

立法會  
*Legislative Council*

LC Paper No. CB(2) 1813/09-10

Ref : CB2/H/5/09

**House Committee of the Legislative Council**

**Minutes of the 26th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 11 June 2010**

**Members present :**

Hon Miriam LAU Kin-ye, 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 Margaret NG  
Hon James TO Kun-sun  
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 LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
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 CHEUNG Hok-ming, GBS, JP  
Hon WONG Ting-kwong, BBS, JP  
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  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Tanya CHAN  
Hon Albert CHAN Wai-yip  
Hon WONG Yuk-man

**Members absent :**

Dr Hon David LI Kwok-po, GBM, GBS, JP  
Hon CHEUNG Man-kwong  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon Ronny TONG Ka-wah, SC  
Hon Mrs Regina IP LAU Suk-ye, 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 Duties)
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Sharon TONG	Principal Council Secretary (Complaints)
Mr Kelvin LI	Acting Chief Public Information Officer
Mr Bonny LOO	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Mr KAU Kin-wah	Assistant Legal Adviser 6

Ms Clara TAM	Assistant Legal Adviser 9
Ms Amy YU	Senior Council Secretary (2)3
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

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**I. Confirmation of verbatim transcript/minutes of meetings**

- (a) **Verbatim transcript of the special meeting held on 14 May 2010**  
(LC Paper No. CB(2) 1766/09-10)
- (b) **Minutes of the 25th meeting held on 4 June 2010**  
(LC Paper No. CB(2) 1751/09-10)

The two sets of verbatim transcript/minutes of meetings 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 4 June 2010 and tabled in Council on 9 June 2010**  
(LC Paper No. LS 71/09-10)

3. The Chairman said that four items of subsidiary legislation were gazetted on 4 June 2010 and tabled in the Council on 9 June 2010.
4. Regarding the Country Parks (Designation) (Consolidation) (Amendment) Order 2010, the Chairman said that it sought to replace the original approved map in respect of the Clear Water Bay Country Park ("CWBCP") with a new approved map, under which approximately five hectares were excised from CWBCP to form part of the 50-hectare expanded area of the South East New Territories Landfill to extend its lifespan by six years.
5. The Chairman further said that the Panel on Environmental Affairs had been consulted on the legislative proposals at its meeting on 27 October 2008, and members had expressed various concerns. The Panel noted that the Country and Marine Parks Board had received from the public 3 105 objections to the proposed encroachment of the land of CWBCP. After consideration, the Country and Marine Parks Board had rejected all objections.

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6. Ms Emily LAU considered it necessary to form a subcommittee to study the Order.
7. The Chairman proposed that a subcommittee be formed to study the Order in detail. Members agreed. The following Members agreed to join: Mr WONG Yung-kan, Ms Miriam LAU, Ms Emily LAU, Mr KAM Nai-wai (as advised by Ms Emily LAU), Ms Cyd HO, Mr CHAN Hak-kan and Miss Tanya CHAN.
8. Members did not raise any queries on the other three items of subsidiary legislation.
9. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 7 July 2010.

**IV. Business for the Council meeting on 23 June 2010**

**(a) Questions**

*(LC Paper No. CB(3) 777/09-10)*

10. 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**

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

**(c) Government motions**

**Two motions to be moved by the Secretary for Constitutional and Mainland Affairs ("SCMA") concerning the Amendment to the Method for the Selection of the Chief Executive and the Amendment to the Method for the Formation of the Legislative Council and its Voting Procedures respectively**

*(Wording of the motions issued vide LC Paper No. CB(3) 776/09-10 dated 7 June 2010.)*

*(Letter dated 7 June 2010 from Secretary for Constitutional and Mainland Affairs to the President and copied to the Chairman of the House Committee (LC Paper No. CB(2) 1744/09-10(01) issued vide LC Paper No. CB(2) 1744/09-10 dated 7 June 2010)*

12. The Chairman said that SCMA had given notice to move the two motions at the Council meeting of 23 June 2010. For the purpose of facilitating Members' discussion on related issues, she invited Mr TAM Yiu-chung, Chairman of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 ("the Subcommittee"), to advance his report on the deliberations of the Subcommittee under Agenda item V(b).

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13. Mr TAM Yiu-chung reported that the Subcommittee had held nine meetings to study the package of proposals for the methods for selecting the Chief Executive ("CE") and for forming the Legislative Council (LegCo) in 2012 and the two relevant draft motions. The Subcommittee had also received views from 163 organizations and individuals at three of these meetings.

14. Mr TAM then highlighted the major issues discussed by the Subcommittee. These included the nomination mechanism for the CE election, the number of members and composition of the Election Committee, the number of seats in LegCo, the Administration's District Council proposal, as well as the electorate base and the retention or abolition of functional constituencies. He reported that members of the Subcommittee had expressed different views on these issues. He referred Members to the Subcommittee's report for details of its deliberations.

15. The Chairman said that according to the decision of the Standing Committee of the National People's Congress ("NPCSC") on 29 December 2007, the proposed amendments to the methods for the selection of CE and for the formation of LegCo should be introduced by the Government, and such amendments must be made with the endorsement of a two-thirds majority of all the Members of LegCo. In the light of the decision of the NPCSC, the President had directed that amendments to the motions, if any, should be moved by the Government only and the passage of the two motions should require a two-thirds majority of all Council Members. The Chairman added that the speaking time limit of 15 minutes for each Member would apply.

16. The Chairman pointed out that the contents of the two motions were the same as those of the draft motions in substance, and the only differences were a punctuation mark revision and rearrangement of the order of the five subsectors of the fourth sector of the Election Committee. She invited members' view on the need to set up a new subcommittee to study the two motions.

17. Ms Emily LAU considered it not necessary to set up a new subcommittee to study the two motions given that they were the same as the draft in substance. She said that should the Government propose any amendments to the constitutional reform proposals, it was necessary for members to discuss them. She recalled that members had not had any opportunities to discuss the Government's proposed amendments to the constitutional reform proposals before the moving of the relevant motions at the Council meeting in 2005. She considered such an arrangement unsatisfactory. She was concerned whether the Subcommittee, after its report to the House Committee, could convene meetings immediately if necessary to discuss amendments proposed by the Government.

18. In response to the Chairman's enquiry as to whether the Subcommittee had to be dissolved after reporting to the House Committee, Legal Adviser ("LA") said that the Subcommittee was appointed under the House Committee

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with the task to study the draft motions relating to the constitutional reform proposals. The nature of the Subcommittee was different from that of committees formed to study legislative proposals which should be dissolved as soon as the legislative proposals under scrutiny had passed through the Council, or when the House Committee so decided. LA added that it was for the House Committee to decide whether the Subcommittee should be dissolved.

19. The Chairman and Ms Emily LAU sought clarification on whether procedurally the Subcommittee could continue to work and convene meetings, if necessary, to study the two motions and related issues notwithstanding its having reported to the House Committee.

20. LA replied that it was for the House Committee to decide.

21. Mr James TO said that as it was uncertain whether the Government would propose any amendments, he would prefer the Subcommittee to continue to exist so that urgent meetings could be convened if necessary at short notice. This would be similar to the operation of Bills Committees which, after reporting to the House Committee, might convene meetings to discuss Committee Stage amendments proposed by the Administration at a late stage. In his view, the Subcommittee needed not be dissolved. Mr TO further said that he noted that according to the decision of the NPCSC, the proposed amendments to the methods for the selection of CE and for the formation of LegCo should be introduced by the Government. As such a decision was not reflected in the Rules of Procedure ("RoP"), he was concerned about the basis on which the President might rule amendments proposed by Members, if any, out of order. He was also concerned about the legal effect of such amendments if passed, such as how they would impact on the "five-step mechanism" for amending the two electoral methods.

22. LA said that a circular had been issued to inform Members of the direction of the President that amendments to the motions, if any, should be moved by the Government only. Unless the President changed his direction, the concern raised by Mr James TO about the legal effect of Members' amendments would not arise.

23. Mr James TO said that as the decision of the NPCSC was not part of the local law and had not been reflected in RoP, he was concerned about the legal basis for the President's ruling of any amendments proposed by Members. He opined that the President's ruling might be subject to judicial review.

24. Dr Margaret NG said that Article 74 of the Basic Law might be relevant as it was provided therein that bills which did not relate to the political structure might be introduced by Members.

25. The Chairman requested LA to provide a paper on the concerns raised for Members' reference.

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26. Mr CHAN Kam-lam shared the view that the Subcommittee should continue to exist in order that its Chairman might convene meetings to discuss the related issues if necessary.

27. Ms Audrey EU sought clarification on the circumstances under which the Subcommittee would convene meetings to discuss amendments proposed by the Government. She pointed out that the wording of the two motions was straight-forward. However, the constitutional reform proposals were more than the two motions, such as the proposal of returning the six District Council ("DC") Functional Constituency seats by the proportional representation system. She considered that the Subcommittee should convene meetings to discuss any amendments proposed by the Government which related to issues discussed by it.

28. The Chairman said that as it was not possible to speculate the amendments which might be proposed by the Government, Members' view was generally that the Subcommittee should continue to exist and would convene meetings to discuss any proposed amendments to the constitutional reform proposals.

29. Mr TAM Yiu-chung said that given members' view, the Subcommittee would suspend its work for the time being and convene meetings should any amendments to the constitutional reform proposals be proposed by the Government. Members agreed.

30. The Chairman then invited Members' view on the arrangement of the debates on the two motions. She pointed out that while the two motions were related, there were no provisions in RoP allowing a joint debate on separate motions. Indeed, separate debates were held on the two motions on the constitutional reform proposals at the Council meeting on 21 December 2005. The two debates lasted for four hours and 24 minutes and six-and-a-half hours respectively, totally some 11 hours.

31. Members agreed that separate debates should be held on the two motions.

32. The Chairman said that the total duration of the two debates in 2005 was about 11 hours, and the Council meeting ended at 12:01 am the following day, with the two Members' motions deferred to the following Council meeting. As it was anticipated that the debates on the two motions in question might even be longer, to be followed by the debates on the two Members' motions with no legislative effect, the business on the Agenda of the Council meeting would unlikely be finished on 23 June. There was a proposal that the meeting be suspended at about 10:00 pm on 23 June and resumed at 9:00 am the following day for continuation of the unfinished business. She invited Members' views on the proposal.

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33. Mr TAM Yiu-chung said that there had been occasions in the past where the President had decided to continue the Council meeting at about 10:00 pm if he was of the opinion that it was likely that the business on the Agenda could be finished by about midnight that day. He suggested that the same approach be adopted for the Council meeting of 23 June.

34. The Chairman invited Members' view on Mr TAM Yiu-chung's proposal.

35. Ms Emily LAU considered that the past practice should be followed. It had been the practice that if the President was of the opinion that it was likely that the business on the Agenda of the meeting could be finished by about midnight, he would continue with the meeting; otherwise, he would suspend the meeting at about 10:00 pm and ordered that it be resumed at 9:00 am the following day for continuation of business.

36. In response to Ms Emily LAU, the Chairman confirmed that meetings with DCs had been scheduled in the morning of 24 June.

37. Ms Emily LAU said that the meetings with DCs should not be cancelled on account of continuation of the Council meeting on 24 June. She pointed out that some DCs had expressed strong views against the cancellation of meetings in the past. It had been decided subsequently that if a Council meeting had to continue on a Thursday on which meetings with DC members had already been scheduled, the Council meeting should be resumed at 2:30 pm instead of 9:00 am. She considered that such an arrangement should be followed for the Council meeting in question.

38. The Chairman clarified that the proposal was for the meetings with the DCs concerned to be re-scheduled, and not cancelled.

39. At the invitation of the Chairman, Assistant Secretary General 2 ("ASG2") said that in anticipation of the long debates on the two motions, the Secretariat had made initial contacts with the respective Convenors of the two DC meetings and the two DCs concerned on the relevant arrangement. Both the Convenors and the DCs concerned agreed in principle that the meetings should be re-scheduled. The two DC meetings were tentatively re-scheduled for 5 July and 8 July respectively.

40. Mr IP Kwok-him said that there had been past occasions where some DCs had expressed strong views against the re-scheduling of meetings with DC members. He stressed that if it was considered necessary to re-schedule the meetings with DC members on 24 June, the position should be explained clearly to the DCs concerned. The case in question was an exceptional situation, having regard to the importance of the constitutional reform proposals. He would raise no objection should the DCs concerned agree to re-schedule the meetings. Otherwise, he would have reservation about such an arrangement.

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41. The Chairman said that as mentioned by ASG2, the Secretariat had made initial contacts with the DCs concerned which did not object to the re-scheduling of the meetings, and the dates for the re-scheduled DC meetings had been fixed tentatively. She believed that all parties concerned recognized the importance of the debates on the two motions regarding constitutional development.

42. Members agreed that if the President was of the opinion that it was unlikely that the business on the Agenda of the meeting on 23 June could be finished by about midnight that day, the meeting would be suspended at about 10:00 pm and resumed the following day at 9:00 am for continuation of the unfinished business, subject to the Secretariat's confirmation with the two DCs concerned on the re-scheduling of the meetings.

43. Concluding the discussion, the Chairman said that Members did not object to the Administration moving the two motions at the Council meeting.

**(d) Members' motions**

**(i) Motion on “Legislating for ‘standard working hours’”**  
*(Wording of the motion issued vide LC Paper No. CB(3) 781/09-10 dated 9 June 2010.)*

**(ii) Motion on “Assisting the sustainable development of small and medium enterprises”**  
*(Wording of the motion issued vide LC Paper No. CB(3) 782/09-10 dated 9 June 2010.)*

44. The Chairman said that the above motions would be moved by Dr LEUNG Ka-lau and Dr LAM Tai-fai respectively and the wording of the motions had been issued to Members.

45. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 15 June 2010.

Report on subsidiary legislation the period for amendment of which would expire on 23 June 2010

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46. The Chairman said that the list of subsidiary legislation the period for amendment of which would expire on 23 June 2010 had been tabled at the meeting. Members who wished to speak on the subsidiary legislation should notify the Clerk by 5:00 pm on Monday, 14 June 2010.

**V. Report of Bills Committees and subcommittees**

**(a) Report of the Subcommittee on Fugitive Offenders (South Africa) Order and Mutual Legal Assistance in Criminal Matters (South Africa) Order**

*(LC Paper No. CB(2) 1752/09-10)*

47. Mr James TO, Chairman of the Subcommittee, reported that the Subcommittee had held two meetings. It had made article-by-article comparisons of the agreement on arrangements for the surrender of fugitive offenders entered into by the Government of the Hong Kong Special Administrative Region and the Government of South Africa with the Model Agreement for the Surrender of Fugitive Offenders and of the agreement between the two Governments on provision of mutual legal assistance with the Model Agreement on Mutual Legal Assistance in Criminal Matters. He referred Members to the Subcommittee's report for details of its deliberations. He added that the Subcommittee supported the two Orders and the Administration giving fresh notice to move a motion on the Mutual Legal Assistance in Criminal Matters (South Africa) Order at a future Council meeting.

48. The Chairman reminded Members that as the deadline for amending the Fugitive Offenders (South Africa) Order was 23 June 2010, the deadline for giving notice of amendments, if any, was Tuesday, 15 June 2010.

**(b) Report of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012**

*(LC Paper No. CB(2) 1753/09-10)*

49. The Chairman said that the Subcommittee Chairman had reported on the work of the Subcommittee under Agenda item IV (c) above.

**(c) Report of the Subcommittee on Proposed Resolution under Section 12A of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)**

*(LC Paper No. CB(2) 1754/09-10)*

50. Mr IP Kwok-him, Chairman of the Subcommittee, reported on the deliberations of the Subcommittee as detailed in its report. He elaborated that section 12A of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) provided that the Secretary for Justice might make an application to the Court of First Instance for an order to require the relevant persons to answer questions, furnish information or produce material relevant to the investigation of an offence under the Ordinance ("the interviewees"). Section 12A also required the Secretary for Security to prepare a Code of Practice ("the Code") in connection with the exercise of the powers and the discharge of the duties under the section.

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51. Mr IP further reported that in response to members' requests, the Administration agreed to amend the Code to -

- (a) specify that the Code should be made available in Braille and in languages other than Chinese and English;
- (b) specify the provision of language interpreters for interviewees, allow interviewees to make reasonable phone calls and make clear that they should be given a copy of the interview record; and
- (c) explain more clearly the responsibility and privilege of interviewees.

52. Mr IP added that the Subcommittee had no objection to the Administration giving notice to move the proposed resolution to pass the Code as revised at a Council meeting.

(d) **Report of the Subcommittee on Solicitors (Professional Indemnity) (Amendment) Rules 2010**  
*(LC Paper No. CB(2) 1756/09-10)*

53. Dr Margaret NG, Chairman of the Subcommittee, reported on the deliberations of the Subcommittee as detailed in its report. She explained that the Professional Indemnity Scheme was a mandatory scheme to provide indemnity against negligence claims made by the public against members of the Law Society of Hong Kong ("the Law Society"), and a Solicitors Indemnity Fund ("the Fund") was maintained by the Law Society for administering the indemnity scheme. The Amendment Rules sought to enable the Hong Kong Solicitors Indemnity Fund Limited to reduce the contributions to the Fund payable by all solicitor firms during an indemnity period.

54. Dr NG further reported that the Subcommittee had held one meeting and generally supported the Amendment Rules. The Subcommittee had suggested that in future the Law Society should provide the Panel on Administration of Justice and Legal Services with an information note on its plan to revise the contributions to the Fund as early as practicable so that the Panel could discuss the proposal at an early opportunity.

55. The Chairman reminded Members that as the deadline for amending the Rules was 23 June 2010, the deadline for giving notice of amendments, if any, was Tuesday, 15 June 2010.

**VI. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2) 1757/09-10)*

56. The Chairman said that there were 10 Bills Committees, six subcommittees under the House Committee (i.e. two subcommittees on subsidiary legislation, one subcommittee on constitutional reform proposals and three subcommittees on policy issues) and nine subcommittees under Panels in action.

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

**Arrangement for shortening the duration of the division bell**

*(LC Paper No. CROP52/09-10)*

57. Mr TAM Yiu-chung, Chairman of CRoP, said that in a recent review of the relevant rules on shortening of the duration of the division bell, CRoP noticed that the effect of Rule 49(4) of RoP did not accord fully with the original proposal in 1996 and the actual practice all along adopted by the Council. CRoP also noted an inconsistency between the Chinese and English texts of Rule 49(6) of RoP and proposed that the English text be amended to remove the inconsistency.

58. Mr TAM then elaborated on CRoP's proposed amendments to RoP. He said that as far as proceedings on bills were concerned, the existing wording of Rule 49(4) was drafted to cover only divisions on amendments, but not other proceedings on bills in a committee of the whole Council, i.e. Committee stage, such as questions to move that particular clauses stood part of the bill. Members might find such an arrangement confusing. In actual practice, the shortening of the duration of the division bell had all been applicable to divisions on any provisions of a bill and amendments to the bill during the Committee Stage. CRoP therefore proposed that amendments be made to Rule 49(4) to accurately reflect the original proposal and the actual practice.

59. Mr TAM further said that CRoP also noted that there was an inconsistency between the Chinese and English texts of Rule 49(6) of RoP. The Chinese text of the Rule did not stipulate that the motion to shorten the duration of the division bell to one minute ("one-minute motion") must be moved immediately after the President had declared the result of the first division, which reflected the actual practice. However, it was stipulated in the English text that the one-minute motion must be moved immediately after the President had declared the result of the first division; in other words, if for any reasons the one-minute motion had not been moved immediately after the declaration of the result of the first division, a Member could not move the motion during subsequent divisions. CRoP considered such an arrangement inflexible and recommended that the English text of the Rule be amended to reflect the actual practice and remove the inconsistency.

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60. Mr TAM added that subject to Members' views on the proposed amendments to Rule 49(4) and (6) of RoP as set out in the Appendix to the paper, he would move a motion at the Council meeting on 30 June 2010 to amend RoP as proposed.

61. Members endorsed the proposed amendments to RoP.

**VIII. Request for joining the Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man**

*(Letter dated 8 June 2010 from Hon LEUNG Kwok-hung to the Chairman of the House Committee (LC Paper No. CB(2) 1765/09-10(01))*

*(LC Paper No. CB(2) 1767/09-10)*

62. At the invitation of the Chairman, Mr LEUNG Kwok-hung explained that he wished to re-join the Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man ("the Select Committee") to continue to discharge his duties. He was aware of the concern expressed by some Members about the risk of legal challenge arising from his re-joining of the Select Committee. In his view, there was no cause for such a concern. He appealed to Members to support his request.

63. Ms LI Fung-ying, Chairman of the Select Committee, reported on the deliberations of the Select Committee on Mr LEUNG Kwok-hung's request for joining the Select Committee at its closed meeting on 8 June 2010. She said that Mr LEUNG had participated in the taking of evidence by the Select Committee, including its hearings to obtain evidence from witnesses, and had been provided with all papers of the Select Committee, written statements from witnesses as well as verbatim transcripts of the proceedings of the hearings before his resignation in January 2010. As the Select Committee was deliberating on the evidence and the draft report, and Mr LEUNG had taken part in the evidence collection stage, members considered that no issue of procedural unfairness should arise if Mr LEUNG was to be admitted to the Select Committee at this stage. Members were also of the view that Mr LEUNG could provide input based on his participation in the hearings and the evidence obtained by the Select Committee. Having regard to these considerations, the Select Committee raised no objection to Mr LEUNG's request for joining the Select Committee.

64. The Chairman invited Members' views on Mr LEUNG Kwok-hung's request for joining the Select Committee.

65. Mr Paul TSE did not agree that there was no cause for concern about the risk of legal challenge, albeit that the Select Committee would be in the best position to assess such a risk. He sought information on the percentage of hearings held by the Select Committee after Mr LEUNG Kwok-hung's resignation.

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66. At the invitation of the Chairman, ASG2 said that Mr LEUNG Kwok-hung had not missed any hearings of the Select Committee, all of which were held before his resignation.

67. Members agreed to Mr LEUNG Kwok-hung's request for joining the Select Committee.

68. The Chairman said that a recommendation would be made to the President for the appointment of Mr LEUNG Kwok-hung to the Select Committee.

69. There being no other business, the meeting ended at 3:06 pm.

Council Business Division 2  
Legislative Council Secretariat  
17 June 2010