Hon Andrew LAM Siu-lo, SBS, JP
Hon Duncan CHIU
Hon YIU Pak-leung, MH
Dr Hon Wendy HONG Wen
Prof Hon SUN Dong
Hon Dennis LEUNG Tsz-wing, MH
Hon LEUNG Man-kwong, MH
Hon Edward LEUNG Hei
Hon Kenneth LEUNG Yuk-wai, JP
Hon CHAN Yuet-ming
Hon CHAN Pui-leung
Hon CHAN Yung, BBS, JP
Hon Judy CHAN Kapui, MH
Hon Maggie CHAN Man-ki, MH, JP
Ir Hon CHAN Siu-hung, JP
Hon CHAN Hoi-yan
Hon JoePHY CHAN Wing-yan
Hon CHAN Hok-fung, MH, JP
Ir Hon Gary ZHANG Xinyu
Hon Lillian KWOK Ling-lai
Hon Benson LUK Hon-man
Dr Hon Stephen WONG Yuen-shan
Hon Edmund WONG Chun-sek
Hon Kingsley WONG Kwok, BBS, JP
Hon YANG Wing-kit
Revd Canon Hon Peter Douglas KOON Ho-ming, BBS
Hon TANG Fei, MH
Hon TANG Ka-piu, BBS, JP
Hon LAI Tung-kwok, GBS, IDSM, JP
Prof Hon LAU Chi-pang, BBS, JP

Hon Kenneth FOK Kai-kong, JP
Hon Louis LOONG Hon-biu
Hon NGAN Man-yu
Hon Carmen KAN Wai-mun
Dr Hon TAN Yueheng, JP
Hon SO Cheung-wing, SBS, JP

Members absent :

Hon Frankie YICK Chi-ming, SBS, JP
Hon Rock CHEN Chung-nin, SBS, JP
Hon Sunny TAN
Dr Hon Kennedy WONG Ying-ho, BBS, JP

Clerk in attendance :

Ms Amy YU 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
Ms Anita SIT	Assistant Secretary General 1
Ms Miranda HON	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Miss Joyce CHAN	Acting Senior Assistant Legal Adviser 2
Miss Rachel DAI	Acting Senior Assistant Legal Adviser 3
Ms Alice LEUNG	Chief Council Secretary (2)5
Ms Clara WONG	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Miss Dorothy YUNG	Assistant Legal Adviser 8
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Jonathan CHENG	Assistant Legal Adviser 11
Miss Michelle TANG	Senior Council Secretary (2)5
Mr Richard WONG	Senior Council Secretary (2)6
Mr Kelvin LAW	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 15th meeting held on 10 June 2022

(LC Paper No. CB(2)468/2022)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Director of the Chief Executive's Office

2. The Chairman said that at her last meeting with the Director of the Chief Executive's Office ("Director of CEO"), Director of CEO had expressed gratitude to the Legislative Council ("LegCo") for passing the Employment and Retirement Schemes Legislation (Offsetting Arrangement) (Amendment) Bill 2022 to effect the abolition of the Mandatory Provident Fund offsetting arrangement. Director of CEO had also thanked Members' support and the Finance Committee's approval of the funding proposals relating to the reorganization of the government structure, which would enable the new-term Government to form its governing team at the earliest possible time.

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)

Inland Revenue (Amendment) (Tax Concessions for Certain Shipping-related Activities) Bill 2022

(LC Paper No. LS48/2022)

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. The Chairman informed members that LSD was scrutinizing the legal and drafting aspects of the Bill. If no

difficulties were identified in the legal and drafting aspects of the Bill, the Bill would be regarded as ready for resumption of the Second Reading debate in the Council.

(b) Legal Service Division report on subsidiary legislation gazetted on 10 June 2022

(LC Paper No. LS46/2022)

5. At the invitation of the Chairman, LA briefed members on the report prepared by LSD on six items (L.N. 133 to L.N. 138) of subsidiary legislation published in the Gazette on 10 June 2022 and tabled in Council on 15 June 2022.

6. Mr KWOK Wai-keung, Mr LUK Chung-hung and Mr Stanley NG considered it necessary to form a subcommittee to study the Tramway Ordinance (Alteration of Fares) (Amendment) Notice 2022 (L.N. 133) in detail. Members agreed. The aforesaid three Members also indicated their intention to join the subcommittee.

7. Dr Priscilla LEUNG, Ms Elizabeth QUAT, Ms Doreen KONG, Mr Dennis LEUNG, Ms CHAN Hoi-yan and Ms Carmen KAN considered it necessary to study in detail L.N. 134 and L.N. 135 relating to the prevention and control of disease. The Chairman said that in accordance with the arrangement previously agreed by the House Committee (“HC”), L.N. 134 and L.N. 135 would be referred to the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease for detailed study. Members did not raise any questions on the arrangement.

8. Ms Elizabeth QUAT, Mr SHIU Ka-fai, Mr Tony TSE, Mr Andrew LAM and Mr YANG Wing-kit considered it necessary to form a subcommittee to study the Product Eco-responsibility Ordinance (Amendment of Schedule 3) Order 2022 (L.N. 137) in detail. Members agreed. The aforesaid five Members also indicated their intention to join the subcommittee.

9. Ms Elizabeth QUAT, Dr Junius HO, Dr David LAM, Ms CHAN Hoi-yan and Mr YANG Wing-kit considered it necessary to form a subcommittee to study the Medical Registration Ordinance (Amendment of Schedule 1A) (No. 2) Notice 2022 (L.N. 138) in detail. Members agreed. The aforesaid five Members also indicated their intention to join the subcommittee.

10. Members did not raise any questions on L.N. 136.

11. The Chairman reminded members that the deadline for amending the above six items of subsidiary legislation (i.e. L.N. 133 to L.N. 138) would be the Council meeting of 13 July 2022, or the first Council meeting held not earlier than the 21st day after the Council meeting of 13 July 2022 if extended by resolution of the Council.

IV. Further business for the Council meeting of 22 June 2022

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

Report No. 12/2022 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)470/2022)

12. The Chairman said that the Report covered 44 items of subsidiary legislation and the period for amending them would expire at the Council meeting. 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. Arbitration and Legal Practitioners Legislation (Outcome Related Fee Structures for Arbitration) (Amendment) Bill 2022

2. Inland Revenue (Amendment) (Tax Deductions for Domestic Rents) Bill 2022

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

14. The Chairman further said that in view of the recent upward trend in the number of confirmed cases of COVID-19 in Hong Kong and the upcoming celebration of the 25th anniversary of the establishment of the Hong Kong Special Administrative Region (“HKSAR”), the President had decided that, in order to step up anti-epidemic efforts, the Council meeting of 22 June 2022 would only deal with the laying of papers on the Table of the Council, questions and item(s) with legislative effect. Therefore, the two Members’

motions not intended to have legislative effect originally scheduled for that meeting, namely Mr YIM Kong's motion on "Interfacing with Shenzhen and planning for joint development of the Shenzhen-Hong Kong Boundary Control Points Economic Belt" and Mr KWOK Wai-keung's motion on "Improving the Statutory Minimum Wage regime", would be rescheduled to the following Council meeting.

V. Business for the Council meeting of 29 June 2022

(a) Questions

(LC Paper No. CB(3)501/2022(01))

15. The Chairman said 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)

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

(c) Government Motions

1. Proposed resolution under section 55 of the Product Eco-responsibility Ordinance to be moved by the Secretary for the Environment

(LC Paper No. CB(3)488/2022)

(LC Paper No. LS47/2022)

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

18. Mr SHIU Ka-fai, Mr Vincent CHENG, Mr Andrew LAM, Ms Judy CHAN and Mr LAI Tung-kwok considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. The aforesaid five Members also indicated their intention to join the subcommittee.

19. The Chairman said that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the subcommittee to carry out its scrutiny work.

2. Two proposed resolutions under sections 21 and 29 of the Product Eco-responsibility Ordinance respectively to be moved by the Secretary for the Environment

(LC Paper No. CB(3)489/2022)

(LC Paper No. LS45/2022)

20. At the invitation of the Chairman, LA briefed members on the report prepared by LSD on the above two proposed resolutions.

21. Ms Elizabeth QUAT, Ir Dr LO Wai-kwok, Mr Vincent CHENG, Mr Tony TSE, Mr Andrew LAM, Ms Judy CHAN and Mr YANG Wing-kit considered it necessary to form a subcommittee to study the two proposed resolutions in detail. The Chairman said that under agenda item III(b), members had agreed to form a subcommittee to study the Product Eco-responsibility Ordinance (Amendment of Schedule 3) Order 2022 (L.N. 137) which, together with the above two proposed resolutions, were related to the Plastic Shopping Bag Charging Scheme. She invited Members' views on whether the subcommittee should study L.N. 137 and the two proposed resolutions in one go. Members agreed. The following Members indicated their intention to join the subcommittee: Ms Elizabeth QUAT, Ir Dr LO Wai-kwok, Mr SHIU Ka-fai, Mr Vincent CHENG, Mr Tony TSE, Mr Andrew LAM, Ms Judy CHAN and Mr YEUNG Wing-kit.

22. The Chairman said that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notices for moving the two proposed resolutions so as to allow sufficient time for the subcommittee to carry out its scrutiny work.

(d) Members' Motions

23. The Chairman said that the two Members' motions not intended to have legislative effect originally scheduled for the meeting, namely Mrs Regina IP's motion on "Reforming the Government's publicity strategies" and Mr Tony TSE's motion on "Expediting the achievement of the 'healthy city' target", would be rescheduled to the following Council meeting. She reminded Members that the deadline for giving notice of amendments, if any, to the two motions would be Wednesday, 22 June 2022.

VI. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Rural Representative Election (Amendment) Bill 2022

24. Mr CHAN Chun-ying, on behalf of the Chairman of the Bills Committee, Mr Kenneth LAU, who was not present at the meeting, made a verbal report on the deliberations of the Bills Committee. He said that the main object of the Rural Representative Election (Amendment) Bill 2022 was to improve the Rural Representative (“RR”) elections by seeking to introduce the requirement for an RR-elect to sign a written oath to uphold the Basic Law and bear allegiance to HKSAR before holding office, and provide for the consequences of declining or neglecting to take the oath or being in breach of the RR Oath.

25. Mr CHAN further said that under the Administration’s proposals, a person would be disqualified from being nominated as a candidate at an RR election and from being elected as an RR if the relevant election was held within five years after the person: (a) vacated an RR office or was disqualified from holding or entering on an office for declining or neglecting to take the RR Oath; or (b) was declared to be in breach of the RR Oath or to have failed to fulfil the legal requirements and conditions on upholding the Basic Law and bearing allegiance to HKSAR. In addition, the Bill also proposed to make certain amendments to ensure that the arrangements of the RR elections were aligned with those adopted in other public elections.

26. Mr CHAN also said that members of the Bills Committee were in support of the Bill. Some members of the Bills Committee considered that as RRs might become members of District Councils (“DCs”) and LegCo, in order to implement the principle of “patriots administering Hong Kong”, the Administration should add to the Bill the requirement that RR candidates should be subject to eligibility assessment, and replace the written oath by oral oath so as to align with the oath-taking arrangements for members of DCs and LegCo.

27. Mr CHAN further advised that the Administration had explained that pursuant to the Decision on Improving the Electoral System of the Hong Kong Special Administrative Region made by the National People’s Congress in March 2021, and as stipulated in Annexes I and II to the Basic Law, the Candidate Eligibility Review Committee was responsible for assessing and validating the eligibility of candidates in the Election Committee (“EC”), Chief Executive and

LegCo elections. Candidates in RR elections, however, were not included. After reviewing the oath-taking arrangements of the aforesaid public elections, and taking into account the number of RRs, the Administration considered that the adoption of the EC model, whereby a written oath was required before assumption of office, would be operationally more efficient. Having regard to the views of members of the Bills Committee, the Administration advised that it would not rule out conducting a review in the future, and would consider the suggestions made by members of the Bills Committee.

28. Mr CHAN informed members that the Bills Committee had completed scrutiny of the Bill and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 6 July 2022. The Bills Committee would not propose any amendments to the Bill and raised no objection to the two proposed amendments to be moved by the Administration. The written report of the Bills Committee would be submitted in due course.

29. Members raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 6 July 2022. The Chairman reminded members that the deadline for giving notice of amendments, if any, to the Bill would be Saturday, 25 June 2022.

(b) Report of the Subcommittee on Seven Pieces of Subsidiary Legislation Relating to the Full Implementation of the New Regulatory Regime of the Travel Industry

(LC Paper No. CB(4)538/2022)

30. Mr MA Fung-kwok, Chairman of the Subcommittee, briefed members on the deliberations of the Subcommittee as detailed in its report. He said that a majority of the members of the Subcommittee supported the seven items of subsidiary legislation (i.e. L.N. 58 to L.N. 64) and that the Subcommittee would not propose any amendments to them.

(c) Report of the Subcommittee on Three Pieces of Subsidiary Legislation Relating to the Implementation of the New Regulatory Regime for the Accountancy Profession Gazetted on 6 May 2022

(LC Paper No. CB(1)367/2022)

31. Mr Edmund WONG, Chairman of the Subcommittee, briefed members on the deliberations of the Subcommittee as detailed in its report. He said that neither the Subcommittee nor the Administration

would propose any amendments to the three items of subsidiary legislation (i.e. L.N. 65 to L.N. 67).

32. The Chairman reminded members that the period for amending the 10 items of subsidiary legislation studied by the above two Subcommittees would expire at the Council meeting of 29 June 2022, and the deadline for giving notice of amendments, if any, would be Wednesday, 22 June 2022.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)469/2022)

33. The Chairman said that as at 16 June 2022, there were six Bills Committees, 10 subcommittees under HC and five subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

VIII. Any other business

34. There being no other business, the meeting ended at 2:59 pm.

Council Business Division 2
Legislative Council Secretariat
6 July 2022