

立法會
Legislative Council

LC Paper No. CB(2) 1012/09-10

Ref : CB2/H/5/09

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 26 February 2010**

Members present :

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung

Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun
Dr Hon Samson TAM Wai-ho, JP

Members absent :

Hon LAU Wong-fat, GBM, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Clerk in attendance :

Mrs Vivian KAM Clerk to the House Committee

Staff in attendance :

Ms Pauline NG	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Constance LI	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General (Special Duty)
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Miss Odelia LEUNG	Chief Council Secretary (2)6
Ms Dora WAI	Chief Council Secretary (3)2
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Stephen LAM	Assistant Legal Adviser 4
Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3

Mr Ringo LEE
Ms Anna CHEUNG
Mr Arthur KAN

Senior Legislative Assistant (2)1
Senior Legislative Assistant (2)3
Legislative Assistant (2)8

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I. Confirmation of the minutes of the 14th meeting held on 5 February 2010
(LC Paper No. CB(2) 975/09-10)

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

(a) Legal Service Division report on subsidiary legislation gazetted on 5 February 2010 and tabled in Council on 24 February 2010
(LC Paper No. LS 46/09-10)

3. The Chairman said that four items of subsidiary legislation were gazetted on 5 February 2010 and tabled in the Council on 24 February 2010. They were the Prisons (Amendment) Order 2010, Immigration (Places of Detention) (Amendment) Order 2010, Immigration (Treatment of Detainees) (Amendment) Order 2010 and Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2010.

4. The Chairman further said that the four items of subsidiary legislation were related to the transfer of management of the Castle Peak Bay Immigration Centre (CIC) from the Correctional Services Department to the Immigration Department. They sought to, among others, discontinue the use of CIC as a prison and specify it as a place for detaining persons.

5. Ms Emily LAU noted from paragraphs 7 and 8 of the Legal Service Division Report the different approach adopted in the drafting of the provisions relating to visits of detainees by visiting justices (i.e. Justices of the Peace). She considered the existing arrangement of management of CIC by the Correctional Services Department odd, as persons detained therein had not been convicted by the court. She considered it necessary to form a subcommittee to study the four items of subsidiary legislation.

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6. The Chairman proposed that a subcommittee be formed to study these four items of subsidiary legislation in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Mr James TO, Ms Emily LAU and Ms Cyd HO.

7. To allow sufficient time for scrutiny of the subsidiary legislation, the Chairman proposed to move a motion in her capacity as Chairman of the House Committee at the Council meeting on 3 March 2010 to extend their scrutiny period to 14 April 2010. Members agreed.

(b) **Legal Service Division report on subsidiary legislation gazetted on 19 February 2010 and tabled in Council on 24 February 2010**
(*LC Paper No. LS 48/09-10*)

8. The Chairman said that only one Commencement Notice, i.e. the Occupational Deafness (Compensation) (Amendment) Ordinance 2010 (Commencement) Notice, was gazetted on 19 February 2010 and tabled in the Council on 24 February 2010.

9. Members did not raise any queries on the Commencement Notice.

10. The Chairman reminded Members that the deadline for amending the Commencement Notice was 17 March 2010.

IV. Business for the Council meeting on 3 March 2010

(a) **Questions**
(*LC Paper No. CB(3) 477/09-10*)

11. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

(b) **Bills - First Reading and moving of Second Reading**

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

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under the Inland Revenue Ordinance
(*Wording of the proposed resolution issued vide LC Paper No. CB(3) 456/09-10 dated 11 February 2010.*)
(*LC Paper No. LS 45/09-10*)

13. The Chairman said that the proposed resolution was for seeking the Council's approval of the Inland Revenue (Disclosure of Information) Rules (the Rules) to provide safeguards in addition to those provided in individual comprehensive avoidance of double taxation arrangements to protect taxpayers'

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privacy and confidentiality of the information exchanged. The Administration had consulted the Bills Committee on Inland Revenue (Amendment) (No. 3) Bill 2009 on the draft Rules.

14. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

(d) **Members' motions**

(i) **Motion on "Actively participating in the by-elections to implement genuine universal suffrage"**

(Wording of the motion issued vide LC Paper No. CB(3) 463/09-10 dated 17 February 2010.)

(ii) **Motion on "Improving the living environment in old districts"**

(Wording of the motion issued vide LC Paper No. CB(3) 465/09-10 dated 19 February 2010.)

15. The Chairman said that the above motions would be moved by Ms Audrey EU and Ms Starry LEE respectively and the wording of the motions had been issued to Members.

16. The Chairman further said that the deadline for giving notice of amendments to the motions had expired on 24 February 2010.

V. Business for the Council meeting on 10 March 2010

(a) **Questions**

(LC Paper No. CB(3) 478/09-10)

17. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

(b) **Bills - First Reading and moving of Second Reading**

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

(c) **Bills - resumption of debate on Second Reading, Committee Stage_ and Third Reading**

Genetically Modified Organisms (Control of Release) Bill

19. The Chairman said that the relevant Bills Committee on the above Bill had reported to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for Security under the United Nations (Anti-Terrorism Measures) Ordinance on the code of practice prepared under the Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 462/09-10 dated 17 February 2010.)
(LC Paper No. LS 47/09-10)*

20. The Chairman said that the proposed resolution was for seeking the Council's approval of the Code of Practice for requiring persons to furnish information or produce material (the Code) under Section 12A of the United Nations (Anti-Terrorism Measures) Ordinance. The Administration had briefed the Panel on Security on the Code at its meeting on 2 December 2008 and members had expressed various concerns.

21. The Chairman further said that at the suggestion of the Legal Service Division, the Administration had agreed to make certain textual amendments to the Code. The Legal Service Division would issue a further report after receiving the Administration's proposed textual amendments.

22. Dr Margaret NG considered it necessary to form a subcommittee to study the proposed resolution.

23. The Chairman proposed that a subcommittee be formed to study the proposed resolution in detail. Members agreed. The following Members agreed to join: Dr Margaret NG, Mr James TO and Ms Cyd HO.

24. The Chairman added that the Administration would be requested to withdraw its notice for moving the proposed resolution.

(ii) **Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under the Public Finance Ordinance**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 464/09-10 dated 19 February 2010.)
(LC Paper No. LS 49/09-10)*

25. The Chairman said that the proposed resolution was for seeking funds on account to enable the Government to carry on its services between the start of the financial year on 1 April 2010 and the time when the Appropriation Ordinance 2010 came into operation. The aggregate total sum sought under all heads was fixed at \$58,957,489,000 this year. The sum sought last year was \$61,075,637,000.

26. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

(e) **Members' motions**

(i) **Motion on "Advocating a low carbon life"**

(Wording of the motion issued vide LC Paper No. CB(3) 486/09-10 dated 25 February 2010.)

(ii) **Motion on "Establishing a scheme for sexual offences records checks for child-related work"**

(Wording of the motion issued vide LC Paper No. CB(3) 487/09-10 dated 25 February 2010.)

27. The Chairman said that the above motions would be moved by Mr CHAN Hak-kan and Dr Philip WONG respectively and the wording of the motions had been issued to Members.

28. Regarding the motion to be moved by Dr Philip WONG, Ms Emily LAU said that the Law Reform Commission Report on "Sexual offences records checks for child-related work: interim proposals" (the Report) had just been released in early February 2010, and the relevant Panel had not yet had the opportunity to discuss the proposals in the Report, which were highly controversial. While respecting Dr WONG's right to move the motion at the Council meeting, she considered it a better arrangement if the relevant Panel had discussed and received public views on the subject before the holding of the debate. She said that some Members had suggested that a meeting be convened by the relevant Panel to discuss the Report as soon as possible and, in her view, a series of meetings might be necessary given the controversial nature of the proposals in the Report. Under such circumstances, she hoped that arrangements could be made for the discussion of the subject by the relevant Panel as soon as possible and the provision of relevant background information by the Secretariat to facilitate Members' debate. She was concerned that if a subject was debated in the Council before Members belonging to different political parties and groupings had had the opportunity to consider it in detail, Members might give misleading messages to the Administration and the public when expressing their stance during the motion debate. She enquired how the Secretariat could assist Members to hold a fruitful debate on the motion to be moved by Dr WONG.

29. Dr Philip WONG said that he appreciated Ms Emily LAU's views. He had discussed the matter with Mr Ronny TONG before the House Committee meeting. Dr WONG further said that the Law Reform Commission had studied in-depth the subject of checking of sexual offences convicted by persons undertaking child-related work for many years, and proposed the establishment of an administrative scheme without the need for legislation in this regard. He considered that given the grave public concern on the subject including the privacy of the sex offenders and the adequacy of protection of children from sex offenders, the Council should hold a motion debate on it. In his view, Members could be open-minded and did not have to hold any stance on the subject while the relevant Panel could discuss the subject in parallel. He added that as the motion debate was scheduled for the Council meeting on 10 March 2010, Members still had time to consider the subject.

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30. The Chairman reminded Members not to go into the detail of the subject. She appreciated Dr Philip WONG's right to move the motion, and sought confirmation on whether the Secretariat could provide relevant background information to facilitate Members' debate. She added that Members had the right to propose amendments to the motion, the deadline for giving notice of which was 3 March 2010.

31. At the invitation of the Chairman, Secretary General (SG) said that the Secretariat would prepare relevant background information for Members' reference and liaise with the relevant Panel Chairman on the feasibility of holding a meeting to discuss the subject before the motion debate. The Panel on Security and the Panel on Administration of Justice and Legal Services might be relevant. The Secretariat would arrange for the subject to be discussed at the appropriate forum.

32. Mr LAU Kong-wah, Chairman of the Panel on Security, said that Mr Ronny TONG had discussed the matter with him before the House Committee meeting. The next meeting of the Panel would be held on Tuesday, 2 March 2010. As only two discussion items had been scheduled for the meeting, he had requested the Panel Clerk to include in the agenda the discussion of the Report and invite the relevant bureaux to the meeting, provided that the subject was confirmed to fall within the policy area of the Panel on Security.

33. Ms Audrey EU requested Mr LAU to consider the feasibility of inviting relevant organizations such as the two legal professional bodies, Hong Kong Human Rights Monitor and JUSTICE to provide written views on the subject.

34. Mr LAU Kong-wah said that as deputations had been invited to attend the meeting to give views on one of the agenda items, there might not be sufficient time to receive oral views on the Report. Nonetheless, relevant organizations could be invited to submit written views on the Report for members' reference.

35. The Chairman concluded that Members would have an opportunity to discuss the subject and to consider the relevant background information before the holding of the motion debate.

VI. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2) 976/09-10*)

36. The Chairman said that there were six Bills Committees, seven subcommittees under the House Committee (i.e. four subcommittees on subsidiary legislation and three subcommittees on policy issues) and eight subcommittees under Panels in action.

VII. Paper of the Committee on Rules of Procedure (CRoP)

Indication of choice of nominee in the election of the chairman and deputy chairman of a committee

(LC Paper No. CROP 30/09-10)

37. Mr TAM Yiu-chung, Chairman of CRoP, said that the House Committee's support was sought for CRoP's proposed amendments to Appendix IV to the House Rules (HR) regarding indication of choice of nominee in the election of the chairman and deputy chairman of a committee.

38. Mr TAM elaborated that under the current election procedures for the chairmen and deputy chairmen of the House Committee, Panels, Bills Committees and subcommittees as set out in Appendix IV to HR, a member who wished to vote had to put down in legible form the name of the nominee of his choice on a ballot paper. At the beginning of the Fourth Legislative Council (LegCo), there was a suggestion from a Member that the choice of nominee should be indicated by marking on a ballot paper using a chop with a "✓", instead of writing the name of the nominee on the ballot paper, as handwriting might easily be recognized and thus the secrecy of the votes cast was not well protected.

39. Mr TAM further said that as the election procedures for the President as well as the Chairman and Deputy Chairman of the Finance Committee set out in the Schedule to the Rules of Procedure and in the Finance Committee Procedure respectively were silent on how Members should indicate their vote on a ballot paper and how the votes should be counted, the use of a chop instead of the handwriting of the nominee's name had been adopted for the elections of the President as well as the Chairman and Deputy Chairman of the Finance Committee held in October 2008. As the way of indication of choice of nominee by marking on a ballot paper using a chop with a "✓" had worked well and could reduce the possibility of the identity of a Member who cast the vote from being revealed, CRoP had recommended that the procedures for the election of the chairmen and deputy chairmen of the House Committee, Panels, Bills Committees and subcommittees be amended to adopt the same arrangement. Subject to the endorsement of the House Committee, the new arrangement would be adopted with immediate effect.

40. Ms Emily LAU indicated support for CRoP's proposal. She sought confirmation on whether the new arrangement could be adopted with immediate effect.

41. Mr TAM Yiu-chung replied in the affirmative. In response to the Chairman, he further said that the Secretariat had prepared sufficient number of chops for the new arrangement.

42. Members endorsed the proposed amendments to Appendix IV to HR as set out in the Appendix to the paper.

VIII. Filling of vacancies in the membership of committees of the Legislative Council and the Council of The Chinese University of Hong Kong arising from the resignation of Members

(Paragraphs 43 to 47 of the minutes of the 14th meeting held on 5 February 2010)

(LC Paper Nos. CB(2) 977/09-10(01), CB(2) 990/09-10(01) and CB(2) 993/09-10(01) to (04))

[Previous paper:

LC Paper No. CB(3) 431/09-10 issued vide LC Paper No. CB(2) 882/09-10 dated 3 February 2010]

Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man

43. At the invitation of the Chairman, Ms LI Fung-ying, Chairman of the Select Committee, reported on the deliberations of the Select Committee at its closed meeting on 9 February 2010 on whether there was a need to fill the vacancy in the membership of the Select Committee arising from the resignation of Mr LEUNG Kwok-hung from office as a LegCo Member.

44. Ms LI reported that the Select Committee was of the view that participation in the hearings to obtain evidence from witnesses was crucial to the work of members of the Select Committee. Given that the Select Committee had completed its hearings and was in the report drafting stage, members did not consider it necessary to fill the vacancy. The Select Committee agreed to recommend to the House Committee to consider revising its membership size from 12 to 11.

45. The Chairman invited Members' views on the recommendations of the Select Committee.

46. While agreeing to the proposal for not filling the vacancy, Dr Margaret NG sought the advice of the Secretariat on the need to amend the membership size of a committee after a member had ceased to be its member for whatever reasons.

47. At the invitation of the Chairman, SG explained the procedures relevant to the composition of the Select Committee. She said that the membership size of the Select Committee was agreed by the House Committee at its meeting on 21 November 2008, and its members were subsequently appointed by the President in accordance with the House Committee's recommendation. Following the resignation of Mr LEUNG Kwok-hung, the Select Committee had discussed the need to fill the vacancy and considered it not necessary to do so at this stage, and recommended that its membership size be amended. As the composition of the Select Committee was recommended by the House Committee, the House Committee's endorsement was therefore sought on the views of the Select Committee.

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48. Dr Margaret NG said that while she agreed that it was not necessary to fill the vacancy in the membership of the Select Committee and the recommendations of the Select Committee should be referred to the House Committee for consideration, she was concerned whether it was necessary to amend the membership size of the Select Committee when a vacancy arose as all its members had already been appointed. She elaborated that if it was considered necessary to fill the vacancy, the House Committee would recommend appointment of the new member by the President. On the other hand, if it was considered not necessary to fill the vacancy, it might not be necessary for the membership size of the Select Committee to be amended. According to her understanding, for a statutory committee appointed to conduct hearings on certain matters, its members must have participated in the hearings before adjudicating on the matters and its membership size would not be amended after a member had withdrawn in the process.

49. Mr Albert HO said that Mr LEUNG Kwok-hung had been a member of the Select Committee before his resignation and there were records on his participation in the work of the Select Committee. In other words, there was a period of time during which the Select Committee comprised 12 members. Hence, in his view, there was no need to amend the membership size of the Select Committee even though it was considered not necessary to fill the vacancy.

50. At the invitation of the Chairman, SG said that there were precedents where a Member had withdrawn from a committee. In such cases, the name of the Member concerned would still be shown in the membership list of the committee on the official records, with a remark on cessation of his/her membership from a certain date.

51. The Chairman said that she gathered from the discussions that Members agreed that it was not necessary to fill the vacancy. The issue raised by Dr Margaret NG and Mr Albert HO was whether it was necessary to amend the membership size of the Select Committee if it was decided not to fill the vacancy.

52. At the invitation of the Chairman, Legal Adviser said that as the membership size of a select committee was not specified in the Rules of Procedure (RoP), strictly speaking, the question of vacancy in its membership should not arise. The case in point was the change in its membership occasioned by the resignation of one of its members. RoP 78(2) provided that the President should decide the size of every elect committee and should appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee. It was for the House Committee, after having learnt of the recommendations of the Select Committee, to consider whether it was necessary to appoint another member to participate in the work of the Select Committee consequent upon the resignation of one of its members as a LegCo Member. In this regard, Members had generally indicated support for the Select Committee's recommendation that it was not necessary to do so. Consequentially, the

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amendment of the membership size of the Select Committee would be an academic issue. In practice, the membership of the Select Committee would be shown in the same manner as that of other committees as explained by SG in paragraph 50 above.

53. Mr Ronny TONG said that in principle, he shared the views expressed by Dr Margaret NG and Mr Albert HO. He cautioned that any change in the membership size of the Select Committee should be handled prudently as the Select Committee might lay criticisms on certain persons in its report. Should a new member be appointed to the Select Committee at this stage, the persons under criticism by the Select Committee might question the fairness of such criticisms as the new member had not participated in the hearings of the Select Committee to take evidence. Conversely, should the membership size of the Select Committee be reduced from 12 to 11 and the member reduced was Mr LEUNG Kwok-hung, questions would then arise as to whether or not the views expressed by Mr LEUNG Kwok-hung should be disregarded. The persons under criticism might also consider it unfair if Mr LEUNG Kwok-hung had made certain remarks to their favour during his tenure. In his view, the most prudent approach was not to take any action. He pointed out that under the judicial system, the composition of the judges sitting in a particular case would not be changed even if a judge withdrew from the case. He stressed that the most prudent approach was to refrain from making any changes to the membership of the Select Committee while noting the resignation of one of its members as a LegCo Member.

54. In concluding the discussions, the Chairman said that Members agreed to the Select Committee's recommendation that it was not necessary to appoint a new member to the Select Committee. The duration of membership of Mr LEUNG Kwok-hung would be shown on the official records of the Select Committee. Members also agreed that it was not necessary to make any changes to the membership size of the Select Committee.

Public Accounts Committee (PAC), Committee on Members' Interests (CMI), CRoP and the Council of The Chinese University of Hong Kong (CUHK Council)

55. The Chairman said that Members agreed at the last House Committee meeting that the election of Members to fill the vacancies in the membership of PAC, CMI, CRoP and the CUHK Council should be held at the House Committee meeting on 26 February 2010. In accordance with the relevant election procedures agreed by the House Committee on 10 October 2008, a valid nomination should be made orally by a Member, seconded by at least one other Member, and accepted by the Member being nominated. If there were more nominations than the places available for any one committee, an election by a show of hands should be conducted. Members might vote for as many nominees as, but not more than, the number required for appointment. The House Committee's recommendations on the Members elected to fill the vacancies in PAC, CMI and CRoP would be submitted to the President for appointment.

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PAC

56. The Chairman invited Members to make nominations for filling two vacancies in the membership of PAC.

57. Ms Cyd HO nominated Mr LEE Cheuk-yan and the nomination was seconded by Ms Audrey EU. Mr LEE Cheuk-yan did not accept the nomination.

58. Mr LEE Cheuk-yan nominated Ms Cyd HO and the nomination was seconded by Ms Emily LAU. Ms Cyd HO accepted the nomination.

59. Ms Emily LAU nominated Mr Ronny TONG and the nomination was seconded by Ms Cyd HO. Mr Ronny TONG accepted the nomination.

60. After ascertaining that there was no further nomination, the Chairman declared that Ms Cyd HO and Mr Ronny TONG were elected for appointment to PAC.

CMI

61. The Chairman invited Members to make nominations for filling one vacancy in the membership of CMI.

62. Ms Audrey EU nominated Dr Margaret NG and the nomination was seconded by Ms Cyd HO. Dr Margaret NG accepted the nomination.

63. After ascertaining that there was no further nomination, the Chairman declared that Dr Margaret NG was elected for appointment to CMI.

CRoP

64. The Chairman invited Members to make nominations for filling one vacancy in the membership of CRoP.

65. Ms Cyd HO nominated Mr LEE Cheuk-yan and the nomination was seconded by Ms Audrey EU. Mr LEE Cheuk-yan accepted the nomination.

66. After ascertaining that there was no further nomination, the Chairman declared that Mr LEE Cheuk-yan was elected for appointment to CRoP.

CUHK Council

67. The Chairman invited Members to make nominations for the appointment of one Member to CUHK Council.

68. Ms Cyd HO nominated Ms Audrey EU and the nomination was seconded by Mr Albert HO. Ms Audrey EU accepted the nomination.

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69. Mr Andrew LEUNG nominated Mr Paul CHAN and the nomination was seconded by Dr LAM Tai-fai. Mr Paul CHAN accepted the nomination.

70. After ascertaining that there was no further nomination, the Chairman said that as a total of two nominations had been made, which exceeded the place available for appointment, an election by a show of hands would be conducted.

71. Ms Emily LAU suggested and Members agreed that the two nominees be invited to explain in three minutes why they considered themselves suitable for appointment as a CUHK Council member.

72. At the invitation of the Chairman, Ms Audrey EU said that she had attended a forum organized by the students of CUHK the day before the House Committee meeting at which Mr Paul CHAN was absent. Mr CHAN had sent a letter to the students to explain why he wished to be a member of CUHK Council. The reason given by Mr CHAN was that he was an alumnus of CUHK and hoped to repay CUHK.

73. Ms EU further said that she had explained at the forum why she wished to be a CUHK Council member. She elaborated that the purpose of appointing three LegCo Members to CUHK Council as provided in the relevant ordinance was because the university was publicly-funded and LegCo had a role to monitor its use of public fund and its operation in a transparent manner. She did not subscribe to the reason given by Mr Paul CHAN for wishing to be a CUHK Council member as the role of CUHK Council would be downgraded. In her view, the role of CUHK Council members should be more than repayment and should involve accountability.

74. Ms EU elaborated that ever since she was elected as a LegCo Member in 2000, she had been a member of the Panel on Education, and its Deputy Chairman in the 2005-2006 session. As she had taken up the chairmanship of the Panel on Environmental Affairs since the 2006-2007 session, she could not run for the chairmanship or deputy chairmanship of the Panel on Education. She stressed that all these years she was concerned about education matters such as democratization of governance of universities, funding to universities, academic freedom and institutional autonomy and operation of the University Grants Committee.

75. Ms EU added that the CUHK Alumni Concern Group, The Student Union of CUHK and the CUHK Employees' General Union had appealed to Members in their joint letter to support her to run for the membership of CUHK Council. All along the management, staff members and students of universities alike readily approached her on issues concerning universities, and the Panel on Education would discuss those issues falling within its purview. As far back as early 2008, she had been requested to run for the membership of CUHK Council. However, as Members of the pro-democratic camp then had to coordinate the nomination of one Member for the post, Mr WONG Yuk-man was nominated in accordance with the lot drawn. She appealed to Members to give her an opportunity to provide service in the area of education.

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76. At the invitation of the Chairman, Mr Paul CHAN apprised Members of the content of his letter to the students as mentioned by Ms Audrey EU. He said that he thanked the students for the invitation but regretted that as he was a board member of the West Kowloon Cultural District Authority and had to attend its board meeting in the afternoon of 25 February 2010, he was not available for the forum proposed to be held at the same time. The students then proposed 23 February 2010 afternoon as an alternative for holding the forum and, after rescheduling his engagements, he had informed the students of his availability for the forum. However, the students gave him a reply that as Ms Audrey EU was not available on 23 February 2010 afternoon, they decided to go for 25 February 2010 afternoon as originally planned.

77. Mr CHAN further said that he had raised several points to the students for consideration. First, if it was considered not necessary for the two prospective nominees to attend the forum at the same time, whether the students could also hold a forum on 23 February 2010 afternoon and give him an opportunity to exchange views with them. Second, whether it was fair and impartial for the CUHK Alumni Concern Group and The Student Union of CUHK to have issued an open letter to appeal to Members to support Ms Audrey EU before the holding of the forum.

78. Mr CHAN admitted that the reason put forth by him for wishing to be a CUHK Council member was that he was an alumnus of CUHK and hoped to repay CUHK. He further pointed out that as he was a member of PAC, the work of which was to monitor Government expenditure, his experience in that area was no less than many Members. He considered that the taking up of a public service should not be due only to a sense of duty; passion for the service was also important. Many alumni in their individual or organization capacity had written to Members to support him to become a CUHK Council member. Mr CHAN added that as an independent Member without any political party affiliation, it would be difficult for him to join each and every LegCo committee. Although he had not joined the Panel on Education, he had requested copies of papers of the Panel. He had kept track of issues of concern to the Panel, and noted that issues concerning not only CUHK but also other universities such as their governance structures and the establishment of an inter-institutional redress mechanism had been followed up by the Panel. He noted that the Research and Library Services Division of the Secretariat was undertaking a research on the subject of complaint handling mechanism in some overseas places, and a research report would soon be available.

79. Mr CHAN stressed that he was well-versed with issues relating to CUHK. Since his graduation in 1977, he had never ceased servicing CUHK in different capacities including sitting on alumni organizations or advisory boards, and taking up the post as a part-time visiting lecturer. He appealed to Members to support him to service CUHK.

80. The Chairman ordered a vote by a show of hands.

Action

81. Ms Audrey EU enquired whether a vote by secret ballot could be conducted, and whether Members could vote by secret ballot by writing the name of the nominee of his/her choice on a ballot paper.

82. The Chairman said that the vote should be conducted by a show of hands. She added that before calling for nominations, she had reminded Members of the relevant election procedure. According to the relevant election procedure agreed by Members at the House Committee meeting on 10 October 2008, the election should be conducted by a show of hands. Members might vote for as many nominees as, but not more than, the number required for appointment. The Chairman further clarified that the new arrangement for indication of choice of nominee agreed by Members under agenda item VII above applied to the election of the chairman and deputy chairman of a committee, but not the election of Members to serve on the governing bodies of universities.

83. The Chairman ordered a vote by a show of hands. She reminded Members that they could only vote once. The outcome of the vote was as follows -

Ms Audrey EU	17 votes
Mr Paul CHAN	30 votes

84. The Chairman declared that Mr Paul CHAN was elected to the CUHK Council.

IX. Any other business

Fire Drill

85. The Chairman reminded Members that a fire drill would be held immediately after the meeting. Members should evacuate from the Chamber on hearing the evacuation announcement which would be broadcast shortly after the fire alarm went off and proceed to Chater Garden.

86. There being no other business, the meeting ended at 3:14 pm.