

立法會  
*Legislative Council*

LC Paper No. CB(2) 2688/10-11

Ref : CB2/H/5/10

**House Committee of the Legislative Council**

**Minutes of the 29th meeting  
held in the Legislative Council Chamber  
at 2:30 pm on Friday, 8 July 2011**

**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 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 LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, 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  
Dr Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon Andrew LEUNG Kwan-yuen, GBS, JP  
Hon CHEUNG Hok-ming, 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 CHAN Hak-kan  
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-ye, GBS, JP  
Dr Hon PAN Pey-chyou  
Hon Paul TSE Wai-chun, JP  
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 Timothy FOK Tsun-ting, GBS, JP  
Hon Abraham SHEK Lai-him, SBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP

**Clerk in attendance :**

Miss Odelia LEUNG                      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 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mr Stephen LAM	Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Miss Winnie LO	Assistant Legal Adviser 7
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)7
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Ms CHAU Kwan-bing	Legislative Assistant (2)9

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**I. Confirmation of the minutes of the 28th meeting held on 24 June 2011  
(LC Paper No. CB(2) 2300/10-11)**

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 bill referred to the House Committee in accordance with Rule 54(4)**

**Securities and Futures (Amendment) Bill 2011  
(LC Paper No. LS 87/10-11)**

3. The Chairman said that the Bill sought to enhance the regulatory regime for the financial market and improve investor protection by codifying certain requirements for disclosure of price sensitive information and empowering the Securities and Futures Commission to

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institute proceedings before the Market Misconduct Tribunal. The Panel on Financial Affairs had been briefed on the legislative proposals at four of its meetings in 2010 and 2011. Panel members generally supported the proposals but had expressed various concerns.

4. Mr Ronny TONG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr Albert HO (as advised by Mr Fred LI), Mr James TO (as advised by Mr Fred LI), Ms Audrey EU, Mr Ronny TONG and Mr CHIM Pui-chung.

5. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(b) **Legal Service Division report on subsidiary legislation gazetted on 24 June 2011 and tabled in Council on 29 June 2011**  
(*LC Paper No. LS 84/10-11*)

6. The Chairman said that two items of subsidiary legislation were gazetted on 24 June 2011 and tabled in the Council on 29 June 2011.

7. Members did not raise any queries on the subsidiary legislation.

8. The Chairman reminded Members that the deadline for amending the subsidiary legislation was the second meeting of the Legislative Council ("LegCo") in the next legislative session.

(c) **Legal Service Division report on subsidiary legislation gazetted on 30 June 2011**  
(*LC Paper No. LS 86/10-11*)

9. The Chairman said that a total of four items of subsidiary legislation were gazetted on 30 June 2011.

10. Regarding the Residential Care Homes (Persons with Disabilities) Regulation and the Residential Care Homes (Persons with Disabilities) Ordinance (Commencement) Notice 2011, the Chairman said that the relevant principal Ordinance was passed by LegCo on 16 June 2011. The Commencement Notice was to appoint 18 November 2011 as the day on which the Ordinance (other than Part 2) would come into operation. According to the Administration, Part 2 of the Ordinance would be brought into operation 18 months after the commencement of other parts of the Ordinance.

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11. As regards the Residential Care Homes (Persons with Disabilities) Regulation, the Chairman said that it was to provide for the statutory requirements in respect of the operation and management of residential care homes for persons with disabilities. The draft Regulation had been examined by the relevant Bills Committee.

12. Mr Ronny TONG considered it necessary to form a subcommittee to examine the Regulation in detail. The Chairman proposed that a subcommittee be formed to study the Regulation and the Commencement Notice as they were related. Members agreed. The following Members agreed to join the Subcommittee: Mr Ronny TONG, Prof Patrick LAU, Mr WONG Sing-chi (as advised by Mr KAM Nai-wai) and Mr Alan LEONG.

13. Regarding the two Regulations made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in the Council and were not subject to amendment by LegCo, the Chairman suggested that they be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions. Members agreed.

14. The Chairman reminded Members that the deadline for amending the subsidiary legislation (except the two items of subsidiary legislation not required to be tabled in the Council) was the second meeting of LegCo in the next legislative session.

**IV. Business for the Council meeting of 13 July 2011**

**(a) Tabling of papers**

**Report No. 29/10-11 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
(*LC Paper No. CB(2) 2292/10-11 issued vide LC Paper No. CB(3) 1013/10-11 dated 6 July 2011*)

15. The Chairman said that the report covered one item of subsidiary legislation, the period for amendment of which would expire on 13 July 2011. No Member had indicated intention to speak on the subsidiary legislation.

16. Members noted the report.

(b) **Questions**

*(LC Paper No. CB(3) 1009/10-11)*

17. 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**

(i) **Personal Data (Privacy) (Amendment) Bill 2011**

(ii) **Immigration (Amendment) Bill 2011**

(iii) **Protection of Wages on Insolvency (Amendment) Bill 2011**

(iv) **Road Traffic (Amendment) (No. 2) Bill 2011**

18. The Chairman said that the Administration had given notices to present the above four Bills to the Council on 13 July 2011. The House Committee would consider these Bills at the first meeting after the summer recess.

(d) **Government motion**

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

(e) **Members' Bills - First Reading and moving of Second Reading**

**The Hong Kong Polytechnic University (Amendment) Bill 2011**

20. The Chairman said that Dr LAM Tai-fai had given notice to present the above Bill to the Council on 13 July 2011. The House Committee would consider the Bill at the first meeting after the summer recess.

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

**University of Hong Kong (Amendment) Bill 2010**

21. The Chairman said that the relevant Bills Committee 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.

(g) **Members' motions**

(i) **Proposed resolution to be moved by Hon Mrs Sophie LEUNG LAU Yau-fun under Rule 85 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3) 968/10-11 dated 28 June 2011.)*

22. The Chairman said that following the tabling of the report of the Committee on Members' Interests ("CMI") on its consideration of a complaint against Ir Dr Raymond HO, Mr Jeffrey LAM and Mr Abraham SHEK at the Council meeting of 22 June 2011, Mrs Sophie LEUNG, Chairman of CMI, would move a motion to admonish Mr Abraham SHEK for failing to disclose his pecuniary interest before he spoke on the project to construct the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link at the meetings of the Subcommittee on Matters Relating to Railways held in November 2009, contrary to Rule 83A of the Rules of Procedure ("RoP").

(ii) **Motion on "Appointment of a select committee"**

*(Wording of the motion issued vide LC Paper No. CB(3)984/10-11 dated 30 June 2011.)*

23. The Chairman said that Ms Emily LAU would move the above motion at the Council meeting to appoint a select committee to inquire into the selection process for the Internet Learning Support Programme.

24. Mr Paul TSE requested the Secretariat to prepare a verbatim transcript of the discussions at the House Committee meeting on 24 June 2011 on the item relating to the motion to be moved by Ms Emily LAU. Members agreed.

(iii) **Motion on "Public Accounts Committee's Report on 'Hong Kong 2009 East Asian Games' "**

*(Wording of the motion issued vide LC Paper No. CB(3)960/10-11 dated 27 June 2011.)*

25. The Chairman said that at the last House Committee meeting, Members agreed to the allocation of a debate slot to Dr Philip WONG, Chairman of the Public Accounts Committee, to move the above motion at the Council meeting.

26. The Chairman reminded Members that the speaking time limit was 15 minutes for each Member at each of the above three motion debates.

(iv) **Motion on "Issues in relation to procedural rules on pecuniary interests"**

*(Wording of the motion issued vide LC Paper No. CB(3) 961/10-11 dated 27 June 2011.)*

27. The Chairman said that at the last House Committee meeting, Members agreed to the allocation of a debate slot to Mrs Sophie LEUNG, Chairman of CMI, to move the above motion at the Council meeting.

(v) **Motion on "Improving the medical services of the various clusters under the Hospital Authority"**

*(Wording of the motion issued vide LC Paper No. CB(3) 981/10-11 dated 30 June 2011.)*

(vi) **Motion on "Perfecting harbourfront planning and management in all districts of Hong Kong"**

*(Wording of the motion issued vide LC Paper No. CB(3) 982/10-11 dated 30 June 2011.)*

28. The Chairman said that the above motions would be moved by Mr Fred LI and Prof Patrick LAU 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 6 July 2011.

29. The Chairman reminded Members that the speaking time limits at each of the above three motion debates were 15 minutes for the mover of the motion, 10 minutes for movers of amendments to the motion and seven minutes for other speakers.

**V. The Chief Executive's Question and Answer Session on 15 July 2011**

30. The Chairman said that the Chief Executive ("CE")'s Question and Answer ("Q & A") Session would be held from 3:00 pm to 4:30 pm. She invited Members' views on issues which they would like CE to cover at the Q & A Session. Members did not raise any particular issues.

31. In response to Mr Ronny TONG, the Chairman said that if the business on the Agenda of the Council meeting of 13 July 2011 could not be finished by 3:00 pm on 15 July, the President would direct that the meeting be suspended at around 3:00 pm and be resumed after the Q & A Session for continuation of the unfinished business.



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

*(LC Paper No. CB(2) 2301/10-11)*

32. The Chairman said that there were 13 Bills Committees, seven subcommittees under the House Committee (i.e. two subcommittees on subsidiary legislation, two subcommittees on policy issues and three subcommittees on other Council business) and nine subcommittees under Panels in action.

## **VII. Proposal from Hon Emily LAU Wai-hing for moving a motion on "Bidding farewell to the Legislative Council Building" at the Council meeting of 13 July 2011**

*(Letter dated 4 July 2011 from Hon Emily LAU Wai-hing to the Chairman of the House Committee (LC Paper No. CB(2) 2302/10-11(01))*

33. At the invitation of the Chairman, Ms Emily LAU explained her proposal. Ms LAU said that she had raised the proposal for the Chairman to move the motion on "Bidding farewell to the LegCo Building" at the Council meeting of 13 July 2011 to provide an opportunity for Members to share their personal feelings about the LegCo Building which had housed the Legislature for more than two decades. Should Members agree to the proposal, she suggested that the motion debate should be the last item on the Agenda of the Council meeting.

34. Dr Margaret NG said that she had no particular view on the proposal but considered that the wording of the motion should be concise. In her view, it would suffice to state that the Council bade farewell to the LegCo Building.

35. The Chairman shared the view that the wording of the motion should be concise. As the theme of the motion was to bid farewell to the LegCo Building, she considered it not necessary to include the factual information about the Building in its wording. She suggested that the wording of the motion be shortened to "That, as the Legislative Council will move to the new Legislative Council Complex after this legislative session, this Council bids farewell to this historic building."

36. Members agreed to the proposal for the Chairman of the House Committee to move the motion on "Bidding Farewell to the LegCo Building" at the Council meeting of 13 July and the wording of the motion proposed by the Chairman.

**VIII. Proposal from Hon WONG Yuk-man for asking an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 13 July 2011 relating to the Police's handling of public processions on the night of 1 July 2011**

*(Letter dated 5 July 2011 from Hon WONG Yuk-man to the Chairman of the House Committee (LC Paper No. CB(2)2302/10-11(02))*

37. At the invitation of the Chairman, Mr WONG Yuk-man referred Members to his letter dated 5 July 2011 to the Chairman for details of his proposal for raising an urgent oral question under RoP 24(4) at the Council meeting of 13 July 2011 relating to the Police's handling of public processions on the night of 1 July 2011.

38. The Chairman invited Members' views on Mr WONG Yuk-man's proposal.

39. Ms Audrey EU said that she did not object to the proposal. She recalled that urgent oral questions had been raised at recent Council meetings on the outbreak of scarlet fever and contamination of food items containing plasticizer. A Member's request for raising an urgent oral question on the proposed replacement mechanism for filling vacancies in the membership of LegCo had not been approved by the President. She noted that all these requests had not been considered by the House Committee and sought clarification on the procedure for raising urgent questions in the Council.

40. The Chairman said that according to rule 10 of the House Rules, to assist the President in considering requests for asking urgent questions without the required notice, the Member concerned should, where practicable, first seek the agreement of the House Committee before submitting an urgent question to the Clerk to LegCo. The President would take into account the House Committee's views in deciding on the requests. For the cases cited by Ms Audrey EU, the relevant requests had been considered direct by the President as there were no House Committee meetings before the relevant Council meetings. The Chairman added that individual Members had the right to seek the President's permission for raising an urgent question should their proposal not be supported by the House Committee.

41. Mr LAU Kong-wah questioned the urgency for raising the proposed question at the Council meeting of 13 July. He said that the subject matter of the question had been discussed by the Panel on Security ("the Panel") at its meeting held a few days ago under the agenda item of "Police's crowd control arrangements in relation to public

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meetings and public processions". The Police's crowd control arrangements on 4 June and 1 July 2011 had been discussed at the meeting and officials from the Security Bureau had responded to questions raised by members. The Panel had also agreed to follow up the matter with the Administration early next session. In his view, it would be more appropriate for the issues raised in Mr WONG Yuk-man's question to be followed up by the Panel. He requested Mr WONG Yuk-man to explain the urgency for raising the question at the Council meeting of 13 July.

42. Mr WONG Yuk-man said that the subject of the Police's handling of public meetings and processions was raised for discussion at the Panel meeting on 5 July 2011 arising from concerns about the crowd control measures adopted by the Police in the vicinity of the Victoria Park in the evening of 4 June 2011. The purpose of his proposed urgent question, however, was to seek an explanation from the Administration for the Police's handling of the clearance operation in the small hours of 2 July, including the use of pepper spray without prior warning and the use of handcuffs and plastic strings on arrested protestors. More than 200 protestors, including 139 members belonging to People Power, had been arrested for alleged illegal assembly. Although the protestors had made it clear that they would not resist the arrest, the Police still used handcuffs and plastic strings. As the Police's handling of the demonstrations on 1 July was different from the past practice and some of its actions were in breach of the Police General Orders, he considered it necessary for the Administration to provide an explanation. He pointed out that a similar public assembly would be held outside the LegCo Building during the Council meeting of 13 July and there might be clearance operation by the Police, hence the urgency in raising the proposed question. He added that it was the first time he had requested for asking an urgent question. Should the House Committee not support his proposal, he would seek the President's permission direct.

43. Mr Ronny TONG sought clarification on the criteria adopted by the President in considering requests for asking urgent questions.

44. At the invitation of the Chairman, Secretary General ("SG") said that the President would consider each request on a case-by-case basis. Based on the information provided in the application including the reasons given by the Member concerned, the President would determine whether there was urgency in raising the question at the relevant Council meeting. Under rule 10 of the House Rules, the Member concerned should, where practicable, first seek the agreement of the House Committee before submitting a request for asking an urgent question to the Clerk to LegCo. In deciding whether to give permission to the

request, the President would have regard to the views of the House Committee as well as the circumstances of each request.

45. Mr Ronny TONG said that in his view, should the subject matter of the question relate to a matter of public importance and the community expect the Administration to provide relevant information as early as practicable to facilitate public discussions, it would satisfy the criteria for asking an urgent question. Having regard to such factors, he considered it inappropriate to defer the asking of the proposed question to a Council meeting after the summer recess. He appealed to Members to support Mr WONG Yuk-man's proposal.

46. Mr LEUNG Kwok-hung considered that there was urgency in asking the proposed question as the controversy over the replacement mechanism remained unresolved and public protests could be expected in the coming months. He pointed out that the protestors who participated in the sit-in protest at Queensway on 1 July had requested to stage a demonstration outside the Government House to express their demands. However, for the purpose of maintaining the dignity of CE, the Police had resorted to blocking the traffic flow in the main carriageways in Central in order to stop the protestors from holding a protest outside the Government House. He criticized the Police for abusive use of its power. In his view, the Police's use of handcuffs and plastic strings to arrest more than 100 people who staged their demonstrations peacefully was unjustifiable. He considered it necessary for the Administration to give an explanation for the Police's handling of the public demonstrations on 1 July, including the operational directives given at the scene. He stressed that there was urgency in asking the proposed question as it concerned the public's rights of assembly and processions.

47. Dr Philip WONG said that normally about 20 minutes were allocated for an oral question at a Council meeting. Given the time constraint, there would not be sufficient time for an in-depth discussion of the matter. Hence, he considered it more appropriate for the matter to be followed up by the relevant Panel.

48. Mr Albert CHAN said that the following up of the matter by the Panel and the asking of an urgent question at the Council meeting of 13 July were not mutually exclusive. In his view, the proposed question concerned two important issues. The first issue was the Police's handling of public assembly and processions. The Police had used pepper spray without prior warning and handcuffs and plastic strings to arrest the protestors during the clearance operation. As a participant in the sit-in protest at Queensway, he had been punched in the chest by a Police officer. This was evident of abuse of power by the Police during

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the operation. The second issue concerned the deployment of the Police force on 1 July. It was his understanding that the Police had deployed some 80% of the total number of frontline Police officers to handle the late-night demonstrations in Central on 1 July. He expressed grave concern about such an arrangement without regard to the potential risks to public security in other areas of Hong Kong. He cautioned that should the Police deploy the same level of manpower resources to handle the protests to be staged outside the LegCo Building during the Council meeting of 13 July, it would provide a golden opportunity to carry out illegal activities in other districts. He stressed that these were serious issues which warranted the asking of an urgent question.

49. Dr Margaret NG said that the Police's use of handcuffs or plastic strings to arrest participants of a public assembly was a serious matter as it concerned the basic right to personal liberty. She considered it important for the Administration to explain the matter to the public at a Council meeting.

50. While agreeing that the matter should be followed up by the Panel, Mr LEE Cheuk-yan considered that there was urgency in raising the proposed question in the Council. The Police's use of pepper spray and handcuffs to arrest protestors and the arrest of reporters during the clearance operation had aroused public concern about whether the Police had abused its power. He stressed that the matter was important and should be discussed. Moreover, given that the Council meeting of 13 July was the last one in the current session, he supported Mr WONG Yuk-man's proposal.

51. Mr Jeffrey LAM shared the view that the Panel was a more appropriate forum for discussing the matter. He sought advice from the Legal Adviser ("LA") on whether there was any conflict of interest in asking the proposed question in the Council as three Members including Mr WONG Yuk-man had been arrested for their participation in the demonstrations on 1 July.

52. At the invitation of the Chairman, LA said that the provisions in RoP governing the contents of questions raised by Members in the Council did not cover the issue of conflict of interest. It was for the Member concerned to consider the appropriateness of asking a certain question in the Council and for the President to decide whether the question should be placed on the Agenda of a Council meeting.

53. Mr Albert HO did not consider that there was any conflict of interest in raising the proposed urgent question in the Council even though some Members were involved in the incident. He expressed

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concern about the escalated force used by the Police in handling the demonstrations on 1 July. The Police had used pepper spray on reporters covering the events. A reporter was arrested and had been detained for hours in the Police station even after his identity as a reporter had been confirmed. Given the gravity of the issues involved, he considered it necessary for the Administration to respond to the proposed question at the earliest Council meeting, i.e. the Council meeting of 13 July which was the last one in the current session. He expressed support for Mr WONG Yuk-man's proposal.

54. Mr Paul TSE said that according to RoP 24(4), the President might permit the asking of a question without notice if he was satisfied that it was of an urgent character and related to a matter of public importance. He disagreed with the view that the criteria for asking an urgent question would be met if the subject of the question related to a matter of public importance without regard to its urgency. Referring to Mr WONG Yuk-man's letter, Mr TSE noted that the holding of a public assembly outside the LegCo Building during the Council meeting of 13 July was not mentioned therein. He opined that parts one and two of Mr WONG Yuk-man's proposed question related to the Police's handling of the incident on 1 July and only part three, which concerned the criteria adopted by the Police in using handcuffs and plastic strings, was of a general nature. It was his understanding that Police officers would use handcuffs on arrested persons to ensure their safety or protect other persons from injury. While further discussions on the matter could be held, Mr TSE queried the urgency in asking the question at the Council meeting of 13 July. He cautioned against opening up the floodgate for asking urgent questions, which would defeat the purpose of the queuing mechanism for the allocation of questions to be asked at Council meetings.

55. Mr Ronny TONG clarified that he had not said that there was no urgency in the question raised by Mr WONG Yuk-man. There was urgency in asking the proposed question as the matter was of great public importance and there was request in the community for the Administration to provide information as soon as practicable to facilitate further public discussions.

56. Mr LAU Kong-wah stressed the importance for Members to apply the same principles in considering whether a question was of an urgent character. He queried whether the arrest of a large number of persons including LegCo Members and the Police's use of handcuffs on the arrested persons were sufficient to justify the urgency in asking the proposed question. The fact that it was the first time Mr WONG Yuk-man had requested to ask an urgent question was not a relevant

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consideration. Neither was he convinced by the argument put forward by some Members that there was urgency in asking the question as the Police had abused its power. He pointed out that while some Members had made allegations of abuse of power by the Police in the clearance operation, many members of the public had commended the actions taken by the Police to maintain law and order. The issue of whether the Police had abused its power in handling the demonstrations should be followed up by the Panel, and, indeed, the subject of the Police's handling of public meetings and processions had been discussed recently at the Panel meeting. He did not see any urgency in asking the proposed question.

57. Mr WONG Yuk-man clarified that he had not mentioned about the arrest of Members and he did not consider that Members had any privileges. He had only said that 139 members belonging to the People Power had been arrested. He had not made any resistance when he was handcuffed by the Police on the night of 1 July.

58. Dr Margaret NG did not subscribe to the view that there was no urgency in asking the proposed question on the ground that the Police had established criteria for using handcuffs. In her view, the use of handcuffs or plastic strings to arrest some 140 people was a serious matter. It was incumbent upon the Police to explain its criteria for using handcuffs or plastic strings in an arrest action and whether the clearance operation in the early hours of 2 July was in breach of such criteria.

59. Mr Albert CHAN said that Mr WONG Yuk man had never mentioned about his own arrest. He expressed dissatisfaction with Mr LAU Kong-wah for distorting Mr WONG Yuk-man's words to imply that Mr WONG had raised the urgent question because he himself had been arrested.

60. Mr WONG Yuk-man said that he had put forward his request for asking an urgent question for the House Committee's consideration in accordance with rule 10 of the House Rules. It had provided an opportunity for Members to express their different views on his proposal. He stressed that it was for the President to determine whether to give permission for the asking of the proposed question, irrespective of whether his proposal was supported by the House Committee.

61. The Chairman put to vote Mr WONG Yuk-man's proposal for asking an urgent oral question under RoP 24(4) at the Council meeting of 13 July 2011 relating to the Police's handling of public processions on the night of 1 July 2011. Dr Philip WONG requested to claim a division.

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The following Members voted in favour of the proposal:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Dr Margaret NG, Mr CHEUNG Man-kwong, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Dr Joseph LEE, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man.

(22 Members)

The following Members voted against the proposal:

Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr CHAN Hak-kan, Mr Paul CHAN, Mr CHAN Kin-por, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM.

(22 Members)

The following Members abstained:

Ir Dr Raymond HO, Mr LAU Wong-fat, Ms LI Fung-ying, Prof Patrick LAU and Dr LAM Tai-fai.

(5 Members)

62. The Chairman declared that 22 Members voted for and 22 Members voted against the proposal and five Members abstained. The Chairman said that since it was a tie vote, she, as the Chairman, should give a casting vote. In accordance with RoP 79A(1), she should not exercise the vote in such a way as to produce a majority vote in favour of the question put. As such, she would exercise her casting vote to negative the motion. The Chairman declared that Mr WONG Yuk-man's proposal was voted down.

## **IX. Any other business**

63. The Chairman reminded Members that the House Committee would hold a special meeting on Monday, 11 July 2011, at 4:00 pm to discuss with the Administration the traffic and transport arrangements for the new LegCo Complex at Tamar.



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64. There being no other business, the meeting ended at 3:25 pm.

Council Business Division 2  
Legislative Council Secretariat  
4 October 2011