

立法會
Legislative Council

Ref : CB2/BC/6/10

LC Paper No. CB(2)1300/11-12
(These minutes have been seen
by the Administration)

**Bills Committee on
Legislative Council (Amendment) Bill 2011**

**Minutes of the fourth meeting
held on 22 June 2011 at 8:30 am in the
Chamber of the Legislative Council Building**

- Members present** :
- Hon TAM Yiu-chung, GBS, JP (Chairman)
 - Hon Jeffrey LAM Kin-fung, SBS, JP (Deputy Chairman)
 - Hon Albert HO Chun-yan
 - Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
 - Dr Hon Margaret NG
 - Hon CHEUNG Man-kwong
 - Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
 - Dr Hon Philip WONG Yu-hong, GBS
 - Hon LAU Kong-wah, JP
 - Hon Miriam LAU Kin-ye, GBS, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon LI Fung-ying, SBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon Vincent FANG Kang, SBS, JP
 - Hon WONG Kwok-hing, MH
 - 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 Cyd HO Sau-lan
 - Hon CHAN Kin-por, JP
 - Dr Hon Priscilla LEUNG Mei-fun
 - Hon WONG Kwok-kin, BBS
 - Hon IP Kwok-him, GBS, JP
 - Hon Mrs Regina IP LAU Suk-ye, GBS, JP
 - Hon Paul TSE Wai-chun
 - Hon Alan LEONG Kah-kit, SC
 - Hon LEUNG Kwok-hung

Hon Tanya CHAN
Hon Albert CHAN Wai-yip

Members absent : Hon WONG Yung-kan, SBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Ronny TONG Ka-wah, SC
Dr Hon LAM Tai-fai, BBS, JP
Hon IP Wai-ming, MH
Dr Hon PAN Pey-chyou
Hon WONG Yuk-man

Public Officers attending : Constitutional and Mainland Affairs Bureau

Mr Stephen LAM Sui-lung
Secretary for Constitutional and Mainland Affairs

Mr Joshua LAW Chi-kong
Permanent Secretary for Constitutional and Mainland Affairs

Mr Arthur HO Kin-wah
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Department of Justice

Mr Gilbert MO Sik-keung
Deputy Law Draftsman
(Bilingual Drafting and Administration)

Miss Emma WONG
Senior Government Counsel

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Ms Alice LEUNG
Senior Council Secretary (2)2

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with the Administration

[LC Paper Nos. CB(3)840/10-11, CB(2)2106/10-11(01) and CB(2)2156/10-11(01)]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

Withdrawal of membership

2. Members noted that Mr LAU WONG-fat and Mr Timothy FOK Tsun-ting had withdrawn their membership from the Bills Committee.

Administration's responses to issues raised at the meeting on 21 June 2011

3. Members noted that the Administration's paper setting out its response to issues raised at the meeting on 21 June 2011 and the Committee Stage Amendments to be proposed by the Administration was tabled at the meeting (LC Paper No. CB(2)2156/10-11(01)).

Follow-up actions required of the Administration

Admin 4. The Administration was requested to provide its response in writing to the submission of the Hong Kong Bar Association ("the Bar Association") dated 17 June 2011 and its statement dated 21 June 2011.

(Post-meeting note: The Administration's response to the submission dated 17 June 2011 and the statement dated 21 June 2011 (LC Paper Nos. CB(2)2214/10-11(02) and CB(2)2181/10-11(01) respectively) from the Bar Association on the proposed replacement arrangement was tabled at the Bills Committee meeting on 24 June 2011 and issued to members vide LC Paper No. CB(2)2214/10-11(01).)

Action

Motion

5. Dr Margaret NG moved the following motion, which was seconded by Ms Cyd HO, -

"本草案委員會要求當局收回草案，直至完成充分公眾諮詢為止。"

(Translation)

"That this Bill Committee requests the Administration to withdraw the Bill until after comprehensive public consultation has been conducted."

6. The Chairman put the motion to vote and Mr CHAN Wai-yip claimed a division. Nine members voted in favour of the motion, 13 members voted against the motion and one member abstained from voting. The motion was negated.

II. Any other business

7. The Chairman reminded members that the next meetings would be held on Thursday, 23 June 2011 from 8:30 am to 10:30 am and from 2:30 pm to 5:30 pm to continue clause-by-clause examination of the Bill.

8. There being no other business, the meeting ended at 10:00 am.

Council Business Division 2
Legislative Council Secretariat
13 March 2012

**Proceedings of the fourth meeting of the
Bills Committee on Legislative Council (Amendment) Bill 2011
on Wednesday, 22 June 2011 at 8:30 am
in the Chamber of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000050 - 000120	Chairman	Opening Remarks Withdrawal of membership	
000121 - 000954	Chairman Mr Albert HO Administration	Mr Albert HO raised concern about the lack of response from the Administration to the submission of the Hong Kong Bar Association ("the Bar Association") on the Bill given in its submission to the Bills Committee and in its press statement. The Administration reiterated its explanation why the proposed replacement mechanism was in compliance with Basic Law ("BL") and Legislative Council Ordinance (Cap. 542) ("LCO").	
000955 - 002933	Chairman Ms Cyd HO Administration Dr Margaret NG Mr IP Kwok-him Dr Philip WONG	Ms Cyd HO reiterated her objection to the Administration's plan to resume Second Reading debate on the Council meeting of 13 July 2011. Dr Margaret NG considered that the Administration should explain comprehensively the policy aspects of the Bill, and conduct a wide consultation on the Bill as it had proposed a fundamental change which would have significant impact on the existing election system. Mr IP Kwok-him held the view that there had been adequate discussion in society on the subject since the five Members had resigned at will to force a so-called "referendum" in January 2010. In response to Dr Margaret NG's criticism that the Bills Committee had not followed the normal practice in scrutinizing a bill, the Chairman's remarks that he followed all the rules of procedures and practices in chairing the meetings of the Bills Committee for the scrutiny work.	

Time Marker	Speaker(s)	Subject(s)	Action required
002934 - 003759	Chairman Mr Albert CHAN Dr Margaret NG Mr Albert HO	Mr Albert CHAN requested the Administration to provide its response to views raised by the Bar Association in writing and proposed a motion to suspend the scrutiny work of the Bills Committee. Dr Margaret NG proposed a motion, which was seconded by Ms Cyd HO, as follows – "That this Bill Committee requests the Administration to withdraw the Bill until after comprehensive public consultation has been conducted."	
003800 - 004518	Chairman Ms Audrey EU Mr LAU Kwong-wah Mr Alan LEONG	Ms Audrey EU urged members to support Dr Margaret NG's motion having regard to the fact that it was incumbent upon the Government to conduct full public consultation before its introduction of the Bill. Mr LAU Kong-wah explained why he would not support the motions proposed by Mr Albert CHAN and Dr Margaret CHAN. He considered that the Bills Committee should continue its scrutiny work. Mr Alan LEONG reiterated his concern that the Bill would deprive electors' right to vote in a by-election. He pointed out that even though the public might agree with the introduction of the proposed replacement mechanism for filling a vacancy arising from resignation of Members, it did not necessarily mean that they agreed with the application of the proposed mechanism to other situations such as death of a Member.	
004519 - 005237	Chairman Mr Albert CHAN Mr WONG Ting-kwong Ms Cyd HO	Mr Albert CHAN indicated that he would support Dr Margaret NG's motion if her motion would be put to vote first. Mr WONG Ting-kwong raised a protest against Mr Albert CHAN for his use offensive language against other members. Ms Cyd HO also expressed her support for Dr Margaret NG's motion.	
005238 - 005609	Chairman Dr Margaret NG Mr Albert CHAN	Dr Margaret NG explained the rationale for proposing her motion. Mr Albert CHAN withdrew his motion.	

Time Marker	Speaker(s)	Subject(s)	Action required
005610 - 010050	<p>Chairman Mr Albert CHAN Mr Paul TSE SALA2 Dr Margaret NG</p>	<p>Mr Paul TSE asked whether the motion passed by the Bills Committee had any binding effect on the Administration. SALA2 replied in the negative.</p> <p>The Chairman put to vote the motion proposed by Dr Margaret NG and Mr Albert CHAN claimed a division.</p> <p>The following members voted in favour of the motion:</p> <p>Mr Albert HO, Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Emily LAU, Ms Audrey EU, Ms Cyd HO, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN. (9 members).</p> <p>The following members voted against the motion:</p> <p>Mr Jeffrey LAM, Ir Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Kong-wah, Ms Miriam LAU, Ms LI Fung-ying, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP. (13 members)</p> <p>The following member abstained:</p> <p>Mr Paul TSE (1 member)</p> <p>The Chairman declared that the motion was negatived.</p> <p>Dr Margaret NG expressed regret that the motion was negatived and urged members belonging to the pan-democratic camp to withdraw from the meeting in protest against the decision of the Bills Committee.</p> <p><i>(Mr Albert HO, Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Emily LAU, Ms Audrey EU, Ms Cyd HO, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN walked out of the meeting at this juncture.)</i></p>	
010051 - 011046	<p>Chairman Dr Priscilla LEUNG Mr LAU Kong-wah Mr Jeffery LAM Ms Miriam LAU</p>	<p>Members expressed their views about those members who walked out of the meeting in protest of the decision of the Bills Committee. Dr Priscilla LEUNG protested against Dr Margaret NG's remark made before</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		<p>withdrawing from the meeting that to do so was to avoid "wallowing in the mire" (同流合污). Mr Jeffery LAM considered that the Bills Committee should continue the scrutiny of the Bill. Ms Miriam LAU said that some of the expressions used by members in criticizing other members, in her view, were offensive and unparliamentary.</p>	
011047 - 012347	<p>Chairman Mr Paul TSE Mr WONG Kwok-kin Mr IP Kwok-him Dr Priscilla LEUNG</p>	<p>Mr Paul TSE said that while agreeing that a public consultation should be conducted, he considered that a degree of flexibility should be allowed in the way the consultation was conducted.</p> <p>Mr WONG Kwok-kin pointed out that after the resignation of the five LegCo Members in January 2010, there were views in society that the current arrangement under which a vacant seat should be filled up by a by-election to be reviewed. The Administration's proposal was a response to the public demand.</p> <p>Mr IP Kwok-him echoed Ms Miriam LAU's views about the expressions used by members in criticizing other members at the meeting.</p> <p>Dr Priscilla LEUNG advised that she might consider proposing amendments to the Bill so that those situations which were outside the control of the Member (e.g. death of a Member or when a Member lost the ability to discharge his duties as a result of serious illness) would be excluded from the application of the proposed replacement mechanism.</p>	
012348 - 012856	<p>Chairman Mr LEUNG Kwok-hung</p>	<p>Mr LEUNG Kwok-hung restated his earlier view that the Bills Committee had a duty to gauge public views on the Bill.</p>	
012857 - 013213	<p>Chairman Mrs Sophie LEUNG Administration</p>	<p>The Administration gave a very brief outline of Clauses 9 to 12 of the Bill and advised that the Administration's response to issues raised at the meeting on 21 June 2011 and the Committee Stage Amendments to be proposed by the Administration was tabled at the meeting [CB(2)2156/10-11(01)].</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		The Chairman requested the Administration to provide its response in writing to the submission of the Bar Association dated 17 June 2011 and its statement dated 21 June 2011.	Admin to provide a written response (paragraph 4 of the minutes)

Council Business Division 2
Legislative Council Secretariat
13 March 2012