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2869 9461
2877 9600

9 March 2005

Urgent By Fax: 2877 0561

Hon Albert HO Chun-yan
Rooms 901-902, Takshing House
20 Des Voeux Road Central
Hong Kong

Dear Mr HO

Application for permission to move motion for adjournment of Council

You wrote to me yesterday for permission to move, after the Council has dealt with the motion moved by Hon LEE Wing-tat on "Seeking papers, books, records and documents regarding the Cyberport project" at today's meeting, a motion for adjournment under Rule 16(2) of the Rules of Procedure, for the purpose of debating the following matter:

"The Government of the Hong Kong Special Administrative Region to give an account in regard to the rumoured resignation of the Chief Executive Mr TUNG Chee-hwa and the proposed relevant by-election arrangements as well as the corresponding measures."

Rule 16(2) of the Rules of Procedure provides that a motion for the adjournment of the Council may be moved with the permission of the President, if the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance.

During the last Council meeting, Hon LEE Wing-tat made the same application based on the same rumour. In refusing to give Mr LEE permission, I pointed out that his request stemmed from a rumour not founded on facts, I could not be satisfied in the circumstances that the issues proposed for debate were of urgent public importance.

As you have pointed out, it is generally assumed by the media and some people that the rumour is a fact and there has been considerable discussion by them; I understand the situation. However, the President of the Legislative Council must act strictly in accordance with the Rules of Procedure. I am of the opinion that a decision on whether the issues proposed for debate are of urgent public importance must be based on objective facts. As rumour cannot be the basis for establishing facts, I decide not to give permission to your request.

Yours sincerely

(Mrs Rita FAN)
President
Legislative Council

c.c. All other Legislative Council Members