

(Translation prepared by the
Legislative Council Secretariat)

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9 March 2011

Urgent By Fax: 2391 6882

Hon James TO Kun-sun
G/F, No. 11
Wing Kwong Street
Hung Hom
Kowloon

Dear Mr TO

Council meeting of 9 March 2011

**Application for moving a motion
for the adjournment of the Council**

You wrote to me this morning seeking my permission for you to move at today's Council meeting (i.e. 9 March 2011) the following motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedure:

“That this Council do now adjourn for the purpose of debating the following issue: the refusal of Philippine government officials and rescue crew involved in the Manila hostage incident to come to Hong Kong to testify in the Coroner's Court.”.

Rule 16(2) of the Rules of Procedure provides that a motion for the adjournment of the Council may be moved with the permission of the President, if the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance.

The Manila hostage incident is an incident of great concern to Hong Kong people. This Council held a debate on this incident on 2 September 2010. You pointed out in your letter that the Coroner's Court of Hong Kong is holding an inquest into the aforesaid case, and that if the Philippine witnesses refuse to testify in Hong Kong, the Coroner's Court can only close the inquest and hand down its findings on the basis of incomplete facts, in which case it will be difficult to convince the public.

I agree that if witnesses from overseas refuse to testify in Hong Kong and the Coroner's Court hands down its findings without a full grasp of the relevant facts, the confidence of Hong Kong people in the findings will be affected. However, we should not speculate on how the Coroner's Court will deal with the situation where witnesses from overseas refuse to testify in Hong Kong, and presume that it must close the inquest on the basis of insufficient facts.

Besides, you pointed out that the inquest held for the case is drawing to a close and therefore requested to move, at today's Council meeting between the two Member's motions, a motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedure. On this point, as I have said above, we should not make any presumption on the development of the inquest. Therefore, I am of the view that there are no sufficient grounds for me to establish the urgency of this issue and be convinced that the issue raised by you must be debated at today's Council meeting.

Based on the above considerations, I am unable to grant permission to your request.

Yours sincerely

(Jasper TSANG Yok-sing)
President
Legislative Council

c.c. All other Legislative Council Members