

立法會  
*Legislative Council*

LC Paper No. CB(2) 245/10-11

Ref : CB2/H/5/10

**House Committee of the Legislative Council**

**Minutes of the 3rd meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 5 November 2010**

**Members present :**

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)  
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 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 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, SBS, 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  
Hon Andrew LEUNG Kwan-yuen, GBS, 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, JP  
Dr Hon LAM Tai-fai, BBS, JP  
Hon Paul CHAN Mo-po, MH, JP  
Hon CHAN Kin-por, JP

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  
Hon Mrs Regina IP LAU Suk-yea, GBS, JP  
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

**Members absent :**

Hon Albert HO Chun-yan  
Dr Hon David LI Kwok-po, GBM, GBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Wong-fat, GBM, GBS, JP  
Dr Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon CHEUNG Hok-ming, GBS, JP  
Hon CHAN Hak-kan  
Dr Hon Priscilla LEUNG Mei-fun  
Dr Hon PAN Pey-chyou  
Hon WONG Yuk-man

**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 Simon WONG	Chief Public Information Officer
Mr Watson CHAN	Head (Research and Library Services)
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2

Mr Bonny LOO	Assistant Legal Adviser 3
Miss Kitty CHENG	Assistant Legal Adviser 5
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 the minutes of the 2nd meeting held on 22 October 2010**  
(*LC Paper No. CB(2) 191/10-11*)

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 22 October 2010 and tabled in Council on 27 October 2010**  
(*LC Paper No. LS 4/10-11*)

3. The Chairman said that two items of subsidiary legislation, including one Commencement Notice, were gazetted on 22 October 2010 and tabled in the Council on 27 October 2010.

4. Members did not raise any queries on these two items of subsidiary legislation.

5. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 24 November 2010.

(b) **Legal Service Division report on subsidiary legislation gazetted on 29 October 2010 and tabled in Council on 3 November 2010**  
(*LC Paper No. LS 5/10-11*)

6. The Chairman said that two items of subsidiary legislation, i.e. the Human Organ Transplant (Amendment) Regulation 2010 and the Human Organ Transplant (Appeal Board) Regulation, were gazetted on 29 October 2010 and tabled in the Council on 3 November 2010.

7. The Chairman further said that the Human Organ Transplant (Appeal Board) Regulation was to provide for the procedures of lodging, opposing, hearing and determination of an appeal against a decision of the Director of

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Health on an application for exemption in respect of a regulated product for the purpose of human organ transplant; while the Human Organ Transplant (Amendment) Regulation 2010 was to make amendments to the prescribed forms consequent upon the enactment of the Human Organ Transplant (Amendment) Ordinance 2004. The Administration planned to commence operation of the two Regulations in the fourth quarter of 2011.

8. Ms Cyd HO considered it necessary to form a subcommittee to study the two Regulations.

9. The Chairman proposed that a subcommittee be formed to study the two Regulations in detail. Members agreed. The following Members agreed to join: Ms Audrey EU, Ms Cyd HO and Dr LEUNG Ka-lau.

#### **IV. Business for the Council meeting on 10 November 2010**

##### **(a) Tabling of papers**

###### **Report No. 3/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2) 193/10-11 issued vide LC Paper No. CB(3) 129/10-11 dated 4 November 2010)*

10. The Chairman said that the report covered 13 items of subsidiary legislation the period for amendment of which would expire on 10 November 2010. A Member had notified his intention to speak on the Port Control (Public Cargo Working Area) Order 2010 ("the Order") contained in the report at the Council meeting on 10 November 2010. As the Administration had given notice to move a motion to amend the Order, Members would have the opportunity to speak on the Order. As such, she would not move a motion to take note of the report in relation to the Order.

11. Members noted the report.

##### **(b) Questions**

*(LC Paper No. CB(3) 121/10-11)*

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

##### **(c) Bills - First Reading and moving of Second Reading**

###### **Anti-money Laundering and Counter-Terrorist Financing (Financial Institutions) Bill**

13. The Chairman said that the Administration had given notice to present the above Bill to the Council on 10 November 2010. The House Committee would consider the Bill at its meeting on 12 November 2010.

(d) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

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**Arbitration Bill**

14. 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.

(e) **Government motion**

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

(f) **Members' motions**

(i) **Proposed resolution to be moved by Hon LI Fung-ying under section 34(4) of the Interpretation and General Clauses Ordinance relating to the:**

- **Buildings (Amendment) Ordinance 2008 (Commencement) Notice 2010;**
- **Building (Minor Works) Regulation (Commencement) Notice 2010; and**
- **Building (Administration) (Amendment) Regulation 2009 (Commencement) Notice**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 132/10-11 dated 4 November 2010.)*

16. The Chairman said that Ms LI Fung-ying, Chairman of the relevant Subcommittee, would move a motion at the Council meeting to extend the scrutiny period of the three Commencement Notices to 1 December 2010.

(ii) **Motion on “Helping needy persons acquire their homes”**  
*(Wording of the motion issued vide LC Paper No. CB(3) 105/10-11 dated 29 October 2010.)*

(iii) **Motion on “Work Incentive Transport Subsidy Scheme”**  
*(Wording of the motion issued vide LC Paper No. CB(3) 106/10-11 dated 29 October 2010.)*

17. The Chairman said that the above motions would be moved by Mr LEE Wing-tat and Dr PAN Pey-chyou respectively and the wording of the motions had been issued to Members. The deadline for giving notice of amendments to the motions had expired on 3 November 2010.

**V. Business for the Council meeting on 17 November 2010**

**(a) Questions**

*(LC Paper No. CB(3) 120/10-11)*

18. 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**

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

**(c) Government motion**

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

**(d) Members' motions**

**(i) Motion to be moved by Hon Miriam LAU Kin-ye**

21. The Chairman said that the subject of the motion to be moved by Ms Miriam LAU was "Reviewing the coverage of the safety net".

**(ii) Motion to be moved by Dr Hon Priscilla LEUNG Mei-fun**

22. The Chairman said that the subject of the motion to be moved by Dr Priscilla LEUNG was "Territory-wide participation in building the West Kowloon Cultural District".

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 10 November 2010.

**Report on study of subsidiary legislation**

24. The Chairman said that the list of subsidiary legislation the period for amendment of which would expire on 17 November 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 Tuesday, 9 November 2010.

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

**(a) Report of the Subcommittee on Genetically Modified Organisms (Documentation for Import and Export) Regulation**

*(LC Paper No. CB(1) 315/10-11)*

25. Ms Audrey EU, Chairman of the Subcommittee, reported that the Genetically Modified Organisms (Control of Release) Ordinance (Cap. 607) ("the Ordinance") was enacted in March 2010 to give effect to the Cartagena

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Protocol on Biosafety ("the Protocol") to ensure the safe transfer, handling, storage and use of genetically modified organisms ("GMOs"). The Ordinance had yet to come into operation pending the enactment of the subsidiary regulation on documentation for import and export of GMOs.

26. Ms Audrey EU elaborated that the Genetically Modified Organisms (Documentation for Import and Export) Regulation ("the Regulation") sought to provide for the detailed documentation requirements in relation to the import and export of GMOs intended to be used for the prescribed purposes.

27. Ms Audrey EU further reported that members had enquired whether the Administration would set out the information requirements in specified forms to facilitate compliance by importers and exporters of GMOs. According to the Administration, specified forms for documentation were not mandatory under the Protocol. Nevertheless, the Administration would provide sample forms for the reference of importers and exporters of GMOs. In response to members' request, the Administration had agreed to incorporate, as far as practicable, all the information requirements under relevant international instruments in the sample forms to minimize the need for cross-referencing. She added that the Subcommittee would not propose any amendments to the Regulation.

28. The Chairman reminded Members that the deadline for amending the Regulation was 10 November 2010, and the deadline for giving notice of amendments had expired on 3 November 2010.

**(b) Report of the Subcommittee on Port Control (Public Cargo Working Area) Order 2010**  
*(LC Paper No. CB(1) 260/10-11)*

29. The Chairman, in her capacity as the Chairman of the Subcommittee, reported that the Subcommittee had held two meetings and had completed its scrutiny work. She elaborated that to facilitate the construction of the West Island Line, a small portion of the Western District public cargo working area ("PCWA") was needed as a temporary barging point for transporting the excavated materials to Government reception facilities in Tuen Mun or other suitable construction sites for re-use. Members were gravely concerned about the environmental impacts of the proposal. According to the Administration, the excavated materials would be transported all the way underground to a completely enclosed conveyor belt system leading to the barging point; hence, the dust and traffic impacts on local roads would only be minimal.

30. The Chairman further reported that members had deliberated issues relating to the environmental and traffic impacts resulting from the transportation by dump trucks of excavated materials from the construction of a new station in Admiralty under the South Island Line (East) to the proposed barging point. Members had urged the Administration to provide details of the transportation arrangements and developments to the Central and Western District Council ("C&WDC").

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31. The Chairman added that the Subcommittee considered it necessary to clearly stipulate in the Order that the site to be temporarily excised for use as a barging point would be reverted as part of the Western District PCWA no later than 1 January 2015. To address members' concerns, the Administration agreed to move amendments to stipulate that the original boundaries of the PCWA concerned would be restored on 1 January 2015. The Chairman referred Members to the Subcommittee's report for details of its deliberations.

32. Mr KAM Nai-wai said that after the Subcommittee had completed its scrutiny work, C&WDC had held a meeting to discuss issues relating to the handling of the excavated materials resulting from the construction works of the Admiralty Station. It was his understanding that C&WDC had written to the Subcommittee expressing objection to the transportation of 320 000 cubic metres of excavated materials from the Admiralty Station to the proposed barging point. He sought confirmation on whether the letter had been circulated to members of the Subcommittee.

33. The Chairman said that she had received the letter from C&WDC shortly before the House Committee meeting. While C&WDC had raised concern about the transportation of the excavated materials from the Admiralty Station to the proposed barging point, it had not expressed objection to the Order. The Subcommittee had requested the Administration to keep C&WDC posted of the developments on transportation arrangements for delivery of the excavated materials from the Admiralty Station. She added that C&WDC's letter would be circulated to Members for reference.

34. Mr IP Kwok-him said that C&WDC did not object to the proposed barging point facility, but was concerned about the traffic and environmental impacts of the transportation arrangements in connection with the delivery of the excavated materials from Admiralty Station.

35. The Chairman said that the concerns of C&WDC were noted. She reminded Members that as the deadline for amending the Order was 10 November 2010, the deadline for giving notice of amendments had expired on 3 November 2010.

(c) **Report of the Subcommittee on the Five Orders Made under Section 49(1A) of the Inland Revenue Ordinance and Gazetted on 15 October 2010**

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36. Mr James TO, Chairman of the Subcommittee, reported that the five Orders sought to give effect to the relevant agreements on arrangements relating to avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income signed by Hong Kong with the Republic of Hungary, the Republic of Austria, the United Kingdom of Great Britain and Northern Ireland, Ireland and the Mainland of China. The Subcommittee had held one meeting and had completed its scrutiny work.



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37. Mr James TO elaborated that the Subcommittee had focused its discussions on whether and how Hong Kong residents and enterprises would benefit from the relevant agreements, and whether the agreements had adopted the safeguards for protecting the privacy and confidentiality of local taxpayers' information as undertaken by the Administration during the scrutiny of the Principal Ordinance. The Subcommittee had also examined whether the deviations from the sample text on the safeguards relating to the disclosure of information were reasonable. The Subcommittee supported the five Orders and did not propose any amendments. He added that the Subcommittee would provide a written report the following week.

38. The Chairman said that as the deadline for amending the five Orders was 17 November 2010, the deadline for giving notice of amendments, if any, was Wednesday, 10 November 2010.

**(d) Report of the Subcommittee on Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) (Amendment) Rules 2010**

39. Mr CHAN Kam-lam, Chairman of the Subcommittee, reported that the Subcommittee had completed the scrutiny of the Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) (Amendments) Rules 2010 ("the Amendment Rules") the day before the House Committee meeting. The Amendment Rules sought to amend the Deposit Protection Scheme (Representation on Scheme Membership and Protection of Financial Products under Scheme) Rules (Cap. 581 sub. leg. A), to complement the enhancements under the Deposit Protection Scheme ("the Scheme") which would take effect on 1 January 2011.

40. Mr CHAN Kam-lam further reported that the Subcommittee supported the policy intent of the Amendment Rules, in particular the enhancement of the negative disclosure requirements to enable holders of financial products to understand whether their deposits and investments were protected by the Scheme.

41. On depositors' oral enquiries about the protection status of the financial products held by them, Mr CHAN Kam-lam elaborated that the Amendment Rules proposed that Scheme members should provide an oral reply within five business days or a written reply within 10 business days. For enquiries made by electronic or telecommunications means, Scheme members were required to provide a written reply within 10 business days. The Subcommittee considered the proposed timeframes for reply too long, and suggested that they should be shortened to three and seven business days respectively for oral and written replies. The Administration had agreed to move amendments to the Amendment Rules.

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42. Mr CHAN Kam-lam further said that in response to the views of the Subcommittee, the Administration had also undertaken to update the code of practice of Scheme members to include the following additional disclosure requirements –

- (a) on the requirements of negative disclosures, if a financial product was offered to a client by telephone or other means, the Scheme member should notify the client by the same means as well as in writing of the non-protection of the financial product by the Scheme; and
- (b) Scheme members should include appropriate labels or explanatory notes on each document relating to the transactions of financial products to alert clients as to whether the deposits or investments concerned were protected by the Scheme.

He added that the Subcommittee would provide a written report the following week.

43. The Chairman reminded Members that as the deadline for amending the Amendment Rules was 17 November 2010, the deadline for giving notice of amendments, if any, was 10 November 2010.

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

*(LC Paper No. CB(2) 192/10-11)*

44. The Chairman informed Members that there were 13 Bills Committees, 10 subcommittees under the House Committee (i.e. seven subcommittees on subsidiary legislation and three subcommittees on policy issues) and eight subcommittees under Panels in action.

**VIII. Matter concerning the reference note for the motion debate on “Releasing LIU Xiaobo”**

*(Letter dated 29 October 2010 from Hon Albert CHAN Wai-yip to the Chairman of the House Committee (LC Paper No. CB(2)194/10-11(01)) and the Secretary General's reply dated 1 November 2010 to Hon Albert CHAN Wai-yip issued vide LC Paper No. RL 4/10-11)*

45. At the invitation of the Chairman, Mr Albert CHAN said that he wished to raise for discussion two issues relating to the preparation by the Legislative Council ("LegCo") Secretariat of reference notes for motion debates with no legislative effect at Council meetings ("reference notes"). The first related to the length and scope of content of reference notes. In his view, if reference notes were to be provided for debates on Members' motions, the length of the reference note should be agreed on given that there might be a large amount of information pertaining to the subject matter of the motion. As regards the scope of content of a reference note, his view was that the scope would be too

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limited if only information relating to relevant Government policies were to be included, as the subject of some motions, such as the 4 June incident, was not a matter of Government policies. He was concerned that the length of the reference note for the motion debate on "Formulating an animal-friendly policy" was twice of that for the motion debate on "Releasing LIU Xiaobo". As the two motion debates were held at the same Council meeting, it would give the public a perception of biased handling of the two motion debates which could be considered as unfair to LIU Xiaobo and the Member moving the motion. He opined that should the Secretariat have difficulties in locating relevant information, it could invite the Member moving the motion to provide information and should make it clear in the reference note that the information was provided by the Member concerned.

46. Mr Albert CHAN further said that the second issue was whether there was a need for the Secretariat to prepare such reference notes. He had discussed the issue with the Secretary General ("SG") over the past few days. It was his understanding that the service was provided having regard to the needs of independent Members who might not have sufficient manpower support in undertaking research work. He said that from his experience, individual Members should not have difficulty in gaining access to relevant information as they could search for the relevant information in the LegCo Library or on the internet, or ask their Personal Assistants ("PAs") to do the research work. In his view, the Secretariat should discontinue the service of preparing reference notes for motion debates. However, if the service were to be continued, Members should agree on a set of parameters to enable the Secretariat to prepare reference notes objectively without appearing to be biased on certain issues from the length of the reference notes. He considered that the Secretariat had no obligation to undertake this task, as it had imposed an unduly heavy burden on the Secretariat and might put the Secretariat in a vulnerable position.

47. At the invitation of the Chairman, SG explained the purpose of the service. She thanked Mr Albert CHAN for his views on the preparation of the reference notes. She said that the suggestions made by Mr CHAN would be taken into account in the review to be conducted on the service in three months' time, and where feasible, improvements to the service would be made as soon as practicable. She elaborated that following a survey conducted early this year on the workload of Members' PAs, the Secretariat considered that there was room to undertake some preliminary research work for the benefit of all Members so as to relieve individual PAs from undertaking basic research work, thus avoiding duplication of efforts by individual PAs and helping save public resources. The new initiative was supported by The Legislative Council Commission ("LCC"), and as it was a new initiative, it was introduced in the form of a trial scheme, with a review to be conducted three months after its introduction.

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48. SG added that as she had pointed out in her reply letter to Mr Albert CHAN, the Secretariat had to prepare reference notes on two motion debates for a Council meeting within a very tight timeframe. The research staff had only about three to four working days to prepare an initial draft of the reference notes. On account of time constraint, and in order to ensure consistency in the content and format of such reference notes, the criteria were to limit the research to available information in the LegCo database and official sources relating to the subject matter of the motion without covering proposed amendments to the motion. For subject matters which had been discussed by the Council and its committees, a gist of the major issues of concerns raised by Members and the latest developments would be included in the reference notes. SG pointed out that the length of reference notes would vary depending on the extent and depth of prior discussions on the relevant subject matters in LegCo. In any event, irrespective of the length of a reference note, hyperlinks to relevant documents would be provided to assist Members' PAs to search for further information to meet their respective needs. She reiterated that the suggestions made by Mr Albert CHAN would be taken into consideration in the review to be conducted by the Secretariat.

49. Dr Margaret NG said that she was surprised by the introduction of the service of providing reference notes for motion debates. She was not aware of any such service provided by the Secretariat in the past. She stressed that the Secretariat already had a very heavy workload and should not be burdened with any additional work of assisting Members to undertake research for motion debates. In her view, the only role of the Secretariat in the matter was to provide information on motions previously dealt with by the Council on the same subject matter to ensure that the relevant motion and amendments to be moved by Members were in compliance with the provisions of the Rules of Procedure. While acknowledging that the service was introduced with the good intention of providing assistance to Members, she did not consider it appropriate for the Secretariat to do so.

50. Mr Ronny TONG said that all along he had great respect for the professionalism of the Secretariat. He stressed the importance of public perception of impartiality and tolerance of LegCo. He had not read the reference note for the motion debate on releasing LIU Xiaobo. When asked by the media whether the Secretariat had exercised self-censorship, he found it difficult to explain for the Secretariat. He stressed that the crux of the matter was the creation of such a perception by the media. He was most concerned that there was no mentioning of Charter 08 in the reference note for the motion debate on LIU Xiaobo, despite Charter 08 being the subject of the motion and the reason for the award of the Nobel Peace Prize to LIU Xiaobo. Noting that the reference note for the motion debate on formulating an animal-friendly policy had eight pages while that for the motion debate on LIU Xiaobo four pages, he opined that if reference notes were provided for the two motions at the same Council meeting, they should be of about the same length. He shared Dr Margaret NG's view that there was no need for the Secretariat to prepare reference notes for motion debates. In his view, Members' operating expenses reimbursement should be adequate to support the hiring of PAs to undertake research work. While independent Members

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might not have as much resources as those belonging to political parties, he believed that they should have sufficient manpower resources to do research work. He considered that the reference note for the motion debate on LIU Xiaobo, which was a sensitive subject, had tarnished the image of LegCo and he felt ashamed by it. He considered that Members should decide whether to discontinue the service. Should Members decide to continue the service, there should be criteria for the preparation of reference notes to ensure the public perception of impartiality.

51. The Chairman said that it was not necessary for the House Committee to make a decision at the meeting. The Secretariat would conduct a review in three months and make recommendations on whether the service should be continued.

52. At the invitation of the Chairman, SG stressed that the Secretariat had all along prepared research materials in an impartial and objective manner and had never and would definitely not exercise any self-censorship. She clarified that it was not for the Secretariat to choose the subject matters for the preparation of the reference notes. It was LCC's decision to introduce the service and to launch the new service with effect from the current legislative session. She elaborated that in the context of the Resources Allocation Exercise, the Secretariat had explored whether there was room to enhance its research service. The service of providing reference notes for motion debates was introduced on a trial basis having regard to the views and support of members of LCC. The proposal was not initiated by the Secretariat. She further said that when she first read the reference note for the motion debate on "Releasing LIU Xiaobo", her first impression was that it was short and there was no mentioning of Charter 08. After the explanation of the research staff concerned, she considered that she had no choice but to respect their judgment and their criteria used for undertaking the task to prepare reference notes.

53. At the invitation of SG, Head (Research and Library Services) explained that the Secretariat had laid down criteria for conducting research. Reference notes for Members' motion debates, which were compiled within a short timeframe, served to provide basic information directly related to the subject of the motions. As a motion on the release of LIU Xiaobo had been moved in January 2010 and extensive reference to Charter 08 had been made at that motion debate, the hyperlink to Charter 08 had been provided in the reference note for the motion on 3 November 2010.

54. Mr IP Kwok-him said that under the leadership of SG, the Secretariat was very proactive in improving its provision of services to Members and had tried to accommodate requests of Members as far as practicable. However, he shared the reservations of some Members about the need to provide the service having regard to the concerns arising from the matter. He pointed out the difficulty in setting a yardstick across the board on the appropriate length of a reference note for a motion debate. In his view, it should be Members' responsibility to conduct research on the subjects of Members' motions for debate. He would prefer to discontinue the service than to carry on the trial scheme for three months before review. He stressed that the professional

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services provided by the Secretariat were well-recognized by Members. It was unfair to have any doubt about the Secretariat's neutrality and impartiality in delivering services to Members.

55. Mr Paul TSE said that the Secretariat had all along provided services to Members in a responsible, objective and impartial manner without any political consideration. As the decision to implement the trial scheme was made by LCC, he sought information on the circumstances under which the decision had been made and the views, if any, expressed by the LCC members. He opined that as Members of different political groupings and affiliations had their representatives on LCC, it would not be fair to the Secretariat if these Members had not voiced their views on the proposed trial scheme at the LCC meeting but put the blame on the Secretariat after a decision had been made.

56. Mr Paul TSE further said that as an independent Member, he found the material provided by the Secretariat very useful. He pointed out that even press cuttings could be seen as politically-motivated. Likewise, the decision on whether certain information was to be covered or not covered in the background briefs prepared by the Secretariat could also be interpreted as influenced by political considerations. He stressed that if Members assumed such an attitude, the Secretariat could not provide its services to Members effectively. In his view, unless there was evidence to prove that the existing operation system of the Secretariat had not achieved its purpose, the present services provided by the Secretariat to Members should continue.

57. The Chairman said that Members were invited to express views on the matter so that the Secretariat could take these into account in its review. Members would decide later whether the provision of reference notes for motion debates should continue, and, if so, whether a framework for the compilation of such notes should be set.

58. Ms Emily LAU said that she was a member of LCC but had probably not attended the LCC meeting at which the decision to implement a trial scheme to provide reference notes for motion debates was made. She pointed out that the background briefs for committee meetings prepared by the Secretariat were very useful, and not only members but also the Administration made reference to them. She considered that given the limit on resources, the Secretariat should not provide reference notes for motion debates which were held almost at every Council meeting. In her view, it should be the responsibility of Members to research into the relevant information for motion debates. The Secretariat should concentrate its resources in continuing to provide quality background briefs for committee meetings.

59. The Chairman said that the trial scheme would be implemented for three months and, thereafter, the Secretariat would propose to Members whether the arrangement should continue.

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60. Dr Margaret NG said that the background briefs for Panel meetings provided an account of past deliberations by Panels and/or LegCo on a certain subject. Many of these subjects had been followed up by Panels/LegCo for a long period of time, and background briefs served to remind members of the issues which had been considered to avoid repetition of discussion and provide continuity of discussions at committee meetings. Similarly, if reference material was to be provided to Members for motion debates, this should only be about the actions taken by LegCo in relation to the subject of the motion in the past. Dr NG stressed that no further information should be provided, otherwise there would be an unintended effect of restricting the scope of the debate. Likewise, background briefs for committee meetings would only set out the past discussions made and actions taken by LegCo/Panels on a certain subject. She added that as a LCC member, she could not recall any thorough discussion on the matter by LCC.

61. In concluding the discussion, the Chairman requested the Secretariat to consider Members' views and report the outcome of its review to LCC.

**IX. Any other business**

62. There being no other business, the meeting ended at 3:12 pm.