

# OFFICIAL RECORD OF PROCEEDINGS

Thursday, 10 May 2012

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE JASPER TSANG YOK-SING, G.B.S., J.P.

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.S., S.B.ST.J.,  
J.P.

THE HONOURABLE LEE CHEUK-YAN

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.M., G.B.S., J.P.

THE HONOURABLE FRED LI WAH-MING, S.B.S., J.P.

DR THE HONOURABLE MARGARET NG

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, G.B.S., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, S.B.S., J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE ANDREW CHENG KAR-FOO

THE HONOURABLE TIMOTHY FOK TSUN-TING, G.B.S., J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, S.B.S., J.P.

THE HONOURABLE LI FUNG-YING, S.B.S., J.P.

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE CHEUNG HOK-MING, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, B.B.S., J.P.

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CHIM PUI-CHUNG

PROF THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING, J.P.

DR THE HONOURABLE LAM TAI-FAI, B.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, J.P.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE IP WAI-MING, M.H.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

**MEMBERS ABSENT:**

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE TOMMY CHEUNG YU-YAN, S.B.S., J.P.

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE STEPHEN LAM SUI-LUNG, G.B.S., J.P.

THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE JOHN TSANG CHUN-WAH, G.B.M., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE WONG YAN-LUNG, S.C., J.P.

THE SECRETARY FOR JUSTICE

THE HONOURABLE AMBROSE LEE SIU-KWONG, G.B.S., I.D.S.M., J.P.

SECRETARY FOR SECURITY

PROF THE HONOURABLE K C CHAN, S.B.S., J.P.

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE GREGORY SO KAM-LEUNG, J.P.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE RAYMOND TAM CHI-YUEN, J.P.  
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

MISS ADELINE WONG CHING-MAN, J.P.  
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND  
AFFAIRS

**CLERKS IN ATTENDANCE:**

MR ANDY LAU KWOK-CHEONG, ASSISTANT SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

**BILLS****Committee Stage**

**CHAIRMAN** (in Cantonese): Good morning, Members. Council now resumes. We will continue with the debate on the motion for the adjournment of the Committee of the Whole Council.

**MOTION UNDER RULE 40(4) OF THE RULES OF PROCEDURE THAT FURTHER PROCEEDINGS OF THE COMMITTEE OF THE WHOLE COUNCIL BE NOW ADJOURNED**

**Continuation of debate on motion which was moved on 9 May 2012**

**CHAIRMAN** (in Cantonese): Does any Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, before responding to the motion for adjournment moved by Ms Audrey EU, I would like to thank Secretary Raymond TAM for accepting the proposal made by Mr WONG Yuk-man and me to revise the order of business of this Council so that we can discuss some important Bills first.

After the adjournment yesterday, Mr WONG Yuk-man and I met with you, Chairman, in private. Mr WONG Yuk-man also raised this request with Secretary Raymond TAM over the phone. If a meeting is aborted or adjourned, it will affect the order of business. The Government's obstinate adherence to its stance is absolutely not the attitude of a responsible government. Therefore, the two of us have proposed earlier that a reshuffle arrangement be suggested by the Government to the President of the Legislative Council. The fact that the Government remains sensible shows that Secretary Raymond TAM performs far better than his predecessor, the "Eunuch". I believe it is for the good of Hong Kong people if we can enhance our dialogue and adopt a pragmatic approach to solving problems. It is also for the well-being of Hong Kong.

Chairman, regarding the order of business of this Council, we discussed yesterday whether we can move another motion to adjourn the debate during that

debate under Rule 40 of the Rules of Procedure (RoP). I have not read the relevant provisions in Erskine MAY. But according to my memory and understanding, under Robert's Rule of Order, if a motion to adjourn the debate is moved and there is no new development in the course of that debate, the President will generally not grant approval. But at the Committee stage, as a wide range of issues may be involved and a new development may arise after going through a process — if the Chairman considers that there has been a new development in the course of meeting of the Committee of the whole Council — What constitutes a new element depends on interpretation. For example, in the handling of amendments, some motions may have been negatived or passed because during the Committee stage ..... For example, we have to deal with 1 000-odd amendments this time around. Similarly, for yesterday's Fisheries Protection (Amendment) Bill 2011, if the fact that some amendments are passed, accepted or negatived has resulted in a new development and a Member has moved a motion to adjourn the debate, the Chairman may, according to convention, consider allowing the motion. These are some views for the Chairman's reference.

Chairman, concerning Ms Audrey EU's motion for adjournment, it has in fact given full play to the spirit and principles of a democratic parliament. But in this Chamber, I believe not many of us truly understand the spirit of operation of a democratic Council. The democratic spirit of this Council will not see further development if you adopt the lackey's attitude with an empty soul, or a totally rigid mindset, or the lackey's mentality or slavish attitude to deal with this problem.

Looking back at history, although the sovereignty of Hong Kong was returned to the Mainland 15 years ago, the tradition of this Council under a representative government, including its procedures, are in fact modelled on the Westminster-style parliamentary politics of the United Kingdom. One of the most important spirit and principles of Westminster-style parliamentary politics is that people express their positions through debates and discussions. The whole design of a democratic parliament is, in principle, based on a starting point that people do not trust the Government. Given any proposals, legislation or policies put forward by the Government, Members — especially of the opposition — will, in principle, consider and make a comprehensive analysis of the Bills and proposals of the Government from a starting point that they do not trust the Government. They will perform an "anatomy" of the Government's proposals to examine clearly what is inside. They will get to the truth through continuous debates.

I hope the royalists can take a look at *On Liberty* by John Stuart MILL. It is a most authoritative work of the nineteenth century, in which it pointed out one of the key points of the parliament and a democratic political system, and that is, to prevent the tyrannical governance of a government, or to prevent or guard against the tyranny of the majority. This is the whole idea, which is different from the system of Hong Kong. The system of Hong Kong is bizarre probably because it is led by the mindset of the communists in Hong Kong as illustrated by Secretary Raymond TAM's remark yesterday, that this Council should co-ordinate with the Government. The word "co-operate" is terrible. This Council should not co-ordinate with the Government. The function of this Council is to monitor the Government and the executive should be accountable to the legislature rather than asking for co-ordination.

Therefore, from the perspective of a democratic parliament, such a mindset is seriously wrong. A parliament should not co-ordinate with the government. A parliament should request that the executive be accountable to the people or people's representatives. Accountability means that we have to perform an anatomy of government policies, which should be criticized in a critical manner, in order to fulfil our responsibility. The responsibility of the government and those in power is to defend their policies. We, as representatives of the people, are obliged to point out the demerits of government policies. The Government may get a score of 60 because of such demerits, but I will only give you 30 or 40 because I wish to magnify the problems in order to expose your weaknesses. I will not sing praises of your intention or the cream of your policy. It is my responsibility to point out your flaws. This is the basic spirit and principles of the Westminster-style representative government and the RoP is meant to ensure that this kind of spirit and principles can be implemented. Therefore, if we review and formulate the RoP with an attitude of local communists or the lackey's mentality so as to co-ordinate with the Government's policies or requests, then the representative government or so-called spirit of parliamentary democracy will cease to exist, completely destroyed and eliminated. However, I believe people with a communist mentality will not understand what I am saying. Nor do they accept it because their communist mentality takes control of everything.

A paragraph in the preface of the book *Hong Kong as a City-state* by CHAN Wan is worthy of consideration. He said, to this effect, "When facing the CPC, the people of Hong Kong are like farmers who are facing a float of

crocodiles when they engage in swamp reclamation for farming. They have to kill the crocodiles or else they will not be able to live in peace and work with contentment. However, it is an arduous task to kill the crocodiles. Moreover, some farmers have also sustained injuries and the original purpose of farming is also blurred."

Therefore, if Hong Kong people wish to defend the core values of Hong Kong and the achievements made through hard work over the years, we must not allow Hong Kong's politics, economy, social and cultural aspects to be manipulated by a lackey's mentality. We should defend our core values. The core values are not just diligence, patience, endurance of suffering under the Lion Rock, but also our belief in eventual success through hard work. Even the Lion Rock Tunnel has been scorched. So, the spirit of the Lion Rock is no longer in existence under the governance of the communists in Hong Kong.

Chairman, Mr WONG Yuk-man and I have proposed 1 300-odd amendments which are totally in line with the RoP, parliamentary values and the need to defend public interest. As the Chairman said in an interview, the legislation will deprive Hong Kong people of their reasonable and legitimate political right, which is a very serious matter. So basically these 1 000-odd amendments are related to the protection of Hong Kong people's rights in some measure.

Chairman, I hope that Members can gain a better understanding in deliberating these amendments because quite a number of Members are totally ignorant of or adopt a rigid attitude towards the idea, concept, spirit and principles of representative government or parliamentary politics. With a partial perception, some of them may even be blind to it. In dealing with these amendments, we are actually required to fulfil a number of requirements. First, an amendment must be relevant to the subject matter of the Bill and to the subject matter of the clause to which it relates. Second, an amendment must not be inconsistent with any clause already agreed to or with any previous decision of the Committee upon the Bill. Third, an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical. Fourth, an amendment which is in the opinion of the Chairman frivolous or meaningless may not be moved. Fifth, where an amendment is proposed to be moved to a Bill presented in both official languages the amendment shall be made to the text in each language unless it is an amendment that clearly affects the text in one

language only. But an amendment which creates a conflict or discrepancy between the text in one language and the text in the other may not be moved.

Therefore, when amendments are proposed by Members, the Legislative Council Secretariat, the Legal Adviser and even the President have to deal with them rigorously and carefully. Mr WONG Yuk-man and I had to put in a lot of time and thought when considering these amendments, instead of trying to put on a show, as Mr TAM Yiu-chung claimed. He has also described our amendments as frivolous. However, his remark is very interesting. He told the press that the vast majority of the amendments proposed by the People Power dealt with nonsensical words. It is interesting to hear a remark from him. Instead of saying all these amendments were nonsensical, he said the vast majority were.

Therefore, I would like to know which amendments are considered not frivolous or nonsensical by Mr TAM Yiu-chung after he has read our proposed amendments. He said that the vast majority of them are nonsensical. Among these 1 300-odd amendments, Mr TAM Yiu-chung has also recognized that some are meaningful and not frivolous. I am also grateful to him because he did not negate our amendments. Otherwise, it shows that he has not read it at all. After reading our amendments, he also considers that some of our amendments are quite insightful, valuable and significant. Moreover, they are worthy of discussion and study.

Chairman, regarding the motion for adjournment proposed by Ms Audrey EU, I have already pointed out that it is in line with the parliamentary spirit and principles. We must ponder what formality and principles should be adhered to for the conduct of Council meetings or order of business. It is because what the Government has implemented over the past 15 years is executive autocracy and administrative hegemony. The royalists have basically echoed like lackeys and raised their hands to indicate support when the button is pressed by the Government. There is no room for exchange and discussion.

We can see that in all democratic parliaments of foreign countries, the ruling parties and opposition parties will keep engaging in dialogues or communication with each other so that views and interests of all quarters will be included or incorporated when legislation is enacted or policies are formulated. It is different from Hong Kong where a party playing a dominant role in our political landscape behaves in an autocratic manner and ignores the views of the

minority. Today, I do not have time to go into more details, but I will explain thoroughly the parliamentary culture and values later on.

**CHAIRMAN** (in Cantonese): Mr CHAN, your speaking time is up.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I do not know why the Government is so fond of "being a stiff-neck". The Commissioner of Police, TSANG Wai-hung, has become a "stiff-neck" — he has been unwilling to withdraw the "dark shadow" theory. I advise Raymond TAM that there is no need for him to "defend the indefensible with a stiff-neck" because the issues he is now arguing is most frivolous and meaningless. When he woke up this morning, I hope that he had done some soul-searching on what he has been "irrationally defending" for. The crux of the whole issue lies in this irrational argument of his which is frivolous and meaningless. In addition to being silly and meaningless, the worst part is that it will injure the people's basic right to elect and be elected.

Why did I say that it is frivolous and meaningless? Everybody knows the history of the whole incident, that is, the "five geographical constituencies referendum" has to be curbed as per the Central Government's order. Therefore, the SAR Government did whatever it could to devise a "dirty trick" through which the vacancy would be filled by the second-ranked candidate on the list. But this "dirty trick" led to a public outcry and massive demonstrations. The Government finally withdrew the amendment. Although the Government has beaten its brain out, it still does not have a clue. As a matter of fact, it is quite good because it proves that Hong Kong is still bound by some institutions. There are constitutional restraint and the rule of law. Under the rule of law and within the context of constitutional consideration and restraint, we know that there are things which are not viable. This is a good thing. The Government knows that there are some things it cannot do. After racking their brains, they come up with this Bill, saying that Members of this Council should be restricted from running in an election again within six months after their resignation.

The original purpose of the Central Authorities' instruction is to prevent "five geographical constituencies referendum", but restricting resigned Legislative Council Members from running in an election within a six-month period does not help serve the purpose. Even if a resigned Member is not allowed to run in an election, the party to which he or she belongs can appoint another member to run as a candidate. More importantly, I think the Government should not interfere with the decision of the Members who have resigned or the voters. The voters will use their votes to demonstrate their decision. In addition to being incapable of accomplishing the task assigned by the Central Authorities, the SAR Government has made it detrimental to the people's right to elect and to be elected. Why the trouble?

This Bill is silly and meaningless. The Government had better withdraw the Bill itself. Currently, Ms Audrey EU has proposed that the debate be adjourned. If the Government does not withdraw the Bill on its own initiative, there is another possibility, that is, the Government will be given time to ponder over the issue for a few more days. If Members of the pro-establishment camp support Ms Audrey EU's motion for adjournment, it will be another viable solution. Unfortunately, Members of the pro-establishment camp have stated their reluctance to support it. They have also pointed out that there would only be 25 attendees, resulting in the lack of a quorum attending tonight's meeting. Since they know there will be a lack of a quorum, why do they not quickly support this motion? If they support the adjournment of the debate, at least they do not have to look so "ugly". Why do they still try to "defend the indefensible" on these silly and meaningless issues to show "support" to this Bill? Now, we have an opportunity to support Ms Audrey EU's motion and let the Government further cool down for a period of time. If it is possible, withdrawing the Bill seems to be the most judicious course of action.

It seems that Members are going to oppose Ms Audrey EU's motion again. But how do you explain it when there is an insufficient attendance? They will certainly explain that it is the pan-democratic Members' fault because they are absent. Having clearly stated that this is a silly and meaningless Bill, the pan-democrats do not want this Bill to pass. We do not want to pass a Bill that represents retrogression in democracy, depriving the public of the rights to vote and stand for election. Is there any fault on our part? Since Members of the pro-establishment camp hold a majority stake in this Council, they are "balefully"

confident of winning when it comes to voting on the motion. We are left with no option but to do this in order to safeguard the public's right to vote.

Members of the pro-establishment camp are not without any choice. They can continue to "defend the indefensible". But they basically have a problem which I am not sure whether I can call it a "weak point", namely, they are very busy. They can hardly go on like that. Why not consider stopping? The whole issue has now lost its focus. I do not know whether Raymond TAM has any new idea after getting up from bed this morning. We can only expect him to come up with a more intelligent way. We hope that the debate on this Bill can come to an end sooner so as not to hinder me from moving the motion on the 4 June incident.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR PAUL TSE** (in Cantonese): Chairman, let me borrow a remark from our former colleague — If I remember it correctly, it was Mr Ronald ARCULLI — according to the present situation, we are all losers and no one will be a winner. Of course, Mr WONG Yuk-man, Mr Albert CHAN and "Long Hair" may be the exception, but it will not bring any benefit to Hong Kong people, the establishment as a whole or the Hong Kong community.

Chairman, please allow me to highlight one thing at the outset. Perhaps no one will notice this point now, not to mention the fact that the press has only focused on reporting the filibustering, seemingly with very little coverage on the actual development of the matter and the progress of the motion. What I want to say is that I voted against the Second Reading of the Bill. I have also explained the justifications in my speech, apart from spending most of my time elaborating my criticism of the views of the Bar Association. Compared with the views of Baron PANNICK whom the Government relies upon, one party voices its objection like chanting slogans, while the other party is able to give us some relatively detailed analysis and inference.

Perhaps it is not appropriate for us to give any detailed explanation at this stage. But please allow me to point out that, basically, I think both sides do not

dispute the fact that the Legislative Council itself should have a relatively broad discretion to decide whether the eligibility of standing for election or nomination should be tightened or relaxed if the relevant motion is flawless in the approach, legal or constitutional aspect.

Chairman, let me use brewing tea as an analogy. According to the general method of brewing tea, one should prepare tea leaves and boiling water first before pouring the hot water into it and deciding whether milk or sugar should be added. If we agree that this direction is not illegal, unconstitutional, then the decision to add how much sugar or milk is simply a personal choice. Just like the example cited by Baron PANNICK, as long as the relevant provisions of the Basic Law have been complied with, our approach is flawless, the ingredients of brewing tea are perfect, the amount of sugar or milk should be decided by this Council, which should, of course, be accountable to the public eventually. But it does not mean that if some or most of the Honourable colleagues consider that more sugar or milk should be added, then what we brew is not a cup of tea. I will find it unacceptable if Members who oppose this motion continue to argue that it is unconstitutional or illegal.

Chairman, many colleagues sitting on my right believe in the supremacy of law. Whatever issue it may be, we must consider it from the legal perspective without the need of paying regard to politics, philosophy, justifications and compassion in their opinion. But apart from the legal aspect, there are many other factors for us to consider. Chairman, why do I oppose the motion although I accept Baron PANNICK's view that it is not unconstitutional, illegal?

Chairman, we should consider a lot of political factors, including the public opinions. Of course, these views are not one-sided. Many colleagues in opposing this always mention public opinion when they speak. Regarding this issue, we can even say that more than half of the people, rather than fifty-fifty, tend to support a mechanism which can prevent Members from running in a by-election after resignation for personal reasons or fulfilling their political ideologies because the public do not want to waste public money anymore. This direction is not overwhelmingly contradictory to public opinion.

Another consideration is certainly the change of Government. There are worries and uncertainties in society. If we have any doubts — let me borrow a

term in court — the defendant should be given the benefit of doubt. In other words, the benefit of doubt should go to the public. Should the public be given more room in making their choice? This is another consideration.

Chairman, just now Mr LEE Cheuk-yan pointed out in a sarcastic tone that this Bill is frivolous and meaningless. To a certain extent, I think he is right. Because regardless of whether the "five geographical constituencies referendum" or by-election is targeted, this Bill does not help prevent a referendum or by-election from recurrence. This is seemingly a tactic of the Government for face saving. In present-day society, such an approach or starting point may not be appropriate particularly when we have to consider the factor I mentioned just now, that there is a change of Government. In view of the fact that the new Chief Executive and the new Government will face a lot of problems, we have to be cautious.

Chairman, I support Audrey EU's motion. In fact, I have communicated with several colleagues in private on this issue. I have also advocated that a more flexible means be adopted to deal with this problem. Just like an example which I have repeatedly cited — please do not mind if I quote this example because some Members may not have heard it — flood control by Dayu. We cannot always control flood by building embankments, we may need to dredge flood channels. Perhaps let me cite another example: examination. We all have sat for an examination, in which we have to answer a lot of questions in a limited period of time. Under such circumstances, we have to pick questions in which we have confidence, or questions which are relatively straightforward and offer chances of a higher score. The teachers will also advise students to adopt such a technique in answering questions. If we still have time after answering these questions, we can deal with those questions which are relatively difficult, or questions which may be dealt with in a wrong approach, or questions that we are not sure of the answer.

There are many motions, including the motion concerning the controversial five Secretaries of Departments and 14 Directors of Bureaux, pending passage by this Council. We are confident that these motions will be passed and the public have also pinned aspirations on it. Of course, this motion may also fall through, but other more important motions, such as the Competition Bill, the amendments to the Trade Descriptions Ordinance, as well as many other Bills which seek to protect people's rights should be passed as soon as possible. This is a technique

not only to divert the flood, but also to sit for an examination. We should deal with questions that we have confidence in scoring high marks before dealing with pesky questions if time permits.

Let me propose another strategic suggestion, which is the focus in these past two weeks — filibustering. According to some battle strategies in history, the fighting spirit aroused by the first roll of drums is depleted by the second and exhausted by the third. What we have to do is just sit and wait until colleagues who are fighting the filibustering war to see their fighting spirit depleted and exhausted in a few weeks, without the need to make the mains burst by increasing the water pressure. This is the reason why I am in favour of taking this direction. Unfortunately, this is just my wishful thinking. Nevertheless, I still want to have the opportunity to express my views.

Chairman, please allow me to spend a little more time to talk about my observations in this incident. I share the views of some Honourable colleagues who pointed out that in a normal and healthy society, we should try to make more room for communication and dialogue. We should not put the Government on the opposite side of the opposition party and people who are in opposition. We should try to avoid doing this. Even though we are certain that we have got enough votes, we should do our best to make room for communication or dialogue for the dissenting voice and Members in opposition. This is the direction and attitude to be adopted by a mature and democratic society. However, I am afraid that Hong Kong is totally irrelevant to the word "mature" because we are still at the kindergarten stage. Members, including myself, behave as if we were kindergarten pupils. Our attitude, orientation and approach are most naïve. However, we must press ahead. We must continue to learn. This is also a learning process. Even if we fall, it does not matter. We must continue to learn.

Chairman, I also found that this Council has seemingly lost its direction. In fact, not only this Council, but also Hong Kong society as a whole and the Government have lost their direction. Our society as a whole seems to have been dominated by Mr WONG Yuk-man, Mr Albert CHAN and Mr LEUNG Kwok-hung. This Council and the Government's operation have seemingly been dominated by these few people. This is certainly not very healthy and thus many people are angry. It is precisely because sometimes the practices of the Government and the community have given a lot of room to the dissenting voices

to garner enough support. In fact, if concession can be made so that the other party can be given a little more room, this opposition or radical force will naturally wither. On the contrary, if we bully the others due to our strong backing, thinking that we have garnered enough votes and it is not necessary to convince the others with speeches, people will be stimulated to take the opposition side. This will not be good for us.

Chairman, I must point out that you will certainly make every effort to adopt the attitude I mentioned just now. But you also need to have a yardstick. Chairman, please allow me to make some criticism. You have made a decision — this is a decision — because you have discretion. But this time around, you have allowed Members to propose such amendments. I think you have a little bit overreacted. Why? Chairman, if you look at one amendment at a time, you may find it sensible instead of frivolous. For such an important issue, we certainly need more room for discussion. I agree to this. However, Chairman, you should examine the strategy as a whole and the nature of these 1000-odd amendments, as well as the duplication and the direction they are pointing at. Instead of looking at one amendment at a time, you should read through all the amendments. Chairman, take court cases decided by judges I frequently cite as an example. If such an approach is adopted in dealing with a lawsuit, each pleading *per se* may be meaningful, but you will certainly be rejected if your pleadings are scrutinized as a whole .....

**CHAIRMAN** (in Cantonese): Mr TSE, according to my principle, I will not enter into a debate on my ruling with Members at the meeting.

**MR PAUL TSE** (in Cantonese): Chairman, you do not have to respond.

**CHAIRMAN** (in Cantonese): If you have any opinions, I will be glad to discuss them with you outside the meeting.

(Mr CHIM Pui-chung stood up to speak)

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, you have no right to object to a Member's speech. When a Member makes a criticism of you, you have to accept it. If you have any question, we can discuss it after the meeting. You have no right .....

**CHAIRMAN** (in Cantonese): Mr CHIM Pui-chung, please sit down.

**MR CHIM PUI-CHUNG** (in Cantonese): ..... you have no right to use your privilege to criticize a Member's remarks.

**CHAIRMAN** (in Cantonese): Mr CHIM, it is not your turn to speak.

**DR MARGARET NG** (in Cantonese): Chairman, I remember that under the RoP, the President's ruling is final and no query from Members is allowed. When Mr Paul TSE spoke just now, I did not say a word because he simply expressed his views. Nevertheless, he was actually violating the RoP, Chairman.

**CHAIRMAN** (in Cantonese): Mr TSE, let me reiterate that I will not debate with Members my ruling in the Chamber. Mr CHIM Pui-chung violated the RoP just now because he rose to speak without my permission. I am most happy to listen to any views of Members on my ruling.

(Mr CHIM Pui-chung stood up)

**CHAIRMAN** (in Cantonese): Mr CHIM Pui-chung, if you continue to violate the RoP, I will only have one choice. Mr Paul TSE, please continue.

**MR PAUL TSE** (in Cantonese): Chairman, as a matter of fact, I have put forth a premise, that is, I have no intention to challenge your ruling because I understand that you have discretion. However, Chairman, if you allow Members to praise

you for your wisdom and judicious decisions in the Chamber, you should also be ready to accept voices of criticism.

**CHAIRMAN** (in Cantonese): Mr TSE, there is only one principle, that is, I will not debate with Members my ruling in this Chamber.

**MR PAUL TSE** (in Cantonese): Chairman, you are precisely debating with me, or else you should not make any response. Rather, you should just let me finish my speech. Chairman, I just want to make my point clear, for the record. When other Members praised you for your wisdom, why did you not respond by saying, "Do not say that I am wise. I do not need your praises."

**CHAIRMAN** (in Cantonese): Please continue with your speech.

**MR PAUL TSE** (in Cantonese): Chairman, please do not refute me. You need only listen to my speech, just as you did in dealing with the voices of Members of the opposition camp.

**CHAIRMAN** (in Cantonese): Mr TSE, if a Member's speech has violated the RoP, I have to point it out. I must say that you should not raise your objection to my ruling in the Chamber. Please continue with your speech.

**MR PAUL TSE** (in Cantonese): I have simply made some observations, Chairman. Am I not allowed to make observations, Chairman? Please answer me, Chairman. Regarding your ruling — I am not questioning your ruling — I just want to raise my observations on your ruling. Is this not allowed, Chairman?

**CHAIRMAN** (in Cantonese): Members should be very clear about under what circumstances their speeches are regarded as challenge to the Chairman's ruling, and under what circumstances their speeches are regarded as personal

observations, as mentioned by you. Please continue to speak in accordance with the RoP.

**MR PAUL TSE** (in Cantonese): I just want to present my personal views, Chairman. I do not mean to challenge you. I have to state clearly that I do not mean to challenge you. Neither do I have the ability or power to challenge your authority because you have a very wide power of discretion. I just want to ask a question. Assuming that these 1 300-odd amendments are proposed by the Government, I believe no one will accept such an approach or manner of disposition, Chairman. So, you should look at the overall context, which means that you have to look at them in a holistic manner. I have finished my speech in this regard.

Chairman, today we have set a precedent. Some of the rules in the RoP can be likened to the European invasion of Africa in the past. When Africans did not have the antibodies of a pathogen, the whole clan would soon be eliminated. Now, we do not have any antibody to address such a tactic either. We can be described as being paralysed now.

Chairman, the American society was a relatively free society before the 11 September incident. I still remember that it was like taking a taxi when one flew to the United States. Those who saw their friends and relatives off could have direct access to the exit while the alighting passengers would be received immediately. Just like taking a taxi, passengers were subject to no body search and ready to board the plane after their boarding pass had been printed by the computer. Such a free society which gives human rights the top priority has faced immediate change after the 11 September incident. The American society was vulnerable to wanton destruction by terrorists in the past, but now it is different. If the United States had heeded the voice of the so-called advocates of freedom who live in the rural areas and did not take any precaution, the United States would have come to demise. Chairman, the United States, where freedom is accorded first priority, has to tighten the room for human rights and freedom. It shows that this is the problem facing a society in real life, Chairman. (*The buzzer sounded*) .....

So, Chairman, in the face of this challenge, we need to voice our objection in a proper manner under a reasonable circumstance. We should not do

anything in detriment to social progress on the ground of personal reasons, personal image or popularity rating.

**CHAIRMAN** (in Cantonese): Mr TSE, are you imputing motives to some Members?

**MR PAUL TSE** (in Cantonese): I did not mention anyone. Neither did I mention anything .....

**CHAIRMAN** (in Cantonese): If you did, you were in breach of the RoP.

**MR PAUL TSE** (in Cantonese): Chairman, you are oversensitive. You have to ask yourself whether you are oversensitive.

**CHAIRMAN** (in Cantonese): I am not oversensitive. I just draw your attention to the RoP.

**MR PAUL TSE** (in Cantonese): Chairman, I would like to reiterate that I hope you can take extraordinary measures to provide some antibodies to this Council. Would you please make some arrangement so that we can scrutinize these amendments, which are frivolous and meaningless in my opinion, round the clock.

Chairman, please do not feel offended. I just want to give you a mirror so that you can see whether you are overreacting and oversensitive.

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, I speak against Ms Audrey EU's motion. I should have delivered a speech at the resumed Second Reading of the Bill, but I did not. Now I have the right to reiterate my views on the Bill as a whole. First of all, the pan-democratic camp keeps saying that the purpose of proposing this motion is to uphold the people's right to stand for election and the right to vote. Here I have to tell Hong Kong people loudly that their rights

have never been infringed or deprived. The people's mind has been misled by some Members. Their right to elect and vote is always in their own hands unless they do not turn out on the polling day.

In this incident, five Members, with the purpose of achieving their political goals or objectives, resorted to a tactic resulting in a significant waste of public funds. We do not consider the SAR Government an absolutely responsible government. But as an executive authority, it should not turn a blind eye to it. Instead, it should make some response at least. Otherwise, how can government officials, especially those in charge of constitutional affairs and earning handsome salaries, be accountable to the public if they sit on the problem? Under such circumstances, we have got such a result after going through an extensive study and numerous discussions in the Legislative Council. Members of the pan-democratic camp and their allies can hold different views, but they should not consider that they are flawless while the others are totally wrong.

In my opinion, Ms Audrey EU has proposed this motion on the pretext of giving the Government an opportunity to withdraw the Bill. However, if the Government really does so, what use does it still have? It had better "call it a day" early as its term will expire in less than two months. The people should exercise their rights and their right to know in an unequivocal manner. If the Government is so incompetent that it succumbs to the threat of a filibuster war if it refuses to withdraw the Bill, people in the whole territory will have to launch their fourth wave of emigration because a lame government can never take care of its people.

In politics, our views are certainly diverse and therefore it is necessary to hold debates. The pinnacle of politics is compromise. Even though there is no room for reaching a compromise, no one should assert that one is absolutely right and the others are certainly wrong. If Members of the pro-establishment camp and their allies as well as Members of the pro-government camp or those who tend to support the Government's views do not speak up, the public will not be able to hear their views. In that case, what is the purpose for Members of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) to sit here? As their voices cannot be heard, the public may think that these Members dare not speak up because they know that they are in the wrong. We must understand that not every citizen is smart or very much interested in politics and

even wants to participate in it. They will unknowingly be misled and suffer loss eventually.

Chairman, just now Mr Paul TSE has given you an advice, which is, in my opinion, a piece of good advice rather than criticism. Nor can this be regarded as a discussion because you can listen rather than respond. Whatever our views, the biggest problem is the ultimate purpose of raising these 1 300-odd amendments. The Members concerned have already made it clear that they want to resort to filibustering. But do they have such a right? You have the authority to make a decision, but you have dealt with it in such a manner. You have indicated your wish to run in the election for the next term and wish to be elected as President again. But I can tell you, I will not cast my vote for you if I have the opportunity to be a Member of this Council again in the next term. Why? Because when some Members have got into a dead end, you are totally incapable of upholding the representativeness of this Council. As a result, this Council will lose its constitutional representativeness in future. Chairman, I am now discussing the issue and not picking on you. So, you can just listen, no in a position to give any response.

Theoretically, in order to ensure that debates in this Council are conducted in an impartial manner, all Members have the right to speak. In view of the criticisms of government officials made by Members of the opposition camp ..... in fact, the SAR Government will not have any bureaucrats in the future. It will only have civil servants or public officers. The Chief Executive elect, LEUNG Chun-ying, has to listen: You should elevate the mentality of civil servants and public officers for the bright future of Hong Kong. Otherwise, Hong Kong will not see any progress.

Chairman, the attitude towards and criticisms of civil servants held by some Members of the pan-democratic and opposition camps are much harsher than mine when I expressed my views just now. My views are expressed for the sake of the future. Once a precedent has been set, similar incidents will follow hard on the heels. Other Members may feel ashamed of associating with them. I urge Members and friends of the pan-democratic camp that we should discuss our views in a sensible and rational manner whenever we wish to express our views. And Chairman, you should also play your gate-keeper role properly. You have approved these amendments although you clearly know that they have taken advantage of the loopholes. I am not challenging your decision. But I

have the right to criticize you as we are not in a totalitarian world. We have democracy as well. Therefore, if we have any views, we should engage in discussions. If you have a strong view on this, I can leave the Chamber with Mr Paul TSE so that the meeting can be aborted. In that event, I would suggest that the SAR Government dissolves this Council. Perhaps this confrontation may end up in the Chief Executive's call for a re-election of the Legislative Council. However, does the Chief Executive have such power? This is simply my proposal. However, the Chief Executive may not necessarily be devoid of such power.

Chairman, we have been colleagues for a long time. If someone wants to torture me by forcing me to sit here for 50 to 100 hours, I will lend my support to them for their calculation, traits and authority. However, as colleagues, we may win or lose in a debate which is a commonplace in politics. Why should we be so concerned about it? I have always mentioned that countless lives were lost during the struggles between the Communist Party and the Kuomintang. But now, the Chairmen of these two Parties shook hands with each other for the third time. For those who were killed ..... I should say those who were sacrificed. To whom could they pour out their grievances? By the same token, as we have been working together as colleagues, why should we torture each other? We seemingly shift the blame onto each other. But basically our purpose is to serve the people though we represent different sectors and our duties are different.

Originally, this issue did not catch my attention. What concerns me the most is the financial and economic problem of Hong Kong because it involves not only the sector I represent, but also the well-being and rights of the people. But under such circumstances, as I said just now, this speech should have been delivered at the resumed Second Reading of the Bill. I did not do so because I hoped that Honourable colleagues who have greater representation in this field would express their views on the issue. In doing so, the issue would be dealt with in a more straightforward manner and their views would have greater representation. But now, as the issue has fallen on me, I have to make my views clear to my voters and some citizens.

I certainly hope that I can sit here until the end of the meeting. But I do not mind whatever the result. In answering questions from the media, I have also indicated that as a Member of this Council, I am obliged to do my utmost

although I may not be able to do so on some occasions. If my voters are dissatisfied with me for my inability to attend meetings on a regular basis, they can refuse to cast their votes for me in the next election if I still have interest in running in it. As to the opinions polls, I never attach any weight to them. Nor do I care much about the so-called survey findings because I have never been included in the list of "the four laziest Members", which is presented as the outcome of opinions polls on Members' performance. By the way, I dare to challenge other colleagues on our performance. Who dare say their performance is always better than mine? Therefore, we should respect the different views and approaches of other colleagues.

Hence, I have all along not voiced disapproval of the so-called filibustering tactics which started to take place last week. I just want to urge the colleagues concerned that while exercising their right to criticize the others, they should exercise self-discipline and maintain their representation. They should not stand on the moral high ground and consider the others' opinions as totally wrong. The fact that they disappeared right after they had spoken can be regarded as a kind of fraud, trying to deceive the general public and the voters.

Chairman, my remarks do not target any other colleagues. On political issues, our colleagues give people an impression that — please listen to this carefully. What I emphasize is the impression given to the people and I have no intention to criticize any other colleagues that they are apathetic. They will never change their mind and attitudes even after a long debate. I have given such a long speech simply because I want to make use of these 15 minutes to express my views to the people of Hong Kong. My views are crystal clear and straightforward, that is, people should not be misled by those engaging in politics.

As a matter of fact, Hong Kong lacks natural resources. If we do not unite together, we will definitely be marginalized. Therefore, we should not turn issues like this into a great controversy. As I have pointed out always, Hong Kong is probably not a place where we have full democracy, but we enjoy a high degree of freedom. We always pay attention to people's dissatisfaction with the current living conditions and living space. But what are the causes of such phenomena? Do not readily believe in the words of some people. The right to vote is obviously in your hands. What we are doing now is to eliminate some unconventional practice. We should be able to tell what is right and what is wrong. In particular, we should ponder whether benefit will be brought to

Hong Kong people by filibustering. If the answer is an absolute "No", I hope that people can make a judicious decision by exercising their right to vote on 9 September. As to which party will benefit, I cannot say for sure or comment too much. I just want to see the establishment of a government with dignity. A government may not be omnipotent and faultless, but it will strive to maintain the dignity and well-being of the people. If it has done something wrong, it should rectify its mistakes.

Chairman, let me reiterate that if the meeting is aborted again, the interest of Hong Kong people will be jeopardized. I suggest that the Chief Executive, whose term of office will expire in a month or so, considers whether this Council can be dissolved so that a re-election can be launched. Perhaps this may hew a different path for the future political landscape of Hong Kong.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, the FTU objects to the adjournment motion proposed by Ms Audrey EU. In her speech last night, she mentioned the so-called "pan-democratic camp" — this expression is actually misleading. I would rather called these 23 colleagues "opposition Members" — and said that the 23 pan-democratic Members would walk out and those colleagues who remained in the Chamber should be held accountable should the meeting be aborted. Honestly, I really find her remarks incomprehensible.

Here I would attempt to point out the simple logic. First of all, according to Ms EU, the Bill dealing with filling a vacancy arising from resignation of a Legislative Council Member is so controversial that three colleagues have decided to employ the delaying tactic of filibustering in the hope of "strangling" the Bill. Meanwhile, colleagues remaining in this Chamber and refusing to support the withdrawal of this Bill, thus making it impossible for other Bills relating to people's livelihood to be passed in this Council, should bear the blame. Second, since we have decided to stay here, we should be held accountable if a quorum cannot be met. I would like to clearly explain my views on these two points.

Let me begin with the second point. The quorum for a Council meeting is 30. How many Members will remain if 23 opposition Members decide to walk out *en masse*? This is simple arithmetic. The answer is that only 37 Members will remain, which means that only seven Members on top of the quorum will be here. The number of Members attending the meeting will be reduced should

anyone fail to attend the meeting in time due to illnesses or other reasons. For instance, my colleague, Mr WONG Kwok-hing, was stranded for two hours when the West Rail line broke down last time.

Is it not true that the meeting will be much less likely to be aborted if these 23 opposition Members had not decided to walk out *en masse*? In other words, when they make the decision to walk out *en masse*, they are consciously making it much more likely for the meeting to be aborted. This is simple logic. Therefore, all absent Members should share the responsibility should the meeting be aborted. How come those Members who cannot attend the meeting for other reasons or leave the meeting later are held accountable whereas those who walk out first are not held accountable? This is the first point.

Here I would like to imagine the situation of the opposition Members, including Ms Audrey EU. I find their situation quite miserable. Why? It is because they are being tied up on a chariot by three barbaric colleagues. Where is this chariot going? I imagine it is charging towards a cliff. Why am I saying this? It is because, according to opinion polls, more than 70% of the people in Hong Kong share the view that by-elections caused by man-made resignations should be pre-empted.

Yesterday, I received an email addressed by the president of the Hong Kong Medical Association to all Members. I believe other colleagues who are present here should have received the email and learnt that an opinion poll had been conducted by the Medical Constituency on the amendments to the Legislative Council Ordinance. Actually, doctors are the least political. For them, it is most important that they can live in peace and work with contentment. Yet, the outcome of the poll shows that 61% of them support the Government's proposal. Is 61% the majority? A proportion greater than 50% is the majority, which cannot be neglected. I do not know if other professions have conducted similar opinion polls. I believe they would have done so. Members may enquire with the professions they know well to see if there is any difference between the outcome of their polls and the territory-wide opinion poll.

Mr WONG Yuk-man, Mr Albert CHAN and Mr LEUNG Kwok-hung ..... even though Mr LEUNG Kwok-hung has not proposed any amendments, he is a participant of the filibustering for he has frequently requested headcounts. In the election to be held this September, these three Members will be elected

provided they can secure support from 10% of the electors. Now, 70% of the respondents agree that this loophole has to be plugged. Assuming that the remaining 30% of the respondents are against the Bill, other opposition Members will have to fight for the support of the remaining 20% of the electors. Do these Members believe they will have good luck this September? They are now aiding and abetting the wrongdoer by going against the wishes of 60% or 70% of the people in Hong Kong, so will they still have good luck in September? Despite their awareness of the consequences, they are still ready to help surreptitiously. In view of a so-called "shared belief", they board the chariot with their eyes closed and jump off the cliff together. So help them God.

But why do we choose not to leave? The reason is very simple. It is because we have commitment. We have chosen to stay in this Chamber because we see that 70% of the public opinion wants us to be here. Why do we not make way for other more urgent motions and Bills so that they can be discussed first? I have one more reason.

I wonder if Members still recall the frequent occurrence of hijacks in the '70s and '80s of the last century, in which a passenger airliner was hijacked by a couple of people who threatened the pilot to fly to Cuba or other specified places, or else everyone on board would have to die. Initially, no one knew what to do to handle this. Subsequently, the hijackers' instruction was followed and the plane was flown to Cuba. In the end, everyone clapped their hands in applause because no one on the plane was killed. But later, it was found that this had to be stopped because the possibility of the occurrence of such incidents would be increased by 10% with every concession made. The question is: How many concessions can be made?

Some time ago, I declared openly at a meeting of the House Committee that the acts of Mr WONG Yuk-man and Mr Albert CHAN were a form of "parliamentary terrorism". To make concessions to such terrorism will only breed terrorism. Will these Members not adopt such delaying tactics as filibustering to delay issues pertaining to people's livelihood to prevent them from being passed and enacted into law? Should concessions be made on every controversial issue, will the Council still have a tomorrow? Hence, we have no alternative not because we do not want to make concessions, but because we are

well aware of the serious consequences of doing so. Hong Kong has to have a tomorrow! Therefore, we choose to stay in this Chamber to carry on our fight.

I so submit.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR IP KWOK-HIM** (in Cantonese): Chairman, there are only two reasons for Ms Audrey EU to propose the adjournment motion. The first reason is to mount a filibustering attempt again by way of an adjournment motion. Over three hours have been wasted since yesterday, and as a result, Mr Albert CHAN and Mr WONG Yuk-man have still not really proceeded to the question. This is why my response today will be very simple and concise because I do not want to fall into this trap of constant filibustering.

The second reason is to put the responsibility of aborting the meeting entirely on pro-establishment Members. In their speeches yesterday, some Members kept accusing us of failing to defend the Government and said that we must take full responsibility. They wish to boycott this Bill, but why should we be held accountable? As explained clearly by Dr PAN Pey-chyou just now, there are 60 Members in this Council and 23 of them are determined to see the meeting aborted, and yet the responsibility of preventing this from happening is shifted to the 37 pro-establishment Members. No one can really rival these Members when it comes to the ability of reversing right and wrong. Who can possibly jump to such a conclusion after listening to their speeches? Who can imagine they could have behaved so shamelessly as to put the responsibility onto others?

I can only use "mendacious" to describe the motion proposed by Ms Audrey EU. For the sake of preventing the passage of the Bill on filling a vacant Legislative Council seat, the pan-democratic camp has stopped at nothing to manipulate the procedures of the Council by way of filibuster, boycott or walkout in an attempt to paralyse the Council, thus preventing many major Bills on people's livelihood from being dealt with. Pan-democratic Members should originally be accountable for the entire incident. As one of the initiators, Ms Audrey EU is behaving pretentiously here by using according priority to Bills

relating to people's livelihood as an excuse to propose an adjournment motion. There is a Chinese saying that describes someone as a Jekyll and Hyde. Besides the word "mendacious", what can I say to describe the Member?

The DAB opposes the adjournment motion on the ground that the Bill is important and the arrangement for filling a vacant Legislative Council seat involves the operation of Hong Kong's political system. As mentioned by Dr PAN Pey-chyou just now, more than 61% of members of the public clearly support this Bill. Regarding the remarks made by the opposition and Ms Audrey EU that the Bill should be shelved because it is draconian, I would like to ask: How draconian is it? Will it do more evil than the Civic Party and the League of Social Democrats (LSD), which went ahead with initiating the referendum farce? Will it do more evil than those Members of the LSD who wreaked havoc on the forum on the replacement mechanism? Will it do more evil than the Civic Party, which made use of an old woman Ms CHU to stage a legal battle, thereby delaying the construction of the Hong Kong-Zhuhai-Macao Bridge and wasting \$8.86 billion in public money?

The Bill that provides for the filling of a vacancy arising from resignation of a Legislative Council Member will only prohibit a resigned Member from seeking re-election within six months. It is supported by the public because of its extremely lax positioning and sound justifications. I hope Members of the pan-democratic camp or the opposition will realize, and I believe they have already known, that this adjournment motion will not be passed. Nevertheless, I know that they will carry on with their "show" and continue to obstruct the Bill. They will definitely repeat their filibuster and boycott. This is how I feel now. I can only sigh and say that "there are only evil persons but no draconian laws". I very much hope that members of the public can see the true faces of these Members clearly.

With these remarks, I oppose Ms Audrey EU's motion. Thank you.

**DR PRISCILLA LEUNG** (in Cantonese): Chairman, I should haven paid a visit to the district had no filibuster been staged today. During the past week since the meeting was aborted last Thursday and the constant media reports on the filibustering tactic, the people I met during my visits to the district would say this to me very angrily, "Can you pro-establishment Members do more? Can you

stage demonstrations in protest against them since they know how to demonstrate? We cannot stand it anymore." We are considered to be too timid. Like a ball of fire, the anger demonstrated by many people is more serious than imagined. I believe the pan-democratic camp as well as the opposition have underestimated the anger of the people about the acts of some Members who resigned mid-term years ago. Perhaps all the people known to them support their acts. As regards the relevant law allowing Members to make a comeback as they wish through resigning mid-term, thereby preventing the Council to operate in a normal manner, some people in the community consider the law very problematic.

Ms Audrey EU has maintained that they oppose the amendments this time around because the Bill is a "draconian law". In fact, I fully understand this. I have once pointed out that, when 60 Members are confronted with different legislative amendments, the relevant legislation will become a "draconian law" when they consider the amendments not to their liking, just as many small and medium enterprises consider the competition law "draconian". Yesterday, Mrs Sophie LEUNG mentioned that some young people regarded the relevant legislation "draconian" because the amendments to the electoral legislation involved privacy. One will consider a law "draconian" so long as it does not see eye to eye with his or her view. With 60 different points of view in the Legislative Council, a law may be considered good by one person but "draconian" by 59 others. Therefore, the expression "draconian law" is already derogatory.

I think Members should objectively examine if the Bill to be passed is really "draconian". The replacement mechanism proposed by the Government on the last occasion was really very controversial. I have once pointed out here that the Government should review how best to conduct consultations on and implement a law which might change the existing mechanism. In my opinion, Secretary Raymond TAM has learnt from the Government's past practices and listened to dissenting views with an open mind.

Regarding the replacement mechanism introduced by the Government at that time, the Professional Forum has repeatedly expressed the hope that the scope of the legislative amendments should not be expanded, and only Members wishing to resign should be targeted and regulated. The recommendations and observations made by us after consulting our own profession and members of the public concluded that Legislative Council Members should be allowed to resign

once. This number is considered to be quite reasonable, as there will be 60 resignations if all Legislative Council Members are taken into account. To fight for the interests of their own constituents or professions is not an exclusive right of the opposition. Therefore, the mechanism of allowing 60 resignations is actually very loose.

The Government's proposal is even more lenient, for a Member is only disallowed from running in a by-election within six months of his or her resignation. If one can come back to the Legislative Council in six months, a Member who is fond of stirring up trouble, like certain Members who have now proposed 1 000-odd amendments, can resign and come back to the Legislative Council within his or her four-year tenure for frivolous reasons. This means that a Member can make several resignations.

The question I would like to raise today is whether the Bill under discussion now is a "draconian law", as described by the opposition. The six-month restriction is set by us. In my opinion, the Government has made a great concession, and so have various stakeholders. If democracy means never to compromise, I think it is no good.

If democracy means that dissenting views have to be overturned so that no one can play the game, I would consider democracy to be a children's game as well as a form of hegemony. Hence, we must still ask: How can we as representatives of the views of different people take the decisions made and proposals put forward by the Legislative Council forward?

In fact, any one of us is capable of filibustering. Personally, the 1 000-odd amendments described by them as very creative are really frivolous and meaningless to me. They have proposed amendments on various types of cancers such as hepatocellular carcinoma, prostate cancer, cervical cancer, and so on. No one will amend a law in this manner. Even though they may be pleased with themselves and consider themselves to be creative, they should be able to tell that the public are extremely angry if they can really listen to their voices. I believe the people's disgusting sentiment and anger will emerge slowly and gradually.

Our colonial regime back then had a spirit of self-restraint and self-respect, or else the colonial government could have become a totalitarian government.

The mechanism established by the colonial government was extremely lax, for no one was expected to manipulate the mechanism. Hence, based on mutual trust and respect, even if there were dissenting views, both parties had their own bottom line to ensure that the mechanism could continue to operate.

Today, however, should Members push the relevant rules to the extreme to make everything a total failure, the Legislative Council ..... all members of the public made the same remark when we visited the districts, "Legislative Council Members should be given a pay cut rather than a pay rise. What have they done? Now the meeting has again been aborted, what have they done?" These comments were really made by the public. When they get bored with us, they will also get bored with the whole Legislative Council, regardless of the party affiliations. With no clear distinctions, they have linked up almost everything, such as Members' resignations, with the current filibustering. They have even asked why Members should have failed to declare in a high profile that the Rules of Procedures (RoP) be amended. They are so simple-minded as to believe that filibustering would not have happened had the RoP been amended. This public view does show that members of the public hope to see a reasonable mechanism.

We all agree that Hong Kong people have a common aspiration to moving towards a healthy and rational democratic system, which is stipulated clearly in the Basic Law, too. But the point is: Can we accomplish everything in one step? If we cannot instantly jump to the end, should we overturn everything, stop doing anything or resort to filibustering or aborting meetings on every occasion? Today, not only these two Members are capable of filibustering. In fact, every Member is capable of doing so. It is not difficult to propose 1 000 amendments.

I have been told that some people are very dissatisfied. According to Mr LEUNG Chun-ying, for instance, should the situation continue, the motion on the Government's restructuring cannot be passed and, as a result, the housing policies cannot be launched expeditiously. Some Members find his remark very disgusting and consider it some sort of an intimidation. Similarly, Members sitting here in this Council share the feeling of being intimidated: Should we refuse to compromise, they will propose 1 000 or even 10 000 amendments, and we must sit here obediently. In fact, this is a kind of intimidation because they have insisted on filibustering and set the stage for aborting the meeting.

Honestly, as this incident unfolds, no legislative amendments will be able to stem insane or extreme acts. Someone might still break the law even though it is amended. Nevertheless, we must demonstrate clearly to members of the public that we disapprove of Members using a mechanism or tactic to paralyse our mechanism, thereby making the dignity and four-year tenure of the Legislative Council exist in name only. In my opinion, we as Members do disapprove of such acts should demonstrate this attitude. How much deterrence can this Bill achieve? In fact, only very little deterrence can be achieved. However, I consider it important to demonstrate this attitude to members of the public.

Likewise, this is not our intention today to focus our discussion on this Bill. Instead, we wish to focus our discussion on the fact that when a Bill introduced by the Government is very likely to be passed in this Council, a small number of or some dissenting Members may resort to filibustering or causing the meeting to abort. If they are allowed to do so for the first time, they will do it for the second and third times.

Therefore, the main purpose of Members insisting on staying here today is not to discuss this Bill. Should we bow to the tactic of stirring up trouble or aborting meetings so that the Government has to concede immediately — it is even said that the Government will withdraw the Bill immediately when someone threatens to propose 1 000 or 10 000 amendments. In fact, all Members can act in this manner, but no one wants to take the trouble to do so. Isn't it? We have actually set a very dangerous precedent, a precedent Hong Kong society as a whole cannot bear.

For this reason, as Members with commitment, we do not hope to ..... I have had the experience of being ridiculed by others after expressing some views different from theirs. Even my son was made an object of ridicule, too, and I have personally experienced online bullying. It is actually very easy to speak less. I have told some kaifongs that not only I myself will be bombarded on the Internet after making a remark. Even my family members will have a hard time, and even a minor will be ridiculed, too.

However, should we remain silent for these reasons? In my opinion, we should speak what we are supposed to. We should not be afraid of speaking because we represent many people. They hope that someone can come forward to express their anger and dissatisfaction with the Legislative Council. Our

popularity ratings are already lower than that of the Government. Have we reflected on this? All of us consider ourselves to be great. Today, we are passing the buck among us. And so is Ms Audrey EU. She said that Members should be held accountable should they decline endorsement of her adjournment motion proposed. What has caused all this to happen? It will be a lot easier for us if a few Members sitting here walk out of the Chamber, thereby causing the meeting to abort, for we can then go to deal with other matters. However, this would mean that we bow to the "evil force in the political arena" described by many.

Therefore, I will stay here until the last minute. Nevertheless, we have spent so much time discussing this question today. In my opinion, the Member is pointing a knife at others with another knife stabbed into herself: one knife is directed at the Government and the other is stabbing the Legislative Council. In fact, this is a loss for both parties, as well as the three parties. Everyone is a loser.

I think we should build a better image for members of the public. We share the same goal of striving for democracy, though we may be divided in terms of our steps, timetables and interim options or slightly divided in our assessment of the situation and what is considered by us to be feasible. We have to take one feasible step at a time in striving for democracy. Moreover, we must not frighten Hong Kong people and give them an impression that democracy is disgusting and that the current situation represents democracy.

I believe many in the democratic camp support striving for democracy in a rational manner and hope to establish in this Council a more rational atmosphere of democratization. They really have to ask themselves this question: Is it necessary for the Legislative Council to take this step today?

For the aforesaid reasons, Chairman, I will support the continued discussion on this Bill and hope that it can be passed expeditiously to enable the Legislative Council to operate in a normal manner. I so submit.

**MS MIRIAM LAU** (in Cantonese): Chairman, on the surface of it, Ms Audrey EU has cited some high-sounding reasons for proposing this adjournment motion as a solution to avoid impeding other tasks. Her reasons are: there are many

other understanding Bills that have to be dealt with by the Legislative Council; there are many other issues pertaining to people's livelihood that have to be studied and discussed; the discussion on this Agenda item has dragged on for too long in this Council; and the possibility of a major delay should this meeting be aborted. However, Ms EU has all along described this Bill as "draconian law". Not only has she made this criticism more than once, she has also echoed the views of other pan-democratic Members and requested the Government to withdraw this Bill, or "draconian law". Hence, should her adjournment motion be passed, it would mean that Members support the filibuster and boycott. It would also mean that efforts to boycott the meeting and cause it to be aborted are successful in forcing the Government to withdraw the Bill, and the alternative measure to derail this so-called "draconian law" has also borne fruit.

Even if this adjournment motion is not proposed, should Ms EU really attach importance to the need for the Legislative Council to handle the outstanding Bills and questions relating to people's livelihood, it is most preferable for her to allow this Council to continue to operate in an efficient manner rather than supporting the boycott. Members should do what a normal Council is supposed to do. They should attend meetings, discuss issues and put questions to the vote. It is absolutely normal and sensible for some colleagues to have dissenting views on this by-election proposal. There are no problems at all. In fact, the Legislative Council is a venue for discussion on dissenting views. Through discussions and debates, we can cast our votes for decisions to be made. I believe many colleagues do not necessarily see eye to eye with one another over many Bills and motions.

Just now, Dr Priscilla LEUNG also mentioned the views held by small and medium enterprises (SMEs) on certain Bills. Though the Bills she mentioned might be those on standard working hours and the minimum wage rather than the Competition Bill, the SMEs still have a strong view. However, does it mean that Members should make use of the rules of the Legislative Council to delay the relevant discussion and derail the relevant proposals whenever they do not approve of the proposal or have an opinion? This I disagree. Neither do I consider that this Council should accept these acts. In my opinion, even if Members have different views, they should hold discussions and give reasons for their disapproval in support of their dissenting vote before they can describe themselves as having respect for the spirit of the Council. In short, everything must proceed in accordance with the RoP.

Mr Albert CHAN and Mr WONG Yuk-man have proposed more than 1 000 CSAs. Neither do I agree nor share the view that these amendments carry any actual significance. They are even described by some people as "frivolous". Regarding the types of illnesses involved as mentioned by some colleagues just now, such as lung cancer, prostate cancer, and so on, if all cancers in the world are to be included, including trichocarcinoma found in one's leg, several hundred additional amendments may have to be proposed as well. But should these amendments be proposed and should they be described as frivolous and meaningless? I believe members of the public have their own judgment, and there is no need for us to argue anymore here.

According to the existing RoP, however, Mr CHAN and Mr WONG should be allowed to propose their amendments. So, even though I disapprove of the content of their amendments, I must respect the RoP. If they are entitled to doing so under the RoP, I must respect it. However, it is unacceptable to me for some Members to deliberately boycott the meeting even though they should be sitting here to attend the meeting, thereby increasing the possibility of the meeting being aborted, adversely affecting the proceedings and efficiency of the meeting, and leading to another aborted meeting with one inadvertent step.

It is even more unacceptable that colleagues advocating boycotting the meeting seek to increase the risks and chances of the meeting being aborted, though I have no idea of their objectives of acting in this manner. Moreover, they have even shifted their responsibility to those colleagues who show their dedication and fulfil their duty as Members by scrutinizing Bills and participating in discussions in this Council. On the contrary, colleagues showing respect for the Council are insulted by them. It is even more inconceivable that these criticisms came off the lips of colleagues normally considered by me to be very reasonable or colleagues who claimed themselves to be very reasonable and law-abiding. Just now, a colleague described these Members as distorting the facts. My feeling is, however, even stronger. Are they not acting like "a thief calling on other people to catch a thief", a Chinese proverb we know very well?

I am not the proponent of the Bill. Neither do I feel strongly about this Bill nor consider that this Bill must or must not be enacted. Nevertheless, I consider it reasonable and sensible for the Government to introduce this Bill into this Council and act according to the procedures of the Council. Regarding the fact that some colleagues label the Bill as a "draconian law", how "draconian" is

it? In 2010, some colleagues triggered by-elections in five geographical constituencies and wasted more than \$100 million. Despite their intention to trigger a *de facto* referendum, the vast majority of the public disapproved of their act of wasting public money. The objective fact was that only 17% of the electors went to cast their ballots. Did the remaining 83% of the electors also indicate great support for them? I think that was nothing more than wishful thinking.

The turnout rate should not have been so low had members of the public approved of their move. The replacement proposal introduced by the Government subsequently also triggered some disputes. Even the Liberal Party shared the view that the proposal put forward last year was actually problematic and might have gone to the extreme in hoping that all the problems found could be eliminated completely and radically. Even though the replacement package was so controversial and had attracted strong opinions from the public, 46.8% of the 1 000-odd people interviewed in an opinion poll conducted by the Liberal Party between May and June last year agreed that there was a need for the Government to amend the law to deal with arbitrary resignations by Members. If my memory is correct, 42% of the respondents at that time opposed arbitrary resignations by Members. In fact, there were actually no views indicating a tendency to support the Government or lopsided support for the Government. This also shows that views were divided in the community. While the vast majority of the people considered it necessary for the law to be amended, quite a number of them thought otherwise. Anyhow, the Liberal Party held the view that the initial replacement proposal was problematic. If colleagues are not forgetful, the Liberal Party had once proposed an amendment requesting that further amendments be made to narrow the scope by pinpointing Members who resigned at will. However, before we had the opportunity to dial up our pressure or formally introduce our amendment, the Government had already withdrawn the relevant proposal for fresh consultation.

After withdrawing its proposal, the Government has really conducted a fresh round of consultation. Members may take a look at the outcome of that consultation, and here are some of its statistics. The first opinion poll, called Deliberative Forum on Political Reform, was conducted jointly by Radio Television Hong Kong and the University of Hong Kong Public Opinion Programme. Of the 1 000 people interviewed in the poll, 57% considered the law should be amended to revise the arrangement when a vacancy arises in the

Legislative Council, whereas 31% considered it unnecessary to do so and the *status quo* should be kept.

In another survey, three opinion polls were conducted by the Hong Kong Research Association between July and September. In each poll, more than 1 000 people were interviewed and over 60% of them shared the view that it was necessary for the Government to propose options to plug the loopholes. The percentages of people expressing this view in the three polls were 64%, 61% and 63% respectively. It is thus evident from these statistics that the Government has made remedies having regard to the complaints against its previous lack of consultation by holding fresh consultation, and the outcome of the polls revealed that over 60% of the interviewees considered it necessary for the loopholes to be plugged. Of the four options proposed by the Government, the one with the least impact and the narrowest scope merely prohibits resigned Members from running in elections again within six months of their resignation. This option has the greatest support, too.

Hence, the public opinion is actually crystal clear. The remark that the proposal to plug the loopholes is a "draconian law" is actually inconsistent with the facts. This also echoes the feedback received by Dr Priscilla LEUNG during her visits to the district, as she mentioned just now. During my frequent visits to the district recently, as Members are aware, I was also questioned by many people as to why so many Members in this Council have joined in the effort to cause the meeting to abort. Besides expressing great disappointment, they have also bade us to make improvement. I could only tell them that there was nothing I could do because I could hardly control other colleagues, especially the 20-odd colleagues boycotting the meeting, though I would still attend the meeting on time.

In fact, the Government is handling this Bill in accordance with the procedures by listening to public opinion and conducting consultation before introducing the proposal. At the level of the Legislative Council, legislative proposals were also tabled in February and five meetings were held for discussions. There were ample opportunities for Members to express their views for or against the Bill or directly propose substantive amendments in the meetings. Of course, I am not referring to such amendments proposed by Mr WONG and Mr CHAN.

Currently, the Government is merely responding to public opinion because over 60% of the people have called on the Government to take action to plug the loopholes. This is why the Government must respond to public opinion. If it fails to do so, should it not be criticized for failing to respond to public aspirations? I think it should indeed. If we do nothing at all, thereby resulting in this proposal being vetoed in this Council today, or allow this proposal to be derailed by colleagues manipulating the RoP, can we face those people who call on us to plug the loopholes? I do not think we can face them. I really do not know how to face them.

After a Bill has been introduced by the Government according to the procedures, regardless of whether we like it or not, Members are obliged to scrutinize it, and the Council is obliged to include it on the Agenda for Members' debate. It is the duty of Members, be they royalists or from the opposition camp or other parties or affiliations, to scrutinize the relevant legislation in this Council having regard to public aspirations, rather than exploiting the loopholes of the RoP or playing havoc, no matter how sound their justifications are.

Here, I reiterate that I have all along believed that we should deal with the relevant legislation, however disgusting it is, in accordance with the procedures to give support or raise objection to it rather than delaying or derailing it. We have a lot of things to do. Moreover, there are many outstanding motions and Bills relating to people's livelihood to deal with. If we take these motions and Bills seriously, we must deal with them promptly. While we respect the wish of Mr WONG and Mr CHAN to filibuster, they must not delay or abort the meeting. I believe it is only right for us to set aside more ample time to deal with legislation required to be dealt with. Here, I would also like to make an appeal to Mr CHAN and Mr WONG that they absolutely have the right to withdraw their amendments if they are really sense the people's urgency. Even if they do not withdraw their amendments, I respect their right to do so and I will play this filibustering game with them. So long as the meeting is not aborted, we still have ample time to deal with the Bill. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR CHAN KAM-LAM** (in Cantonese): Chairman, if we do not speak up, there is no way the public will know the truth. But when we speak up, it seems that we will fall into the trap set by Ms Audrey EU. This is because they want to filibuster. However, I would still think that there is a responsibility for Members to clarify some issues.

On the Legislative Council (Amendment) Bill 2012 introduced by the Government, that is, the replacement arrangement for fulfilling a vacancy arising from resignation of Legislative Council Members as we know it, the relevant consultation has been conducted for almost a year and widespread public support has been obtained. The final version of the amendment is in fact very simple and reasonable, that is, a Member of the Legislative Council who has resigned is prohibited from standing in any election within six months of his resignation. When we visited the residents in the districts, many of them asked us what in fact the bone of contention in a simple piece of legislation as this was. They thought that this kind of arrangement was very reasonable. Some of the people even said that it would be best if those Members who had resigned were not allowed to be returned to the Council again, so as to prevent them from causing trouble. It can be seen that the people dislike the move made by some Members of the Civic Party and the League of Social Democrats who resigned in 2010 and later ran in the by-election. They hope that the loophole can be plugged as soon as possible and there should never be a recurrence of this farce of by-elections in five geographical constituencies.

Members from the pan-democratic camp are always calling for a fight against the draconian law, defend the right to vote in elections and be elected. If we think about it carefully, we will find that the present proposal does not deprive members of the general public of the right to vote or be elected in any election. They can even run in a by-election and vote in it. The proposal does not prevent them from fulfilling their duty as citizens of Hong Kong. Members of this Council are representatives of the people and as they are in office, they are fulfilling their duty to express the voice of the people. When they give up their office at their own initiative, they clamour that they are being deprived of their rights, in the words of the ordinary people, this is much ado about nothing. The amendment is only meant to target such people. It imposes some restrictions to prevent them from manipulating parliamentary procedures. Any right to election should be relative. There are all sorts of restrictions even in some democratic countries. These restrictions include those on nationality, age and

place of residence, and people who have broken the law are barred from standing in elections. So a restriction on the right to vote does not mean an attempt to suppress democracy. The most important point is whether or not such restriction is acceptable to the mainstream opinion in society.

Members can note from the consultation held for the replacement mechanism in the past that most of the people would want a speedy enactment of law to plug the loophole. These Members from the pan-democratic camp are hoisting the lofty banner of democracy, but they are just trying to mislead and confuse the public. It is true that even if the Bill is passed, it may not be able to plug this loophole. If the Civic Party, the League of Social Democrats and People Power would collaborate and conspire, they would still be able to play this game of resigning first and then standing for election. Or they can resign first and have their second-tier party members stand in the by-election. Then the latter can resign again and find other people to stand for the by-election. However, we believe that the people of Hong Kong will be able to spot the real motive of these people.

We know that when the Civic Party and the League of Social Democrats oppose this amendment Bill so fiercely, it is not because they want to defend democracy. It is because the Amendment Bill targets the by-election engineered by them which cost \$150 million. The more they try to resist the Bill, the more they have to resort to sophistry. The more they try to adopt the filibustering tactic to prevent the law from passing, the better proof that they wish to exploit the loopholes of the mechanism to stage this farce of resignation again, hence wasting taxpayers' money and creating an international laughing stock.

During the past couple of weeks, what we have seen in this Council has just been a big joke, a farce. Those popularly elected Members are wasting the resources of this Council just because they want to make their voices heard, not because of any genuine need in society for things to be done. They have proposed some 1 300 amendments and that is really a nightmare for the Council. When members of the public hear about the contents of these amendments, the comments heard most often are that they are absurd, frivolous and crap. When these Members from the pan-democratic camp do not attend the meeting, they put on an air of being in the right, proud of what they are doing. This is shameless and should not be done. These pan-democratic camp Members do not speak and do not attend the meeting. But they have been calling for headcounts. In the

meeting last week, there were frequent ringings of the bell for three hours and this prevented the Council from disposing of its normal business. The Council was running like an idling engine. Even Mr Ronny TONG from the Civic Party thought that it was annoying to be disrupted in the course of his speech.

We might forget these two Members from the People Power because in the eyes of the people, they are no more than rubbish. Whenever mention is made of these two Members, the people will say "rubbish". What is more appalling are some other political parties of the pan-democratic camp which only know to please the People Power, a case of people of the same ilk liking each other (骯髒一氣). They are collaborators and conspirators. The Civic Party claims that it is a party marked by reason and it always speaks up for the cause of justice. But ever since the resignation *en masse* in the five geographical constituencies, the court cases about the foreign domestic helpers, the judicial review of the environmental impact assessment, and so on, people begin to question what is the motive of the Civic Party in taking part in politics and discussing politics. Is it trying to build a better Hong Kong, or is it trying to cause problems? As a matter of fact, the Democratic Party, the Hong Kong Association for Democracy and People's Livelihood, the Labour Party, and so on, have always not been supportive of Members trying to abuse the by-election mechanism, and these parties even claim that they are commenting on political issues with a rational mind. The amendment this time seeks precisely to plug the loophole in the election system. When parties like the Democratic Party oppose this Bill, they are just like slapping their own faces. Moreover, all along they do not agree to this kind of drastic resistance from the radical opposition, in particular acts like sweeping things off the table, throwing bananas, and so on. But on the other hand, they are trying to collaborate. This kind of action by Members of the pan-democratic camp is total disregard of the interests of the Hong Kong people. This saddens the voters and makes them feel disappointed.

Now the operation of this Council is severely disrupted. Resources in this Council are limited and the Council meeting alone on this occasion has taken up a number of days in a week and it is hard for other Bills Committees and panels to find time slots for meetings. Apart from attending meetings, Members have to attend to other matters seriously. So they will have a very hard time. Now these Members from the pan-democratic camp are going even to the extreme of boasting that they want to paralyse this Council. I think the people of Hong Kong can hear that loud and clear. Now they have achieved their goal. Every

meeting in this Council is using public resources and when such precious resources are wasted on these some 1 300 amendments which are no more than crap, this is like burning money. If they are allowed to continue with their filibustering, it is very likely that the rest of the term of this Council will come to a standstill. Policies and funding applications from the Government are unable to pass this Council and eventually the whole community will come to a grinding halt.

Ms Audrey EU has suggested that the debate on the Bill be adjourned and the relevant amendment Bill should be postponed. This is actually another kind of filibustering. It is trying to delay the Bill so that it cannot be passed. Ms EU even said in a hypocritical manner that Members should not regret if the meeting is aborted. Our Secretary has commented that Ms EU is being well-intentioned and she is trying to sound nice. But we know that she is just being hypocritical.

Mr WONG Yuk-man said that after winning a small victory, he was planning for a burning of the chained ships. Then Ms EU came promptly to his assistance and raised this idea of adjournment. This shows that the two parties share a similar position in this matter. They share the same position right from the time of the "five geographical constituencies referendum" to their opposition of this Bill by all sorts of ways and means. They conspire and come to the assistance of each other. That they are trying to prevent the passage of this Bill is consummate proof that they have some sinister motives, afraid of being restrained by this law. However, the incident has also made the people see clearly who are really doing things for the good of Hong Kong and who are putting up a political show.

I wish to remind Members that if one day this Council is completely paralysed and so is our society, those who have to pay the price are not those Members from the pan-democratic camp, but all the people of Hong Kong.

I think that in these two days, those Members from the pro-establishment camp will have to face a filibuster battle that they have never seen before. They should ensure that there is a quorum in this Chamber and they should do this by attending the meeting in shifts or rescheduling their timetables, so as to keep the Council in operation. If it is said that this is a struggle, I am sure Members from the pro-establishment camp will fight to the very end. This shows that they have

commitment. On the other hand, those political parties from the pan-democratic camp, especially the Civic Party, the League of Social Democrats and the People Power, they have just left the scene after wreaking havoc and starting the fire. The Members from the pro-establishment camp are forced to play the role of fire-fighters as they try to put out the fire. But those democrats are standing aloof, showing no sense of shame. As the fire burns, they say that the fire-fighters are not doing a good job. So these democrats are just like pouring oil on the fire. I am sure the people of Hong Kong can see this clearly.

After this incident, I am sure Members from the pro-establishment camp will get more united and work even harder. Because they know that they have to shoulder a greater responsibility in that they will defend the work of the Council and stand firm in working for the people of Hong Kong. This incident can also serve to make the people of Hong Kong see that Members of the pan-democratic camp are only trying to play havoc, rather than doing anything for Hong Kong.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): The four-word Chinese idiom which Mr CHAN said earlier should be 沆瀣一氣 (hang xie yi qi), meaning "birds of a feather".

**MR ANDREW CHENG** (in Cantonese): Chairman, with respect to the motion question, this Council has spent a lot of time during the past week in discussion. Actually, I do not intend to take part. First, I am not a Member of the Bills Committee and I oppose the "five geographical constituencies referendum" that was held at that time. About what Mr Albert CHAN and Mr WONG Yuk-man are advocating, I think Members have had heated debates on it many a time. For after all, whether or not it is right to have this "five geographical constituencies referendum", whether it is right to have this Bill and the replacement mechanism, whether it is right to filibuster, or whether it is right to be populist or even as what was mentioned earlier, whether the Chairman is right or wrong, these issues all revolve around this Council. These are the views I have heard during these few days, and I would like to comment on them one by one.

Chairman, on the replacement mechanism, actually this is a matter of a person's political stand and judgment. Of course, the pan-democrats and the pro-establishment camp both have different opinions on it. These differences have been there for a very long time and they are just a matter of fact. So Members should not engage in any personal attacks and it is not sure whether or not something done will do harm to this Council or even destroy it, or if something done is for the good of the Hong Kong people. Ever since 1998, it can be seen in the composition of this Council, there is a faction which lends its support to the Government and it is called the pro-establishment camp or the royalists. As for those Members who are unhappy with some of the motions or policies of the Government, who hope to see a faster pace of democratization and who hope to see the coming of democracy soon are called the pan-democrats. These two factions have built up a certain popular base and so when some Members from the pro-establishment camp said earlier that when they were in the districts, many residents told them what they thought, these people are their supporters and there is no doubt about it. So with due respect, I can say that what they have heard are the views of their supporters.

Certainly, the pro-establishment camp has its fans, and we can say that everyone has his fans and supporters, too. But this Council as it is and it is often the view of this society that this Council is good for nothing. Why? Because the citizens think that the Council is not doing a good job. Why is it not doing a good job? It does not begin today or with the filibustering last week. Actually, it is because since a few years ago, or it can be said that after the reunification, those Members of this Council returned by a small number of voters in the functional constituencies as opposed to those Members returned by a large number of voters from direct elections have been suppressing the latter especially when it comes to issues relating to people's livelihood. As a result, the Council fails to reflect the will of the people as a whole or the majority of them. We can see examples like issues on standard working hours, minimum wage, opposing the hike of bus fares, and so on, which were discussed in the past and it was those Members from the functional constituencies who raised their hands to vote down these motions. As a result, the function of this Council is damaged and this is what I think to be really violence in the political assembly.

Some Honourable colleagues have talked about violence in the political assembly and they even talk about terrorists in the Council. I would think that it is an exaggeration. They say that the Council has been hijacked. It is right to

say so. But it is those Members from the functional constituencies who have hijacked this Council and they have been doing this for some 10 to 20 years. This Council has all along been hijacked ever since the reunification. Now this kind of frustration and powerlessness are hurled at Mr Albert CHAN and Mr WONG Yuk-man and they are regarded as the culprits. I often makes fun of Mr Albert CHAN. His head was not shaved in the past and as we all know, he is not hairless. There was one time when he wore a facial mask and as he did not have any hair, he really looked like a hijacker on an aeroplane. I have made fun of him. The way he acts and speaks shows that he is quite hot-tempered. But we should really look at what a person is really doing.

Now on this occasion, the tactic they are using is a force rebound as a result of this Council having been hijacked for a very long period of time. Of course, in the eyes of those in the pro-establishment camp, this kind of filibuster tactic is dead wrong. But Members from the pro-establishment camp should really pause and think: Is this Council sick? It is sick. In this Council, Members from functional constituencies returned by a small number of voters can override Members returned by direct elections and by a large number of voters. This leads to a situation where public interests are often simply brushed aside in the process of separate voting. There is no way out for this absurdity. Since there is no way out, people can only resort to the filibuster tactic. This is because filibustering can make Members from the pro-establishment camp suddenly realize the fact that all along they have been sitting here in this Chamber, giving their support to the Government, and they do not have to speak much and what they need to do is simply raising their hands and making a grin. And in this way, our motions on people's livelihood and democracy are voted down. This kind of frustration and restraint felt by Members from the democratic camp has piled up for many years. So if some Members say that this tactic — I have heard Mr IP Kwok-him say that this tactic is shameless — frankly, I would say that this word "shameless" is an exaggeration. If we talk about harmony all the time but when those Members from the pro-establishment say that we are shameless because they do not agree with the method we use, unhappy about it, then how can there be any harmony?

Chairman, this morning Members from the pro-establishment camp have all risen one by one and spoken. It is not a bad thing to speak up because at least we can know what each other is thinking. Mr IP Kwok-him said that giving support to the Bill did not mean that there was an obligation to ensure that the

meeting would not be aborted. I think that that remark is truly remarkable. I can say that Members should have their convictions. It does not matter if they are support the Government or oppose it. Now those Members who are against the Government are using this filibuster tactic to delay the meeting and the mechanism. They hope that the Bill will never pass. This is our obligation and our goal. If Members from the pro-establishment camp support the Government, then they should sit down, take part in the meeting and lend their support to the Government to the very end. This is as simple as this. I am flabbergasted when they say that giving support to the Bill does not mean being obliged to ensure that the meeting will not abort.

Frankly, in the parliamentary politics in Hong Kong, there are 60 Members, 59 of whom can vote, then people will start to count the number of votes in their hands. This is the responsibility on every person who gives his or her support to a certain side. If they do not do their best, it is obvious that it is likely that they do not want this mechanism to pass. Or they may have a hidden agenda and they just want to embarrass the Government or make the pan-democrats be accused of filibustering and causing delay to the meeting. In this way, everyone will make their political judgment, with their own calculations. Then they should do their best. The obvious aim of filibustering is to cause the meeting to abort. This is because now we are in this Council marked by absurdities and if the meeting does not abort, Members from the pan-democratic camp will be restrained time and again by you.

(Mr Andrew CHENG coughed) Sorry, Chairman. I have to drink some water.

Chairman, some people used the word "shameless" and even the word "terrorist" and they pointed out that this Council is no more than a joke. Actually, this Council has been mocked for a long time. People may not care too much about it when the Council was derided. Now as the meeting seems to go on endlessly, there is a sense of a phoenix coming out from the fire, as it were. We want the society to know what in fact the Council is doing and why it has come to such a deplorable state. We want a true election by universal suffrage, one marked by "one person, one vote". And there shall not be any functional constituencies. These Members elected by a small number of voters have hijacked those Members returned from geographical constituencies with a majority mandate. We have been hijacked for so many years. We have no

way to air our grievances. And so we have to use this method now. Just look at those books behind them, I really want to see how they will read out from these books as they filibuster.

Therefore, Chairman, having come to this pass, I hope we can all do our best. Some Honourable colleagues have talked about the question of whether the Chairman was right or wrong. I know that the Chairman may have had some exchanges with these Members earlier. There are many areas in which my views differ from those of the Chairman (or the President). This applies to the past President as well as the President now. When Mrs Rita FAN was the President, I used to be unhappy with her over certain issues and I had debates with her even. I understand very well the fact that Members all have their own political beliefs. When I heard Members from the pro-establishment camp argue with the President who is himself one of their numbers in the pro-establishment camp, this proves that the issue is so very controversial, full of conflicts. This is some food for thought for our Secretary. The issue he has brought up today has not only caused a confrontation between the pro-establishment camp and the pan-democrats in this Council, but it may even also cause a divergence of views within the pro-establishment camp. This is because the camp can be divided into those on the left, the middle and the right. Some of the people may be more radical while some belong to the middle-of-the-road, and so on. There is bound to be such a state of affairs.

Chairman, as it is now, the Council is certainly a source of discontent for many members of the public who are unhappy about the filibustering effort of the pan-democrats. But I believe part of their discontent stems from their lack of understanding of this Council. They do not know what exactly the Council is doing and whether it is really wasting taxpayers' money. Honestly, some people may think that it is a waste of money to filibuster. But in our opinion, the five Secretaries of Departments and 14 Policy Secretaries are also a waste of the money of Hong Kong people. Why is it that for things which permanent secretaries or Policy Secretaries could do before 1997 are now done by permanent secretaries at D8 of the directorate pay scale and on top of these permanent secretaries, there are so many Secretaries of Departments and Policy Secretaries? Each year a sum of some \$100 billion is spent, sorry, it should be some \$100 million, not some \$100 billion. In some cases, more public money is used in paying for things which could be done in the civil service system in the past. Those so-called accountable Policy Secretaries, I would think that they are also a

waste of public money. So on this question of whether it is a waste of public money, I think if we can look at the question from different perspectives, the truth will become more and more evident through debate.

In the past, Members agreed that words of personal attack should not be used, such that criticisms could sound rational. I think that this is very important to this Council. The views of the minority should be respected. But the worst thing is that in this Council, those Members returned by direct elections with a majority mandate do not get due respect from Members returned by a small number of voters. This Council is sick. I hope Members can understand this tactic employed by the pan-democratic camp. This is something we do out of sheer reluctance. And in the days to come, I dare say it will certainly become ..... It is the view of the pan-democrats that in this Council which is sick because of this absurd system of separate voting, to filibuster is the option out of no options. So if the Committee on Rules of Procedure wants to do something about filibustering ..... I think when that occasion comes, you people will have the majority votes and nothing can be done about it. When amendments to the RoP are tabled in a Council meeting and motions urging to pass these amendments to the RoP are moved, I think that if Members from the pan-democratic camp want to oppose them, the only thing they can do is to filibuster. Or else, nothing can be done to oppose you people. This is because when the result of division is displayed, it will often be so disappointing because we who are Members returned by a large number of voters are always suppressed by those Members returned by a small number of voters in the functional constituencies.

Chairman, I so submit.

**MR WONG TING-KWONG** (in Cantonese): Chairman .....

(Ms Cyd HO raised her hand in indication)

**CHAIRMAN** (in Cantonese): Ms Cyd HO, what is your point?

**MS CYD HO** (in Cantonese): Chairman, I need to make a clarification. When Mr CHAN Kam-lam spoke earlier .....

**CHAIRMAN** (in Cantonese): Ms Cyd HO, this is not the time for you to speak.

**MS CYD HO** (in Cantonese): But I hope that a clarification can be made regarding some of the remarks made by Mr CHAN Kam-lam earlier.

**CHAIRMAN** (in Cantonese): This is out of order. Please sit down. Mr WONG Ting-kwong, please speak.

**MR WONG TING-KWONG** (in Cantonese): I hope Ms Cyd HO can observe the RoP.

Chairman, originally I did not intend to speak, because I do not want to fall into the filibuster trap. But the silent majority are not the timid ones. After the meeting had ended yesterday and when I reached home, I got calls from some friends of mine. They had watched the telecast of the meeting and thought that it was quite an ungainly sight when Mr WONG Yuk-man and Mr Albert CHAN behaved in such a manner in the Chamber. But they have been doing this all along. However, my friends thought that the Civic Party was even more of an eyesore because they were playing all sorts of mischief.

The Civic Party seems to present some grandiose plans for the livelihood of the people in Hong Kong. But had they not conspired with these scoundrels, how would these problems have come about? A friend of mine said that it was really an ugly and despicable show, that they had even gone to the extreme to say that it was the responsibility of the pro-establishment camp for the aborted meeting. It was a malicious accusation. When my friend called me last night, he said that if we had to stay up all night to attend a meeting, he would send us some late-night snacks to show his support. In a sense we can say that this Council is really a battlefield though we cannot see any gun smoke fuming.

Chairman, my speech is very short. I will fight to the bitter end. Thank you.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary for Constitutional and Mainland Affairs, do you wish to speak again?

(Secretary for Constitutional and Mainland Affairs indicated that he did not wish to speak again)

**MR WONG KWOK-HING** (in Cantonese): Chairman, originally I did not wish to fall into the filibuster trap, but as we have come to this point, I really feel I have to speak up. I have to thank Ms Audrey EU for proposing a motion for adjournment and her nice-sounding remarks have compelled me to vent the rage and discontent that fill my heart.

First of all, this Bill is meant to solve the problem caused by the Civic Party and the League of Social Democrats when they made use of the loophole of the existing law to stage a so-called by-election triggered off by the resignation of Members, which was claimed as a referendum in disguise. It was a waste of taxpayers' money. This Bill is a good one, and not a draconian law. Those who lend their support to the Bill are not royalists, but people who protect the properties of the people of Hong Kong. Now the taxpayers' money is wasted, the taxpayers' time is wasted and Members who have caused this trouble are pretending to have nothing to do with it. They always say that we are royalists, but I think they are really trying to be kings, to have their way they wish.

Chairman, the by-election in the five geographical constituencies cost \$159 million, but what in fact does this sum of \$159 million translate into? Yesterday in this Council I hoped that Secretary Dr York CHOW could waive the licence fees for hawkers for one year and the sum at stake was about \$14 million. This sum of \$150 million could be used to waive the licence fees for hawkers for

10 full years. This is really lousy. Such a waste of taxpayers' money and those who did so seem to look justified and they say .....

(Mr Albert CHAN stood up)

**CHAIRMAN** (in Cantonese): Mr WONG, please pause for a while. Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): Chairman, I hope more Members can listen to the speech being made by Mr WONG Kwok-hing. Would you please order a headcount?

**MR WONG KWOK-HING** (in Cantonese): Thank you for allowing me to take a rest.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

**CHAIRMAN** (in Cantonese): The meeting now resumes.

**MR WONG KWOK-HING** (in Cantonese): Chairman, thanks to Mr Albert CHAN for calling for a stop, or else I would not be able to write this poem down. I will read it out later.

Chairman, this incident is caused by the Civic Party and the League of Social Democrats wasting the money of the people of Hong Kong. It is right and justified for the Government to amend the law. This is why we also feel justified when we lend the Government our support. Why is this called a draconian law? This is a benevolent law. The law is not perfect and you people will go on wasting money and insulting the people of Hong Kong and wasting their money. I think this is nothing but a righteous act. For if not, I

would not know what is meant by justice. The situation now is like the devil is spreading its wings. How outrageous! People claim that they are heroes, but they are really cowards.

Chairman, the two persons who propose the amendments .....

(Mr Albert CHAN stood up)

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): Can Mr WONG Kwok-hing clarify which Members he was referring to when he talked about "cowards"? Or was he referring to himself?

**CHAIRMAN** (in Cantonese): Mr CHAN, you are not really seeking a clarification. Please do not interrupt Mr WONG Kwok-hing. Please continue, Mr WONG.

**MR WONG KWOK-HING** (in Cantonese): Chairman, I welcome anyone taking his pigeon-hole. Chairman, there are some 1 300 amendments. I wish the people sitting before a radio or TV know whether there is really a need for these amendments and whether or not they are justified or if they are a waste of taxpayers' money.

In the first amendment, deleting the word "為" (wai4) and substituting "作" (zok3) as in "作文", meaning writing a composition. But what is the point of it? The second amendment is also a deletion of the word "為" (wai4), like in "為甚麼", meaning "why" and changing it to "謂" (wai6) with a radical of the Chinese character "言", meaning "to mean". What is so brilliant about it? The third amendment changes the word "自" (zi6), like in "自己", meaning "self" to the word "由" (jau4), as in "自由", meaning "freedom". What is the clever idea behind it?

Chairman, what is it if not crap. *(Laughter)* Of course, the Chairman is not crap. It is the amendments that are crap. Chairman, I am sorry for offending you.

Money will have to be spent to handle these amendments. I hope all the some 7 million people of Hong Kong will know that money has to be spent! All the Members of this Council, plus the staff of the Secretariat who number a few hundred, have to attend the meeting here and at least \$1 million is spent every day. And we have not yet counted the officials and other people. When a sum of \$1 million is spent every day, how are we to explain it away?

We are fighting for fare concession in riding trams. If the tram company lets the elderly people and the persons with disabilities ride the trams for free for one month, the money involved is exactly \$1 million. When you people waste the money for one day, it means that the hard-earned money of the taxpayers is wasted one day. When you waste the money for two days, it will mean a sum of \$2 million is wasted. When you waste the money for three days, it means that a sum of \$3 million is wasted. The elderly and persons with disabilities will at least lose the chance of having free rides on trams for three months. This is the price we pay. And you say that it does not cost anything? I am really frustrated. I am angry because of the sense of burning injustice in me.

Chairman, I have heard Ms Audrey EU speak in a soft voice and she wore a smile as she presented her arguments. She is really a Senior Counsel. I now have the chance to know her. But she has an evil heart despite her nice-sounding words. She thinks that she can do something with her oily tongue and shirk all the responsibility onto Members from the pro-establishment camp for making this Council paralysed. I think she is sly, much too over board. When you have done it, you got to admit it. But if you do not, no one is going to blame you. Why do you try to gain all the advantages and put all the blame on Members from the pro-establishment camp? You are putting the blame on other people. Is this how you people from the opposition are doing? Those from the opposition should act in justice and they must talk with reason. They must look righteous. They must care about the pockets of the citizens.

Chairman, I have written a doggerel, meant to be dedicated to the Civic Party, the League of Social Democrats and the People Power. Let me drink some water first. It goes like this:

" I filibuster, you pay the check;  
I put up a show, you pay the money;  
I play this game, you foot the bill;  
I want to steal the show, you die with me."

The word "you" means the people. They will foot the bill, pay the money, pay for it and die with them.

When we have come to such a miserable state, I think that the Government is also to blame. Given this situation where we do not know when this farce will end, the Government should have opposed the "five geographical constituencies referendum" in the first place. I proposed an amendment on that day and the Government should have done its best to canvass enough votes to secure its passage. The result is that \$159 million was spent and now we have this mess. After the event, they suffered a terrible defeat, but Donald TSANG found Ms Audrey EU and had a public debate with her. It was like throwing a lifebuoy to someone who is drowning. I have to vent the rage in me. I have to do this for the people. I am really enraged. Now we have this situation, which is also the current-term Government's own making. I will pause here for a moment.

Chairman, the fact that I could have written this doggerel is because Mr Albert CHAN had called a stop and I had the time to finish it. Now I want to present it to Mr Albert CHAN and all Members from the pan-democratic camp:

"Time drags on  
Because amendments are countless,  
Time slips by and  
Public money goes down the drains."

I hope the scholars and experts can work out how much money has been wasted with this kind of direct or disguised filibustering during these past few days. They said that the real filibustering is not yet started. It is not true. Chairman, the meeting yesterday was almost aborted. The first Member who requested a headcount was Mr WONG Yuk-man. I think he is wise. After discussing the Fisheries Protection (Amendment) Bill 2011, he made a sudden attack by requesting a headcount. Fortunately, Members from the pro-establishment camp all were in their positions. His attempt was foiled.

Yesterday, he had made some move to trick us. Why do I have to expose this? Because members of the public do not know about it. I want the public to know. Actually, Ms Audrey EU is also filibustering. We are cornered and being slapped on the face. We got to speak up. Even if we have to fall into their trap, we have to speak up.

Chairman, my speaking time is about to end. I have got another piece for them and it is one *con dolore*:

"People Power plays on the people,  
The pan-democrats aid and abet  
The people have to pay for their fun,  
And they can do nothing about it.  
People, people, what can they do?  
And I am left with sighs and laments."

It is true that all I can do is to sigh and lament. Now the victims are the 7 million people of Hong Kong. They are fooled, but there is nothing they can do. What should they do?

This is all very unfortunate. I hope all the people of Hong Kong can see clearly the true face of these political parties and Members. They should find out that they say one thing and do another, and they talk about one thing but think about another. There is this great divergence between appearance and reality in them. The people should exercise their sacred right as voters and choose the right persons and only this can normalize the operation of this Council and make things just and rational here.

The effect of filibustering is actually not confined to these few days. I hope the people of Hong Kong can realize that the situation now is like the case of an incident on the West Rail. The train ahead is still in the station and so this train cannot move. And the train behind has to keep on waiting. People on the platform can only watch. I have had that experience and I feel the pain of a train delay. Chairman, the Council meeting is like a train and it has come here, but it is delayed by the train ahead. Now the motions cannot be tabled for discussion and on top of this, the Council has a lot of panels and subcommittees and there is no way their meetings can be held. This is because everyone is trapped here. How can they attend the meetings? Chairman, after the incident that happened

to the West Rail last Wednesday, I wrote an urgent letter to the chairman of the panel and asked that a meeting be called to discuss the matter. But to date, they are still juggling with the timetable. This is one example. We always say that we should sense the urgency of the people. But how the hell can we do it? This is really a waste of time and money. I cannot but say again, "People, people, what can they do?"

Lastly, I hope Mr Albert CHAN and Mr WONG Yuk-man can come to their senses and withdraw these some 1 300 crap amendments on their own initiative. This would really do us a great service!

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR ABRAHAM SHEK:** Chairman, I speak against the proposal put forward by Ms Audrey EU. I do not doubt her sincerity in trying to find a solution to the present dilemma, but her solution is not a practical solution. Her solution is to find an end without realizing that the means is not right. What we are facing is a parliamentary crisis, a crisis that we have to face it and do it in a parliamentary manner. Doing it in a parliamentary manner, you must sit here and resolve the issue, not to bury it — you can never bury a living body — and this is the whole essence of today's meeting.

I am glad that this has happened at the end of this session and that this legislature has come to a point of maturity, the maturity for us to achieve a form of democracy which we will be getting in 2020. This is important because it is not an issue that we are here to accuse the opposition party or having the opposition party accused the pro-establishment. We are here to show to the public and to the world that the Hong Kong Special Administrative Region (HKSAR) is working under the "one country, two systems" and the Basic Law. We are here to protect the system that we treasure.

Chairman, there have been criticisms on you ..... on your concurrence to the 1 300 amendments. Rightly or wrongly, it is not important. What is important is that you are defending the sanity and the dignity of this legislature. You are defending the very core values of the HKSAR, the freedom of speech and the freedom of expression. This, I salute you for your wisdom as usual.

You have done the right thing for Hong Kong, and particularly, for this institution. And having done that, it is up to us, as Members of this legislature, to do our duty, to ensure that we do everything in a parliamentary way and to face the crisis that we are facing. This is only the beginning of the future crisis that we will be facing in terms of amendments that will not be supported. And rightly so, this is the whole process of democracy.

I was just reading to pass time. If I may quote from Milton FRIEDMAN's *Capitalism and Freedom*: "One feature of a free society is surely the freedom of individuals to advocate and propagandize openly for a radical change in the structure of the society" — this is what Mr WONG Yuk-man and Mr CHAN Wai-yip were doing and are now doing — "so long as the advocate is restricted to persuasion and does not include force or other forms of coercion. It is a mark of political freedom of a free and capitalist society." Chairman, you have done that and it is up to us to support you in this particular instance. And this is why I have spent the whole morning, without moving out from my seat, reading it in respect of your decision. And this is why every one of us is sitting here, including functional constituency Members and Members from the geographical constituencies. This is what we treasure. This is what Hong Kong is built on. Meeting costs money. It is not important if you take it into a wider context because we believe in a system where the freedom of speech and the right of expression is foremost, being the cornerstone of our society. And in this, I think we expect to come out of the crisis and we expect you to do the same thing as you have done before. And we are here to face any form of challenge and any form of intimidation or coercion by persuasion.

Chairman, I support you in whatever you have done in the past and at the present. We will do our duty to ride out this crisis, to pass through it without any problem.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR WONG KWOK-KIN** (in Cantonese): Chairman, earlier on my party comrade has been speaking in a rather agitated manner, so I wish to explain a little bit why he was like that. Yesterday when we deliberated on the

reorganization of the government structure in the morning, many Members from the pan-democratic camp said loudly that if the Government after reorganization would incur an extra expenditure of \$70 million each year. They said that it was a very large sum of money and so we had to be very careful about it. But as Mr WONG Kwok-hing has just said, when there is a by-election as a result of the resignation of some Members or a *de facto* referendum, the money to be spent is some \$150 million. It is equal to the money to be spent on the reorganized Government for two years. Why were Members from the pan-democratic camp not mean about using public money on that occasion, thinking that the public money spent was justified? This is the first point I wish to make.

Second, as also pointed out by Mr WONG Kwok-hing just now, the Bill on this occasion is a good demonstration of Ms Audrey EU's expertise as a Senior Counsel. I have to explain this a bit. All Senior Counsels and if they are really good ones can paint something as black and some other things as white when they want to. They can do it in a Court or in any other place. They can explain things the way they see fit. They can deny things they have done and pass the buck to other people.

What is so awesome about this motion to adjourn the debate today? Some reporters have said to me that this seems to be a good suggestion because it enables the Government to table other motions for scrutiny and pass those motions related to people's livelihood. This is exactly the most awesome thing about Ms EU. She takes the moral high ground and packages this motion in nice rhetoric. But what is the real meaning of this? Mr WONG Kwok-hing has pointed out the following: first, it helps the filibustering effort. It is not long enough. So this is one of the motives. Second, what is it? It is to shirk responsibility and try to pass it onto the Government and those Members who insist that this motion be deliberated on. It will be said that since they insist on deliberating this motion that there can be no deliberations on other motions. Third, it is to rationalize this tactic to filibuster and cause meetings to abort. It seems to be saying to other people that since there are filibustering and frequent abortions of meetings, then this adjournment motion should be passed. Then all the problems will be solved. Once this becomes a precedent, we are worried that from now on, all the motions from the Government, if they are not to the liking of certain political parties and groupings, those Members who oppose them may use the filibuster tactic and cause delays to the deliberation work. Other pan-democratic Members will then lobby the Government, saying that this

standstill in a filibuster will impede other motions on people's livelihood and the Government may as well give in and withdraw its amendments. If this becomes a precedent, then nothing can be done in future. Under a filibuster and an attempt to lobby the Government to give in, any motion not to the liking of certain Members will never pass this Council.

Members from the pan-democratic camp have played an ignominious role in this filibuster attempt by the People Power. To filibuster is of course not a violation of the RoP. But the ignominious thing about these Members from the pan-democratic camp is that they do not come into the Chamber and cause the meeting to abort. So what this Council has to face is not only filibustering but a long and protracted crisis of its meeting being aborted. The two things are different in nature. Causing a meeting to abort will have much more serious consequences than filibustering. It derives from filibustering, whereas in a filibuster, the meeting can go on. But when a meeting is aborted, the meeting will come to a standstill. After the meeting is aborted, the pan-democratic Members shirk the responsibility onto those Members who insist on deliberating the motion. They blame these Members for insistence while not making the quorum. May I ask if these pan-democratic Members receive their salaries or not? Have they got their allowances from public money? Do they not have the responsibility to deliberate on Bills in this Chamber? When they do not come into the Chamber, they are taking French leave. And after they have taken leave without absence, they accuse other Members who insist that deliberation be continued of not making the quorum, while claiming that the abortion of a meeting has nothing to do with them. This is because they have made it clear that they will boycott the meeting. Can a Member refuse to walk into this Chamber and leave after saying that he does not like a motion or he wants to boycott it or he wants to oppose it? Do members of the public agree with this kind of practice? Who should bear the responsibility when a meeting aborts? To be precise, the responsibility for an aborted meeting lies in those Members who do not attend the meeting. Irrespective of whether these Members are from the pan-democratic camp or the pro-establishment camp, if they do not come into the Chamber when a Bill is being examined and as a result the meeting is aborted, they will all have to bear the responsibility.

I am sure members of the public will be discerning enough to tell who should bear the responsibility for an aborted meeting. Therefore, I can tell my comrades in the party that they should stay here, do nothing and wait for the

meeting to be aborted. And after that, the responsibility will not fall on us. We hope that the people can know who should bear the responsibility if the meeting is aborted. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, we have spent about some four hours discussing this question, beginning at around half past eight yesterday evening. The discussion over these few hours has made me wish to use this opportunity to talk briefly about my personal feelings.

First, I know that after the voting on this motion later, a number of Honourable Members may leave the Chamber. But regardless of who are staying, I will salute to those Members who choose to stay and continue to deliberate Council business. I wish to apologize to them, for such a chore they have to endure.

Mr WONG Kwok-hing said that the Government has some responsibility for the present situation, this I agree, but I still hope for Members' understanding and forgiveness.

Chairman, I am sentimentally attached to this Council. But this is not because I like coming here. Members may ask, "Why are you sentimentally attached to this Council?" Because 20 years ago, I had worked in the Legislative Council. I was not a Member then. I was only a junior member of the staff in the Secretariat. The Council at that time really opened up my eyes. My duty then was to provide service to some Members and I was the clerk to certain Bills Committees. Every time when I was preparing for a meeting, I was quite nervous. This is because those questions and queries directed at government officials by the Members at that time were all very forceful and of a very high quality. There was a Member who was branded "the King of Bills" because of his outstanding performance. I only worked in the Secretariat for more than a year, but I had a very deep impression of it. This is especially because at that time, it can be said that I was sitting at the other end of the table and viewing first-hand how the relationship between the executive authorities and the legislature was to take shape. This left a deep impression on me as to how

the two collaborate and check each other. These all stemmed from consideration of the interest of society as a whole and that of the public at large. So when it comes to this situation today, I must say that, speaking on a personal front, I feel a bit sad.

Yesterday, Mrs Sophie LEUNG made some comments on some Committee Stage amendments to another Bill, that is, the Electoral Legislation (Miscellaneous Amendments) Bill 2012. She disagreed that the voter register should be listed according to addresses and she thought that this would infringe on personal privacy. Of course, the right to privacy is a very important human right. Mrs Sophie LEUNG's insistence was justified and I understand it. And Mrs Sophie LEUNG took part in the whole course of it. In the end she voted against the amendment together with Dr Priscilla LEUNG. The Bill was supported by many other Members, including those from the democratic camp. What does this story tell us? It tells us that even if Members differ in opinions, they can debate and take part in the voting and in the end, we can still take a step forward. If only we can present our arguments clearly and if we can do our best and vote either in favour or against the motion, then this Council can truly give full play to its role.

Only two hours were spent on examining on that Bill yesterday. When the issue of privacy was discussed, there was no filibustering and there were no some 1 300 amendments proposed. There was no constant ringing of the bell and the meeting was not aborted. I hope that after votes are cast on the motion proposed by Ms Audrey EU today, those Honourable Members who stay behind would continue to do their work in line with this spirit.

Lastly, I wish to make a last-ditch attempt to persuade Mr WONG Yuk-man and Mr Albert CHAN. I have tried using many expressions asking them to "rein in at the brink of the precipice" or to be a prodigal son who returns. I asked myself yesterday what other four-character Chinese proverbs I could use, but I could not think of too many. I could only use one although there is some conflict with my faith, I hope they can give up what they do because "a butcher becomes Buddha the moment he drops his cleaver". Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Ms Audrey EU, you may now speak in reply.

**MS AUDREY EU** (in Cantonese): Chairman, I believe you have a clear mind and must, therefore, recall that at 8.30 pm last night when I started to speak, I said that in proposing this procedural motion, I actually did not intend to repeat the position of the Civic Party on this Bill. But as I sat here in this Chamber the whole morning listening to the speeches made by many colleagues, I found that most of them, especially the pro-establishment Members, actually repeated what they had said during the resumed Second Reading debate on the Bill, stressing how necessary it is to enact this Bill, how good it is, and how the "five geographical constituencies referendum" had enraged members of the public, and stating that it is necessary to plug this loophole.

Chairman, I really do not wish to make any repetition at this stage, but I think I need to tell Members some figures as I have read a consultation report compiled by the Government before introducing the Bill and after completing the consultation exercise. Supporters of Option 1 proposed by the Government, which suggests that Members should be punished by not allowing them to run in any by-election, accounted for 14% of the views received. Chairman, many colleagues have said that the "five geographical constituencies referendum" was against the wish of the people and yet, 17.9% of the people supported it, but in the Government's report, only 14% of the respondents supported Option 1.

Today, an Honourable colleague said that the proposal was supported by many doctors of the Hong Kong Medical Association. I would like to read out the views expressed by various organizations in the Government's report. Chairman, I will not talk about the opinions of the Hong Kong Bar Association and The Law Society of Hong Kong, and I will just look at the opinions of other organizations and professional bodies. It is pointed out in the report that the Hong Kong Institute of Architects, the Hong Kong Institute of Landscape Architects and the Hong Kong Institute of Planners have conducted questionnaire surveys among their members, and the results indicated that the majority of the respondents are supportive of maintaining the *status quo*, while the questionnaire survey of the Hong Kong Medical Association shows that 44% of the respondents support maintaining the *status quo* and 42.5% support Option 1.

Radio Television Hong Kong and the Public Opinion Programme at the University of Hong Kong jointly organized a research project, the "Hong Kong Deliberative Forum". Under the project, some members of the public were invited to express their supportive or opposition views and then take part in a debate. After the debate, the same group of people was asked again of their

views. Before the debate, 49% of the respondents supported legislative amendments and 48% were in favour of maintaining the *status quo*, showing a difference of only 1%. After the debate, 43% of the respondents supported legislative amendments and 55% preferred maintaining the *status quo*. In other words, after the debate, more people became in favour of maintaining the *status quo*, accounting for 55%.

Chairman, in citing these simple figures, I would like to respond to many colleagues — They said with clenched teeth how angry they are and how reasonable this Bill is or just as the Secretary has said, how moderate this Bill is. But in fact, as Mr Albert HO said yesterday, disregarding how moderate or reasonable it is, the Bill will still moderately deprive Members who resigned of their own right to stand for election and the public of their right to choose. This is why we have long made it clear that we do not support this Bill and that we will not take part in the Committee stage proceedings.

Chairman, many colleagues in the pro-establishment camp were furious when they spoke today. They said with clenched teeth that they originally did not wish to speak but they had to speak in order not to fall into Ms Audrey EU's trap. Chairman, they just cannot seek to get the best of both worlds in such a way, because nobody was forcing them to speak by pointing a gun at their heads. If they speak, they certainly do so using their own time and they must not hold me responsible for it, right? But some people often like to distort facts, and I can do nothing about it.

Chairman, I wish to briefly respond to the speeches of some Members, and I am not going to respond to the speeches of Members from the democratic camp. Besides, I will also say a few words in response to some other Members.

First of all, Mr Paul TSE said that he is a kindergarten pupil and that he still has a lot to learn, but he said that he supports this procedural motion moved by me today. I am grateful to Mr Paul TSE.

Mr CHIM Pui-chung spoke consistently in his usual style. What he most likes to do is to chide other Members, saying "You people cannot say that everything you do is correct." In fact, Members rarely say that everything they do is correct, but Mr CHIM Pui-chung is always like that, criticizing other people for thinking that they are correct in everything they do and then saying that

everything he does is correct and further chiding other people. In explaining the reason why he cannot support the procedural motion moved by me, he said that the purpose of this motion is purely to change the order and that the passage of this motion will demonstrate incompetence on the part of the Government, because the Government will be good for nothing if it cannot even get such an easy job done. Chairman, as I explained yesterday, this procedural motion does not seek to make the Government withdraw the Bill. It only seeks to enable the Government to, within the parameters of the RoP, change the order and put off the Bill for the time being for other more important motions to be deliberated first. This is absolutely allowed under the RoP and has nothing to do with incompetence whatsoever. On the contrary, if the Government does not take this step and insists on maintaining the *status quo*, I would see that as incompetence on the part of the Government.

Chairman, Dr PAN Pey-chyou said that he felt sad for me. I thank Dr PAN Pey-chyou for his concern, but I beg to differ from what he said. Why does he feel sad for me? Because he thinks that I am like being tied to a chariot, dashing towards the cliff together with Members from the People Power. Chairman, it has always been our understanding that all Hong Kong people are in the same boat. If this Council is a chariot, then, all Members are actually tied to the same chariot.

If Honourable colleagues refuse to support or are unwilling to support my procedural motion, they will certainly have themselves to blame. They will have to continue to sit here in this Chamber to deal with these 1 300-odd amendments continuously, which means *de facto* leaving no time for dealing with other Bills on which meetings have to be called at this stage. For example, regarding the Residential Properties (First-hand Sales) Bill that I mentioned yesterday, at least a dozen more meetings will need to be held, and many more hearings will have to be conducted in respect of the reorganization of the government structure. Even if this meeting of the Legislative Council is not aborted, what will happen is that it will be impossible to hold meetings for discussions on issues which are considered more important by the Government. So, we all are sitting in this chariot and we all have to bear the consequences. The procedural motion moved by me gives Members an opportunity to untie themselves. But if Members refuse to accept it, thinking that I have an ulterior motive, I can do nothing about it.

Chairman, Mr IP Kwok-him said in his speech that it is unacceptable for the democratic camp to cause the meeting to be aborted. But Chairman, as you should remember, there are only 20-odd Members in the democratic camp, compared to 37 pro-establishment Members. We do not have the capability to cause a meeting to be aborted; nor is there a way for us to possibly do so. Of course, Members should recall that a few years ago when Mrs Rita FAN was the President of this Council, the democratic camp wished to observe a moment of silence for the passing away of ZHAO Ziyang and the pro-establishment camp purposely caused the meeting to be aborted by not returning to the Chamber for the meeting to continue. I believe Members should recall this attempt to cause the meeting to be aborted. Another occasion on which the pro-establishment camp had caused the meeting to be aborted was the one on the "five geographical constituencies referendum". The scripts of the speeches made by the five Members in accordance with the RoP had obtained the prior approval of the President, but the pro-establishment Members led by Mr TAM Yiu-chung left the Chamber in an attempt to cause the meeting to be aborted and as a result, the Legislative Council was unable to continue with the meeting. I believe everyone can see that judging from our number, it is indeed impossible for us to cause the meeting to be aborted.

However, Mr IP Kwok-him made a remark about "Jekyll and Hyde". Chairman, I think this remark should be returned to the pro-establishment camp. They have, on the one hand, criticized the use of filibuster for preventing other important livelihood issues or Bills from being handled by the Legislative Council, but when I proposed a solution for Members to readjust the priorities of the issues to be handled, so that the more important matters can be dealt with ahead of this Bill, they rejected my proposal. This is precisely their acting as "Jekyll and Hyde" at the same time.

Moreover, there is another thing which I find peculiar and that is, Mr CHAN Kam-lam mentioned in his speech that some members of the public whom he came across on the street said to him, "It is best not to let these people return to the Legislative Council again." He was referring to those Members who resigned for "five geographical constituencies referendum". I would like to tell Mr CHAN Kam-lam that when he meets these people again in future, he must tell them, "Yes, yes, we will stand in the election. We will stand in the election, so that we can beat these Members who resigned. You must support our

candidature, you must support the DAB to run in the election, and you must support the pro-establishment Members to run in the election." This way, those Members who resigned cannot return to this Council.

Why do Members always say that resignations or the holding of a by-election is a waste of public money? In fact, the by-election was open to all, and should anyone think that those Members who resigned were wrong, that they were against the wish of the people and that they were not supported by the people, the DAB, which is so strong and powerful, could have fielded candidates from its second or third echelon or even the "star" members, in order to beat those Members and win the seats through a fair by-election. However, they did not do so. Rather, they took actions to boycott the election.

They listened to "Grandpa", that it was against the decision made by the Standing Committee of the National People's Congress and did not run in the by-election. Some of those in the pro-establishment camp, such as Michael TIEN, who were already distributing pamphlets in New Territories West, had to stop immediately. The DAB in the pro-establishment camp originally intended to field many candidates to stand in the election, and we saw that some names were already reported to be preparing to run in the election, confident of beating Mr Alan LEONG who was said to be commanding so little public support. No one would have expected that they would eventually beat a retreat instead.

Chairman, what is the result of their boycott actions? Of course, the turnout rate was low, which was only 17.9%. Think about this: Had the pro-establishment camp taken part in the by-election, assuming that they can bring about a same turnout rate of 17.9%, the overall turnout rate would have been more than 35% by adding them together. Chairman, this would be even higher than the turnout rate in the previous by-election. I took part in that by-election in 2000 and competed with CHUNG Shu-kun of your party, Chairman. The turnout rate was only 33% back then. So, this is all very clear.

They criticized us that we obviously must take our share of the blame in the event that the meeting is aborted and that if the democratic camp is not in the Chamber, there is a high chance for the meeting to be aborted because the number of Members in the Chamber will be even less. Think about this: This is just the

same as case with the turnout rate in the referendum. They always criticized that the turnout rate was only 17.9%, but this is all because of their boycott actions. Had they not taken boycott actions but participated in the by-election, as I have just said, the turnout rate would very likely be even higher than that of the by-election in which I had taken part and competed with CHUNG Shu-kun of the DAB. So, these figures have pointed to a simple truth, and it is unnecessary to make any personal attack. I believe the public will understand it when this is clearly explained.

Chairman, Dr Priscilla LEUNG said in her speech that we should always be rational and democratic in what we do and that we should do what Members should do. I always agree that Members should be rational and democratic, and it is never my wish to make any personal attack in my speech. But much to our regret, in this Council, there are indeed people who do not like to act this way, and more often than not, I am also made a victim. But when other people do not argue with reason, it does not mean that I should not argue with reason. So, I will persevere with my way. Like Dr Priscilla LEUNG, I will be rational and democratic in what I do. She has the support of the public in saying that people are very angry. I also have the support of the public, or else I cannot stand here and say that there are people telling me how angry they are about this draconian law. So, I am also performing my duties and at the same time, I respect Members in discharging their duties.

In her speech, Ms Miriam LAU questioned us whether we have to destroy it when we do not support it. Chairman, we have never said that we want to destroy it because we do not support it. But we have clearly told everyone in an open and aboveboard manner that we do not support it and we have explained the reasons why we do not support it, and it is because of these reasons that we will not take part in the ensuing Committee stage proceedings. Ms Miriam LAU is interesting because while she said that she would respect it as she repeatedly said that she respected the amendments proposed by Mr Albert CHAN and Mr WONG Yuk-man — and since she respects them and thinks that she should take part in it, then she should sit in this Chamber to take part in it. We do, in our own way, respect the amendments proposed by Members in accordance with the RoP. But as we have explained, we have our own position and we choose not to take part in it.

Chairman, throughout the entire process we have indeed acted in an open and aboveboard manner. As Mr WONG Kwok-hing asked why we have to do this (*The buzzer sounded*) ..... I, therefore, have to explain this clearly. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Ms EU, the time for your reply is up.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the motion that further proceedings of the Committee be now adjourned moved by Ms Audrey EU under Rule 40(4) of the Rules of Procedure be passed.

**CHAIRMAN** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

**CHAIRMAN** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Ms Audrey EU rose to claim a division.

**CHAIRMAN** (in Cantonese): Ms Audrey EU has claimed a division. The division bell will ring for five minutes.

**CHAIRMAN** (in Cantonese): Will Members please proceed to vote.

**CHAIRMAN** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che and Mr Paul TSE voted for the motion.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Ms Audrey EU, Mr LEE Wing-tat, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted against the motion.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 25 were present, six were in favour of the motion and 19 against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 16 were in favour of the motion and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

**CHAIRMAN** (in Cantonese): Committee proceedings will now continue.

**LEGISLATIVE COUNCIL (AMENDMENT) BILL 2012**

**CHAIRMAN** (in Cantonese): The Committee will now have a joint debate on the original clauses of the Bill and 74 amendments proposed by Mr WONG Yuk-man, one amendment proposed by the Secretary for Constitutional and Mainland Affairs and 1 232 amendments proposed by Mr Albert CHAN. When the debate comes to a close, the Committee will first put to vote 54 amendments to clause 1 in order, and then put to vote six amendments to clause 2 in order, and finally put to vote 1 247 amendments to clause 3 in order.

I will first call upon Mr WONG Yuk-man to speak, to be followed by the Secretary for Constitutional and Mainland Affairs and Mr Albert Chan, but they may not move the amendments at this stage.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I now announce solemnly and seriously that the filibuster war of the People Power against the draconian law now starts formally.

We are very grateful to Ms Audrey EU for proposing the motion for adjournment, which enabled Members to air their views. This has also enabled me to truly hear the angry voices of the pro-establishment camp. I feel most happy about this today.

A colleague said that the Civic Party and us are "骯髒一氣" (meaning of the same foul smell). He probably thinks that "沆瀣一氣" (meaning birds of a feather) carries the meaning of filthy and unclean. But in fact, the origin of "沆瀣一氣" can be traced back to two of the lines in a book written by QIAN Yi in Song Dynasty, and the name of the book is .....

**CHAIRMAN** (in Cantonese): Mr WONG, we are now debating the three clauses and the amendments.

**MR WONG YUK-MAN** (in Cantonese): I know, but I must explain the allusion of the amendments, which is also the basis of my arguments.

**CHAIRMAN** (in Cantonese): The previous debate has already ended.

**MR WONG YUK-MAN** (in Cantonese): I understand. In the book there were a student and an examiner. One of them was named CUI Hang (崔沆) and the other was named CUI Xie (崔瀼). Both "沆" and "瀼" mean mist or vapour in the air. So, I am telling you that "沆瀼一氣" means birds of a feather. If you said that we are birds of a feather, this is still barely acceptable. But it is actually more appropriate to say that we are conspiring with each other and doing evils in collusion or helping each other to do evil.

For a majority of the amendments proposed by me today, I seek to examine their wording based on cited passages and phrases, in the hope that the Chinese versions of the amendments can be more accurate. Secretary, the Administration must also conduct studies. When the Law Draftsman drafts the law, Chinese language is very important too, because both Chinese and English now enjoy the same status.

Chairman, this filibuster war will certainly arouse great controversies. I must spend some time responding to the concerns raised by some Members earlier on. Dr PAN Pey-chyou said that I would run out of luck in September. He will certainly run into luck, because he basically does not have to run in the election. I think it is indeed laughable that someone who neither stands in the election nor has any vote would say that a person with votes is going to run out of luck. This is also related to the replacement proposal. We have the mandate of the people and we have obtained the votes of the people. How could you think that you can easily deprive us of our right to stand for election?

**CHAIRMAN** (in Cantonese): Mr WONG.

**MR WONG YUK-MAN** (in Cantonese): This replacement proposal has deprived me of my right to stand for election. Therefore, we must give a response.

**CHAIRMAN** (in Cantonese): We are now debating the three clauses of the Bill and the amendments proposed by you. Please do not keep on talking about issues that are irrelevant to the question under debate.

**MR WONG YUK-MAN** (in Cantonese): I think this is closely related to the question under debate, because among the 1 000-odd amendments proposed by us, some are related to by-elections conducted when vacancies arise. I am precisely speaking on the basis of by-elections conducted when vacancies arise, with a view to stating clearly that you can neither deprive us of our right to stand for election nor enact a draconian law to deprive any citizen of his political rights. This is very simple. This is why I have to start with the deprivation of the right to stand for election.

Just look at the amendments that we have proposed and one can see that many are about by-elections conducted when vacancies arise from, for instance, illness or other causes or political reasons. There is a wide array of causes, and I will elaborate on them in no haste, and I think this is going to take quite some time. For example, can a Member sentenced to imprisonment in different countries run in the election? All these are open to discussion. We will speak from the angles of vacancies having arisen, by-elections, barring Members from standing in by-elections, and vacancies having further arisen, in order to explain that this arrangement which prohibits people from standing for election is a serious infringement of the political rights of a citizen. Therefore, it is necessary for me to explain everything in detail from the very beginning.

I have with me a copy of 《五區公投實錄》 (A true record of *de facto* referendum in five geographical constituencies), and I have also given you a copy, Chairman. All this has happened as a result of "five geographical constituencies referendum". Is there a need for me to talk about "five geographical constituencies referendum"? Is it correct for me to talk about "five geographical constituencies referendum"? Today, everyone is talking about "five geographical constituencies referendum". They have condemned "five geographical constituencies referendum", and they have also condemned the *de facto* referendum, and I must give a full account of what happened. Whether it is said to be the cause of all problems or the origin of everything, the case is that the whole thing is the result of "five geographical constituencies referendum". We are responsible people and have published this 《五區公投實錄》, of which

6 000 copies have already been sold. I, therefore, have to spend a little time giving an account of "five geographical constituencies referendum" .....

**CHAIRMAN** (in Cantonese): Mr WONG, these contents of your speech should have been raised during the resumed debate on the Second Reading of the Bill. Please focus on discussing the relevant clauses and the amendments.

**MR WONG YUK-MAN** (in Cantonese): Frankly speaking, when discussing the amendments ..... Thank you, Chairman, for your reminder. When discussing the amendments, I must explain the reasons for proposing the amendments. Otherwise, I would be accused for deliberately stirring up troubles, for being frivolous and even shameless. Mr CHAN Kam-lam said that some people had conveyed to him the view that they considered me rubbish. But there are also people complaining to me about the wrongdoings of the DAB, and what they have said are so unpleasant to the ears that I cannot possibly repeat them in this Chamber. So, you said that I am rubbish, but the fact is that we are practically the same and there is little difference between us as we are all bundled up together. So, I do not mind at all.

Chairman, now that we have come to such a sorry state as we have to resort to this means to oppose this Bill in this Chamber. I trust you know the reasons only too well. We have proposed over 1 000 amendments, and some people have criticized us for this act out of ennui and childishness, but many of the amendments are indeed based on cited passages and phrases, well-founded in reasons.

What follows will take a very long time but I assure you that I definitely will not violate the RoP. I definitely will not speak outside the permitted scope, and I am only worried that you will be bored to tears. We definitely will not speak outside the scope and you can rest assured. But I am duty-bound to explain my reasons for resorting to filibuster. Although I may not be able to convince you, at least I want to make you understand why I am doing this. So, Chairman, you must allow me to speak, so that I can explain why I have to filibuster, for this is almost the first time ever in this Council.

Mr LAU Kong-wah also indicated his support for filibustering during the Second Reading of the Provision of Municipal Services (Reorganization) Bill on 1 December 1999. Mr LAU Kong-wah said at that time, "I remember clearly and I think you, Madam President, also remember this, that there was an occasion on which we had debated into the small hours of the night. Why did we have to make ourselves so exhausted? I think many Honourable Members of this Council will recall that it was because some people were deliberately filibustering. This is a tactic. At that time, those people who wanted to delay the progress were trying to do this because they hoped to see one or two people leave out of exhaustion. Then they would succeed. What difference does it make in terms of tactics when someone now wants to make it a swift conclusion?"

(Mr IP Kwok-him indicated his wish to raise a point of order)

**CHAIRMAN** (in Cantonese): Hold on please, Mr WONG. Mr IP Kwok-him would like to raise a point of order.

**MR IP KWOK-HIM** (in Cantonese): Chairman, I would like to seek your ruling. It is because we are debating the amendment which proposes to delete "為" (wai4) and substitute "作" (zok3) in the Chinese text. I would like to know the reason of the Member in proposing this amendment. All that I have heard is his repetition about filibustering. I hope you, Chairman, can make a ruling.

**CHAIRMAN** (in Cantonese): Mr IP, we are now having a joint debate on the three original clauses and the 1 300-odd amendments. Therefore, Members do not necessarily have to speak on a certain amendment. I will stop a Member from speaking if I considered that he has strayed from the question in his speech.

I wish to remind Mr WONG Yuk-man again that under Rule 45(1) of the RoP, I am obliged to stop a Member from continuing with his speech if he persists in irrelevance. Mr WONG Yuk-man, please come back to the relevant clauses and amendments as soon as possible.

**MR WONG YUK-MAN** (in Cantonese): Thank you, Chairman. I have to finish the paragraph that I was just reading out, because speaking of filibustering, what I am going to do next is filibustering.

Let me continue to read out Mr LAU Kong-wah's views. He said, "What difference does it make in terms of tactics when someone now wants to make it a swift conclusion? On the other hand, if someone wishes to delay in order to wait for two persons to return, then what difference will it make? That is entirely a question of tactics. It is totally acceptable in a parliamentary assembly. Madam President, although I am a newcomer and there are lots of people with more experience than me, I believe tactics like these had been used in the past 10 years or so. So what is the fuss about it? I cannot help but wonder."

In another paragraph, he said that he had recently read Mr WONG Yuk-man's articles quite often. He was licking my boot in this paragraph and so, it is not expedient for me to read it out. But from this we can see that Mr LAU Kong-wah approves of filibustering, and he also thinks that filibustering is a tactic. Members are opposed to the abortion of meetings. Mr TAM Yiu-chung is one of these Members and he considered it wrong for a meeting to be aborted in any case. But he has caused a meeting to abort before. So, Chairman, I now request a headcount.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): A quorum is present now. Mr WONG Yuk-man, please go on.

**MR WONG YUK-MAN** (in Cantonese): In my first amendment, I propose to delete "為" (wai4) (meaning become, turn into, be) and substitute "作" (zok3)

(meaning act as, be, become) in the Chinese text. Why should "為" be replaced by "作"? Let us first look at the word "為" .....

OK. With regard to deleting "為" and substituting "作", sometimes we say "有作為" but we do not say "有為作". There is a small difference between "為" and "作". "為" means turn into, or become.

It is mentioned in a dictionary for ancient Chinese characters 《廣雅·釋詁三》 that "為者，成也。" (*Guangya; Shigu 3*: "為" means become). There is a sentence in 《詩經·小雅·十月之交》: "高岸為谷，深谷為陵。" (*Book of Poetry·Minor odes of the kingdom·Shi Yue Zi Jiao* "High banks become valleys; Deep valleys become hills")<sup>1</sup>. 《荀子·勸學》: "冰、水為之，而寒於水。" (*Xunzi·An Exhortation to Learning* "Ice is made from water, but it is colder than water")<sup>2</sup>. Ice is made of water, and this is what "水為之" means. That is, water becomes ice, but ice is colder than water. 《淮南子·本經訓》 "是故上下離心，氣乃上蒸，君臣不和，五穀不為。" (*Huainanzi·Benjing Xun* "Thus the lower ranks are at odds with the higher ranks, the air steams up, the ruler is in discord with the officials, and the crops are in bad harvest.") GAO Youzhu said, "不為，不成也。" ("'不為' means an unsuccessful attempt"). 《史記·五宗世家》 "王服所犯，遂自殺。國除，地入于漢，為廣陵郡。" (*Shiji·Wu Zong Shi Jia* "The feudal lord admitted the alleged crimes and committed suicide. The title of the feudal state was then abolished. The land was merged into the Han kingdom and became Guangling Prefecture.") LIU Zongyuan's 《封建論》 (*Feudal Theory*) is very famous. It says "故近者聚而為群" (People of a kind fall into the same group).

The Chinese word "為"(wai4) shares the same meaning as "謂"(wai6), which is formed by the radical "言" with "胃" as in "腸胃" (meaning intestines and stomach) on the right. In Book 2 of 《經傳釋詞》 (*Jing Zhuan Shi Ci*), WANG Yinzhì of the Qing Dynasty said, "家大人曰：'謂，猶為'也。" ("My father said, 'The meaning of '謂' is similar to '為'"). It has the meaning of "成為" (meaning become) here. "謂" (wai6) means "成為" (meaning become).

Besides, "為" can also be interpreted as "認為" (meaning think, consider, hold, deem). The origin of "認為" can be traced to 《墨子·公輸》: "宋所

<sup>1</sup> <<http://ctext.org/>>

<sup>2</sup> Xunzi, Hunan People's Publishing House, Foreign Languages Press 1999

為無雉兔狐狸者也" (*Mozi • Gong Shu* "Song is said to possess not even pheasants, rabbits, or foxes")<sup>3</sup>. Moreover, in his commentary 《墨子閒詁》, SUN Yirang said, "'為', 宋策作'謂', 字通。"(*Mozi Xiangu* "In Songce, '謂' is used for '為'. The two words are interchangeable."). These two words are interchangeable. We can use "認為" or "認謂" for the same meaning. 《穀梁傳 • 宣公二年》: "天乎天乎! 予無罪。孰為盾而忍弑其君者乎?" (*Guliang Zhuan • Second year of Xuangong* "My Lord! I am innocent. Who thinks that I (ZHAO Dun) am hard-hearted enough to murder the king?") In 《列子 • 湯問》: "兩小兒笑曰: '孰為汝多知乎?' "(*Liezi • Tang Wen* or the Questions of Tang "The two children said with a smile: "Who considers you to be more knowledgeable?")

"為" can have the meaning of "turn into" and "become". It has another meaning of "think" and "consider", which I have just explained. Next, I will explain its meaning of "known as". "為" can be expressed as "稱為" (meaning known as). Therefore, even the change of one single word is not that simple. Secretary, you really have to be more careful in researching and looking up past references and be fastidious about the use of language, because legal provisions must be precise and unequivocal. More often than not, English is far more precise than Chinese. So, insofar as the legal provisions are concerned, Chairman, as you know very well, English is more precise, but actually, Chinese can be more precise as long as we can make an effort to consult lexicons, look up dictionaries more often and even work hard on learning the Chinese language.

I would introduce two books to Members. They are 《中文起義》 and 《中文解毒》 written by Prof CHIN Wan. Besides, there is a famous old teacher, Mr YUNG Yeuk, who is top-notch in explaining Chinese language. I see that Mr WONG Kwok-hing is practising his Chinese calligraphy now. Then he had better not pronounce "沆瀣一氣" (hong4 haai6 jat1 hei3) (meaning birds of a feather flock together) as "骯髒一氣" (ong1 zong1 jat1 hei3) (meaning dirty, foul, filthy). Remember, it should be pronounced as "hong4 haai6 jat1 hei3". Do not mispronounce it, or else the Chairman will correct your pronunciation again.

"稱為" (meaning known as) has its origin too, and I am only telling Members the origin of the word "為" (wai4) in an effort to strive for accuracy. Why do I propose this amendment to delete this word and replace it by another

<sup>3</sup> <<http://ctext.org/>>

word? In 《荀子·勸學》(*Xunzi • An Exhortation to Learning*) — Chairman, you must have read it before as you are a learned person — "蘭槐之根是為芷，其漸之滌，君子不近，庶人不服。" (If the root of the orchid and the rhizome of the valerian are soaked in the water used to wash rice, the gentleman will not go near them, and the petty man will not wear them.)<sup>4</sup> In 《說苑·臣術》(*The Garden of Persuasions • The Art of the Ministers*), there is this sentence "從命利君謂之順，從命病君謂之諛" (Obediency is when you submit to an order of the sovereign which is favourable to the sovereign, while flattery is when you submit to an order of the sovereign which is unfavourable to the sovereign). The meaning of "諛" is flattery. The word has the radical of "言".

Besides, apart from the meaning of "turn into" and "become", the Chinese word "為" also has the meaning of "consider", "known as" as well as "because". We always use this word in that sense. 《孟子·梁惠王》："仲尼曰：'始作俑者，其無後乎！'為其象人而用之也。" (*Menzi • Liang Hui Wang* "Zhong Ni said, 'Was he not without posterity who first made wooden images to bury with the dead? So he said, because that man made the semblances of men, and used them for that purpose')<sup>5</sup> Moreover, there is the meaning of "替" (meaning take the place of, for). "為" also has the meaning of "替". In the legends of immortal supernatural beings, "為蛇畫足" (meaning to draw a snake and add feet to it) can be said as "替蛇畫足". The meaning of "為蛇畫足" is the same as "替蛇畫足". "為" is thus interchangeable with "替". So, had it not been this filibustering, I would not have realized how meagre my knowledge is.

Members may have read SHEN Fu's 《閒情記趣》(*The Little Pleasures of Life*). 沈三白說："余思粥，擔者即為買米煮之，果腹而歸。" (SHEN Sanbai said, "I wanted to eat congee, and wonton seller bought some rice and cooked it for us. We then came back with a full belly.")<sup>6</sup> 《論語·雍也》："季氏使閔子騫為費宰。閔子騫曰：'善為我辭焉。'" (*The Analects • Yong Ye* "The chief of the Ji family sent to ask Min Zi Qian to be governor of Fei. Min Zi Qian said, 'Decline the offer for me politely.'")<sup>7</sup>

<sup>4</sup> Xunzi, Hunan People's Publishing House, Foreign Languages Press 1999

<sup>5</sup> <<http://ctext.org/>>

<sup>6</sup> <<http://bhygz2008.blog.163.com/blog/static/12018546620103249341584/>>

<sup>7</sup> <<http://ctext.org/>>

In the following, I have to explain the Chinese word "作" (dzok8) (meaning act as, be, become). As I have to substitute the word "為" (wai4) (meaning become, turn into, be) by "作", I, therefore, have to explain the meaning of the word "作" and why "為" should be substituted by "作".

The word "作" has the meaning of "起" (meaning rise, get up) as in "起立" (meaning stand up). According to 《易經·離卦》(*Yijing • The Li Hexagram*), the word "作" — "明兩作"(double brightness forms Li). I am not sure whether Members know the meaning of it. "作" and "起" have very close meanings. There is also the expression "作其即位" (When he came to the throne)<sup>8</sup>. In 《詩經·秦風》(*Book of Poetry • Odes of Qin*), there is "與子偕作" (And will take the field with you)<sup>9</sup>. In 《考工記》(*Record of Trades*), "作" is turned into "行", as there is "作而行之" (rise and perform the duty of governing the country). 《周禮·士師》: "凡作民。" (*The Rites of Zhou • Shi Shi* "In mobilizing the people"). 《儀禮》: "三獻作止爵。" (*Yili or the Book of etiquette and ceremonial* "The guests offering three rounds of wine to the deceased and put down the wine vessels). 《禮記·禮運》: "後聖有作。" (*Liji • Li Yun* "The later sages then arose")<sup>10</sup>. (*The buzzer sounded*)

**CHAIRMAN** (in Cantonese): Mr WONG, time is up.

**CHAIRMAN** (in Cantonese): It happens to be 12.30 pm now. I now suspend the meeting for Members to have lunch.

12.30 pm

Meeting suspended.

1.30 pm

Committee then resumed.

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<sup>8</sup> (Shangshu. Zhoushu. Against Luxurious Ease) <<http://ctext.org/>>

<sup>9</sup> <<http://ctext.org/>>

<sup>10</sup> <<http://ctext.org/>>

**CHAIRMAN** (in Cantonese): Committee now resumes.

**MR ALBERT CHAN** (in Cantonese): Chairman, I would like more Members to be here at the meeting to listen to the speech of the Secretary.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I will move an amendment to clause 3 of the Legislative Council (Amendment) Bill 2012 (the Bill) to improve the Chinese text of the Bill.

We have proposed a Committee stage amendment because in the course of discussion in the Bills Committee, some members considered that in the Chinese text of clause 3, the expression (I quote) "於在該補選當日結束" (end of quote) may not be very clear and may cause misunderstanding.

In response to the view of the Bills Committee, we propose to substitute it with (I quote) "在截至該補選當日為止" (end of quote).

This is a technical amendment. It does not affect the proposed restriction in the Bill.

We already briefed members on this amendment at the meeting of the Bills Committee on 30 March. The Bills Committee raised no objection to this amendment.

Chairman, we understand that other than the 74 amendments proposed by Mr WONG Yuk-man who has spoken earlier on, Mr Albert CHAN will also propose 1 232 amendments. The Government opposes these 1 306 amendments.

The 74 amendments proposed by Mr WONG Yuk-man are textual amendments to the drafting of the Bill with no substantive contents. These amendments will not help improve the Bill and on the contrary, they will lead to inconsistency in the use of words between the Bill and the general legislation, resulting in confusion. For these reasons, we oppose the 74 amendments proposed by Mr WONG Yuk-man.

Likewise, the Government is opposed to the 1 232 amendments that Mr Albert CHAN is going to propose later. In general, the amendments proposed by Mr Albert CHAN are unjustified. I will now state the reasons for opposing the 1 232 amendments proposed by Mr Albert CHAN.

Under the first group of 627 amendments proposed by Mr Albert CHAN, if more than a certain number of Members resign from office and stand in a by-election and have agreed jointly to reimburse a certain percentage of the administrative costs of the by-election, the proposed restriction in the Bill does not apply to these Members.

We consider that it is obviously unjustified to subject the resigning Members to a different restriction depending on the number of Members who resign from office on the same day and the percentage of administrative costs jointly reimbursed by them.

Besides, the underlying reasons and arguments for making different provisions according to the number of Members who resign from office on the same day and the percentage of administrative costs to be jointly reimbursed by them under these 627 amendments are incomprehensible.

As we have emphasized repeatedly, apart from the huge amount of public resources to be expended, the Administration is also concerned about the adverse impact on the credibility of the electoral system caused by the resignation of a Member who seeks to be re-elected through by-election. Between a Member's resignation and the by-election, the Legislative Council will be deprived of the service of a Member, and the constituents will be deprived of the service of the Member as their representative. Moreover, if the phenomenon of a Member resigning in order to trigger a by-election in which he seeks to be re-elected becomes a common occurrence, not only will the normal operation of the

Legislative Council be adversely affected, the dignity and credibility of the electoral process will also be undermined.

Therefore, even though Members who have resigned from office agree jointly to reimburse a certain percentage of administrative costs of the by-election, it is still an abuse of procedure for a Member to resign in order to trigger a by-election in which the Member intends to stand and seek re-election, and it is also the mainstream view of the community that this problem needs to be addressed.

In fact, as the Government has reiterated repeatedly, Members can fully express their political views in the parliamentary assembly and also through other lawful channels such as rallies, demonstrations, petitions, and so on, without damaging the operation of the parliamentary assembly and the electoral system.

Under the second group of 495 amendments proposed by Mr Albert CHAN, if more than a certain number of Members resign from office within the same day because they have been confined without trial over one month by the government of a certain country and if any of them is released within one month after resignation, the proposed restriction in the Bill does not apply to these Members.

We have noticed that these 495 amendments proposed by Mr Albert CHAN involve a situation where Members have been confined without trial over one month by the government of a certain country and they resign from office on the same day and any one of them is released within one month after resignation. These amendments are different in the number of resigning Members and their confinement by the governments of 15 different countries, and provide that these resigning Members shall be subject to a different restriction. Moreover, the underlying reasons and arguments for making different provisions according to the number of Members who resign from office on the same day and their confinement by different countries under these 495 amendments are incomprehensible.

In fact, the proposed restriction in the Bill only applies to a Member who has voluntarily resigned from office under section 13 or section 14 of the Legislative Council Ordinance. A Member with a valid reason may apply to the President of the Legislative Council for consent to be temporarily absent from

meetings without having to resign from office. Furthermore, a Member is not subject to the restriction in the legislative proposal if he is given consent by the President of the Legislative Council to be absent from meetings or declared to be no longer qualified to hold office as a Member of the Legislative Council in circumstances specified under Article 79 of the Basic Law. They can stand in a by-election held after they are disqualified to hold the office of Members of the Legislative Council. These 495 amendments are not necessary.

The third group of 43 amendments proposed by Mr Albert CHAN specifies the dates on which the proposed restriction in the Bill will expire. The problem that we need to address is not temporary in nature. It is neither justified nor appropriate to specify a date for the restriction to cease to take effect.

The fourth group of 17 amendments proposed by Mr Albert CHAN seeks to shorten the restriction period proposed in the Bill. The six-month period of restriction proposed in the Bill is long enough to deter abuse. In fact, according to past practices, a by-election of the Legislative Council is normally held within several months after the vacancy arises. A restriction period which is too short cannot effectively deter abuse of the system by Members. Lastly, the six-month restriction period is proposed after thorough consideration and full consultation with barristers and also with certain support of the community.

Under the fifth group of 17 amendments proposed by Mr Albert CHAN, if a Member resigns from office because he suffers from a specified type of terminal cancer but it is verified after his resignation that he does not suffer from that cancer after his resignation, the proposed restriction in the Bill does not apply. With regard to these 17 amendments, no explanation has been given as to why different types of terminal cancer should be handled in a different way, and this is obviously not justified. Let me stress here that the proposed restriction in the Bill applies only to a Member who has voluntarily resigned from office under section 13 or section 14 of the Legislative Council Ordinance. A Member with a valid reason may apply to the President of the Legislative Council for consent to be temporarily absent from meetings without having to resign from office. Furthermore, a Member is not subject to the restriction in the legislative proposal if he is declared to be no longer qualified to hold office as a Member of the Legislative Council in circumstances specified under Article 79 of the Basic Law, such as when he loses the ability to discharge his duties as a result of serious illness of other reasons. Such Members can stand in a by-election held after

they are disqualified to hold the office of Members of the Legislative Council. These 17 amendments are not necessary.

The sixth group of 33 amendments proposed by Mr Albert CHAN stipulates that if not less than a certain number of Members resign from office on the same day, the proposed restriction in the Bill does not apply to these Members. These 33 amendments are different in the number of the Members who resign on the same day and provide that these resigning Members shall be subject to a different restriction. These amendments are clearly groundless. In fact, this group of amendments is just a variation of the first group of amendments. The 1 232 amendments proposed by Mr Albert CHAN to clause 3 of the Bill are not supported by any justifications and will undermine our efforts to effectively address the problem of Members resigning to trigger by-elections. For these reasons, we oppose the 1 232 amendments proposed by Mr Albert CHAN.

Chairman, I implore Members to support the Government's amendment and oppose the amendments proposed by Mr WONG Yuk-man and Mr Albert CHAN.

**MR ALBERT CHAN** (in Cantonese): Chairman, first of all, I thank the Secretary for analysing and commenting on the 1 232 amendments proposed by me so seriously and meticulously. Certainly, I appreciate his position. Compared to the attitude demonstrated by some pro-government Members of hurling abuses and blindly making criticisms entirely for political reasons, which is a different handling approach from that of the Secretary, the Secretary' attitude does merit commendation.

As I said during the debate on the motion for adjournment proposed by Ms Audrey EU, parliamentary debates are important. As John Stuart MILL had said, parliamentary discourse and parliamentary debates are the most important spirits and principles which are indispensable in a democratic assembly. The position of the pro-government party, through the opposition pointing out their mistakes or weaknesses in debates and discourse, can be better expounded and further improved. When engaging in debates, Members of the Parliament in foreign countries mostly speak with only a piece of paper to remind them of the points to be made, unlike Members in Hong Kong as eight out of 10 Members

just read from a script. In foreign parliamentary assemblies, a Member who reads from a script will be insulted by his rivals saying "reading, reading, reading" while he speaks. However, reading from a script has become a general rule or common phenomenon in the parliamentary assembly in Hong Kong. This is obviously very different from the parliamentary conventions, customs or spirit in a representative government, and this is also a shortcoming, a regret. It is because in the absence of debate, Members often read out their position as a routine based on certain dogmas and beliefs, orders given by the superior or instructions of the authorities. I remember that during the times of the former Legislative Council .....

(Ms Starry LEE raised her hand in indication)

**CHAIRMAN** (in Cantonese): Ms Starry LEE, what is your point?

**MS STARRY LEE** (in Cantonese): Chairman, a point of order. I would like to seek your ruling. I noticed that what Mr Albert CHAN said in his speech just now had strayed from the contents of his amendments and instead, he was talking about the speaking arrangements of Members of the Parliament.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, please speak with relevance to the three original clauses and 1 300-odd amendments under discussion now.

**MR ALBERT CHAN** (in Cantonese): Chairman, this is absolutely relevant, because over 600 of my amendments are about allowing resigned Members to stand in an election again. It is the spirit and principle of representative government to allow a resigned Member to stand in an election again. In this connection, be it the arguments of John Stuart MILL that I have just mentioned, those of John LOCKE that I will mention later or those of Karl MARX and Vladimir LENIN, all are closely related to the political theory and principle of whether resigned Members can stand in an election.

**CHAIRMAN** (in Cantonese): Mr CHAN, I wish to remind you that under Rule 56(1) of the RoP, the Committee, when examining a Bill, "shall not discuss

the principles of the bill but only its details". The principle of this Bill should have been discussed during the resumed Second Reading debate on the Bill. Please speak on the details of the clauses of the Bill now.

**MR ALBERT CHAN** (in Cantonese): I understand. Chairman, there may be a numerical difference between one Member resigning and 34 Members resigning .....

**MR WONG YUK-MAN** (in Cantonese): President, a point of order. Mr WONG Kwok-hing has acted against the RoP. I wish to seek your ruling. This is not a place for him to practise calligraphy and drawing.

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, please do not cross the floor of the Chamber when the meeting is in progress.

**MR WONG YUK-MAN** (in Cantonese): And, do not read; do not doze off. Sit properly here to listen to the teachings.

**CHAIRMAN** (in Cantonese): Mr WONG, please sit down.

**MR ALBERT CHAN** (in Cantonese): Chairman, I have seen that Ms Starry LEE has imposed her wishes on other people by putting two protest placards on the desk of another Member without the latter's consent. It seems that she has imposed her wishes on other people, and this is entirely an insult to the rights of other Members. I wish to seek your ruling on whether she has acted in line with the RoP in placing articles on the desk of another Member without the latter's permission.

**MS STARRY LEE** (in Cantonese): Chairman, I feel offended, because he said that I had imposed my wishes on other people. Chairman, I wish to seek your ruling, and this is the first point. Second, I would also like to seek your ruling.

I have read the RoP and as far as I understand it, there is not any rule which prohibits a Member from putting props in the seats of other Members.

**CHAIRMAN** (in Cantonese): Ms Starry LEE, please sit down. I noticed that when Ms LEE crossed the floor of the Chamber earlier on, the meeting was not in progress. Besides, there is no stipulation that when a certain Member is not in his seat, nothing can be displayed at his seat. When the Member returns to his seat and if he thinks that the things being displayed around his seat should be removed, he can certainly do so. Mr Albert CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): Chairman, I wish to put this on record: Let me clearly tell all the people of Hong Kong that the two protest placards in the seat of a Member of the democratic camp are put there by Ms Starry LEE without the permission of any Member of the democratic camp, especially the Member to which this seat belongs. Let me stress once again that this is done in defiance of the Member.

**CHAIRMAN** (in Cantonese): Mr CHAN, please speak on the clauses and amendments that we are debating now.

**MR WONG YUK-MAN** (in Cantonese): Chairman, point of order. Mr WONG Kwok-hing has continued to practise calligraphy. How dare he can be so naughty.*(Laughter)*

(Mr WONG Kwok-hing stood up)

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, please sit down. Let me remind Members that as stipulated in the RoP, Members should not do anything not connected with the meeting. Mr Albert CHAN, please continue.

**MR WONG KWOK-HING** (in Cantonese): Chairman, what I am doing now is entirely connected with this meeting. I am expressing criticisms verbally and in writing. Chairman, please tell me which rule of the Legislative Council prohibits a Member from practising calligraphy in the Chamber. If there is no such rule, I will go on practising it.

**CHAIRMAN** (in Cantonese): Mr WONG, please sit down. I am just reminding Members that they should do what is connected with the meeting when the meeting is in progress. Mr Albert CHAN, please go on.

**MR WONG KWOK-HING** (in Cantonese): Daft.

**MR WONG YUK-MAN** (in Cantonese): Since he likes to play so much, let me play along. He chided me by calling me daft, Chairman. Did you hear it? I ask him to retract that remark.

**CHAIRMAN** (in Cantonese): Mr WONG, please sit down. Members please do not further impede the normal conduct of the meeting. Mr Albert CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): Chairman, I seek your ruling on whether the language used by Mr WONG Kwok-hing just now is parliamentary language.

**CHAIRMAN** (in Cantonese): I did not hear any Member using language that is against the RoP. Please continue.

**MR ALBERT CHAN** (in Cantonese): Can you ask Mr WONG Kwok-hing to repeat that word? Chairman, I think that is unparliamentary, and I wish to seek your ruling.

**CHAIRMAN** (in Cantonese): I have already made a ruling.

**MR ALBERT CHAN** (in Cantonese): Are you saying that you did not hear it? Is that your ruling?

**CHAIRMAN** (in Cantonese): I do not think any Member has used language that is against the RoP.

**MR ALBERT CHAN** (in Cantonese): Chairman, I wish to seek an elucidation. Is it your ruling that you did not hear it, or the word "daft" is acceptable parliamentary language?

**CHAIRMAN** (in Cantonese): Mr CHAN, from everything that I heard just now, nothing was in breach of the RoP. Please continue with your speech.

**MR ALBERT CHAN** (in Cantonese): In that case, Chairman, I am now calling Mr WONG Yuk-man daft. I hope that Mr WONG will seek a ruling from the Chairman on whether this is parliamentary language.

**MR WONG YUK-MAN** (in Cantonese): Chairman, Mr Albert CHAN called me daft.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please sit down. These are frivolous acts. Will Members please abide by the RoP and speak with relevance to the clauses and amendments under debate now. If I consider that the words and acts of any Member are in breach of the RoP, I will point them out and stop them. Mr Albert CHAN, please continue with you speech.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am taking this very seriously. As far as I understand it, when a Member has asked the Chairman whether certain words or phrases are parliamentary language, under the RoP, the Chairman should make a ruling at the request of the Member .....

**CHAIRMAN** (in Cantonese): Mr CHAN, I have already made a ruling. The word in question is no breach of the RoP. Please continue with your speech.

**MR ALBERT CHAN** (in Cantonese): OK, in view of this ruling, when we chide other Members by calling them daft, Members cannot raise any objection, saying that this word is offensive, for this is parliamentary language confirmed by the Chairman as acceptable. So, in this Chamber, many Members are actually daft.

**MR WONG YUK-MAN** (in Cantonese): Chairman, Mr WONG Kwok-hing has continued practising calligraphy and he has continued putting up words that he has written. You already stated earlier that Members are not allowed to do what is not connected with the question under debate. So, do you think that the explanation given by him earlier on is reasonable? Chairman, please make a ruling.

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, is what you are doing now connected with the meeting?

**MR WONG KWOK-HING** (in Cantonese): Chairman, let me reply to your solemn question. I solemnly tell the Chairman and Members that with regard to what I am doing now and what I was doing a while ago, I, WONG Kwok-hing, have been acting from the heart, expressing criticisms verbally and in writing. During a meeting, we are certainly allowed to speak and write. I am now writing down my feelings by way of a Chinese traditional national treasure to protest against the abuse of procedure of meetings, the waste of public coffers,

the waste of the time of this Council, and the waste of the public's hard-earned money by some people. Chairman, this is my solemn reply to you.

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, please sit down. I wish to remind you, Mr WONG, that you should not cross the floor of this Council when the meeting is in progress, so please do not leave your seat. Other than the time during which he had left his seat, Mr WONG did not act in breach of the RoP. Mr Albert CHAN, please continue with your speech.

**MR ALBERT CHAN** (in Cantonese): Chairman, I now continue with my speech. First of all, I wish to respond to the Secretary who, earlier on, appealed to Mr WONG Yuk-man and me to "put down the butcher's cleaver and become Buddha". As he is a Christian, there is actually something wrong for him to say this. I wish to cite Matthew Chapter 3 of the *Bible*, in order to make him come to his senses. Matthew 3:2 recorded what John the Baptist said when he was preaching in the wilderness: "Repent ye, for the Kingdom of Heaven is at hand." I hope that Secretary Raymond TAM, being a Christian himself, can study this issue with reference to the teachings of the *Bible*.

Chairman, I have proposed 1 232 amendments, and the Secretary has made a judgment earlier. But in handling these 1 000-odd amendments, the Secretary had only worked behind closed doors or discussed with his colleagues in private or understood the meaning only literally. He has never asked me anything about these amendments. Nor has he held a meeting with me to discuss them. Chairman, he is a Director of Bureau and in handling a major issue or a solemn matter, working behind closed doors is absolutely not a responsible Director of Bureau ..... (*The buzzer sounded*) ..... Chairman, this ringing sound seems to be telling me to stop speaking, right? I heard something just now. I do not know whether that is some ringing sound or whatever. Was that an illusion?

**CHAIRMAN** (in Cantonese): All Members or staff in the Chamber please make sure that all your audible devices have been switched off. Mr Albert CHAN, please go on.

**MR ALBERT CHAN** (in Cantonese): Chairman, those ringing sounds can be midnight ominous calls. I wonder if the Government is trying to summon Members to the meeting by these ringings.

Chairman, I was talking about the point of being a responsible Director of Bureau just now. Compared with "Mr LAM, the Eunuch", Secretary Raymond TAM's performance is, comparatively speaking, a marked improvement, as he is more liberal and accommodating in handling things. However, when he handled these 1 300-odd amendments, I think he should have spared some time to formally meet with Mr WONG Yuk-man and me, in order to listen to our explanation of the logic and reasons behind these 1 000-odd amendments, rather than working behind closed doors and rejecting all of them in one go. Such rejection is obviously prompted by a political need.

As repeatedly requested by the Chairman, Members should explain and account for the details of the clauses when the Council is in Committee. But as the Secretary has failed to do this, I think Mr WONG Yuk-man and I have the duty to account for and explain these 1 300-odd amendments one by one to the Secretary, other Members as well as the public.

Mr TAM Yiu-chung openly said some time ago that a majority of the amendments proposed by us are frivolous but as of today, I have not heard any analysis or comment from him. Since he thinks that a majority of these 1 300-odd amendments are frivolous, he may as well explain to us in what way they are frivolous, which of these amendments are not justified, and which of these amendments do not, in his view, belong to the majority frivolous type. However, I have not heard any elaboration or explanation from him.

The situation of this Council is actually pathetic. As I said earlier on, it is the spirit of parliamentary assemblies to present issues and views through discussions and debates, unlike the common practices adopted during the Cultural Revolution in the Mainland when a person's entire family could be executed simply out of a political need and a person was made to kneel on broken glass for being a landlord. We should not encourage those acts which are contrary to parliamentary culture and conventions or have departed from the original purposes. Therefore, we must seek the truth in debates, and this is of paramount importance.

In the first group of amendments that I have proposed, and just as the Secretary ..... Chairman, a quorum is lacking.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

**MR ALBERT CHAN** (in Cantonese): Chairman, is the meeting still in progress when the bell is ringing?

**CHAIRMAN** (in Cantonese): As a quorum is lacking now, the meeting cannot proceed.

**MR ALBERT CHAN** (in Cantonese): Do you mean that the meeting is not in progress now?

**CHAIRMAN** (in Cantonese): The meeting cannot proceed now, because a quorum is lacking.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Committee now resumes.

**MR ALBERT CHAN** (in Cantonese): Chairman, I have just taken some time looking at the characters written by Mr WONG Kwok-hing. In fact, his Chinese calligraphy is quite good but the style is somewhat similar to that of "topple the landlords" or "democratic dictatorship of the proletariat" during the Cultural Revolution. They are very similar in style. This is perhaps a tradition that the DAB is trained to follow and so, it merits commendation.

The evil consequences of the Cultural Revolution .....

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, point of order. Mr Albert CHAN's speech is not relevant to his amendments.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, please speak with relevance to the clauses and amendments.

**MR ALBERT CHAN** (in Cantonese): Chairman, since Mr WONG Kwok-hing said that what he has written is connected with this Council, my comments on what he has written, which may not be directly relevant though, should still be indirectly relevant. Mr WONG Kwok-hing would like to be praised and he would like the public or the media to take pictures of his calligraphy. This is why I praised his .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please speak with relevance to the clauses and the amendments.

**MR ALBERT CHAN** (in Cantonese): Thank you, Chairman. The amendments that I will move actually bear some relevance to the Cultural Revolution. I have proposed these many amendments in order to prevent Hong Kong people from being plunged into the sufferings and miseries of the Cultural Revolution. We must be persevering in upholding democracy in order for the core values, institutions and traditions of Hong Kong to be maintained. Otherwise, if everything is controlled by the Hong Kong communists, Hong Kong people would be running out of luck.

Chairman, before I talked about the amendments, as Mr WONG Yuk-man has expressed his views on his first amendment in respect of the expression "弓|稱為" (meaning "cited as") earlier on, I looked up some research information during the lunch break just now. I really think that I am so inadequate academically, and over the past two decades or so, I have omitted or neglected many problems in scrutinizing legislation. The amendments proposed by Mr WONG Yuk-man to the words or expressions in the clauses actually highlight an important element and issue. When we scrutinized the clauses of Bills in Bills Committees in the past, and even during the scrutiny of the Fisheries Protection

(Amendment) Bill 2011 which was passed just yesterday, the situation was the same as we had also asked a lot of questions on the inconsistencies between the Chinese texts and the English texts of the clauses. As we all know, in drafting legislation, the Government will first draft the clauses in English in almost all cases and subsequently, the clauses will be translated into Chinese. In the course of translation, if similar expressions were used in the more archaic ordinances, the translations in those archaic ordinances will be adopted in most cases, and some can even be traced back to four or five decades ago.

The amendment mentioned by Mr WONG Yuk-man in his speech earlier involves the first part of the Bill, which reads, "本條例可引稱為《2012年立法會(修訂)條例》"。Chairman, I have looked up the *Hanyu Da Cidian* (《漢語大詞典》) — Chairman, I actually have a *Hanyu Da Cidian* with me now — Chairman, this dictionary is indeed authoritative, and I would recommend that Legal Adviser of the Legislative Council or the Law Draftsman of the Government should consult this dictionary. Whenever legislation has to be drafted, especially when Chinese terms are involved, efforts must be made to consult this dictionary for corroboration on whether the words or expressions in question do exist, or whether their explanation is correct.

We have recently read a great deal of information on the Internet. Today, there is a very interesting report about the — what is it called? — something written for a person who passed away. That is, after a person passed away .....

**MR WONG YUK-MAN** (in Cantonese): Elegiac couplet.

**MR ALBERT CHAN** (in Cantonese): Elegiac couplet. It is called elegiac couplet — my Chinese language is really not that fluent — It was about his elegiac couplet in which wrong words were used. This is actually .....

**CHAIRMAN** (in Cantonese): Mr CHAN, what does an elegiac couplet have to do with the clauses under discussion now?

**MR WONG YUK-MAN** (in Cantonese): Ha, ha, the use of wrong words.

**MR ALBERT CHAN** (in Cantonese): Because of the use of wrong words. Chairman, it is because I wish to point out that the expression used by the Government in the Bill is wrong. Chairman, if we turn to page 4 772 of *Hanyu Da Cidian* and read the entries relating to the word "稱", we cannot find "引|稱" at all. It means that "引|稱" does not exist in the Chinese language. Of course, the Government can argue that this is a literal translation of the English word and that the use of this expression is unique to and preferred by Hong Kong, or this expression is adopted in some other ordinances.

However, if the order of the two words in this expression "引|稱" is swapped to become "稱|引", we can find this entry in the dictionary. It means that there is "稱|引", but not "引|稱". I do not understand why the Government has adopted "引|稱", but not "稱|引". According to the explanation in *Hanyu Da Cidian*, the explanation of "稱|引" is "援引，稱述" (meaning to quote, to mention). An example is cited from 《史記·孟子》..... (*Shiji · A Biography of Mencius* .....). Is someone trying to make me shut up? I heard some noises. Is anything wrong?

Let me read it again ..... Chairman, I wonder if I am too sensitive. I always hear some noises coming from that side, and this will, insofar as my line of thinking is concerned ..... Chairman, it is because I am not reading from a script. I think while I speak, and noises will affect my line of thinking.

**CHAIRMAN** (in Cantonese): Please go on with your speech.

**MR ALBERT CHAN** (in Cantonese): Chairman, there are indeed a lot of noises.

**CHAIRMAN** (in Cantonese): Under the RoP, other Members shall be silent while a Member is speaking.

**MR ALBERT CHAN** (in Cantonese): Chairman, there are still a lot of noises. You may not hear them as your seat is too far away, but these noises from phones and computers are buzzing all around me, and I can hardly concentrate.

(Mr WONG Kwok-hing raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, what is your point?

**MR WONG KWOK-HING** (in Cantonese): Chairman, my colleague, Dr PAN Pey-chyou, is a psychiatrist, and we can seek his assistance if necessary.

**MR ALBERT CHAN** (in Cantonese): Chairman, I think many people were made to suffer from mental disorder during the Cultural Revolution, and if Dr PAN can go to the Mainland, a lot of people there need his treatment.

Chairman, let me continue with the wrong expression of "引稱" .....  
Chairman, I have no idea whose computer is making noises in front of me.

Chairman, we cannot find "引稱" in *Hanyu Da Cidian*, but there is an entry of "稱引" in it, so why did the Government not use it instead? "稱引" was found in 《史記·孟子荀卿列傳》 (*Shiji · A Biography of Mencius and Xunzi*): "稱引天地剖判以來，五德轉移，治各有宜，而符應若茲" (Starting from the time of the separation of the Heavens and the Earth, the five elements, through transmutations, were arranged until each found its proper place, governing the rise and downfall of sovereigns in accordance with the Cycle.) Therefore, if "引稱" is revised to "稱引" in the clause, it is still incomprehensible. So, disregarding whether it is "引稱" or "稱引", according to the meanings given in *Hanyu Da Cidian*, it should be more appropriate for the expression in the clause to be revised as "稱謂" (meaning "to be named as").

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR WONG YUK-MAN** (in Cantonese): In fact, insofar as this filibuster war is concerned, colleagues in the pro-establishment camp are very much welcome to speak on the contents of the amendments. It is a happy thing for us to have the opportunity to debate. Some colleagues have expressed their views in other ways, and I think this is fine as long as they do not act in breach of the RoP. For instance, Mr WONG Kwok-hing can take the opportunity to practise Chinese calligraphy, and Dr PAN Pey-chyou can look around to see which colleagues in this Chamber are capable of treating other people but not themselves and are suffering from mental illness. To facilitate Members' understanding of the amendments proposed by us, I will try to read them out one by one, so that Members can focus their attention on the amendments, rather than doing other things out of ennui.

The original clause to be amended in amendment No. 1 reads like this: "本條例可引稱為《2012年立法會(修訂)條例》。" I have proposed amendments to the wording of this clause in the Chinese text, and I will read them out to Members here. Besides, in the previous session of the meeting, I had finished only half of what I wished to say on these amendments, and it already took me 15 minutes. So, Members can rest assured. As long as I speak slowly and help myself to some water when I feel thirsty, together with a continuous supply of ginseng tea and chrysanthemum tea for me, I absolutely can spend 15 days in the company of Secretary Raymond TAM here in this Chamber.

My amendment No. 1 is this: In the Chinese text, by deleting "為" and substituting "作". I spoke on the word "為" earlier, but I have not yet spoken on the word "作".

Chairman, my amendment No. 2 is this: In the Chinese text, by deleting "為" and substituting "謂".

The original clause 1(2) to be amended is: "本條例自第5屆立法會的任期於2012年開始之時起實施。"

Chairman, you are proficient in both Chinese and English, and just take a look at this clause and it will drive you mad. Secretary, why can I not propose amendments? In fact, what we are doing today is to give you some good insights, so that in future, you will draft the Chinese versions of legislation with greater care to ensure that the provisions will not be so difficult to read that

people can never read them smoothly. Chairman, if I do not propose these amendments, how can the quality and dignity of this Council be maintained? Just read this sentence and you will see my point: "本條例自第5屆立法會的任期於2012年開始之時起實施。" I have engaged in teaching for more than a decade, and I have worked as a Chief Reporter and an Editor, and I have written editorials. I always vet other people's writings. If I come across a sentence like this, and if it is written by a student, I will haul the student over the coals; if it is written by a reporter and if he keeps writing so badly all the time, he will stand a high chance of being fired. Just read this sentence and one will see that it is riddled with problems. This is why I have to propose these amendments.

Amendment No. 3: In the Chinese text, by deleting "自" and substituting "由".

Amendment No. 4: In the Chinese text, by deleting "自" and substituting "從".

Amendment No. 5: In the Chinese text, by deleting "於" and substituting "在".

Amendment No. 6: In the Chinese text, by deleting "之", for it is a function word.

Amendment No. 7: In the Chinese text, by deleting "起".

Amendment No. 8: In the Chinese text, by deleting "之時起" and substituting "時同時".

Amendment No. 9: In the Chinese text, by deleting "實施" and substituting "實行".

Amendment No. 10: In the Chinese text, by deleting "實施" and substituting "施行".

Amendment No. 11: In the Chinese text, by deleting "自第5屆立法會的任期於" and substituting "由第5屆立法會的任期在".

Amendment No. 12: In the Chinese text, by deleting "自第5屆立法會的任期於" and substituting "從第5屆立法會的任期在".

Amendment No. 13: In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "由第5屆立法會的任期於2012年開始時起".

Amendment No. 14: In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "由第5屆立法會的任期於2012年開始之時".

Amendment No. 15: In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "由第5屆立法會的任期於2012年開始時同時".

Amendment No. 17: In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "從第5屆立法會的任期於2012年開始之時".

As for amendment No. 18, I will read it out in Putonghua, so that with some changes in the tone, Members will find this less boring.

(The following was delivered in Putonghua)

In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "從第5屆立法會的任期於2012年開始時同時".

Amendment No. 19: In the Chinese text, by deleting "於2012年開始之時起" and substituting "在2012年開始時起".

Amendment No. 20: In the Chinese text, by deleting "於2012年開始之時起" and substituting "在2012年開始之時".

Amendment No. 21: In the Chinese text, by deleting "於2012年開始之時起" and substituting "在2012年開始時同時".

Amendment No. 22: In the Chinese text, by deleting "之時起實施" and substituting "時起實行".

Amendment No. 23: In the Chinese text, by deleting "之時起實施" and substituting "之時實行".

Amendment No. 24: In the Chinese text, by deleting "之時起實施" and substituting "時起施行".

Amendment No. 26: In the Chinese text, by deleting "之時起實施" and substituting "時同時施行".

Amendment No. 27: In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "由第5屆立法會的任期在2012年開始時起".

Amendment No. 28: In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "由第5屆立法會的任期.....

**MR WONG KWOK-HING** (in Cantonese): Chairman.

**MR WONG YUK-MAN** (in Putonghua): ..... in 2012 .....

(Mr WONG Kwok-hing raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, what is your point? Mr WONG Yuk-man, please hold on.

**MR WONG KWOK-HING** (in Cantonese): Chairman, a point of order. Chairman, please ask the Member who is speaking to speak at a normal pace, because if he speaks at such abnormal and tardy pace, it will produce a hypnotic effect, thus making it impossible for Members in the Chamber to continue with the meeting and creating a nuisance to the audience who are listening to this meeting on radio.

**CHAIRMAN** (in Cantonese): Mr WONG, the RoP does not stipulate the pace at which a Member should speak.

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, a point of order. There is not a sufficient number of Members in the Chamber listening to the speech of Mr WONG Kwok-hing.

**CHAIRMAN** (in Cantonese): Are you requesting a headcount?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber?

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Committee now resumes.

**MR WONG YUK-MAN** (in Cantonese): Chairman, are you going to make a ruling on Mr WONG Kwok-hing's point about my pace of speech? Is his request for your ruling settled?

**CHAIRMAN** (in Cantonese): The RoP has no provision on Members' pace of speech. Mr WONG Yuk-man, please continue.

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Point of order. Just now, a member of the public rang me up, saying that he could not hear Mr WONG Yuk-man's speech and that he had spoken too fast, so he requested Mr WONG to speak more slowly. Can you ask him to speak slowly?

**CHAIRMAN** (in Cantonese): Mr LEUNG, this is not a point of order. Please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): Mr WONG Kwok-hing also made a similar point.

**CHAIRMAN** (in Cantonese): This is not a point of order.

**MR LEUNG KWOK-HUNG** (in Cantonese): That means you would let him but not me make a point.

**CHAIRMAN** (in Cantonese): I have already said that there is no provision on this in the RoP. Mr WONG Yuk-man, please continue.

**MR WONG YUK-MAN** (in Cantonese): The pace of speech of the Premier of the People's Republic of China, WEN Jiabao, is not a normal pace of speech. Mr WONG Kwok-hing, do you find Premier WEN Jiabao's pace of speech disgusting? My pace of speech just now was already much faster than that of WEN Jiabao, buddy. I will try to read this out in WEN Jiabao's way of speaking.

(The following was delivered in Putonghua)

No. 29, in the Chinese (*The buzzer sounded*) .....

(The following was delivered in Cantonese)

..... Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, we have not even finished discussing one in 1323th part of the total, for we have only discussed the first amendment proposed by Mr WONG Yuk-man. Just now, I talked about the extension of meaning in Chinese and if Members look this up on the Internet, that is, the Chinese dictionaries on the Internet, there are explanations of the term "稱為" (to be called) but it is very difficult to find the term "引稱" (be cited as), rather, it should be "稱為" (to be called).

The explanations in zdict.net are given in simplified characters and the explanation of "稱為" is: "to be called", as in "the general sale price of a commodity is called the market price" and some examples are given, "to use definite names, jargons or expressions to ..... call", "these four parts on the chart are called A, B, C and D" — these are the examples. The term "稱謂" (salutation) can also be found in the *Hanyu Da Cidian* (《漢語大詞典》), and the character "謂" (wai6) (meaning say, tell, call, name, be called) is the one with the radical "言" (jin4) (meaning words, speech, speak, say). In this regard, the several relevant authoritative dictionaries and dictionaries on phrases, including the zdic.net on the Internet, all use "稱為" (to be called) or "稱謂" (salutation) but the entry "引稱為" (be cited as) cannot be found anywhere. Judging from the Chinese and English — Chairman, my proficiency in Chinese is definitely not as good as Yuk-man's but my English proficiency is higher because in the 1990s, when scrutinizing bills, initially, I would look at the English text first and learning from Ronald ARCULLI — in those years, he was "the King of Bills" and often, when scrutinizing Bills, he would voice strong criticisms of problems relating to expressions, in particular, problems relating to the definitions of many English words and phrases.

English words are more easily comprehensible. If one looks at the English version, "稱為" should be "be cited as". Let us look at the Legislative Council (Amendment) Bill 2012: "A bill to amend the Legislative Council Ordinance to impose a restriction on the nomination of candidates at a by-election of the Legislative Council. Enacted by the Legislative Council. 1. Short title and commencement ....." and in (1) therein, the English of "稱為" should be "be cited as", that is, "This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2012.". In this Chamber, those Members who have received training in language or law, or Mr Paul TSE, can perhaps offer some advice. The English is very clear. "May be cited" is a common phrase in English and generally speaking, it would not cause any doubt. However, if one reads the Chinese version, it is not easily comprehensible and this may simply be attributed to the so-called literal or mechanical translation.

I remember that when I read the literary works of the May 4 Movement era, in particular, the essays of LU Xun, in that era, in particular, in the 1910s and 1920s, many literary works were translated from foreign languages into Chinese and at that time, the translations were both rigid and obscure, fully reflecting the poor translation standard. Even now, in 2012, sometimes, if one reads the Chinese and English versions of the laws in Hong Kong, I believe that when the two versions are compared, Mr Abraham SHEK would also agree absolutely that the English version is more easily comprehensible and fluent — of course, sometimes, some of the meaning can be grasped only after reading the text several times but in general, the fluency of the sentences in the English version is definitely better than that of the Chinese provisions.

Chairman, the Legislative Council (Amendment) Bill 2012 is actually very short in terms of content and it contains a total of less than 300 words that only form several short paragraphs. However, even so, when Mr WONG Yuk-man read the words and sentences carefully in his capacity as a professional editor and professor, he also discovered many problems. Just now, after listening to his speech, I was enlightened immediately, so I looked up the *Hanyu Da Cidian* at once. It turned out that the mistakes made by the Legislative Council over the years were found in the filibuster on this occasion. None of us is a legal expert, nor are we "Kings of Bills", and we are not even members of the previous Bills Committee. It was only when another Bills Committee was subsequently formed that we joined it. However, in the process of scrutinizing the clauses, sometimes, there were oversights and this really had an impact on the reputation

of the Legislative Council and the Hong Kong Government. If this piece of legislation is promulgated in the future, people well-versed in linguistics would ridicule it on taking a look at it — it turns out that although there are so many patriots in the Hong Kong Special Administrative Region of the People's Republic of China, including a lot of people in the DAB and the FTU and many Deputies to the National People's Congress, and most importantly, there are so many Deputies to the National People's Congress — there are mistakes even in the use of words and phrases, with terms not found in the *Hanyu Da Cidian* appearing in it.

We expended a lot of time and effort, plus the assistance of many friends in our research, before identifying this prevalent problem. Therefore, the Legal Adviser and the research unit of the Legislative Council may have to study again the issue pointed out by me just now because I believe there may be problems with the Chinese expression of "引|稱" (be cited as) in the Chinese version of this provision. Concerning clause 1(1), the drafting of the entire provision is, "Amend the Legislative Council Ordinance to impose a restriction on the nomination of candidates at a by-election of the Legislative Council." The first paragraph reads, "Short title and commencement" — "This Ordinance may be cited as ....."". A mistake is made right at the beginning and the phrase used does not conform to usage. The proposal put forward by Mr WONG Yuk-man is more reasonable, moreover, both in terms of semantics and judging from the phrases listed in the dictionaries of terms, it conforms better to the norm. Of course, the Government can refuse to admit to its mistake obstinately, like someone slapping his own face until it is swollen in order to look imposing, or continue to behave like those three monkeys — I wonder if Members remember why those three monkeys are called "the wise monkeys": Some say they originated from Japan, some say from China and some even say from India. I wonder if Mr IP Kwok-him wants to imitate one of those monkeys. He has covered his ears, saying that he has to put on ear plugs after leaving this Chamber. In Japanese legend, those three monkeys were full of wisdom but they were described as extremely foolish by some people. However, in China .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you have strayed from the question.

**MR ALBERT CHAN** (in Cantonese): ..... Chairman, I will try to come back to the issue of the wording by all means and Mr WONG Yuk-man will explain the problems relating to the wording later. It may be better to delete the word "引|" (jan5) (meaning to pull, draw out, attract, stretch, cite). Hong Kong people and the Cantonese use simple phrases, so one must not affect to be recondite. It may be even better to use "叫做" (to be called). If it is said that "本條文可叫做《2012年立法會(修訂)條例》....." (This may be called the Legislative Council (Amendment) Bill 2012), the general public may find it more readily comprehensible. You say "可引稱....." (may be cited as) but I do not know what "引稱" really means in Chinese. If ordinary Hong Kong people are told that "This may be called the Legislative Council (Amendment) Bill 2012", I think 99 out of 100 Hong Kong people — in particular, Hong Kong people living in the New Territories like "Uncle Fat", and so on, may find it more readily comprehensible, right? I do not know how "叫做" (to be called) is pronounced in Hakka but perhaps using vernacular language to speak to him ..... initially, when the Bill ..... in particular, sometime before and after the reunification, when scrutinizing many pieces of legislation, for some time, there were arguments among committees and Members over issues of translation and whether expressions that were more established, with colonial nuances and used customarily in the past should be used or ..... since we have already reunited with our Motherland and have a mighty country as ..... Chairman, some Members are walking about again and this is really disturbing. You had better sit down, or else, please leave.

Chairman, both before and after the reunification, in handling such legislative amendments, in particular, concerning the amendments translated from English to Chinese, often, the use of jargons would be discussed. Should some conventional expressions be used, or should expressions more readily comprehensible to the public be used? Debates on this have arisen before. If Legislative Council Members have the time or the interest, we should form a select committee to study the diction — since this time, Mr WONG Yuk-man and I ..... in particular, given that even though I am not well-versed in language or linguistics, sometimes, I can still spot these problems, so experts would be even more authoritative. Therefore, if cross-references between the Chinese and English versions of the clauses can be made, in particular, if some expressions do not conform to or cannot be found in authoritative dictionaries at all, are they actually ..... as I suggested just now, I should have proposed one more amendment to increase the number of amendments to 1 324. At present, one

less amendment has been proposed to amend the amendment proposed by Mr WONG Yuk-man. It should be further amended, so that "可引|稱" (may be cited as) can be changed to "叫做"(to be called) and I believe the overwhelming majority of the Hong Kong public would support and agree with this.

Chairman, I said just now that in the era of the May 4 Movement, there were many translated novels and back in those years, it was really dreadful to read the *Complete Works of LU Xun* published in 1977 during the Cultural Revolution, in particular, the Russian novels translated by LU Xun. Sometimes, I did not know what he wanted to say even though I had finished reading them and the text was most obscure. Although I had read them from the beginning, at the end, I still did not know what they tried to say, so I had to read the novels all over again. Therefore, if the translation skills or the competency is inadequate, when readers want to understand an issue, not only would difficulties often arise, even problems in common knowledge of law may arise due to the misunderstanding of some expressions. Sometimes, the interpretation of the terms in many Court judgments may not be consistent with the original legislative intent. Recently, I was also charged with three offences and coupled with my lawsuit with the Cheung Kong Holdings in the past 12 years, on account of the issue of libel, since I accused him of "grabbing food from a beggar's bowl", asking him whether it was right or wrong to say riches were like drifting clouds to it, then I said that he .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you have strayed from the question.

**MR ALBERT CHAN** (in Cantonese): ..... I wish to come back to usage as it is relevant to legal terms. The use of legal terms may have implications on future litigations. I remember that a Senior Counsel once told me that he had a very important lawsuit in which he won sheerly on account of a comma — the position of the comma eventually decided who won and who lost the case. Therefore, Members must not take the meaning of one or two terms lightly. If expressions are not used in a clear way, in particular, as Members all know, the use of terms have different interpretations in different eras, in particular — as I said just now, at present, many of the expressions in the Chinese versions of law can be traced to those expressions that were already in use in the 1940s and 1950s. According to my evaluation and conjecture, I believe it is 99% likely that the so-called "可

引稱" can be traced to the use of legal terms in the 1950s because all the provisions have a paragraph that reads "這項條例可引稱為 ....." (This Ordinance may be cited as .....) at the beginning, so I believe all ordinances have this provision. That is to say, the ordinances in Hong Kong — hundreds of them — are actually all wrong, and they have remained wrong for several decades at a stretch but this time, since Mr WONG Yuk-man is an expert in language (*The buzzer sounded*) .....

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... I pressed the button. Did that count?

(A Member indicated that it was Mr LEUNG Kwok-hung's turn to speak.)

Chairman, the phrase "引稱" (cited as) is obviously the result of a casual and rigid translation. Just now, when listening to Mr Albert CHAN's speech, I heard him say that he could not understand the Russian literature translated by Mr LU Xun. He really does not know about this. Mr LU Xun was an advocate of literal translation.

As Members all know, in translation studies, there are three criteria: Faithfulness, expressiveness and elegance. What is meant by faithfulness? "Faithfulness" is to make the rendition ..... take the term "引稱" under discussion now, as an example, the original text is "may be cited as" and it is translated as "引稱". In my conjecture, this "advisor" thought that it was necessary to add the word "引|" (jan5) (meaning to pull, draw out, attract, stretch) in order to bring out the meaning of "may be cited as".

Mr LU Xun advocated that translations had to be faithful. Mr WONG Yuk-man and Mr Albert CHAN may not know about this point. Since he strove

for faithfulness, in the translation process, it may be necessary to coin new expressions when dealing with such terms as "may be cited as" in order to achieve the equivalence of meaning between the words in the original text and the translation. If the original text were "may be called as", it would be rendered as "叫做"; so for "cited", it is rendered as "引|稱". They thought they were very clever but in fact, the translation of this term is debatable. Although they are my good friends, I may not necessarily agree with the changes proposed by them. Why do they prohibit people from translating it in this manner?

I can also cite other examples to illustrate what is poor Chinese. For example, what is meant by the word "騷" (a transliteration of the word "show") in the line "你'拉布', 我做騷" ("You filibuster, I stage a show")? If we look up the dictionary, the word "騷" (sou1) (meaning harass, bother, annoy, disturb, agitate, sad, grieved) (show) is never used in such a way. The word "騷" has appeared in "離騷" (Lisao, or Sorrow After Departing), as in the poem *Lisao* written by QU Yuan .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are straying from the question. Please speak on the clauses and amendments under discussion.

**MR LEUNG KWOK-HUNG** (in Cantonese): No. I just happened to catch sight of what is written over there, "我'拉布', 你做騷" but in fact, "你'拉布', 我做騷" ("You filibuster, I stage a show") is more appropriate. They always cannot distinguish between you and me.

Even though I can see it, I cannot talk about it? Fine. No problem. I will speak slowly.

Therefore, Chairman, I think that the one who initially translated this expression can be forgiven. If faithfulness is the requirement, "人" (jan4) (meaning man, people, mankind), and their words, or "言" (jin4) (meaning words, speech, speak, say) combined together make "信" (soen3) (meaning trust, believe), so the words spoken by people ..... but he has overlooked one point, that is, people's words can be terrible. People's words are also the words that one can hear ..... but he did not think about this point and tried to play smart by coining the phrase "引|稱", thinking that by adding the word "引|", the passive

voice can be expressed. It is not just "稱" (tsing1) (meaning call, address, say) but "引". It is "引|稱", not just a citation. It is "引|"!

In fact, what does "引|稱" mean? This phrase cannot be found in any dictionary. I really have to admit that I am no match for them. I have looked up many dictionaries and kept searching on the Internet and my computer almost went kaput on account of this, but I still could not find it. I guess what he meant to say may be "稱謂" (salutation) .....

(A Member indicated the absence of a quorum)

..... "稱謂" ..... headcount.

**CHAIRMAN** (in Cantonese): Mr LEUNG, we have to ring the bell to summon Members back to the Chamber now.

**MR LEUNG KWOK-HUNG** (in Cantonese): OK.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): The meeting now resumes.

**MR LEUNG KWOK-HUNG** (in Cantonese): In fact, insofar as translation is concerned, is the phrase "引|稱" (be cited as) good or not? In fact, it is not because "稱" (cing1) (meaning call, address, say) can be read as "稱" (cing3, meaning to weigh), or pronounced as "秤" (tsing3) (meaning balance, scale, steelyard). A translation should not give rise to "歧異" (kei4 ji6) (meaning ambiguity). What does that mean? It is not the "奇" (kei4) (meaning strange, unusual, uncanny, occult) as in "奇異果" (kei4 ji6 gwo2) (meaning kiwi fruit) but "歧" (kei4) (meaning fork of road, branching off) as in "分歧" (divergence) and "歧路" (diversion or a cross road), or the "歧" in "歧路亡羊" (a lamb lost at a fork in the road, going astray in a complex situation).

If the translation of a phrase can be interpreted in many different ways ..... if "稱" is not pronounced as "蜻" (cing1, meaning dragonfly) but "秤" (cing3, meaning to weigh, balance, scale, steelyard), so if one "引" (jan5) (meaning to pull, draw out, attract, stretch) "稱" (pronounced as cing3, meaning balance, scale, steelyard), does one mean that one goes to the market and draws out a scale to do some weighing? This is impossible. Frankly, this will really cause a dispute. Luckily, there is still the English version. Otherwise, does the phrase "引稱" (pronounced as "秤" (cing3), meaning to meaning balance, scale, steelyard) mean that one has to draw out a scale to weigh something on it to see whether or not something is fair and if anyone has cheated on the scale, just like what the Consumer Council has said?

I think anyone who works as a translator should not choose a phrase casually and cause a translated text to carry one, two, three, four, five or N meanings, just as our LEUNG Chun-ying said, "I will not run for the Chief Executive office in N terms.". In fact, this would give rise to endless ambiguities.

Therefore, there is actually a problem with the word "稱" in the phrase "引稱" (be cited). There is a problem with the word "稱". I think that one may also use the phrase "說成" (be described as) or "稱為" (be called). Why should one use "引稱為" (be cited as) instead? What is "為"? "為" (wai4) (meaning become, turn into, be) means "是也" (to be), that is, "真是" (indeed, yes, right, to be).

It is different with "作"(zok8) (meaning act as, be, become). The word "作" has various meanings. What are the meanings of "作"? I have also looked up the dictionaries. According to what I have found in the dictionaries, the word "作" means one aspect of the nature of women — this is what the dictionaries say. What is meant by a woman's nature? In fact, one can tell from the structure of the word: It has "人" (jan4) (meaning man, people, mankind) on one side and "乍" (zaa3) (meaning first time, for the first time, suddenly, unexpectedly, abruptly) on the other, that is, a sudden behaviour of human beings, so it must be an instinct. Therefore, it is "作".

How should we explain this character "作"? If "作" is one aspect of women's nature, for contemporary women, this matter of "作", this nature should be interpreted as being able to get more attention, care and love from the opposite

sex. It can also be interpreted as relieving one's pressure by adding more spice to life. This is what is meant by "作".

I have read some Taiwanese novels which rendered "造"(zou6) (meaning construct, build, make, begin, prepare) "愛" (ngoi3, meaning love, be fond of, like) (to make love) as "作愛" (to make love). In fact, saying "作愛" is better. Do Members understand that "作愛" is interpersonal? As all Members know, "造" has "辵"(tsoek8, meaning walk, walking) as its radical. Of course, there is another word "做"(dzou6, meaning work, make, act), which has the radical of "人". It is the radical of a standing person "人" plus the word "故"(gu3, meaning ancient, old; reason, because). This word "做" means something that often happens among people, so "做" refers to something natural. However, the radical "辵" combined with the character "告"(gou3) (meaning tell, announce, inform, accuse) makes this word "造", which means something man-made, "manufacturing", rather than "do".

Therefore, on this issue, this translator did not understand the difference between "稱為" and "稱作". "稱為" means "是" (si6) (meaning indeed, yes, right, to be, demonstrative pronoun, this, that), as it is. "稱作" means something appropriate because it is stated that it is "to be cited as", so it is something done by people.

Chairman, I think that in translation studies, it is certainly important to strive for "信" (faithfulness) but "達" (expressiveness) is also essential. What is "達" (expressiveness)? Members all know that there are the so-called "達人" (experts) in Japan. What does it mean? It does not mean people who have become "發" (faat3, meaning issue, dispatch, send out, emit) "達" (daat6, meaning arrive at, reach, intelligent), or got rich. It means someone who shows good sense and has insight, that is, someone who is reasonable and sensible and can go from one point to the other and attain the goal.

Translation is actually a tool. In translations from Russian to Chinese, people who do not know Chinese cannot tell what a Russian is talking about, can they?

**DR PAN PEY-CHYOU** (in Cantonese): Chairman. Point of order. I do not see what Russian has to do with our discussion today .....

**MR LEUNG KWOK-HUNG** (in Cantonese): Because you were not listening.

**CHAIRMAN** (in Cantonese): Mr LEUNG, your speech should be directly related to the clauses and amendments under discussion now.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I have also read your articles, too. You wrote over a thousand words about one Latin word in the *South China Morning Post*. You can cheat for article fees, but I am talking about something solemn and scholarly. You do not approve of using foul language, throwing bananas and academic endeavour, so what do you want me to do?

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am presenting my arguments solemnly. Maybe let us do it this way. Chairman, if you can tell what I am going to say next, then I will stop talking. If Dr PAN Pey-chyou can tell what I am going to say next, then I will stop talking .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I have to remind you that you should speak on the clauses and amendments being debated by us. If you have to discuss matters relating to languages, you can send your article to the *South China Morning Post* or other newspapers. In this debate session, please come back to the relevant clauses and amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, Chairman, you are wrong, you are wrong. You are actually "作". You surely are "作", but you are not female.

Let me tell you, we are now debating an amendment and why one term has to be adopted instead of another, so I must cite authoritative sources as this cannot be decided rashly. Here, in this Chamber, we have already grown used

to ignoring everything else other than looking at whether or not Mr LAU Kong-wah's finger is pointing upwards or downwards. If LAU Kong-wah's finger points downwards, Members would attack the speaker from all quarters and if it points upwards, they would cast supporting votes. Now, it is not like that ..... not only do they look at Mr LAU Kong-wah, sometimes, they also look at Mr IP Kwok-him.

The younger generation once asked me why the Legislative Council was like a triad society. If the Mafia in the United States do this, it means they want to kill someone and if they do that, that means reconciliation and now, they are also behaving like this here. In fact, the issue in translation is about "faithfulness, expressiveness and elegance". Can this word "作" meet the standard of expressiveness? I think it can because it has been accurately expressed that this matter is not artificial and that it is "to be cited as", that is, this matter is transferred to where it is.

Well, what does "elegance" mean? "Elegance" is to give people the impression that something is faithful and that the original meaning has not been distorted. Not only does something make sense, it also gives people a feeling of beauty. They can enjoy the beauty of another language and this is called aesthetics. Although in respect of our laws, Members may wonder what the use of aesthetics is. However, you have to understand, Chairman, that when I had exchanges of opinions with you on various pieces of legislation here from time to time, you would feel that they were difficult to read or comprehend and that one would stutter and misread them. If a sense of aesthetics can be found in them, as in poems and verses — the Ten Commandments were also translated to read like poems and verses — then they can be read out easily. Our legal codes, or our laws, are difficult for the public to read, comprehend or remember. "稱作" (called), Chairman, can you hear, sounds much crispier to the ear and the tone of the term "稱為" just sinks.

As regards "引稱作" (be called), it is really easy to remember but "引稱為" (be cited as) is not. Therefore, the expression "稱作" can achieve "faithfulness, expressiveness and elegance" all at the same time and there is also a sense of aesthetics, as it can bear out the relationship between "faithfulness" and expressiveness" and also present a sense of aesthetics, so I think "稱作" is really excellent.

In fact, this character "作" also means someone resisting certain proposals or views by "acting coy" and this is another meaning of "作".

Members, therefore, as the saying goes, "a tossed stone arouses thousand overlapping ripples", so something that was originally very ridiculous turned out to be very edifying and it is impossible for me not to look into the language a little bit. I have not yet checked what the editor of the *Shuowen Jiezi* (Explaining and Analysing Characters), XU Shen, said. However, later on, I will ask Members to enlighten me and if anyone thinks that our speeches are a waste of time, they should have scholarly exchanges with us and should not refuse to learn and be a learn-not-and-know-not here.

"I filibuster, you pay the check, I play this game, you foot the bill". How can they even write such things. If the saying on the Mainland is used, it is you "買" (maai5) (meaning to buy, purchase, bribe, persuade) "單" (daan1) (meaning bill) (call for the bill), not you "埋" (maai4) (meaning to bury, secrete, conceal) "單" (foot the bill). What does "埋單" mean? That means to close down. Therefore, Members (*The buzzer sounded*) .....

Chairman, a point of order. Headcount.

(Dr PAN Pey-chyou raised his hand in indication)

**CHAIRMAN** (in Cantonese): Dr PAN Pey-chyou, what is your point?

**DR PAN PEY-CHYOU** (in Cantonese): Mr LEUNG Kwok-hung's comments on "footing the bill" are irrelevant to the Bill under examination today.

**CHAIRMAN** (in Cantonese): I have to remind Members that they cannot stray from the question when speaking. However, Dr PAN, we should understand that not all the words or expressions in the comments made by Members can be relevant to the Bill under examination.

A Member requested doing a headcount just now. Clerk, is a quorum present now? There is now a quorum in the Chamber. Does any other Member wish to speak?

**MR WONG YUK-MAN** (in Cantonese): Chairman, "please allow me to use a magnifying glass because, just like you, I have an eye ailment and I have just had an operation, may I? May I use a magnifying glass? (*in Putonghua*)"

**CHAIRMAN** (in Cantonese): By all means. There is no provision in the RoP on whether or not a magnifying glass can be used in speech delivery.

**MR WONG YUK-MAN** (in Cantonese): It is because I really cannot read this. This is really awful. "Just now, Comrade WONG Kwok-hing had very strong views on the pace and rhythm of the speeches made by Premier WEN Jiabao. Now, I request that the Chairman gives me the opportunity to defend in the Chamber the right of Premier WEN Jiabao to speak very, very, very slowly.

Therefore, in the following speech, I have to follow the example of Premier WEN, as I hope to learn to speak in his very slow pace ..... (*in Putonghua*)"

(Mr LEUNG Kwok-hung stood up)

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, point of order.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): "Mr WONG Yuk-man often says, 'Chairman, Chairman'. Since there was a Chairman MAO and on the Mainland, whenever 'Chairman' is mentioned, it always refers to Chairman MAO and here, he keeps saying 'Chairman', 'Chairman' ..... (*in Putonghua*)"

**CHAIRMAN** (in Cantonese): Mr LEUNG, what is your point then?

**MR LEUNG KWOK-HUNG** (in Putonghua): He should address you as Chairman TSANG, and in that way, I would understand.

**CHAIRMAN** (in Cantonese): Mr LEUNG, this is not a point of order.

**MR LEUNG KWOK-HUNG** (in Putonghua): The Chairman is very scared. Is there a ghost?

**CHAIRMAN** (in Cantonese): Please sit down.

**MR LEUNG KWOK-HUNG** (in Putonghua): Is there really a ghost? My point of order is that I ask you to request Mr WONG Yuk-man to make it clear which chairman he refers to when he says "Chairman" and whether he means Chairman MAO or Chairman TSANG because it beats me.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please sit down. Mr WONG Yuk-man, please go on.

**MR WONG YUK-MAN** (in Putonghua): In order to underscore Comrade WONG Kwok-hing's disrespect for the Premier, in all my speeches today, I intend to imitate the Premier's intonation, manner and pace when speaking.

In No. 29, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "由第5屆立法會的任期在2012年開始時同時".

Chairman, in No. 30, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "從第5屆立法會的任期在2012年開始時起".

In No. 31, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "從第5屆立法會的任期在2012年開始之時".

In No. 32, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起".

Again, in No. 32, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起" and substituting "從第5屆立法會的任期在2012年開始時同時".

In No. 33, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "由第5屆立法會的任期在2012年開始時同時".

In No. 33, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "由第5屆立法會的任期在2012年開始之時起實行".

In No. 34, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" .....

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I have something to report.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is it?

**MR LEUNG KWOK-HUNG** (in Cantonese): Mr WONG Ting-kwong has fallen asleep. I do not know if his life is at risk. Has he woken up? I am sorry. The reporting is over.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please do not disrupt other Members' speeches.

**MR LEUNG KWOK-HUNG** (in Cantonese): How can I know if ..... saving a life is like putting out a fire .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, please sit down. Mr WONG Yuk-man, please go on.

**MR WONG YUK-MAN** (in Putonghua): In No. 34, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "由第5屆立法會的任期在2012年開始之時起施行".

In No. 35, in the Chinese (*The buzzer sounded*) .....

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, I have seldom spent so much time on studying the importance of semantics and translation but the more I look into this, the more I find the existing problem to be extremely serious. In fact, I doubt if the Hong Kong Government is actually practising "one country, two systems" and "Hong Kong people ruling Hong Kong" because the entire approach to handling translations and laws is still influenced by that of the colonial British-Hong Kong Government and is seriously poisoned by colonial thinking. The use of language reflects values as well as cultural identification. If the diction, language and thinking of the public in a society are still full of colonial nuances, this is a cause for concern for Hong Kong people and the Legislative Council should all the more guard against this. We cannot let the poisonous legacy of the British-Hong Kong era continue to affect our "high degree of autonomy".

Of course, we greatly commend and value the British democratic system and the democratic tradition of the British Parliament, in particular, its concept of the rule of law, but with regard to the use of language, in particular, after the return of sovereignty, if my understanding is correct, bilingual legislation was introduced in 1997. However, at present, although apparently, bilingual legislation is being implemented, in reality, the practice and tradition of the colonial British-Hong Kong Government are still followed. As I said in my earlier speech, in general, the sequence in enactment of law is to draft the

legislation in English first, then render a literal, mechanical and casual translation into .....

**CHAIRMAN** (in Cantonese): Mr CHAN, do not repeat what you have already talked about.

**MR ALBERT CHAN** (in Cantonese): ..... Chinese.

Just now, Mr LEUNG Kwok-hung said that translations had to be "faithful, expressive and elegant". This is the suggestion of the well-known translation expert, YAN Fu, of the late Qing Dynasty. When I look at the clause just now, in fact, the translation of the word "cited" is totally at odds with the principle of "faithfulness, expressiveness and elegance". If "faithfulness, expressiveness and elegance" are to be achieved, one must make a translation faithful, fluent and elegant, and the expressions cannot be translated rigidly. Therefore, in proposing this amendment, I wish to do justice to the Chinese language. The Chinese language is a prevalent language. If this kind of words and phrases cannot be found even in such authoritative works as the *Cihai* (《辭海》) and dictionaries of words and phrases at all, this is a big problem.

Chairman, I wish to read out the various entries in the *Hanyu Da Cidian* (《漢語大詞典》) formed with the character "稱" to give Members an understanding of the importance of following the rules of the Chinese language or citing from authoritative works, just as Mr LEUNG Kwok-hung reminded me of the importance of some language norms just now.

Of course, at present, a lot of proceedings in the Court are conducted in English but the use of Chinese is also becoming more common. In the past, when we had to stand for trial in Magistracies, often, the trials were conducted in English but now, 99% of the trials in Magistracies — maybe 70% or 80% of the trials, not as high as 99% yet — are conducted in Chinese. If the Chinese legal terms used in trials conducted in Chinese cannot be fully understood even by Hong Kong people, in particular, the general public, this is most regrettable. As Legislative Council Members, if we do not try, or even refuse to try, to use expressions that Hong Kong people in general can understand to draft the provisions in law when making enactments, to some extent, this is a dereliction of duty on our part.

Therefore, in the enactment of laws, according to the principles of translation advanced by YAN Fu, if ..... let us not talk about translation. I think that when drafting provisions in law, it may also be necessary to conform to the principle of faithfulness, expressiveness and elegance. If the terms cannot express the meaning at all, may I ask how ordinary members of the public can understand what "引稱為" (be cited as) in this clause means? Although people with legal knowledge may understand its meaning, I believe the great majority public do not understand the meaning of "引稱為" at all.

In the *Hanyu Da Cidian* (《漢語大詞典》), there is a series of entries formed with the word "稱" ..... since the print is too small, I have to borrow the magnifying glass from Mr WONG Yuk-man. The print of these words is so small that I cannot read them even though I am wearing my reading glasses ..... the word "稱" (tsing1) (meaning call, address, say) has many meanings and it also has an origin. I do not know if this is appropriate but the reason for the importance of the Chinese language is that often, there are a lot of etymological sources and many origins and the meaning of each word has its origins. For example, the word "稱" may mean "稱量" (to weigh) and it came from the work *Guanzi* (《管子》) about .....

(Mr LEUNG Kwok-hung stood up)

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Please do a headcount.

**CHAIRMAN** (in Cantonese): A quorum is not present. Will the Clerk please ring the bell to summon Members back to the Chamber?

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Council now resumes.

**MR ALBERT CHAN** (in Cantonese): Chairman ..... can I have a stand to place this book. It would be more convenient because this book is quite heavy. Thank you.

Chairman, coming back to the clause, just now, I talked about the principle of "faithfulness, expressiveness and elegance" and the need to ensure the appropriate use of Chinese expressions and the view that we must not let others "checkmate" us or damage Hong Kong's reputation.

In fact, there is a quotation of the word "稱" (cing1) (meaning call, address, say) in the *Cidian* and it is .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you have strayed from the question because none of the amendments deals with the word "稱" in the clause, so please do not cite the references to the word "稱" in authoritative works repeatedly. Please comment on the relevant clause and amendment.

**MR ALBERT CHAN** (in Cantonese): Chairman, if I stray from the question again, you can correct me but I find that Mr WONG Yuk-man's amendment seeks to change "可引稱為" (may be cited as) to "可引稱作" (may be cited as) or "可引稱謂" (may be cited as). I was just about to read out the entry in *Cidian*, in which the expression is put as "引稱做" ..... or rather, "稱做", that is, without the word "引" and the etymology is also set out in it. However, I do not wish to wrangle over this issue either, so as to avoid putting the Chairman in a difficult position because I know the Chairman is having a hard time and in fact, all of us are having a hard time.

Chairman, concerning the diction, I will discuss this later when dealing with the amendments relating to diction because this is only the first of my 1 323 amendments. I wish to explain one point because many members of the public have asked me which part among all the amendments is the most important, so I wish to take the time and opportunity now to explain this in gist to Members, particularly because many Members have said that our amendments are frivolous.

In fact, among all the amendments, the most important part proposed by me is No. 609 of the amendments and Nos. 1 to 627 are all similar amendments. Since the most important amendments are all similar to amendment No. 609, why do I not sum them up in or two items but have to propose 627 items instead? This is because the consultation and discussions on the entire piece of legislation were inadequate. At the beginning, had the Secretary been willing to carry out consultations and hold more discussions with all parties when drawing up the clauses or changing the proposal of the replacement mechanism to one of arrangements for filling vacancies, I would have put forward these views to him long ago.

As regards what regulation or punishment should be imposed on the act of resignation in law, or what punishment or restriction of rights should be imposed on someone who resigns, in this regard, the number of people who resign is relevant. Take the resignation of one person as an example, to put this in an expression that the DAB likes very much, this is an individual fomenting trouble. However, in the case of resignation *en masse*, in my amendments — just now, Mr WONG Yuk-man read them out one by one but he probably did not manage to get to the relevant part — No. 609 of my amendments says, and the wording there is like this ..... I will read out the English version later but now, I will read out the Chinese version first. If Members want to look at it, the Chinese version of the amendment is in page 1 217 of the document and the English version is in page 1 218 but it seems no Member is interested in looking at it. This proves that in the process of examining legislation, Members would base their actions on political factors and let political grounds override or negate all other considerations, in total disregard of the importance of the amendments.

Maybe Members would remember that the greatest controversy aroused by the *de facto* referendum of the five geographical constituencies is that Members of the royalist camp often disapprove of resignation and seeking re-election subsequently on the ground that this is a waste of public funds or that a small group of people is fomenting trouble. In fact, in legislatures overseas, it is very common to resign and subsequently seek re-election. Some Members of Parliament may want to seek the mandate of the public again because they have switched political affiliation from the Conservative Party to the Liberal Party, so they resign and seek re-election in the hope of gaining a popular mandate again. After being elected, they can cross the party line, that is, cross the floor and

switch to other political parties. This is to show respect for the mandate of the people .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you are again talking about the principles relating to the Bill. Please come back to the relevant clause and amendment.

**MR ALBERT CHAN** (in Cantonese): I was just about to go into No. 609 of the amendments because many Members do not have a clear idea of the political concept or theory and they only look at this issue from the perspective of Hong Kong communists and often, they are biased. Chairman, I only wish to point out some of the fallacies in their thinking rather than talking about the principles. If the fallacies in thinking are not rectified, there will surely be bias when dealing with legislative amendments.

Concerning No. 609 of the amendments, I hope all members of the Hong Kong public can take a close look at it. The wording of the amendment is like this: "If more than ....." . I will try to use the pace of speech of Premier WEN Jiabao to read it out because I find that if I speak in Premier WEN Jiabao's manner of speaking, my mind would be clearer and I would be calmer. Since I am hot-tempered, I tend to speak faster and faster and Members can see that as soon as I speak too fast, my face would redden, my blood pressure would rise and my heartbeats would quicken, so I have to learn to speak in Premier WEN Jiabao's manner of speaking and in this way, I may live longer. To learn from Yuk-man's and Premier WEN Jiabao's ways of speaking may also be helpful to Members. This is because I have a bad habit, that is, I would speak faster and faster and I am impatient and hot-tempered in character.

In No. 609 of the amendments, I proposed the following amendment:

"If more than 34 Members of any geographical constituency or more than 4 Members of the District Council (second) functional constituency resign from office as Members on the same day and they have agreed jointly to reimburse not less than 95% of the total amount of administrative costs of the by-election upon

their nomination as candidates in that by-election, subsection (2A) does not apply to them."

I will explain the significance of the relevant amendment later on.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, why should "稱為" be changed to "稱作"? If we change "稱為" to "稱作" today, many engaged in law translation will ponder it in a different way. I believe Honourable colleagues will ask why there is a difference. First of all, we have to trace the origin. If we do not even know the meaning of the word "作", we will not be able to appreciate why the word "作" is desirable.

You have taught me that we should pay attention to literary grace and avoid repetition. So, I have looked up the meaning of the word "作". The meaning of "作" is not invented by me. According to the dictionary, the first meaning of "作" is "興起" (meaning rise, prevail), such as "振作" (bestir oneself)、"槍聲大作" (meaning a series of shots). In these examples, the word "作" may not be suitable for substituting the term "稱為" with "稱作". Thus, it can be deleted.

The word "作" also carries the meaning of "從事" (meaning to be engaged in a job), such as in the common term of "工作" (work). Perhaps, let me illustrate the meaning of "作" by means of contrast. Take "作息" as an example, "息" means "taking a rest" — now someone is just like a quail taking a rest with a whirring sound. I wonder if his life is in danger. This has demonstrated the meaning of "息" and I am "作" (working). On the term "作息", "息" means that a person is in a state of rest. Its opposite meaning is "作", as what I am now — in a state of "作". Or "作孽" (commit sinful acts) .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung.

**MR LEUNG KWOK-HUNG** (in Cantonese): What is the matter?

**CHAIRMAN** (in Cantonese): When you speak, you should not talk about matters which are irrelevant to the clauses and amendments. On the word "作", you should only mention the meanings of the clauses currently under discussion. Explanations other than that should not be referred to. Please do not digress from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, in fact I also find it difficult to tell which one is correct and screening is necessary. For instance, what is the meaning of the word "作" in "作品", "創作", "寫作", "作曲" and "作者" (meaning works, creations, writing, composing music and author respectively)? All these refer to the results of people's hard work. There must be a reason. These are not given by heaven.

The term "稱作" means that the original meaning is somewhat different, instead — I am sorry. I have to refer to an English phrase "to be cited as", which sounds that its original meaning should be different. This is the translation of a bad translator who tried to give a wretched sequel to a fine work. I believe the translator who rendered such a translation should be the descendants of LIN Qinnan. Do you know who LIN Qinnan is? He is LIN Shu. How did LIN Shu render translations? Do you know how he rendered translations? As a native of Fujian, he did not know any foreign language. On the basis of the vernacular versions rendered by other people from a foreign language, he translated them into classical Chinese. So, the leading character, Sherlock HOLMES, in a detective novel he liked was transliterated as "福爾摩斯". You will understand this if you read it in Fujian dialect. Those who speak Cantonese will find it hard to understand why the transliteration of Sherlock Holmes is "福爾摩斯".

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have strayed from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have not strayed from the question as you cannot appreciate it. What I mean is, when a word is used in an improper way, we cannot explain it. If you cannot explain it ..... Chairman, you are the Legislative Council President, not Chairman MAO. The most important objective of lawmaking is to uphold justice so that justice can be seen

to be done. If the ordinary masses do not understand the law or cannot understand it at one glance, then it must be a bad law.

As a Member of the Legislative Council elected by the voters, I have a duty to get rid of transliterations based on native accent in the British colonial era. The translation of LIN Qinnan is a good example. This is the first time that I can display my knowledge in this aspect. I will try to explain and analyse these words just like a cook cutting up an ox with a knife, the blade of which is so thin that it has more than room enough. So, when you see me that I have more than room enough, you think I am wrong. Let me reiterate that a lawmaker should ensure as a prime task that a piece of legislation is understandable even to the ordinary masses, or it can be read out fluently. These remarks are also meant for those who said that barristers have to make money — 10 barristers will give you 18 different pieces of advice.

In fact, I am just doing my part. A code of laws, such as the Napoleonic Code or the more ancient one, Babylonian Codex, is easy to understand. According to its provisions, a person who has committed theft will be beheaded. It will not be written in this way: "A person who has illegally obtained property of others without the others' consent will be subject to the punishment in which part of his or her limbs, especially the forelimbs, will be amputated." How should this be interpreted, buddy? In Chinese, a provision in law can be as simple as "違者斬" (offenders be executed). When LIU Bang came to power, he enacted a simple code of three laws: "Death to murderers; commensurate punishment for inflicting bodily harm or committing theft." (殺人者死，傷人及盜抵罪). This shows the essence of Chinese culture. Three types of crimes are covered in just a few words: "殺人者死，傷人及盜抵罪".

In fact, this is not a law but rule, which is different from modern law. What is a rule? According to a rule, you will be subject to punishment for committing an act which is not allowed by the emperor. The law we are talking about is the law enacted in accordance with the constitution, or binding provisions in the contract formulated by the government or legislature for the sake of the people, its origin being .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, if you persist in irrelevance, I would have to stop you from speaking.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, the word "作" in "稱作" is different from the word "為" in "稱為". In my opinion, the word "作" in "稱作" includes at least the meaning of "做" (to do), which is, as I said just now, is a kind of woman nature. Why do I say so? We can use the word "做" to make a term "稱做" or "叫做". The words "叫" and "稱", which carry a similar meaning, can replace each other. Why are "稱做" and "叫做" more suitable than "稱為"? This is because when it is used to express things which are related to people, it is more in line with the usage of Chinese language.

Let me cite a simple example as you may not understand it. The word "作" has another meaning, what is it? It specifically refers to a person who rejects some proposals or advice in a manner like a spoiled child or who expresses denial to people and things with unhappy facial expressions and speech. Here the word "unhappy" (鬧心) is a typo, it should be "happy" (開心). In fact, on this issue, let me tell you: "稱為" or "引稱為" is not understandable and difficult to read. Moreover, it will give rise to different meanings as well. The word "作" is a simple word in terms of its strokes. It is also commonly used on various occasions. On the other hand, the word "為", which is used in classical Chinese, should be used sparingly.

Let me cite one example. What is the meaning of the word "為"? It means "變成" (turn into) and "成為" (become). The word "為" (wai4) carries the same meaning of the word "謂" (wai6) on some occasions. Thus, it will lead to ambiguity. If the amendment by Mr WONG Yuk-man is not adopted, it may become "稱謂" (title), which may be a noun. Chairman, do you know what I am saying? Will it produce ambiguity? The term "稱作" will not give rise to such ambiguity.

The word "為" also carries the meaning of "因為"(because). Does the phase "稱因為" make sense? The word "為" also carries the meaning of "替" (on behalf of). Is the phase "引稱替" correct? Therefore, having considered numerous interpretations ..... the word "為" also carries the meaning of "認為" (suggest). It is equivalent to not the word "is", but the word "是". Therefore, six different explanations are given in a dictionary for the word "為". Will it not be disastrous if some unscrupulous barriers make use of these six different explanations?

Chairman, you can certainly say that the word "cite" may play a role. But the translation has not reached the standard advocated by YAN Fu. It is only the standard of LIN Qinnan. If the translation is measured by the standard of faithfulness, expressiveness, and elegance (信、達、雅), the translation can neither fulfil the requirement of faithfulness nor expressiveness. Therefore, Chairman, if you think that a code of laws or legislation *per se* should avoid ambiguity or a situation where different interpretations of words would lead to different meanings, thus giving rise to different interpretation by a party ..... I think lawmakers must take this into account.

In fact, I was once in this situation in a lawsuit where we needed to present different explanations in Court and finally — Chairman, you may not know this — the Judge himself had to consult the dictionary. As Judges will also look up the dictionary, why do lawmakers not do their part by consulting the dictionary first, instead of inserting words, which may be ambiguous or misinterpreted, into a piece of legislation without careful deliberation? If we can find a word which can minimize the emergence of such situations, why not do so? Why are we so lazy that we fail to do our part as lawmakers, thus giving rise to a situation where lawyers can exploit the loopholes and Judges have to look up the dictionary?

I am sure that some Members in the Chamber have also received legal training. Do you always see Judges consulting the dictionary? It would be disastrous if Judges have to consult the dictionary? I have no idea which dictionary will be used as reference, right? Therefore, during the legislative process, we should weigh each word in the legislation, bearing in mind that people's well-being comes first. We have to ensure that the people will not be treated unfairly in the judicial system simply because their knowledge of words is not as broad as the others.

On the word "為", Chairman, according to *Guangya • Shi Gu (3)* (《廣雅 • 釋詁三》), "為, 成也" ("為" is equivalent to "成"). In other words, the term "稱成" is also grammatically correct. Why should the word "為" be used? So, I hope Honourable colleagues will not think that this is a waste of time. We may be doing something for the law drafters in Hong Kong ..... In fact, I agree with Mr Albert CHAN's view, that it is an era in which laws are written in Chinese. If words are used in a casual manner when legislation is translated into

English — do you think that words will not be used in a casual manner in the legislative process? If words are used in a casual manner when legislation is written in Chinese before it is translated by mediocre translators into English of an even inferior quality, it will also jeopardize the interests of the party who rely on English in proceedings.

My topic today is related to the consequences as a result of a person who expresses the implications of the original version of an English text if he does not know English or his Chinese language proficiency is so poor that he cannot express himself precisely. So, today, I am killing two birds with one stone. While criticizing translations of inferior quality which are rendered in an arbitrary and casual manner, I have also reminded lawmakers that they should not take naps as they have a duty to ensure the best quality for both English and Chinese versions of the laws, right? Thank you, Chairman.

**CHAIRMAN** (in Cantonese): As Members have been notified, we now suspend the meeting for 15 minutes and the Committee will resume at around 4.20 pm.

4.07 pm

Meeting suspended.

4.23 pm

Committee then resumed.

**CHAIRMAN** (in Cantonese): Committee now resumes. Does any Member wish to speak?

**MR WONG YUK-MAN** (in Cantonese): Chairman, many people might felt bored when I read out the wordings of my amendments in Putonghua earlier.

Now, I would like to explain why the word "為" (wai4) (meaning become, turn into, be) in my first amendment should be changed to "作" (zok8) (meaning act as, be, become). It will take me an hour to explain this as it is quite useful. I hope Members would be patient. Regarding the word "作" .....

**CHAIRMAN** (in Cantonese): Mr WONG, you may discuss it. But please do not repeat what has been already covered by Members earlier.

**MR WONG YUK-MAN** (in Cantonese): I see. What I am going to discuss is not mentioned by anyone. Will it be all right? I have roughly explained the origin of the word "為" and its usage. Regarding the word "作", I have not yet explained it. When the word "作" come to our minds ..... I will not make up any story about women like Mr LEUNG Kwok-hung did ..... the word "作" reminds me of a sentence by Zhuangzi (莊子), "其作始也簡，其將畢也必巨" (at the commencement things are treated as trivial, but as the end draws near, they assume great proportions<sup>11</sup>). Chairman, you should have heard of this, in which the term "作始" (commencement) can replace "始作" and *vice versa*. As for "始作" .....

(Mr Albert CHAN stood up)

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, are you requesting a headcount?

**MR ALBERT CHAN** (in Cantonese): Chairman, there should be more Members of the royalist party listening to the professor's speech, which is so enlightening and rich in content.

**CHAIRMAN** (in Cantonese): There is a lack of quorum in the Chamber. Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

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<sup>11</sup> <<http://ctext.org/zhuangzi/zh>>

**CHAIRMAN** (in Cantonese): Committee now resumes. Mr WONG Yuk-man, please go on.

**MR WONG YUK-MAN** (in Cantonese): Chairman, here I would like to welcome the Financial Secretary and three other Secretaries; all of them can stay in the new-term Government. What a coincidence that those who can remain in office have come here in my honour.

The word "作" mentioned by me just now is related to my first amendment, in which the word "為" is amended to "作". I have spoken briefly on the meaning of "為" before, but falling short of mentioning the word "作".

Speaking of the word "作", I think of what I am doing today or the "five geographical constituencies referendum" initiated by me, which is like a scenario described in a line of *Zhuangzi* (《莊子》), "其作始也簡，其將畢也必巨", meaning that something seems to be very simple at the beginning and is considered infeasible has turned out to be feasible after execution. Moreover, the implication is profound, just like "其將畢也必巨，其作始也簡" (things assume great proportions at the end though they are treated as trivial at the beginning). The term "作始" (at the commencement) can be inverted to become "始作". That is why we have the saying "始作俑者" (who first made wooden images to bury with the dead).

Chinese language is very interesting. Some people may think that English would be more precise as far as legislation is concerned. Thus, they consider that it is more discreet to read the English version than the Chinese version when they wish to know what is laid down in the laws. Today, this Bill .....

**CHAIRMAN** (in Cantonese): Mr WONG, you have strayed from the question. Please speak on the relevant clauses and the amendments.

**MR WONG YUK-MAN** (in Cantonese): Let me come back to the word "作", OK?

**CHAIRMAN** (in Cantonese): The word "作" just quoted by you is used as a noun. But the word "作" in the amendment proposed by you is not used as a noun. Please explain the meaning of the word "作" according to its part of speech in the amendment.

**MR WONG YUK-MAN** (in Cantonese): Chairman, just now I said that the word "作" reminds me of the campaign initiated by me and its repercussion can be described by "其作始也簡，其將畢也必巨". Chairman, I have just thought of with the words of *Zhuangzi* (莊子) and wanted to share them with you. I certainly know the difference between nouns and verbs .....

**CHAIRMAN** (in Cantonese): Please do not persist in irrelevance.

**MR WONG YUK-MAN** (in Cantonese): Yes. Let me go on to talk about the word "作" as a verb, which means "產生" (generate), "興起" (rise). In 《易經·繫辭下篇》 (*Book of Changes · Xi Ci II*), it is also mentioned that "神農氏作" (there rose Shen-nong (in his place)<sup>12</sup>). Here, the word "作" is used as a noun, meaning "產生" (generate), "興起" (rise). Hundred schools of thoughts flourished in the Zhou and Qin Dynasties during the Spring and Autumn and the Warring States Periods. In *Gong Sun Chou I* (《公孫丑上篇》) of *Mengzi* (《孟子》), there was a line "由湯至武丁，賢聖之君六七作" (From Tang to Wu Ding there had appeared six or seven worthy and sage sovereigns<sup>13</sup>). Here, the word "作" is a verb, meaning "興起" (rise). In the line "神農氏作" just mentioned, the word "作" means "產生" (generate, produce). In both sentences, the word is used as a verb, Chairman. According to classical Chinese thousands years ago, we can clearly see that the word "作" means "產生" (generate), "興起" (rise) when used as a verb.

Today, I propose to change the word "為" into the word "作", which is also a verb. Chairman, you are really judicious, while other Members are sleeping, not knowing what I am talking about and why I propose to change the word "為" into "作".

<sup>12</sup> <<http://ctext.org/book-of-changes/>>

<sup>13</sup> <<http://ctext.org/mengzi/>>

Besides, the word "作" also means "做" (make), "製作" (produce, manufacture). Chairman, this is also used as a verb. I have not strayed from the question. The line "始作俑者，其無後乎" (Was he not without posterity who first made wooden images to bury with the dead?<sup>14</sup>) is what I wanted to discuss when I mentioned "始作" and "作始" just now. Chairman, as you are good at ancient literature and Chinese language, you can tell the difference between "始作" and "作始". And in "始作俑者", the word "作" is used as a verb.

When discussing these words, I will speak at a much faster pace. In fact, I should slow down my rhythm, or else how can I keep on filibustering for 15 days? Just now I said that the word "作" carries the meaning of "產生" (generate), "興起" (rise), as well as "做" (make) or "製作" (produce, manufacture) when it is used as a verb. The most famous line is certainly the line "始作俑者，其無後乎" in *Mengzi • Liang Hui Wang I* (《孟子 • 梁惠王上篇》). This is the favourite line of Chairman MAO, who used to say "Will I have no posterity?" When a person has done a lot of evils .....

**CHAIRMAN** (in Cantonese): Mr WONG, you should explain why you think the word "作" is a suitable word here.

**MR WONG YUK-MAN** (in Cantonese): I see. Chairman, I will continue to explain it. I have to explain all the relevant uses of "作" when it is used as a verb before I can tell you the reason why the word "為" should be changed into "作", in the hope that Members can get a comprehensive understanding. We can also take this opportunity to revise the *Shuowen Jiezi* (《說文解字》). It is not a bad idea to have a Chinese lesson in view of the fact that the standard of Chinese language in Hong Kong is so poor and Chinese History as a subject is not offered in school.

Besides, the word "作", as a verb, carries the meaning of writing or engaging in literary creation — I am also talking about its usage as a verb. According to *Shiji • Qu Yuan Lie Zhuan* (《史記 • 屈原列傳》), "屈平之作

<sup>14</sup> <<http://ctext.org/mengzi/>>

《離騷》，蓋自怨生也" (meaning Qu Yuen wrote *Li Sao* due to his sorrow). Here, the word "作" in "作《離騷》" (writing *Li Sao*) means writing and engaging in literary creation. The word "作" in "孔子作《春秋》，亂臣賊子懼" (Confucius completed the "Spring and Autumn," and rebellious ministers and villainous sons were struck with terror<sup>15</sup>) also carries the meaning of literary creation. Another example — you will certainly scold me if I cite this example — is "振作" (bestir oneself, display vigour). One may reluctantly regard "振作" as a verb. But you may also use it as an adjective. Is the word "作" here a verb or an adjective? In *Mengzi • Gaozi II* (《孟子 • 告子下篇》) "困於心，衡於慮，而後作" (Men are distressed in mind and perplexed in their thoughts, and then they arise to vigorous reformation<sup>16</sup>), the word "作" here must be a verb, am I right?

Therefore, it is not without justification to change the word "為" into "作". The word "作" also has other meanings, such as "假裝" (pretend, simulate), "裝作" (make like) or "充當" (act as). The line "人而無恆，不可以作巫醫" (A man without constancy cannot be either a wizard or a doctor<sup>17</sup>) originates from *The Analects* (《論語》). Another meaning of the word "作" is "當作" (treat as, regard as) as in the line "青春作伴好還鄉" (I return to my native place in spring day) by *Du Fu* (杜甫) in his poem *On Hearing Government Troops Recapture Henan and Hebei* (《聞官軍收河南河北》). In the poem *Pipa Xing • With Preface* (《琵琶行 • 并序》) by *Bai Juyi* (白居易), there is also a very famous line, "老大嫁作商人婦" (Eventually she married a merchant when she aged). A line in *Xian Qing Ou Ji* (《閒情偶寄》) by *Li Yu* (李漁) of Ming Dynasty is: "有風既作飄搖之態" (the beautiful scene of flowers swaying in the wind). In all these examples, the word "作" carries the meaning of "充當" (act as), "假裝" (pretend), or "裝出" (simulate). In addition, the word "作" also means "發出聲響" (to make sound), "生出" (give birth), "長出" (grow), "培育" (cultivate), "造就" (facilitate), "擔任" (assume a role).

Regarding the provisions in our laws, there is an example in "本條例可引稱為《2012年立法會(修訂)條例》" (This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2011) as I read out earlier. Now, I

<sup>15</sup> <<http://ctext.org/mengzi/>>

<sup>16</sup> <<http://ctext.org/mengzi/>>

<sup>17</sup> <<http://ctext.org/analects/>>

would like to point out that there is a big problem in the Chinese syntax of "本條例自第5屆立法會的任期於2012年開始之時起實施" (This Ordinance comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012). For this reason, we have taken all the trouble, racked our brains and spent a lot of time in our attempt to improve the quality of the Chinese version of the Ordinance. I remember that as a member of some Bills Committee, I have always put forward some advice on the wordings of the Bills. I would also explain the meanings of the wordings in order to enhance the preciseness of the laws, which serve as regulations for the people and are expected to be observed.

If there is ambiguity in the interpretation of laws, that is, ambiguity mentioned by Mr LEUNG Kwok-hung just now ..... ambiguities often arise in Chinese, which is the most difficult language to learn, Chairman, am I right? It is a common phenomenon in Chinese language that the same words carry different meanings, thus giving rise to ambiguity, not to mention the case of homonyms. Some people are fond of using sentences written in Westernized style such as "全國性教育昨日起在京舉行" (a national sex education commenced in Beijing yesterday), does it refer to "性教育" (sex education) or "全國性" (a national, *vis-à-vis* regional, conference on education)? This is the ambiguity. We change the word "為" into "作" to avoid ambiguity.

Apart from the usage mentioned just now, the word "作" also means "發生" (occur), "發作" (seizure), "發出" (issue). Sometimes, we can figure out the meaning of a term from the words forming it. Take "為" as an example. Let me ask you a question. Can you casually cite 10 four-character phrases containing the word "為"? If you can, I will have to praise you for your intelligence. Examples are as follows: "各自為政" (each does things in his own way), "助紂為虐" (give support to a tyrant), "河伯為患" (havoc wrought by a river god), "金石為開" (faith and sincerity can make metal and stone crack), "指鹿為馬" (calling a stag a horse), "為虎作倀" (act as guide to a tiger — to help a villain do evil) — this refers to all of you here — "師直為壯" (any army fighting for a just cause has high morale), "狼狽為奸" (join in a conspiracy), "朋比為奸" (act in collusion with), "擅自為謀" (to decide all by oneself), "胡作非為" (commit all kinds of outrages), "任意妄為" (do whatever one wishes), "先入為主" (first impressions are strongest) .....

**CHAIRMAN** (in Cantonese): Mr WONG, you have been persisting in irrelevance.

**MR WONG YUK-MAN** (in Cantonese): They are relevant, Chairman, because all these contain the word "為".

I will continue to discuss my first amendment: "In the Chinese text, by deleting "為" and substituting "作"." Regarding the word "作", I have already explained it, and Chairman, you have also reminded me that it is a verb .....

**CHAIRMAN** (in Cantonese): Please indicate the usage of the word in your amendment and quote no more other references.

**MR WONG YUK-MAN** (in Cantonese): I see. I just hope that Members can gain a deeper understanding. Chairman, thank you for the reminder. In my amendment, I suggest that in the Chinese text, the word "為" be deleted. I hope that Members can understand the differences between the words "為" and "作".

As for "substituting '作'", Chairman, you reminded me just now that this is a verb. Certainly, I know that this is a verb. But when I explain it, I certainly have to give you a comprehensive explanation — I explain it not to you, but to Mr Raymond TAM who is sitting here because he opposes my amendment. However, why does he oppose this amendment? He should tell me the answer. This really baffles me. Why does he oppose all the amendments proposed by me? I just propose to amend the words and terms, but not the principle. Why does he oppose it? Why does he oppose amendments which aim at improving the Chinese text of the clauses? Secretary, you have to explain it later. Why do you oppose it even though I seek to polish the Chinese text of these provisions in law, Secretary? What are the reasons for your objection? This means that your Chinese standard is very poor. Now, our laws are written in Chinese and the Chinese text of this Ordinance is also available. I suggest that the word "為" be deleted and substituted by "作" in the Chinese text. The Secretary said that he opposes all my amendments, totalling 74 items, and he also opposes all the amendments proposed by Mr Albert CHAN. Why does the Secretary oppose

them even though I have proposed these amendments with the objective of improving the Chinese of these provisions?

Secretary, I would think that you oppose simply for the sake of opposition like what we in the opposition camp are doing unless you can explain why the word "為" should not be changed into "作". You cannot oppose these amendments because the purpose of these amendments is to polish and improve the provisions. Years ago, someone asked Mr WU Zhihui, "What is a revolution?" He asked the student, "You tell me what is a 'revolution'." The student said, "A revolution is: You are no good, down with you and I replace you. (*in Putonghua*)". Mr WU Zhihui said, "My son, revolution does not mean that. Revolution is ..... (*in Putonghua*)".

**CHAIRMAN** (in Cantonese): Mr WONG, you have strayed from the question.

**MR WONG YUK-MAN** (in Cantonese): "..... down with you. You are no good, down with you and I will replace you. (*in Putonghua*)". Chairman, "I will replace you. (*in Putonghua*)".

I change the word "為" into "作" because "Down with you, you are no good. Down with you, I will replace you. (*in Putonghua*)". These are my amendments which are nonetheless not accepted by you. Are you unreasonable, Secretary? Why do I have to change the word "為" into "作"? Simply because I want to improve the Chinese, which is not sensible at all. Secretary, you have also heard the original clause I read out just now. It is not sensible at all. You oppose even amendments seeking to modify the words simply because you target the both of us. Secretary, you oppose the 1 000-odd amendments proposed by him. Have you really read them carefully? Do you know the difference between "為" and "作"? You really do not have any achievement (作為), am I right?

My proposal to change "為" into "作" is well justified. After a detailed analysis just now, I think Chairman also understands it although you have constantly stopped me from speaking. In fact, originally I intended to speak for 15 minutes on each item. But for the first item alone, together with the time I

spent on reading out the amendment — I have already spent 2.5 hours discussing up to the 35th item only.

I very much appreciate that there are so many friends of the pro-establishment camp sitting here to listen to my discussion on Chinese language. Once again, I urge Secretary Raymond TAM that he should be rational, and he should refrain from opposing for the sake of opposition. If my amendment is desirable, he should support it. Otherwise, he should discuss it with me and explain why the change is not a good choice.

Secretary, you advised us that "A butcher becomes Buddha the moment he drops his cleaver". It shows that your Chinese standard is very poor. In response to your advice that we should rein in at the brink of the precipice, I would advise you to realize your errors and mend your ways. My advice to you is based on an allusion. As for your advice that we have to rein in at the brink of the precipice, may I ask what we are doing now? Why should we rein in at the brink of the precipice? I am now engaged in filibustering to oppose this draconian law. Once the 30-odd Members of the pro-establishment camp proceed to vote, I will certainly lose. In that case, why should I rein in at the brink of the precipice? On the contrary, you have to mend your ways because you have proposed this draconian law, acting openly as an enemy of Hong Kong people. So, you should realize your errors and mend your ways .....

**CHAIRMAN** (in Cantonese): Mr WONG, please do not repeat your viewpoint.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I have more than 10 seconds left in my speaking time. I would like to take this opportunity to tell the Secretary one point. The word "作" proposed by me is not the "作" in "作嘢" (meaning creating something out of thin air). It is most reasonable to change "為" into "作", which should be acceptable to him. He should not oppose my amendment. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, after listening to the speech of "Yuk-man", I found that the allusions quoted by him and the points raised are based on facts. As I have pointed out in my discussion on the translation of the text and usage of words, I think the usage of words should depend on how they are used by the people. Most importantly, the text must be comprehensible.

I have double-checked the *Hanyu Da Cidian* (《漢語大詞典》). If the wordings "可引稱為" (may be cited as) are changed into "稱做" (called), the whole sentence will read, "本條例可稱做《2011年立法會(修訂)條例》" (original English version: This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2012). I think in terms of enhancing public understanding and usage of words, the choice of words should be more concise and kept abreast of the times. As for this phrase "稱做", if you look up the dictionary, the word "稱" (call) also carries the meaning of "稱做". In *The Analects • Ji Shi* (《論語 • 季氏》), it reads, "邦君之妻，君稱之曰'夫人'，夫人自稱曰'小童'" (The wife of the prince of a state is called by him 'fu ren'. She calls herself 'xiao tong'<sup>18</sup>). In other words, "稱" is a very concise verb. Be it traditionally or in English language, it is absolutely far-fetched trying to render the English way of saying into "可引稱為" in Chinese. Therefore, in the choice of words, it is seemingly quite far-fetched. I now stop teaching granny how to suck eggs. I just leave it to "Yuk-man", who will continue to lecture you all bit by bit on semantics and language use.

First of all, I thank the Financial Secretary and another Bureau Director for attending the meeting and listening to the speeches by "Yuk-man" and me. It is highly commendable because ever since becoming a Legislative Council Member, rarely have I seen such high-ranking government officials attending a meeting debating a Bill which is irrelevant to them. I can still recall the year when I moved a motion requesting Mr TUNG Chee-hwa to step down at a Legislative Council meeting. All Secretaries of Departments and Directors of Bureaux attended the meeting because the motion involved the Chief Executive. That meeting aside, it is very rare to see so many government officials — especially so many Secretaries of Departments who are higher in ranking than those who are in charge of the policies — attending a meeting involving only one single policy or ordinance. Since Financial Secretary John TSANG is so interested in listening to what "Yuk-man", "Long Hair" and I have got to say about this Bill, I will devote more attention on the analysis in order to convince

<sup>18</sup> <<http://ctext.org/analects/ji-shi/zh>>

him that our amendments are restrained, justified and well-founded. In addition, I will show him that our use of words is much better than the Government's.

Chairman, if Members have heard my amendments to the wordings of the Chinese text — the Chinese text is written by us. Of course, we have consulted the Legal Adviser. Comparing ours with the Government's, you will find that the latter is more abrupt and unnatural. Therefore, we have spent some time studying the use of words in the Chinese text; it is perhaps because of this we request the Government to make amendments. We have also noted that when Hong Kong people refer to the law books .....

(Mr IP Kwok-him stood up.)

**CHAIRMAN** (in Cantonese): Mr CHAN, please pause for a while. Mr IP Kwok-him, what is your point?

**MR IP KWOK-HIM** (in Cantonese): Chairman, he has spoken for four minutes, but I still do not understand whether he is speaking on the content of the relevant amendment.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, please do not stray from the question and speak on the relevant clauses and the amendments.

**MR ALBERT CHAN** (in Cantonese): Chairman, perhaps this may reflect that Members of the DAB do not put in enough efforts and attention in law drafting.

**CHAIRMAN** (in Cantonese): Mr CHAN, you do not need to repeat your viewpoint.

**MR ALBERT CHAN** (in Cantonese): I have to explain the importance of the choice of words. I read out the English text in the hope that they can understand

the wordings in the text to which an amendment has been proposed by me, as well as the significance. I will later on explain it paragraph by paragraph because they do not seek to understand things thoroughly or read the documents. Neither do they give their own explanation nor participate in the debate .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you are repeating your argument.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am reading it out as follows: "Legislative Council (Amendment) Bill 2012 Committee Stage Amendment to be moved by the The Honourable Albert CHAN Wai-yip Clause 3 By adding — '(2B)". This is an Amendment Proposed, meaning that it is an amendment proposed by me. This is not the original text of the Government's amendment, but a provision added by me, which is subsection (2B). "Yuk-man" reminds me to speak at a slower pace as my voice grows hoarse. So, I have to speak slowly. Rarely have I heard WEN Jiabao speak in English .....

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, a headcount please.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(While the summoning bell was ringing, Mr WONG Kwok-hing stuck a slogan to a seat behind him)

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, I was reminded by the staff of the Secretariat that a notice concerning display of objects in the Chamber during a meeting had been issued to Members earlier. According to the notice, objects of a Member should only be displayed within the area where he or she sits. Therefore, please do not display your objects in the row of seats behind you.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Meeting now resumes.

**MR ALBERT CHAN** (in Cantonese): Chairman, the English version of the clause reads as follows: "Clause 3 — By adding (2B). If more than 34 Members of any geographical constituency or more than four Members of the District Council (second) functional constituency resign from office as Members on the same day and they have agreed jointly to reimburse not less than 95% of the total amount of administrative costs of the by-election upon their nomination as candidates in that by-election, subsection (2A) does not apply to them." Chairman, my amendment to this clause best highlights the inadequacies of the whole legislation itself. Regarding the earlier 600-odd amendments, I will elaborate on each of them later. As for the rest of my amendments, I will explain the reasons for suggesting 33, 32 and 31 Members as well as the importance of different percentages of reimbursement.

If Members still recall, when we initiated the "five geographical constituencies referendum" campaign, I was heart-broken at the death of two elderly. For the campaign, we published this booklet collecting words about our thoughts and feelings as volunteers. Two elderly were interviewed. Here are their photographs. One of them lived in Tsuen Wan and the other lived in Tin Shui Wai. Unfortunately, both of them died after the referendum. We felt ashamed of ourselves for not being able to achieve democracy for Hong Kong when they were still alive. In Hong Kong, there are more and more elderly who may not be able to see democracy in their lifetime. This amendment is basically meant to ensure that the existing freedom and rights will not be removed. There are sayings that the Government's current Bill does not have any impact on Hong Kong people even in the absence of our amendments. This is one hundred percent wrong.

If the Government's clause is passed in its original form or if I do not move my amendments to reduce possible disaster or repercussions, each registered voter will be deprived of this right. As we all know, the people should have the right to run in an election, the right to vote and the right to nomination. The right to nomination comprises two aspects: the right to be nominated to run and the voter's right to nominate a person to run. Prohibiting anyone from participating in the election is equivalent to depriving the voters' basic right to nomination. The purpose of my amendment is to regulate Members running in

an election after resignation and whose resignation is made under very exclusive and extreme circumstances. During the discussion on the replacement option in the past, what the Government said most of the time was individual Members' resignation since there might only be one or two Members resigning. Especially when the resignation of Members returned by District Council (second) functional constituency (DC (second) FC) or the so-called Super District Council is involved, even the resignation of one Member will be blamed for leading to a referendum. The communist party is afraid of a referendum and the Hong Kong Government is also very afraid of it. The Hong Kong Government is even suffering from election phobia. The Government is always scolded in each election. The DAB takes the lead in scolding the Government. Even the Liberal Party and the royalists .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please speak on the clauses and amendments currently under discussion.

**MR ALBERT CHAN** (in Cantonese): ..... Chairman, this amendment is trying to say that if more than 34 geographical constituency Members resign — under what circumstance will 34 of them resign together? This is equivalent to directly elected Members or Members from different geographical constituencies resigning *en masse*. My clause may also include something like this — if more than four Members of the DC (second) FC resign from office and "more than four" means five. On the one hand, it is more than 34 directly elected geographical constituency Members, and on the other, it is more than four Members of the DC (second) FC or equivalent to five Members belonging to the District Council constituency resigning *en masse*. What we have to ponder is whether those circumstances will happen. If yes, why? It is because we have to consider different possible scenarios in the course of enacting any law. If there arises an incident or situation that causes 35 directly elected Members to resign *en masse*, the incident or situation must be so big and sensational that it can adversely affect Hong Kong people's interests or pose a serious problem to the Government. They are more than willing to resign. When I tendered my resignation, most people did not believe my determination. They said we would be reluctant to resign because of the huge monetary loss at stake. Mr Fred LI has been very good at talking negatively to the correspondents behind our back.

He said that Mr Albert CHAN would not resign. I rebuked his accusation and challenged that he did the same if I tendered my resignation. He fell back in the end. Backbiting is what the Democratic Party is good at. When it comes to resistance, they flinch.

Let us come back to the topic of resignation. Not only does it affect the number of seats, it also has a serious impact on the Members. We are not like those super rich people coming from certain functional constituencies. Many directly elected geographical constituency Members are only leading a middle-class life. Take Mr WONG Kwok-hing as an example. He goes to work by MTR. Some DAB Members are so wealthy that they have their own chauffeurs. I do not understand why Mr WONG Kwok-hing is particularly being discriminated against or pinpointed. Compared with Members of the DAB who have chauffeurs, money, cars .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please do not stray from the question.

**MR ALBERT CHAN** (in Cantonese): Let me come back to the significance of the resignation of functional constituency Members. We are now talking about quitting or resignation, which has a tremendous impact. Many people wish to become a Legislative Council Member all their life but to no avail. It is a huge sacrifice to resign after being elected. Besides power, reputation and identity, money is also an important consideration. Financially, it is more than the loss of personal income. My resignation on the last occasion has caused a personal loss of hundreds of thousand dollars. Without putting into account the election expenditure, just the monthly salary and the portion of remuneration after my resignation has caused me hundreds of thousand dollars, not to mention the expenses incurred in running the office and maintaining the staff. When Mr SZETO Wah was still alive, the Democratic Party Members were reluctant to take part in the resignation. Their initial consideration was how to take care of their staff if they resigned. Where would the money come from? For financial reason, the Democratic Party refused to participate in the resignation *en masse*. In the end, I also said that it was all right for the Democratic Party not resigning. It would be all right just for us to resign. But it eventually turned out that the Democratic Party stabbed us in the back, playing secret chamber politics with the Liaison Office of the Central People's Government in the Hong Kong Special

Administrative Region. They betrayed the "five geographical constituencies referendum".

**CHAIRMAN** (in Cantonese): Mr CHAN, you have strayed from the question.

**MR ALBERT CHAN** (in Cantonese): Chairman, I come back to the topic of resignation. Just think about this. Here we have the DAB, Hong Kong Federation of Trade Unions (FTU), individual Members, pro-establishment camp and various pan-democrats. Let us try to be cool, objective and realistic. The chances of a resignation *en masse* by 35 Members are very slim. I do not want to be sensational or unrealistic by saying that the chances of a resignation *en masse* are very big. If 35 directly elected geographical constituency Members should really resign *en masse* in Hong Kong, I absolutely believe that it is going to "startle the universe and move the gods". By that time, a significant issue must have arisen, such as the Government's decision to build a nuclear power plant in Central, or something like that. There must be something much more serious than the incident of "corrupt Donald TSANG". Even the corruption of Donald TSANG in such an unprecedented magnitude has not triggered a mass resignation of 35 Members. In other words, there has to be a major constitutional issue or something so significant that it affects all citizens and our next generation. Otherwise, it can hardly trigger a mass resignation of 35 directly elected geographical constituency Members. When Members are prepared to resign, you can imagine the seriousness of such resignation. With regard to the "five geographical constituencies referendum", the major opposition to the resignation and by-election is the use of public money, that is, the \$150 million. The DAB and FTU are very good at blaming us for the waste of public money. Amazingly, these Members are to quit together, not just one, two, three, four, 10 or 20 of them tendering their resignation (*The buzzer sounded*) .....

Chairman, I will explain to Members later on the significance of this Ordinance.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I wish to go back to the words "作" and "為". In fact, what is the difference between "作" and "為"? We can draw a more scientific conclusion according to the use of the word "作" in different contexts, or .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you need only tell the meanings of these two words in the clause, or else you are persisting in irrelevance and I would disallow you to speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): I see. You certainly have the authority to disallow me to speak. You can do so without citing a good reason. But the problem is that you have already rebutted me when I spoke, and you will not know my next sentence, right?

What I mean is that if there is a difference between the words "為" and "作", what is the difference then? If we do not even understand the meaning of the word "作", how do we know the difference between the words "為" and "作", right? A man in his right mind must know that a conclusion can only be drawn by inference if there are a major premise and a minor premise. However, you are now telling me that there is a difference between the words "為" and "作", but you disallow me to point out and explain the use of the word "作". It is obviously .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have already given a lengthy explanation on these two words in your speech earlier and Mr WONG Yuk-man has also made a fairly in-depth analysis of these words. So, please do not raise any matters irrelevant to the clause.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, you need not make such a request. I am a person of reason. To put it simply, seemingly you are saying that I will stray from the question if I keep on speaking. Chairman, I hold that it is difficult to define digression, repetition .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, it is my call to decide whether there is a digression. According to the RoP, if you persist in irrelevance, I must stop you from speaking.

**MR LEUNG KWOK-HUNG** (in Cantonese): You are so clever that you have already stopped me from speaking when I am explicating another subject matter. I think "repetition" can be easily defined, albeit not in an arbitrary manner, because everyone listening should know whether there is repetition or not.

However, the word "digression" suits you most because you have the authority to say that, in your opinion, I have digressed or not. Therefore, these fall into two different areas. Certainly, you can say that it is not possible to prove "repetition" and therefore you are not going to prove whether I have repeated my points. Instead, it suffices to prove that I have strayed from the question. As the saying goes .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I would have to stop you if you keep on speaking in this manner.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, please listen to what I am going to say first.

(Mr Albert CHAN stood up)

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): Chairman, there is a lack of quorum.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Meeting now resumes. Mr LEUNG Kwok-hung, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, just now you said that if I went on like this, you would not allow me to speak .....

**CHAIRMAN** (in Cantonese): Please speak according to the RoP.

**MR LEUNG KWOK-HUNG** (in Cantonese): Just now, I mentioned in my speech why "為" should be amended as "作". In fact, I have other evidence to illustrate that "為" is not so clear and applicable to this Bill as "作". Regarding the expression "稱作", I have looked up many books and found that "稱作" is mostly used as a verb, such as the one used in the expression "作壁上觀" to mean "睇戲咁睇" (to watch the show on the sideline) .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you argue that "稱作" is better than "稱為", right?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes.

**CHAIRMAN** (in Cantonese): Your argument is the same as that of Mr WONG Yuk-man, right?

**MR LEUNG KWOK-HUNG** (in Cantonese): What?

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man also thinks that "稱作" is better than "稱為", right?

**MR LEUNG KWOK-HUNG** (in Cantonese): No.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN's argument is also the same. In other words, no Member has put forward a different opinion.

**MR LEUNG KWOK-HUNG** (in Cantonese): You have caught it wrong .....

**CHAIRMAN** (in Cantonese): So, you are repeating this argument. There is no need for you to cite other examples.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, you are wrong. I have changed my argument. Can I say that "稱作" may not be as good as "稱為"? Can I not hold an opposite view?

**CHAIRMAN** (in Cantonese): Please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): So, there are "作好" (do good), "作歹" (do evil), "作如是觀" (hold such a view), "作法自斃" (to make a law only to fall foul of it oneself), "作威作福" (to ride roughshod over others), "作奸犯科" (to commit all sorts of crimes), "作鳥獸散" (to disperse away), "作惡多端" (to do all sorts of evils), "作賊心虛" (have a guilty conscience), "作壁上觀" (to watch the show on the sideline) .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are raising matters irrelevant to the clauses and amendments. Please stop immediately.

**MR LEUNG KWOK-HUNG** (in Cantonese): The word "作" can be found in my earlier reference to .....

**CHAIRMAN** (in Cantonese): Please cite the definition as presented in the clauses.

**MR LEUNG KWOK-HUNG** (in Cantonese): I get it. Does this explain why "引稱為" is amended as "引稱作", which means "to be cited (pronounced as "sart" by the Member) in English .....

**CHAIRMAN** (in Cantonese): You have pronounced it incorrectly many times. The word "cited" should be pronounced as "sartid", a two-syllable word, not "sart".

**MR LEUNG KWOK-HUNG** (in Cantonese): Is it not "cited" (pronounced as "sartid" by the Member)? You did not catch me. The syllable "ted" certainly reads as "tid", right? As you are so fond of enlightening me, I really have to consult you. Let me repeat it: cited (pronounced as "sartid" by the Member).

What does "引稱為" or "引稱作" mean? "引稱為" means that this is the way things should be. Unlike the word "作" quoted by me just now, "為" cannot be used as a verb, that is, a word or group of words that expresses an action. After mulling the word over and over, I have changed my mind. Chairman, you might have heard this simple but popular quote from Aristotle: "Plato is dear to me, but dearer still is truth." (吾愛吾師，吾更愛真理) I should have the right to criticize someone known to me if he or she is wrong.

To me, "引稱為" means "to be cited as". When A is cited as B, it means that they are naturally the same. Hence, I think Mr WONG Yuk-man's amendment might really be problematic. I do not know what Members are doing in this Chamber. I cannot keep my mouth shut if I consider an amendment incorrect. Certainly, you are unaware that I have changed my mind. I am aware of this. Since one can change his attitude, it is not unusual for one to change his mind, too.

What is my opinion? Just now, when Mr WONG Yuk-man mentioned the two expressions "始作" and "作始", he illustrated how "作" was very often used as a verb. In my opinion, he has made a mistake in quoting the two expressions. Is "稱作" a verb or noun? It is likely to be a noun, which means "to be called as", rather than a verb.

Hence, if "作" is similar to "為", whereas "作" has a different meaning, Mr WONG Yuk-man might not be right this time. After giving such a long speech, I very much hope that the respectable colleague, Mr WONG Yuk-man, can enlighten me as to why he would have mistaken "引稱為" as "引稱作". Perhaps this has something to do with the word "引|" because it is a passive-voice word. This gives him an impression that it is in passive voice, which means that it is not an active word. In that case, "被引述" and "引|" ..... it might be better to use a verb, that is "cited" (pronounced as "sartid" by the Member), or the one you enlightened me just now. "Cited" (pronounced as "sartid" by the Member) is a verb. However, I think that Chinese cannot be rigidly translated into English or *vice versa*, as LU Xun did. Passive voice, such as "我被打", is rarely used among Chinese people. This expression is not entirely appropriate.

I hope to hear Mr WONG Yuk-man's opinion later as to why he finds it better to use "作" than "為". The word "為" can be interpreted in numerous ways. For instance, "為虎作倀" can be interpreted as "being a tiger" or "acting like a tiger". According to my interpretation, "為" should be the same as "作" in its broad sense and application. So, why should Mr WONG Yuk-man summon us back and speak on something which is wrong in the first place? I really find it very strange .....

**CHAIRMAN** (in Cantonese): The word "倀" in the idiom cited by you just now should be pronounced as "倡" (coeng1). Therefore, the correct pronunciation should be "作倡".

**MR LEUNG KWOK-HUNG** (in Cantonese): I have looked up the dictionary and found that the word should be pronounced as "橙" (caang4). If you wish to debate with me over the pronunciation, let us do it later because we just need to look up the dictionary.

Be it "為虎作倀" (caang4) or "為虎作倀" (coeng1), Mr WONG Yuk-man is wrong. In my opinion, there is nothing wrong with the word "為", but the word "引|" might be wrong and should preferably be deleted, though you might think that this has nothing to do with me, for "引|" will anyway be kept here. I hope Members who are sitting here doing nothing or woken up by me can pull themselves together (振作一點) because this is what the word "作" means. Please give me your support. Do not let Mr WONG Yuk-man mislead

you. Do not sleep in this Chamber. You must demonstrate your courage. You must point it out should a friend of yours make a mistake. Do not merely distinguish between those parties closely affiliated with you and other political groupings and thus conceal your friends' wrongdoing.

Chairman, you have time and again reminded us today not to stray from the question. I do not think we have strayed from the question. This is because we have to weigh our words after repeated deliberations and changed our opinion. It is certainly a time-consuming process to change the opinion of people who do not bother to weigh their words. Nevertheless, I cannot continue with the meeting here without regard to Members.

The second mistake made by "Hulk" is that he has some misunderstanding. He is wondering why some people allowed to stay in office have come here to listen to his speech. Does "Hulk" think that they are admiring him? They have actually come here to cheer up the royalists. People wishing to stay in office have to come out and support the royalists, whereas those who are not allowed to stay will not even say a word to you. Many royalist Members here simply treat you as a nobody .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have strayed from the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, right, I have strayed from the question. What is it? The word "作" in "作鳥獸散" is a verb. "樹倒猢猻散" is as chaotic as "作鳥獸散". The word "作" here functions as a verb, and so does the word "作" in "作壁上觀".

Chairman, I would like to implore you to give Mr WONG Yuk-man some time to debate his amendments and give me sufficient time to convince other colleagues to oppose this proposed amendment by Mr WONG. There is nothing I can do, for I am not a person practising affinity differentiation. Although I have great admiration for "Yuk-man", I will definitely point it out if I find that he is wrong. You might think that I am filibustering. So far I have spent only 13 minutes 20 seconds on my speech. Let me be generous to you and stop at 13 minutes 25 seconds.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR WONG YUK-MAN** (in Putonghua): Chairman, I am going to learn from Premier WEN Jiabao again because I have to continue reading out my amendments in Putonghua. It was No. 35 last time, and we have now come to No. 36. In the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "從第5屆立法會的任期在2012年開始之時起施行".

Next we come to No. 38, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "由第5屆立法會的任期於2012年開始時起施行".

No. 39, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "由第5屆立法會 — 'please be patient as Premier WEN speaks very slowly (Cantonese)' — 的任期於2012年開始之時實行".

No. 40, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "由第5屆立法會的任期於2012年開始之時施行".

Next, No. 41 ..... I will propose 74 amendments in total and this is No. 42. Mr Albert CHAN has proposed more than 1 200 amendments, but I will read them out for him because his Putonghua is no good.

No. 42, in the Chinese text, by deleting "自 ....."

(The following was delivered in Cantonese)

Excuse me, Chairman, I need some eye drops. I would like to report to the Chairman that I had a surgery only a couple of days ago. You should know I am not pretending because you had also been through this. I just realized I forgot to use the eye drops when I was supposed to. Here are the eye drops. I hope you can give me two minutes.

(The following was delivered in Putonghua)

Thank you, Chairman. You are an understanding person.

Where has comrade WONG Kwok-hing gone? If you do not like Premier WEN Jiabao speak so slowly, I will speak a bit faster. Come back.

**CHAIRMAN** (in Cantonese): Please continue.

**MR WONG YUK-MAN** (in Putonghua): No. 42, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "由第5屆立法會的任期於2012年開始時同時施行".

No. 43, in the Chinese text — "Are you very sleepy? (*in Cantonese*)" — by deleting "自第5屆立法會的任期於2012年開始之時 .....

(Mr LEUNG Kwok-hung stood up)

**MR LEUNG KWOK-HUNG** (in Cantonese): Excuse me, Chairman, I request a headcount.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Meeting now resumes. Mr WONG Yuk-man, please continue.

**MR WONG YUK-MAN:** Welcome, Secretary Ambrose LEE. Even though he is not allowed to stay in office, he is still here. I really have nothing to say.

"Chairman, I will continue to read out the content of my amendments in Putonghua. No. 43 ..... *(in Putonghua)*"

(Mr IP Kwok-him stood up)

**CHAIRMAN** (in Cantonese): Mr IP Kwok-him, what is your question?

**MR IP KWOK-HIM** (in Cantonese): A point of order. I would like to ask: How can reading out the clauses be helpful to our discussion? We are in a debate.

**CHAIRMAN** (in Cantonese): As Members and public officers proposing amendments during the Committee stage were previously allowed to read out their amendments, I have no reasons to disallow Members from doing so this time around.

Nonetheless, Mr WONG Yuk-man, since all your amendments have already been printed in the Annex to the Agenda, there is no need for you to read them out word by word. Would you please save time by all means.

**MR WONG YUK-MAN** (in Cantonese): Thanks to the Chairman for the instruction. Nevertheless, this is not a ruling.

I would like to draw Members' attention to the fact that there are altogether 74 amendments to the original clause 1(2). In view of Members' lack of thorough understanding, I as a Member proposing these amendment is obliged to read out the relevant amendments and explain them one by one. This is absolutely not a violation of the RoP. Certainly, some Members think that I am filibustering. Is it not very clear? According to our RoP, Members must not stray from the question in delivering their speeches. However, there are no

provisions prohibiting Members from reading out their amendments once. Nor is there any stipulation that Members cannot read out their amendments in Putonghua at the tempo WEN Jiabao would have used in delivering his speeches. Comrade WONG Kwok-hing, am I right? Just now, I wonder it was Dr LAM Tai-fai or someone else — no, it should be the Secretary — who said that Premier WEN Jiabao delivered his words in measured cadences. I am struggling to imitate him.

During the meeting between Donald TSANG and WEN Jiabao back then, I remember clearly that when they met in 2005, WEN Jiabao .....

**MS STARRY LEE** (in Cantonese): The content of the speech delivered by Mr WONG Yuk-man just now appears to stray from his amendment. He mentioned WEN Jiabao .....

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please do not mention anything unrelated to the clauses and amendments.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I think you are impartial. Even though the Member raising a point of order in an attempt to stop me from speaking is your party comrade, you will definitely not act in a biased manner .....

**CHAIRMAN** (in Cantonese): Mr WONG, please continue and not to stray from the question.

**MR WONG YUK-MAN** (in Cantonese): ..... therefore, I will continue to recite my amendments.

"No. 43 ..... (in Putonghua)"

**CHAIRMAN** (in Cantonese): Mr WONG, you have already read out amendment No. 43.

**MR WONG YUK-MAN** (in Cantonese): Oh, No. 44, sorry. You are really smart. There is no way for me to take advantage of you. The Chairman is really ..... I have no intention to "lick your boots". I cannot gain an advantage without you noticing. Thank you, Chairman!

I am just doing this to prevent others from feeling too bored. They are all sleeping. I am doing fine. After I have finished with my reading, I will talk about the word "自" as appearing in "自己". I will definitely not stray from the question because I am prepared. According to my rough calculation, I have spent two and a half hours talking about substituting "為" with "作".

"No. 44, in the Chinese text, by deleting '自第5屆立法會的任期於2012年開始之時起實施' and substituting "從第5屆立法會的任期於2012年開始時起施行". (*in Putonghua*)"

Before reading out No. 45, I would like to start talking about No. 3, that is, my third amendment. It reads, "In the Chinese text, by deleting '自' and substituting '由'." What are the differences between these two words? I will explain them in detail later. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, my speech just now was related to amendment No. 609. As there are in total more than 1 300 amendments, many Members might not be aware of the content of this amendment. I would like to help Members awaken their memories. Item 609 provides that if more than 34 directly-elected Members .....

**CHAIRMAN** (in Cantonese): Mr CHAN, both the Chinese and English versions of this amendment have been read out by you.

**MR ALBERT CHAN** (in Cantonese): I know, but I am afraid that Members are forgetful. Nevertheless, I will not repeat .....

**CHAIRMAN** (in Cantonese): Please do not repeat what you have already covered.

**MR ALBERT CHAN** (in Cantonese): I will not repeat it. I only wish to tell them that when more than 34 Members or more than four Members of the super District Council Functional Constituency resign, something serious must have happened.

During the course of enacting a law, all possible circumstances must be taken into consideration. We must not say that the interests of the relevant people can be completely disregarded and ignored because certain circumstances have never occurred, whether those people are the general public, tycoons or people with political privileges. Basically, it is provided in the Basic Law and the Hong Kong Bill of Rights Ordinance that no person shall be subject to discrimination in any manner on the basis of religion, beliefs, origin, background or race.

Therefore, during the enactment of a law — the Legislative Council (Amendment) Bill 2012 happens to be a case in point — if it is found that the legislation in question may exploit or restrict the political powers of certain people, thereby producing an apparent impact, the relevant government officials in charge must take various circumstances into consideration in enacting the law, including several fundamental considerations. The first consideration is legislative intent — Are the relevant legislation, if enacted, and the outcome of regulation incompatible with the legislative intent? When the five geographical constituencies referendum, or *de facto* referendum, was staged, many people criticized that a small number of people were wasting public money and taking advantage of the procedure to achieve their own goals, which were most likely political goals, too. Such an opinion is evident to all of us. However, despite Dr Priscilla LEUNG's proposal at that time that Members should be prohibited from triggering a referendum by way of resignation, I have never heard of any opinion that all directly elected Members should be prohibited from standing in elections, in the event of a resignation *en masse*, after scanning all sorts of

comments while I was participating in the five geographical constituencies referendum, including comments by Legislative Council Members, leftist newspapers and magazines such as *Wen Wei Po* and *Ta Kung Pao*, as well as comments from the so-called leftist royalists. I have never heard anything like that.

Mr WONG Yuk-man already proposed more than a decade ago that pan-democratic Members resign *en masse* before he was elected a Legislative Council Member. Even if 23 Members resign, this is already the limit of the pan-democratic camp ..... but, if all directly-elected GC Members, as I mentioned just now ..... directly-elected GC Members are not confined to pan-democratic Members. If all directly-elected GC .....

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please sit down. Mr Albert CHAN, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am not sitting down. I request a headcount.

**CHAIRMAN** (in Cantonese): A quorum is present in this meeting. Mr Albert CHAN, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): One Member happened to walk out just now.

**MR ALBERT CHAN** (in Cantonese): Should you walk out, a quorum will not be present, will it? Chairman, I request a headcount on behalf of Mr LEUNG Kwok-hung to prevent him from losing face.

**CHAIRMAN** (in Cantonese): Clerk, please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber).

**CHAIRMAN** (in Cantonese): Meeting now resumes. Mr Albert CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): I will go on explaining the spirit of the enactment of the legislation and whether the legislation, after enactment, has deviated from its original legislative intent. Should it be found that there is an enormous discrepancy between the legislative intent of any law and the final outcome, the Government should have it amended of its own accord. Secretary Dr York CHOW is best at enacting legislation in one aspect but ending up embracing everything in all aspects. Let me cite the smoking ban as an example. Initially, people were only prohibited from smoking indoors, but in the end, even smoking outdoors and on beaches is banned .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please do not stray from the question. You should speak on the amendment now.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am speaking on this amendment right now. In the beginning ..... as stated clearly in the paper submitted by the Government to the Legislative Council, the purpose of the legislation is to prevent some Members from resigning and thereby affecting the operation of the Legislative Council and wasting public money. Obviously, this is the legislative intent. But some people have used this as an excuse to criticize Members for resigning at will. This amendment of mine is proposed on the assumption of an extreme scenario in which 35 directly-elected GC Members have resigned. What does a resignation *en masse* of 35 directly-elected GC Members mean? According to the newly revised number of seats in the legislative amendment, this means that with the resignation *en masse* of

directly-elected GC Members, including nine from New Territories West, nine from New Territories East, and six from Kowloon East .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you have explained the concept of resignation *en masse* numerous times. Please stop repeating it.

**MR ALBERT CHAN** (in Cantonese): No, I am doing a headcount. Chairman, I have not done it before. As I mentioned just now, there are nine Members from New Territories East, nine from New Territories West, four each from Kowloon East and Kowloon West, and seven newly revised seats from Hong Kong Island. The total number of Members is 35.

Let us think about this. The Government's proposal to amend the Ordinance stemmed from the resignation of several Members. However, in the event of an extreme scenario, that is, a scenario in which 35 Members resign together, there must be a very compelling justification because they will not play tricks. If they do, why should the 35 Members resign together? Will the Government not allow them to stand in by-elections if they resign *en masse*? What sort of a law is this? What is the Government's logic? What is the Government's values?

The number of electors involved when 35 Members resign .....

Chairman, I have to take time to dig out these statistics because there is too much information. A resignation of 35 Members *en masse* should involve approximately 3.6 million electors, that is, all the constituencies to which these 3.6 million belong. I have not yet figured out the number of ballots. My assistant is calculating the previous Legislative Council Election that took place in 2008 — there were only 30 seats, not 35 seats — should 30 directly-elected GC Members resign *en masse*, the total number of ballots should be, according to my memory, around 1.5 million to 1.6 million. In other words, in the event that the representatives of public opinion elected by 1.5 million electors resign together for certain special reasons, probably political or legal reasons, how can the Government possibly enact legislation to prohibit these Members from standing in elections again?

The Legislative Council has the legislative function to prohibit certain publicly unacceptable or bizarre behaviour. In general, the law deals with deviance. As Members are elected to the Legislative Council by all people in Hong Kong through ballots, they may hope to resign *en masse* to seek a new public mandate. The most fundamental principle of the system of representative government is public mandate, which is also the most sacred.

I criticized the Democratic Party years ago for betraying its political manifesto and electors simply because it had deviated from its political manifesto. Should the 35 Members put forward certain beliefs in their political manifestos, or their previous political manifestos, and for certain reasons, find that the Government's administration run counter to their political manifestos in certain aspects, they will have to rise against the Government for the purpose of seeking a public mandate ..... the beauty of elections is to allow the people to make a sacred decision through ballots in a peaceful, rational, open, fair and just competition.

If a public mandate is not obtained through elections, there might be violence, riots or revolutions in society. Some people believe in revolution through the ballot box, which is most dreadful to the communists. This is why the communists are so afraid of resignation of Members *en masse*. What will happen should that occur? I am not going to talk about political issues or issues relating to the Basic Law. I will simply talk about the DAB's most vocal issue, that is, the "doubly non-permanent resident pregnant women". If the Government allows a sudden influx of not only tens of thousands of ..... but probably hundreds of thousands of "doubly non-permanent resident pregnant women" from the Mainland into Hong Kong, thereby causing a public uproar, with the new Government led by the "wolf", LEUNG Chun-ying, continuing to allow a mass influx of these women into Hong Kong in an insane manner, Members will naturally want to stage an uprising through ballots and pressurize the Government with public legitimacy and representatives of public opinion to force the Government to change its stance.

Although Members in this Chamber are not fond of throwing bananas or "hell money", we succeeded in lobbying for several thousand dollars after our splashing of "hell money". Just that DAB took the lead in claiming credit, saying they had succeeded in lobbying the Government for a handout of \$6,000 — the DAB is most adept at doing this. Let me cite the "doubly non-permanent

resident pregnant women" as an example. If all the directly-elected GC Members agree that such an insane act of the Government will affect the personal interests of the public, they might hope to compel the Government through their resignation to make concessions. In democratic societies, such as under the democratic systems in overseas countries, it is commonplace for members of parliament to obtain a mandate from the people through a vote by ballot in a bid to influence the Government's major policies and decisions. A case in point is the United States system .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you are now, as specified in Rule 45(1) of the RoP, persisting in "tedious repetition" of your own arguments. You should advance other arguments.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am analysing my argument step by step. The example cited by me just now has not been used before. I have not cited any example concerning the "doubly non-permanent resident pregnant women". I may cite six or seven examples later in the meeting. I am only using an example to illustrate certain possible scenarios, because some people may consider it very insane for 30-odd Members to resign *en masse*. I suppose *Wen Wei Po* and *Tai Kung Pao* will lash out at or smear us tomorrow .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you should not use numerous examples to keep illustrating the same argument.

**MR ALBERT CHAN** (in Cantonese): Fine, Chairman, I will avoid repeating examples by all means. Members might not understand that students are taught in the same manner, too. If we cite an example to teach them but they still do not understand it, we may use another example to illustrate our point. Certainly, I will not repeat my examples. Nevertheless, we need to cite examples in the course of a debate. It is very important to use examples to substantiate arguments. As pointed out by the Chairman in his reminder for us just now, we must discuss the details of the clauses rather than the principles during the examination of the proposed amendments at the Committee stage. As the details

of the clauses are involved, I must clearly explain the potential problems and possible consequences of the clauses.

I am very grateful to Secretary Raymond TAM for listening to my speech very attentively. Not only is he staying awake, he has also attempted to focus his attention on understanding the logic and original intent behind my proposed amendments. I hope he can respond later and explain why the Government could have drafted the Bill in such a slipshod manner and employed such a totalitarian and extreme legislative means to deprive 35 Members of their right to stand in elections again should they resign *en masse*.

Time is running out. I will explain and discuss later how Members will foot the bill and fork out electoral expenses, even though the Government will still deprive them of their right.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, Secretary, Chief Secretary, the 12th term, the 11th term, you should have known all about this.

Chairman, you told me I had better not to talk about the intonation variations of "為"(wai4), "唯"(wai4), "威"(wai1) and "喂"(wai3), so let me change the topic later.

Concerning item No. 1 proposed by Mr Albert CHAN to add "..... they have agreed jointly to reimburse not less than 95% of the total amount of administrative costs of the by-election ....., subsection (2A) does not apply to them", I find this principle questionable. Objection! Why should a Member reimburse 95% of the total amount of the administrative costs? If the right to stand for election is sacred and not to be deprived, all sorts of redemption and buying-out are wrong. In other words, one cannot sell his right. Neither can one pay to acquire someone's right because the rich can then be granted exemption under this Ordinance.

Chairman, it seems that a uniform standard has thus been set. In other words, it is considered to be fair if 95% of the total amount of the administrative

costs is reimbursed. However, someone who does not have so much money will be deprived of the right originally conferred upon him under the constitution because of money or insolvency.

Chairman, I do not know who came up with this idea of allowing people who can reimburse the administrative costs to stand for election. Who is it? One can stand for election after reimbursing the administrative costs. In other words, one can stand for election so long as he has the money to spend. May I draw your attention to the fact that the Basic Law only provides that we have electoral franchise and the right to stand for election without saying that the rich can enjoy a bigger electoral franchise, because the right to stand for by-elections is also a kind of electoral franchise, right? As regards .....

(Mr WONG Kwok-hing stood up)

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, what is your point?

**MR WONG KWOK-HING** (in Cantonese): Chairman, your ruling please. The Member is repeating his argument again and again in his speech.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please stop repeating your argument.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am not repeating my argument, am I? Chairman, I really have to listen with all ears to how I am repeating my argument. Is it because I mentioned the word "I" or "95%"? What am I repeating? You did not pay attention to what I was saying. What was I repeating? What were you talking about? You should not think that he will help you ..... you should not think that the DAB Chairman will help you! What are you talking about, buddy?

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are not delivering your speech in accordance with the RoP.

**MR LEUNG KWOK-HUNG** (in Cantonese): In that case, what am I repeating?

**CHAIRMAN** (in Cantonese): I will point it out when you do so.

**MR LEUNG KWOK-HUNG** (in Cantonese): I see.

**CHAIRMAN** (in Cantonese): Will you please continue and not repeat your argument.

**MR LEUNG KWOK-HUNG** (in Cantonese): Oh, I see. I am sorry, please do not be angry. I thought you heeded him. I was wrong. He was just shooting blindly. I was taken aback by him. I am really quite frightened now. I was said to be repeating my argument. Am I not allowed to mention 95%? Please listen attentively. You should have jotted down how I am repeating myself. Why are you playing computer games? You are not paying attention again.

What is the argument I am repeating? The argument I am repeating is that a person should not be deprived of his electoral franchise because of his fortune or whether or not he has any fortune, right? Let me read out the clause, "By adding — '(2B) If more than two Members of any geographical constituency or the District Council (second) functional constituency'" — I was only reading from the script ..... I do not consider it appropriate to do so. Let me cite myself as an example. I am a victim. If I ..... Members should be aware that I am very poor, and I am a victim. I will safeguard my own right, will I not? If I receive such treatment when I resign from office or nominate another person, and if more than 34 Members of any geographical constituency (GC) or more than four Members of the District Council (second) functional constituency (DC (second) FC) resign from office as Members on the same day — "..... more than 34 Members of any geographical constituency or more than four Members of the District Council (second) functional constituency resign from office as Members on the same day and they have agreed jointly to reimburse not less than 95% of the total amount of administrative costs of the by-election upon their nomination as candidates in that by-election, subsection (2A) does not apply to them."

My argument is that the total amount of administrative costs is a non-recurrent cost. If more than 34 Members of any GC or more than four Members of the DC (second) FC resign from office as Members on the same day and they have agreed jointly to reimburse not less than 95% of the total amount of administrative costs of the by-election upon their nomination as candidates in that by-election, the relevant provision does not apply to them. I would like to ask a simple question: If the law is fair, why are the results different when Members resign from office on the same day and when they do so within a couple of days? There should be no difference in their right to resign and the by-election triggered by their resignations. Why is there a difference if Members resign from office on the same day? This is yet another issue.

This piece of legislation is not only unfair when it comes to the issue of money, it is also too arbitrary. Why? It is arbitrary in the sense that whether or not Members resign from office on the same day will result in the loss or gain of the constitutional right in an irreversible manner.

In fact, Chairman, more than 34 GC Members would mean 35 Members in the future Legislative Council, because they already represent all the GC Members of the Council. Such an act of resignation actually means that these GC Members, that is, all the GC Members, exercise their right to resign on behalf of their constituents. If they cannot exercise their right to stand for re-election because they cannot pay the costs, the original right to elect all the GC Members of the Council will be wiped out. Not only will they be deprived of their right, their constituents will also be deprived of their right because, Chairman, I have to remind you that some people might not stand for election. Not all of these 35 GC Members are aspiring politicians or will stand for election. It might turn out that none of them stands for election. What will happen then? There will be no more need for summoning. There will be no more need for requesting a headcount, as I did just now. Instead, a quorum will never be present.

May I ask Members why we should enact an ordinance to restrict these people? Why should we enact an ordinance to wipe out the powers, including the powers to monitor the Government, enacting legislation and approving funding, exercised by members of the public through the legislature and assured by the Basic Law? I am talking about the fact that a component of the constitution under the Basic Law will not be able to function, not the future of the

35 Members or their constituents. I hope those who are present, including the Secretaries of Departments of the 11th and 12th terms, can understand this. I know you do. You know what I mean by the 11th and 12th terms? If not, I will do some explaining later on.

I would like you to explain: Will you object to this amendment proposed by Mr Albert CHAN? Do you object in principle, or on technical grounds? I am standing on the opposition side. I think it is wrong to do so. I hope Members can say something if they do not support him. On seeing such a ridiculous thing, how can one sit here like a log, as if one is suffering! You are for Hong Kong people .....

**MR ALBERT CHAN** (in Cantonese): Chairman, is the remark made by Mr LEUNG Kwok-hung that we are sitting here as if we are a log offensive?

**CHAIRMAN** (in Cantonese): Mr LEUNG, are you offending other Members?

**MR LEUNG KWOK-HUNG** (in Cantonese): I mean they are sitting here as firm as a rock. Wood is one of the five elements .....

**CHAIRMAN** (in Cantonese): Please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Am I correct? They are sitting here like a log. What is the matter? There is really no problem for them to sit like a piece of wood.

I really do not ..... what I mean is they are unyielding in keeping the meeting going. In fact, I have no idea if they support the Government. Honestly, they did not say a word even though they saw what happened. Although I am sitting beside "Hulk" and, as a friend of his, I have fought shoulder to shoulder with him, I will definitely oppose him now that there is something wrong here. I will oppose every amendment of his.

Chairman, I have never thought that I would become an opponent of the opposition. I really cannot help it.

I would like to reiterate that I hope ..... the Director and the Secretary who are here should not be doing nothing as you are the Secretary. Think about this. Should you oppose this amendment? You used to be very talkative. Secretary, you have advised others to "put down the butcher's cleaver and immediately become Buddha". Would you please put words into action?

Insofar as my position is concerned, these amendments are unconstitutional and naturally should not be passed in the legislature. I do not know how Members sitting here in the future will cast their votes. I implore Members to oppose him. I also hope Mr CHAN can tell me why I should support him.

Chairman, I actually wish to point out that subsection (2A) is in itself a malignant tumour. Hence, I will stop analysing it for the time being. I hope Secretary Stephen LAM can put it on record and later — I often get it wrong. I should have addressed him as the Chief Secretary — Chief Secretary Stephen LAM can finally do something now. As for the 11th and 12th terms, I will give you some advice in writing in future. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR WONG YUK-MAN** (in Cantonese): ..... Chief Secretary, you have no reasons to leave. Since you happen to be here, it is time for us to settle old scores. I .....

**CHAIRMAN** (in Cantonese): Mr WONG, please speak on the relevant clauses and amendments.

**MR WONG YUK-MAN** (in Cantonese): ..... Chairman, I would like to say a few words first. When the Bill was read for the First time on 8 June 2011, I rushed forward to argue with the Secretary. As he was surrounded by six or seven security guards, I hurt my back. He was fully responsible for my injury.

It is really good for him to be here to witness how the entire replacement proposal will be changed beyond recognition and sample the bitter taste of failure.

Regarding the 74 amendments proposed by me, the first item I mentioned just now .....

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Nothing special, just a routine headcount.

**CHAIRMAN** (in Cantonese): Are you requesting a headcount?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(The bell was ringing)

**MR WONG KWOK-HING** (in Cantonese): Chairman, I want you to pay attention to the Member who requested a headcount. Despite his own request for a headcount, he has walked out. So, Chairman, can you consider requesting that the Member requesting a headcount must stay in the Chamber?

**MR LEUNG KWOK-HUNG** (in Cantonese): Buddy, I am here.

**MR WONG KWOK-HING** (in Cantonese): Chairman, he entered the Chamber only now.

**MR WONG YUK-MAN** (in Cantonese): ..... I am standing here .....

**DR PAN PEY-CHYOU** (in Cantonese): It was "Long Hair" who requested a headcount.

**CHAIRMAN** (in Cantonese): I am chairing the meeting in accordance with the RoP.

**MR WONG YUK-MAN** (in Cantonese): ..... take your time. This is a struggle against foreign enemies with a comic relief .....

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Meeting now resumes. Mr WONG Yuk-man, please continue.

**MR WONG YUK-MAN** (in Cantonese): Chairman, Members are frustrated probably because they are hungry. Be patient! Comrade WONG Kwok-hing, I can see that you are in a joyous mood. I will continue to imitate WEN Jiabao. You hate to see him speak so much.

"Chairman (*in Putonghua*)" ..... please give me a glass of water, for without water .....

(The following was delivered in Putonghua)

Chairman, No. 45, in the Chinese text ..... my tempo of speech is more like Premier WEN now, you must pay more attention ..... by deleting "自第5屆

立法會的任期於2012年開始之時起實施" and substituting "從第5屆立法會的會期 ..... "excuse me ..... "任期於2012年開始之時實行".

No. 46, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "從第5屆立法會的任期於2012年開始之時施行".

(The following was delivered in Cantonese)

May I have a magnifying glass please? I cannot see clearly ..... I have got it.

(The following was delivered in Putonghua)

No. 48, in the Chinese text, by deleting "自第5屆立法會的任期於2012年開始之時起實施" and substituting "從第5屆立法會的任期於2012年開始時同時施行".

(The following was delivered in Cantonese)

Chairman, perhaps I should say a few words about No. 3 — In the Chinese text, by deleting "自" and substituting "由".

Sometimes, the Chinese word "自" (meaning start, beginning) is used in conjunction with the word "從". But here, we cannot replace "本條例自" with "本條例自從", as it is quite illogical to use "自" here, for "自" means "start" (始) or "開頭" (beginning) in this context. We can also see that "自" means "I", "myself", or "oneself".

In *Book of Poetry • Minor odes of the kingdom • Jie Nan Shan* (詩經 • 小雅 • 節南山), it reads, "不自為政，卒勞百姓 (not attending himself to the government, the issue is toil and pain to the people)<sup>19</sup>". In *Zhan Guo Ce • Yan Ce* (戰國策 • 燕策), there was a line "自引而起，絕袖 (he rose and cut his sleeve)". In *Mengzi* (孟子), a well-known line reads, "人必自侮，然後人侮之 (a man must first despise himself, and then others will despise him)<sup>20</sup>" .....

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<sup>19</sup> <<http://ctext.org>>

<sup>20</sup> <<http://ctext.org>>

**CHAIRMAN** (in Cantonese): Mr WONG, you should know that the word "自" in this context is used in a way different from what you explained.

**MR WONG YUK-MAN** (in Cantonese): The word "自" with the sense of "I" (本人) or "myself" (自己) is different in meaning from the word "自" used in this context. Chairman, am I right that ambiguities will arise? Hence, my present explanation is that besides "始" (start) and "開頭" (beginning), the word "自" can also mean "自己" (myself) as well as "己身" (oneself).

Therefore, you can see from the examples cited by me from *Menzi* just now, such as "人必自侮，然後人侮之；家必自毀，而後人毀之；國必自伐，而後人伐之 (A man must first despise himself, and then others will despise him. A family must first destroy itself, and then others will destroy it. A State must first smite itself, and then others will smite it)<sup>21</sup>", that the word "自" has the meaning of "自己" (myself) and "己身" (oneself). So, the word "自" as appearing in "自第5屆立法會任期於2012年開始之時起實施" is actually problematic. Therefore, I have decided to replace it with "由" to make the meaning more precise and accurate.

The difference between "由" and "自" — we will sometimes find it extremely difficult to learn Chinese, as I pointed out just now. Moreover, a Chinese word may have two or more possible meanings. As we are now seeking to make amendments to this Bill, this gives us an opportunity to say a few words about Chinese here — this sentence is not logical and it has semantic ambiguity (歧義), too. Here, "歧義" means "異" (abnormal) as in "異常", whereas the word "義" in the expression "meaning" (意義) mentioned by Mr LEUNG Kwok-hung earlier means "different meanings" (意義分歧).

The greatest difference between "由" and "自" is that "由" has the meaning of "passing through" and "by way of", as in "誰能出不由戶" (Who can go out but by the door), right? The word "由" is also found in a horrifying scene depicted by famous writer FANG Bao in his book "Random Notes from Prison": "余在刑部獄，見死而由竇出者，日三四人" (While I was imprisoned, I would see three to four dead bodies removed from the cells every day.).

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<sup>21</sup> <<http://ctext.org>>

The word "由" has another meaning — "pursue". Secretary, there is a Chinese saying that "捨正路而弗由" (meaning abandon the right path and not pursue it). Instead of following a broad road, the Secretary has proposed a replacement law to deprive Hong Kong people of their rights to stand in elections. This is what "捨正路而弗由" means — preferring a road to the nether world to a broad road. This explained why Mencius said "Alas!". *Mengzi* is worth reading. Here I have an entire volume of *Mengzi*. Chairman, this revised thread-bound edition was a gift from "Hulk", for he knew that I enjoyed reading *Mengzi*.

In the expression "捨正路而弗由", the word "由" carries the meaning of "pursuing". Secretary, this is not "going from place to place" (行走江湖) means. You are the one who "go from place to place". Your boss has already left in a flash. He might think I would insult him. I certainly will not do so. I am just doing some analysis about words. Buddy, I am merely explaining the pronunciation and definition of this word. How come I will criticize him? I was so pleased when I saw him. I was so much happier recently because of him .....

**CHAIRMAN** (in Cantonese): Mr WONG, please do not stray from the question.

**MR WONG YUK-MAN** (in Cantonese): What is the answer to this riddle "太監讀神學" (an eunuch studying theology)? Chairman, you may guess the answer, but do not tell me now.

Furthermore, the word "由" may mean "任用" (appointing someone to a post), too. It is really interesting that I do not know I have read too little books if not for the filibustering — Chairman, do you know the word "由" has this shade of meaning? Being such a knowledgeable person, you must have read *Zuo Zhuan* (左傳), and here are a few lines from it: "以晉國之多虞，不能由君子，使吾子辱在泥塗久矣，武之罪也". The word "由" in "不能由君子" carries the meaning of "appointing". A Chinese word can really have many shades of meaning. This is why this piece of legislation must be drafted carefully, right? One must be very meticulous about each and every word.

Besides the meaning pointed out by me just now, that is "pursuing", the word "由" also has the meaning of "任用" (appointing someone to a post). So,

the expression "不能由君子" means "being unable to appoint a man of virtue". Just as I criticized Donald TSANG on a previous occasion, I said "不仁者而居高位，是播其惡於眾也" (When a man destitute of benevolence is in a high station, he thereby disseminates his wickedness among all below him). The word "由" in "不仁者而居高位" can be taken to mean "不能由君子", that is to say, it is very dangerous not to appoint a man of benevolence or a person of virtue to a high post.

Furthermore, the word "由" has the meaning of "聽憑" and "聽任" (allowing someone to do what he or she likes). Here I have a copy of "新粵謳 (New Folk Song of Guangdong)". Members might think that Cantonese has no written form. I have to tell you that all Cantonese words have written forms. Cantonese is "漢語" (ancient Chinese), OK? Cantonese songs are very pleasing to the ears. Have you heard of "粵謳" (Folk Song of Guangdong)? This "新粵謳解心" (New Folk Song of Guangdong Xin Yue Ou Jie Xin) is really interesting .....

(Dr PAN Pey-chyou stood up)

**MR WONG YUK-MAN** (in Cantonese): ..... "任用" and "聽憑" .....

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please hold on. Dr PAN Pey-chyou, what is your point?

**DR PAN PEY-CHYOU** (in Cantonese): A point of order. Chairman, I believe the "粵語" (Cantonese) and "粵謳" (Folk Song of Guangdong) he mentioned are not relevant to the Bill under discussion today.

**CHAIRMAN** (in Cantonese): Mr WONG, please do not stray from the question.

**MR WONG YUK-MAN** (in Cantonese): Dr PAN Pey-chyou, have you studied critical interpretation of classic texts before? Have you studied this subject? You are a psychiatrist. I understand that a psychiatrist and critical interpretation of classic texts may be poles apart.

The word "由" can also mean "聽憑" and "聽任". Here is a famous line in *Outlaws of the Marsh* (水滸傳): "若賽錦體，由你是誰，都輸與他". "聽憑你是誰" means no matter who you are. "由你是誰，都輸與他" means you will lose no matter who you are.

Secretary, as the word "由" can also mean "遵從" (abide by) and "遵照" (follow), I have replaced this word with "由". You must be very clear about the difference between "由" and "自" because the two words can be confused very easily. The word "由" can mean "遵從" (abide by) and "遵照" (follow) (*The buzzer sounded*) .....

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, I have just talked about the first half of amendment No. 609. Why do I think that in case more than 34 Members returned by direct elections in geographical constituencies (GCs) and more than four Members from the District Council (second) functional constituency (DC (second) FC) resign .....

**MR WONG YUK-MAN** (in Cantonese): Chairman, a quorum is lacking.

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Meeting now resumes.

(Mr WONG Kwok-kin stood up)

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-kin, what is your point?

**MR WONG KWOK-KIN** (in Cantonese): A point of order. We are now having a formal meeting, why is there no dinner time?*(Laughter)* This is a regular meeting of this Council and there is no reason why there is no time for dinner.

**CHAIRMAN** (in Cantonese): Mr WONG, dinner arrangement is not a matter of order.

**MR WONG KWOK-KIN** (in Cantonese): Are you saying that the rules do not specify any dinner arrangement?

**CHAIRMAN** (in Cantonese): What you have raised is not a point of order.

**MR WONG KWOK-KIN** (in Cantonese): I just hope that the Chairman can care about the question of meal time and that is all.*(Laughter)* It is important to have meals. How can we work if we do not eat? This is a regular meeting and there is no reason why there is no meal time.

**CHAIRMAN** (in Cantonese): Mr WONG, you are violating the RoP. Please sit down. Mr Albert CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): Chairman, when some Members do not even know what a point of order is, it is a shame for this Council. If it is said that eating is a point of order, there are many people among the millions of people in Hong Kong who do not have anything to eat, and have Members shown any concern for them?

**CHAIRMAN** (in Cantonese): Mr CHAN, please do not stray from the question. Please continue.

**MR ALBERT CHAN** (in Cantonese): Chairman, just now I talked about the problem that might arise from the resignation of more than 34 Members returned by direct elections in the GCs or more than four Members from the DC (second) FC, that is, the so-called super DC FC. I think the logic and theory of this example are clear enough. I have also cited some examples for illustrating. Of course, the examples may not be the best ones. It may not necessarily be the case that 35 Members will resign *en masse*. If we could give examples which are more exaggerated, on the issue of the "doubly non-permanent resident pregnant women" from the Mainland, if suddenly the Government goes out of its mind and allows hundreds of thousands of people to come here; or if the Government sells the MTRCL, the West Kowloon Cultural District and the cruise terminal to a syndicate for just \$1; I know that the degree of exaggeration may be too great in these cases. What I wish to point out is that in the case of The Link REIT, the Government sold its assets at less than the market price and it was a dirt cheap price. The result is that the people are suffering. Other similar or more exaggerated examples are that the Cyberport does not have to undergo a tendering procedure and in the case of the West Kowloon Cultural District, the Government has almost awarded the entire project to a certain giant syndicate by adopting the approach of single tender. Recently, it may be due to this incident that the ICAC is conducting investigations and I do not know if prosecutions will be initiated eventually.

There are many examples of events which affect people's livelihood. The Link REIT is one case and selling the Cyberport and leasing land to a certain syndicate without going through the tender procedure is another, these .....

(Mr Paul TSE stood up)

**CHAIRMAN** (in Cantonese): Mr Paul TSE, what is your question?

**MR PAUL TSE** (in Cantonese): ..... irrelevance. Chairman, can you tell me .....

**CHAIRMAN** (in Cantonese): Mr CHAN, is your speech related to this clause?

**MR ALBERT CHAN** (in Cantonese): Absolutely. I hope Mr Paul TSE can listen carefully. I am talking about under what circumstances 35 Members directly returned from GCs will resign *en masse* ..... it is a ..... I am giving an explanation .....

**CHAIRMAN** (in Cantonese): Mr CHAN, as I said earlier, you are repeating your arguments. You need not cite so many examples. Or else, I would think that you are constantly repeating your arguments.

**MR ALBERT CHAN** (in Cantonese): Chairman, I was just citing my second example. The impact of the first example is not as great as the second one. I appreciate your difficulties, Chairman. I also know that Members are impatient. This is because many Members supported the listing of The Link REIT back then .....

**CHAIRMAN** (in Cantonese): Please continue and do not stray from the question.

**MR ALBERT CHAN** (in Cantonese): ..... they have a guilty conscience and so they do not want to listen.

I wish to come back to the question of money. I understand well enough why Mr LEUNG Kwok-hung opposes it. In the Basic Law and in the Bill of Rights law, it is considered unjust and unreasonable to deprive certain Members or classes of Members, or Members of a certain financial background or social class, of their right to stand in an election. So I can say that I understand completely his opposition.

In proposing this amendment, I just wish to show ..... of course, in the remaining some 600 amendments, there are different combinations, so I will

explain the differences between each of these combinations by and by. But this is the most exaggerating scenario. If all the Members directly returned from GCs are prepared to pay for more than 95%, or even 100% of the administrative costs of a by-election, but the Government still deprives them of the right to stand in elections or the right of electors to nominate these 35 Members as candidates, then I can say that these policy and practice are extremely harsh, strict and irrational. The Bill itself is absolutely irrational and unreasonable. So I wish to let all the people of Hong Kong know that this Bill is absurd. It is because even if all the Members elected will resign at the same time and if they are prepared to pay for all the election costs, they are still unable to take part in the by-election. This shows that this Bill is absurd.

Chairman, I would like to show how the costs are worked out. In amendment No. 609, if 35 Members resign *en masse* and stand in the election, that is, the by-election, the total administrative outlay is \$159 million. This is worked out according to what is said in government papers and other general papers. And if they are to pay for 95% of the total outlay, these Members will have to bear very expensive costs if they want to take part in a by-election after resigning from office.

For these 35 Members who have resigned, if they want to take part in a by-election, they have to share this sum of \$159 million. This means each will have to pay \$4,315,714. It is some \$4 million. That is, \$4,315,714 to be exact. After a Member has resigned, he does not have the original salary or the gratuity upon completion of his tenure. He does not have his Member's office and he may have to pay for the expenses even. He has to raise funds to pay for his election costs and he has to get prepared for the possibility that he may not be elected. Just think how great his losses are.

Despite these great losses, he is prepared to pay for the some \$4.3 million and there are not just one or two Members, or Members from New Territories East, New Territories West or Hong Kong Island or Kowloon East. Incidentally, Kowloon East is the district where the DAB and the FTU are dominant. So it is a matter of all the districts or all the five Legislative Council GCs in Hong Kong. This is a case where all the Members of this Council returned from direct elections and every one of them wants to resign and they are

prepared to pay not just \$40,000, or \$400,000 but \$4.3 million. They are prepared to pay that sum of money. But the Government does not let them stand in the by-election. What kind of logic is this? This is really the most absurd thing I have ever seen.

When people oppose the "five geographical constituencies referendum", they argue that this is a waste of public money. But now no public money is wasted. Those Members who have resigned are prepared to pay for the election costs and this is not a small number of Members, nor just Mr WONG Yuk-man and me, or those from the People Power and the League of Social Democrats, plus those from the Civic Party. It is all the Members, all those representatives returned from popular elections. They represent the views of the people. There are about 3.6 million voters in Hong Kong and those who vote may number 1.6 million or 1.7 million, or even more, that is, 1.8 million. All these representatives of public opinion act in response to something they cannot accept, that is, the possibility that there may be a social upheaval or great damage done to society.

**CHAIRMAN** (in Cantonese): Mr CHAN, you are repeating your arguments.

**MR ALBERT CHAN** (in Cantonese): ..... Okay. They are willing to sacrifice their own personal interest and resign from office. What I am saying is that these 35 Members returned from direct elections are making selfless sacrifices, prepared to submit themselves to an election. This is not a referendum. It is polling by all the people. It is a grand and valuable thing. Now the authorities are depriving these 35 persons of the right to take part in elections. The right of all the people of Hong Kong to nominate candidates is also taken away. I must stress this point because both the Government and Members from the royalist camp are always telling the people that this Bill does not have any effects on them.

I have to tell the people of Hong Kong clearly: There may be some Members of this Council for whom you have lent them your support for some 10

to 20 years, but because of this Bill, your right as voters to nominate, I stress, it is your right to nominate, is exploited.

I hope the Secretary can respond to this. Under these circumstances, you are still so harsh, inhumane, irrational, rash, domineering and dictatorial, you have deprived the general members of the public, that is, those kind-hearted people of Hong Kong, of the right to nominate candidates. Chairman, I must stress that this right is a most humble one.

I hope therefore that the Secretary can give an explanation later on. He is a believer, so how can a believer be so harsh and violate justice?

I have just talked about direct elections in GCs. I have worked out the sum of \$4,315,714 based on the number and distribution of Members. If Members care to read my amendment, that is, No. 609, they will find that besides mentioning direct elections in GCs, another thing is about more than four Members from the DC (second) FC. Note the word used is "or", not "and". Members have to be careful about that. Actually, I should have proposed more amendments to add the word "and", for this may express better the idea that besides direct elections in GCs, if the five Members from that FC resign *en masse*, this will certainly be very sensational.

But in my amendment, I have used the word "or". If we are talking about the DC (second) FC and the voters, actually, their voters should be similar in number, and it could be just that the size may be smaller. This is because voters in GCs may not necessarily register as voters in the DC (second) FC. I have filled in the form and returned it lately. I wanted to give up the registration for this FC because the electoral laws now are totally unreasonable. For when you register as a voter for a GC, and if you do not indicate any objection by filling out a form and return it, showing that you do not want to be registered as a voter in any FC, then it will be deemed that you have accepted and your name is put down in the voter register of DC (second) FC.

I therefore appeal to all voters in Hong Kong to think carefully. If they do not support FC elections — of course, many people or voters may think that if

they can have one more vote, they can show how they want to vote and they can keep this right to make choices. But in the end it is up to them to vote or not to vote. These people hope to retain this room to maneuver, chance and right. Then if they want to vote in the DC (second) FC election, they can retain this right.

As I see it, the number of voters in this FC is smaller than the number of voters in GCs. Of course, the Secretary may have a different opinion. His analysis may show that there may be certain candidates who mobilize the people and ask them to register as voters in that FC. But this is only my opinion based on logic and theories. In principle, the number of voters for the DC (second) FC should not be more than the number of voters in GCs.

In any case, I have made some projections based on the same electoral base. If the total number of voters in the five DC (second) FCs is the same as the total number of voters in the GCs, then the situation of these five persons will be more serious. This is because in the first case, the estimates are made on the basis of 35 persons but now it is based on five persons. This is because if these five persons are to share the administrative costs for an election, that is, a *de facto* referendum — this is because these five persons resign at the same time and so it will be a territory-wide election and actually it will be a territory-wide election even if there is only one resignation. I will talk about how much will the costs be when one person resigns — if five persons resign *en masse* and if they are to share the cost of \$159 million, then if they are to take part in the by-election and given that they do not get any exemption, each of them will have to pay \$30.21 million.

If he has the means, of course the Government has to prove that he has the means, for me I do not have such means certainly (*The buzzer sounded*) .....

**CHAIRMAN** (in Cantonese): As a Member has mentioned that it is time for dinner, I now declare that the meeting be suspended to enable Members to have their dinner.

7.15 pm

Meeting suspended.

8.31 pm

Committee then resumed.

**CHAIRMAN** (in Cantonese): Meeting now resumes. Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): Is there a quorum? One, two, three, four, five, six, seven, eight ..... now it is enough. Chairman, in this Chamber when we discuss amendments or Bills introduced by the Government ..... Chairman, the usual question, a quorum is lacking.

**CHAIRMAN** (in Cantonese): Mr LEUNG, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Is there a quorum here?

**CHAIRMAN** (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**CHAIRMAN** (in Cantonese): Meeting now resumes.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I said earlier that this is a Council and this is a place where the people of Hong Kong make laws. The

enactment of any law should be based on grounds or reasons and we can then agree or disagree with it or lend our support or otherwise to it.

In my opinion and take the example of amendment No. 609 — I am following the order given by the Chairman and I will not cite the content of the amendment. In this Bill, what is the difference between making this amendment and not making this amendment? With this amendment, some elements of unfairness will be added to it. Without this amendment, all people can be regarded as equal. There will be no use of the right to property as the standard to allow or prevent a person from exercising his right to take part in a by-election or an election again. This is a very important reason why I oppose this amendment from Mr Albert CHAN.

I have got many calls just now. These people said, "Long Hair, you have no grounds when you oppose other people like this." I know that many people are watching this meeting in front of the TV. This is a good thing about this Council and that is, the people can watch us directly in a debate. Actually, I believe many Members in this Chamber or those citizens watching the debate on TV will not see the point why I have to say all this. Let me quote from a book written by a scholar in law called Roscoe POUND and it is entitled *Social Control Through Law*. In the first chapter of his book on culture and social control, page 9, I now quote to this effect: In the modern world, law .....

(Mr CHAN Kam-lam stood up)

**CHAIRMAN** (in Cantonese): Mr CHAN Kam-lam, what is your point?

**MR CHAN KAM-LAM** (in Cantonese): What he is saying has nothing to do with the amendment.

**CHAIRMAN** (in Cantonese): Mr LEUNG, what is the relationship between what you intend to read out and the amendment?

**MR LEUNG KWOK-HUNG** (in Cantonese): It is social control by means of using 95% of the administrative costs. Provided that you can pay this amount, then you can exercise this right of standing in the election again. But those people who cannot afford paying this 95% of the administrative costs will not be able to stand in the election. Is this not social control? This Bill is in itself .....

**CHAIRMAN** (in Cantonese): As we are in the Committee Stage, we should only discuss the details of the clauses instead of the principle of the Bill. Please note this.

**MR LEUNG KWOK-HUNG** (in Cantonese): If we do not talk about principles, how can we discuss the details? I do not get the point.

**CHAIRMAN** (in Cantonese): You should have discussed the principle of the Bill during the Second Reading debate. You should now discuss the clauses and the details of the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I really do not see what you are driving at. I am now quoting from a book and I have just said "in the modern world", and you have not allowed me to continue standing and speak.

**CHAIRMAN** (in Cantonese): Please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Sorry. "In this modern world", you do not know what comes next. "There are many people like crawling insects and they are ignorant and incompetent." Then, "the law becomes the chief means to control society. In the present-day society, we would mainly depend on political organizations and strong forces in society. We strive to regulate relationships and organize acts by an orderly and systematic use of such strong forces."

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have read out such a long paragraph. But I do not see how it is related to this clause.

**MR LEUNG KWOK-HUNG** (in Cantonese): This is because "they have agreed jointly to reimburse not less than 95% of the total amount of administrative costs of the by-election".

**CHAIRMAN** (in Cantonese): How is that related to the paragraph read out by you just now?

**MR LEUNG KWOK-HUNG** (in Cantonese): They are related. I can tell you, if we do some computations, suppose we multiply \$159 million by 95% and then divide it by 35, that is, the number of Members returned from GCs by direct election, and if these Members want to exercise the right to be re-elected which they enjoy in the first place, each person will have to use \$4.3 million. For individuals, this is a sum well beyond their affordability. Right? If we use five, the five seats of the DC (second) FC seats are a new invention, then we can multiply \$159 million by 0.95, then divide it by the five DC members. The amount of money that they have to pay is simply astronomical. This can be worked out, that is, by multiplying the amount I have talked about by seven, that equals to \$30.21 million.

Chairman, do you not think that this sum of money is too much? This is because Members of this Council may use words like proportion and they do not know at all what the consequence is. I cannot help but use a hypothetical formula in order to make Members sitting here agree with my view, right? If you talk about a fraction, it is fine in the eyes of an ordinary member of the public or a Member, or even the citizens. But if we look at the relevant figures, this sum of some \$4 million has already exceeded the existing ceiling for electoral expenses. If five Members from the DC (second) FC are to share this sum of some \$30 million, that is, they will have to reimburse the said amount, before they can exercise this right to take part in a by-election which already exists without this limitation, I would think that I am obliged to tell all Honourable

colleagues from the DAB that this is indeed a very huge amount. This is definitely impossible for any ordinary person to afford.

So there is sense in my using amendment No. 609 as an example. First, this is proposed by Mr Albert CHAN in the first place. Second, this is an inconceivable and astronomical sum. I have just quoted a paragraph on the dependence of law on strong forces and a force of compulsion is used through the law so that society will come under control. How will society be controlled? The first primary factor for society to come under any control is that you cannot have your representative in politics or you may have your representative only under certain conditions. This is social control. So when Mr Albert CHAN proposes this, there is a possibility that it may lead to social control, right? Moreover, I think that it is not desirable to set the administrative costs at 95%. Why can it not be other percentages? Why can it not be 5%? There is another question. And that is, if this amendment is passed, those who are rich will have all the say and they will be able to do what they want and they can take back their right to election at any time. But there is another problem which we have not studied in depth and that is, suppose there are really people who can pay the money, then why should they be subject to restriction? This discussion in the Council stems from Secretary Stephen LAM — he is now the Chief Secretary — because in 2010 five Members of this Council (including me) resigned and as a result, there had to be by-elections in five GCs and \$100 million of public money was spent. Many people think that was a waste of money. If this is really one of the reasons, that is, the legislative intent of preventing pranks by Members — this is just what they say and I am just quoting — and to prevent any waste of public money, but now public money is used to enable some people to do so. Then what in fact is the point of it? Right? This is an either or question. First, these people can pay 95% and according to the legislative intent, they should have the right to a by-election. This is because they have not caused any increase in public expenditure and this is in line with the legislative intent .....

**CHAIRMAN** (in Cantonese): You are repeating your arguments.

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... my argument is, even if Mr Albert CHAN racks his brain and wants to supplement the Bill — he is really

well-intentioned, since people all say that this would waste money, he proposes this idea and say, can these people be allowed to stand in the election if they reimburse the costs? This can solve the long-standing problem which Members are arguing about: Even if a by-election is constitutional and supported by public opinion, would it be frivolous? If it is, then more public money may be spent. For this reason, Mr Albert CHAN wants to be kind-hearted and propose a grand reconciliation plan. If those people who sit here like a log or sleep soundly here also consider that this is a plan made to answer the call of the President that there should be a grand reconciliation, then we can say that every person can take what he wants. Those who are rich can play this game of a by-election. This is because money can refute the argument that holding a by-election is a waste of money. Although I think Mr Albert CHAN is well-intentioned, I have to oppose him in this matter. In my opinion, this kind of amendment cannot solve another problem and that is, even if we make the authorities happy or those Members who want the authorities to enact such a law happy, from another perspective, it highlights that the Bill is not reasonable. So I cannot help but call upon those people who sit here like a log or motionless like dead people that they may lend their support to this Bill, hence arriving at that grand reconciliation. But I have no other way but to remind Members that they should not fall into the trap. They must not go for a grand reconciliation. We have to work through the vacancies caused by Members so that the people of Hong Kong can elect those Members who represent them to the Council. This right should never be exploited. We should not exploit this right because some Members are so rich or they are prepared to pay the money.

Chairman, I have to remind you that the rights to vote and be elected are two sides of the same coin. If some people have been recklessly imposed certain conditions, it is like the situation cited by me and that is, the law will be used as a means of social control and some people are deprived of the right to take part in elections, and this is tantamount to depriving voters of the right to choose that particular person. Perhaps some people may argue that such things will not happen, no rights are being exploited and the person can still stand in an election. But I can tell Members, you have at least deprived the people of the right to choose a certain person. This is exactly Article 26 of the Basic Law which I have quoted in the Council before. It is a right enshrined in the constitution that the people of Hong Kong have the right to vote and be elected.

This can never be taken away by others and no one can exercise this right because of their right to property or the consumption power they have.

In a society like Hong Kong which is so mercenary, it is only right that people would kowtow before money. Those with more properties will have more rights. But this should never be applied to the right to election. It should be applied to things like the right to buy properties. That is to say, these people can buy more flats or flats of a better quality if they have more money. However, our right to election is not to be exploited. Chairman, although you cannot use x-ray and see where that right is, I can tell everyone that provided that your brain is not retarded and your heart is still beating, this right is inborn and should never be taken away. We should not prescribe this kind of so-called redemption clause because we have this piece of draconian law or when some Members want to arrive at a grand reconciliation. It is because this will permit some people to do whatever they want.

Chairman, I am being neutral when I say this. This is because in the amendments proposed by Mr Albert CHAN, the clause that is most likely to work is for this so-called gradual and orderly progress to take place in Hong Kong. That is to say, when two thirds of the Members of this Council are returned by elections, only the DAB, the FTU or those political parties favoured by the communist party can make use of 34 Members returned from GCs or four Members from the DC FC to join hands and paralyse this popularly elected parliamentary assembly. I have foresight, and I can see well into the future, right?

Thank you, Chairman.

**MR PAUL TSE** (in Cantonese): Chairman, during the break just now, I had listened to Ms LEE Wai-ling's programme on Commercial Radio in which the dialogues between the Chairman and me this morning was played back. She said that this filibustering had made us Members of the pro-establishment camp lose our temper and fall ill from pent-up emotions. I wish to tell members of the public that we absolutely have not lost our temper; nor have we fallen ill.

Chairman, many members of the public actually still do not get the full picture, and when they heard of these amendments, they would think that some Members had worked so hard as to propose 1 232 amendments .....

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point? If you are not raising a point, please sit down. And, please remain seated while another Member is speaking.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have a problem with my lower back. Excuse me, I have to stand up.

**MR PAUL TSE** (in Cantonese): ..... What exactly are these 1 232 amendments? I think I am duty-bound to explain to the public who are watching the telecast of this meeting what exactly these 1 232 amendments are.

Chairman, the amendments involve only four provisions in only 137 words excluding the titles and punctuations. This is the Bill that we are discussing now. Certainly, I believe the Members concerned had spent much time on these amendments, but the time was spent mainly on typing, not thinking. Basically, these amendments can be summed up into seven groups of amendments.

Chairman, I believe members of the public will understand what we are discussing now if only they can take a brief look at these amendments. The first group of amendments, which is made up of amendments No. 1 to 74 proposed by Mr WONG Yuk-man, primarily seek to play on words. For example, using the name of "WONG Yuk-man"<sup>22</sup>, we can change it to be "Red Yuk-man", "Orange Yuk-man", "Green Yuk-man", "Blue Yuk-man", "Indigo Yuk-man", "Purple Yuk-man" or "Yuk-man" of other colours. This is basically the nature of these amendments .....

(Mr Albert CHAN stood up)

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<sup>22</sup> The Chinese surname, WONG (黃), can also mean yellow.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): ..... Chairman, the Member is making fun of the surname of another Member, which is offensive. I wish to seek your ruling.

**CHAIRMAN** (in Cantonese): What Mr Paul TSE has said is not offensive. Mr TSE, please continue with your speech.

**MR PAUL TSE** (in Cantonese): ..... Or, if we play on the character "民" as in "黃毓民", it can be "毓民" (Yuk-man), "流民" (meaning hooligans)、"刁民" (meaning unruly citizens)、"殘民" (meaning battered citizens)、"賤民" (meaning deprived citizens). This is also a way to play on words, because basically, he is using the word "自" before a specified time .....

(Mr Albert CHAN stood up)

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): I think such descriptions as "unruly citizens", "deprived citizens" and "battered citizens" used by the Member are offensive, Chairman.

**CHAIRMAN** (in Cantonese): Mr Paul TSE, do you think that any one of the Members is an unruly or deprived citizen?

**MR PAUL TSE** (in Cantonese): Absolutely not, Chairman. I am only using this as an analogy to illustrate the nature of the amendments.

**CHAIRMAN** (in Cantonese): Please elucidate your point.

**MR PAUL TSE** (in Cantonese): ..... Because the amendments propose to substitute "自" as in "自何時開始" (meaning from or since a certain time) by "由", "從", or "在". This is the nature of this group of amendments. So, I was only citing examples to prove what meaning this type of amendments carries. Chairman, 74 amendments are created by playing on words this way, and that is so easy, as all it takes is to make slight changes to the words.

Chairman, coming back to amendments No. 1 to 627 proposed by Mr Albert CHAN, they are about scenarios where more than "N" Members resign from office and agree to reimburse N% of the administrative costs of the by-election, and "N" can be substituted by many numbers anytime. For the first "N", which refers to the number of Members, is substituted by two to 34. That is, this "N" is substituted by two, three, four, five, and so on. Then, it is about the percentage that these Members agree to pay as compensation, and it starts from 5% and goes on and on in ascending order, that is, 5%, 10%, 15%, 20% and so on. It means inserting different numbers to substitute the two "Ns". Even primary students know how to play this game of juggling with figures, and by doing so, several hundred amendments are thus created. This is the nature of the second group of amendments.

Chairman, what is the nature of the third group of amendments? For amendments No. 628 to 1 122, they are about scenarios where no more than "N" Members resign from office because they are imprisoned in 15 overseas countries for one month. Then, these 15 countries are set out, and "N" is substituted by two to 34, and by multiplying them by 15 countries and creating combinations by way of permutation, another several hundred amendments are made up. Chairman, if he has chosen such countries as the Philippines, I may agree to this amendment in principle, because there are many cases of injustice in the Philippines. So, if it is the Philippines, I would throw weight behind this amendment. But obviously, the 15 countries chosen by him are generally considered as communist countries or Arab countries or countries that we may not know very well. This has again created several hundred amendments. In fact, we can even go further by playing on the term of imprisonment and replacing one month by two months, three months, four months, and so on. This

can create another several hundred amendments. This is also a game for primary students.

What about the fourth group, Chairman? Amendments No. 1 123 to 1 165 are the so-called "sunset clauses" which specify a date when the restriction will expire. The amendments propose that the restriction will expire on the 6th day of a month denoted by "Y" and a year denoted by "X", with "X" and "Y" being substituted by different numbers. The year varies from 2012 to 2016, and the month from January to December. Similarly, by way of permutation, several hundred amendments are created. This is the fourth group of amendments.

The fifth group of amendments concern how the restriction period should be amended. The original clause provides for a six-month period, and he now proposes to substitute "X" by 170 days. If that is not agreed to, he will propose to make it 160 days and if that is again not agreed to, he will further propose 150 days. This is how this period will vary from 10 days to 170 days. Again, this is a game of juggling with figures. This is the fifth group of amendments.

The sixth group of amendments involves amendments No. 1 183 to 1 199. They are about a Member resigning from office because he suffers from terminal cancer and propose that if it is verified within one month that he does not suffer from cancer, the restriction does not apply to him. Then, 16 types of cancer are set out separately. As Ms Miriam LAU also said earlier on, when it comes to cancer, she can make many other suggestions. In fact, other than cancer, many other types of illness can also be included, and speaking of illness, just look up a medical dictionary and one can propose tens of thousand amendments. These are the so-called "meaningful" amendments.

The seventh group consists of amendments No. 1 200 to 1 232 which are about scenarios where not less than "X" Members resign from office on the same day. For the "X" that applies to the DC (second) FC, or the so-called super District Council, the number starts from two to five in ascending order, whereas for the "X" that applies to GCs, the number varies from six to 34. Again, he keeps on changing the number and several hundred amendments are thus set out.

Chairman, these are the seven groups of amendments which are said to be "meaningful", "creative" and "requiring the input of great efforts". I call on members of the public to see clearly what amendments these are. Chairman, I have no intention to challenge your ruling again but as I have to make a decision on whether or not I should vote in support of these amendments, I must use my intelligence — perhaps I have none — to determine whether these amendments are frivolous and whether they are meaningless.

Chairman, you may not share my view but to me, they are entirely frivolous and entirely meaningless. If only one amendment from each type of these amendments is proposed, I think discussion may have some meaning. For instance, consideration can be given to an amendment to the "sunset clause". Another example is that, as I have just mentioned, we may not feel at ease in recognizing an imprisonment sentence in some overseas places, and if it is provided that a Member who is imprisoned in the Philippines for one month is not subject to the restriction and that recognition is given only to imprisonment in Hong Kong, I would give my support.

But Chairman, if, as I have just said, the amendments are all about substituting numbers for "X", "Y", "N" and so on, and juggling with numbers repeatedly, we actually must not look at these amendments one by one. Instead, we must consider them as a whole and look at their contents from an overall perspective. Besides, if the Member stated from the outset that he would play tricks, we have no reason not to believe that he proposed these amendments for the sake of playing tricks. Under such circumstances, it is all the more evident that the amendments are frivolous and meaningless.

All in all, Chairman, I certainly understand the colleagues concerned — As I said in my speech this morning, they think that there is unfairness in this Council and they think that there is unfairness in society. They think that government policies may not have adequately cared for the minority or even the voices of the majority, and they think that the Government may not have implemented timely measures in the light of circumstances. This, I can understand. But they are using the time of this Council — let us not talk about how many trees are used by us, as many trees have to be felled for printing these amendments which are said to be "meaningful" and "not frivolous" — and we cannot support them.

Chairman, let me say this once again. We absolutely have not lost our temper or fallen sick from pent-up emotions. We are only making voices for the cause of justice and saying what we should be saying. No matter how unfair these Members think the clauses are and no matter how meaningful they think their amendments are, what they are doing is entirely a waste of taxpayers' money and a waste of the time of the Legislative Council. This has set an extremely bad precedent. Chairman, I am afraid I must say that I think these amendments are not even up to the most basic standard which requires them to be meaningful and not frivolous. I think this is a very bad precedent.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, two Members acted against your decision this morning. One of them had even, from the beginning till the end — you would see that a few strands of hair on your leg might even have been kicked off by him. Faced with such a situation, you were expressionless and took no action at the time. In view of this, you should do some soul-searching and ask yourself: Am I fair? I am not challenging you. You should examine your conscience and do some soul-searching.

Chairman, the many of us here are born to our parents, and we are also returned by voters. Why should we be dealing with these seven groups of unfair — Mr Paul TSE already made a very clear analysis just now — For these seven groups of amendments, I think that you, being the Chairman, should treat these seven groups of amendments as seven items of amendments. How come there could be 1 300-odd amendments? We, being Members, indeed consider this incomprehensible, and so do members of the public.

Chairman, your popularity is second to none in current opinion polls, and it is not easy for you to get to the top. Under the current circumstances, we cannot mislead the public. We must make the public understand the contents of the amendments under discussion now .....

**CHAIRMAN** (in Cantonese): Mr CHIM Pui-chung. I must stop you from speaking, not because you are criticizing me but because you have spoken in violation of the RoP. We are now in the Committee stage.

**MR CHIM PUI-CHUNG** (in Cantonese): I have just come back .....

**CHAIRMAN** (in Cantonese): At this stage, you have to speak on the details of the clauses.

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, these clauses do not worth my effort to speak on them, and I once again .....

**CHAIRMAN** (in Cantonese): Mr CHIM, this is the speaking rule for Members at this stage.

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, I wish to remind the public here that they must understand these contents. I can also tell Members that this is all designed by a person surnamed SHIU, and Members who have been listening all along must know who this person is. This is done out of the desire to plunge Hong Kong into chaos, out of the desire to squander the public coffers of the people. Therefore, as Hong Kong still has a surplus of over \$2,000 billion, I wish to remind the public that they must keep their eyes peeled in order to find out clearly who are wasting public coffers and make a clever decision on how they will vote on 9 September.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, first, I thank Mr CHIM Pui-chung and Mr Paul TSE for their comments, queries and criticisms. As I said at noon today, the most important proposition advanced by John Stuart MILL in *On Liberty* is that it is necessary for arguments to go through debates

and exchange of opinions in the legislature for them to become more refined and solid.

First, Mr CHIM Pui-chung said just now that these amendments were the handiwork of someone surnamed SHIU and of course, I know whom he was referring to but I wish to set the record straight in the Chamber. I do not know on what grounds, information or by dint of what special channel Mr CHIM Pui-chung advanced the view that these amendments were drawn up by someone else. Concerning the 1 232 amendments proposed by me, they are 100% free of derivative work and they are 100% original and created by me after I had done my research together with my staff.

Therefore, I can tell Mr CHIM Pui-chung clearly that this is the result of the painstaking efforts made and hard work done by me after expending a great deal of mental effort on this matter, thinking over it for many weeks and spending a lot of time on it, including many sleepless nights to think about it carefully at home and consider how amendments could be made. It is absolutely not true that I rely solely on someone else to draw them up, as alleged by Mr CHIM Pui-chung. Such a claim is unfair to me. If a Member speaks irresponsibly without any factual basis here, or by virtue of the privileges conferred by the Legislative Council (Power and Privileges) Ordinance to wag their tongues too freely, I think this is neither fair nor reasonable. Therefore, in order to clarify the matter and set the record straight, I must make it clear here that the 1 232 amendments proposed by me are all personal creations, for the record.

Chairman, the views of Mr Paul TSE are quite clear but views, facts and discussions cannot be confused with one another because his remarks just now are a slap on his own face and self-contradicting, and it can be said that the self-contradiction is most evident. If he thinks that the relevant amendments are trivial and unreasonable, basically, he should dismiss all the contents therein. For example, he mentioned more than a dozen countries just now, so let me read them out first. In fact, I do not intend to talk about the situations in those countries as yet and I am still talking about item No. 609 of the amendments. In other words, I wish to tell all members of the Hong Kong public clearly that having talked for the whole day, I am still expounding on one of them, that is, item No. 609 of the amendments. I have not yet begun to discuss the remainder of 1 231 amendments .....

**CHAIRMAN** (in Cantonese): Mr CHAN, since you have already spoken many times, please avoid repeating your arguments by all means.

**MR ALBERT CHAN** (in Cantonese): Thank you, Chairman. Sometimes, elders have such failings. When one gets older, one often tends to talk on and on, repeating oneself all the time. This is a common failing.

Let me try to spell out the names of these dozen or so of countries and later, I will explain them one by one because many members of the public may not understand the importance of the amendments proposed in relation to this dozen of countries. The first is the People's Republic of China. There are many Deputies to the National People's Congress here and many so-called patriots. The DAB and the FTU will surely dismiss this one wholesale, so I hope they can tender explanations in the debate later on. The second is the Republic of Cuba, the third is the Democratic People's Republic of Korea, the fourth is the Islamic Republic of Iran, followed by the Democratic Republic of Congo, the Republic of Yemen, the Republic of the Union of Myanmar, the Socialist Republic of Vietnam and the Republic of Zimbabwe.

On Zimbabwe, Members are perhaps very familiar with it because sometime ago, the family members of the leader of Zimbabwe stirred up a great controversy in Hong Kong and the Hong Kong Government was even accused of being weak as it did not attach any importance even to the rights of Hong Kong people. In order to shelter and protect some privileged people, it completely disregarded the infringement of the rights of Hong Kong people, so it must be condemned.

In addition, the Syrian Arab Republic, the People's Democratic Republic of Algeria, the Hashemite Kingdom of Jordan, the Republic of the Sudan, the Kingdom of Bahrain and the Sultanate of Oman are also included. My entire rationale is based on the imprisonment of people in the aforesaid countries for more than a month, as pointed out clearly by Mr Paul TSE just now. Perhaps many Members have not read these clauses carefully, but Mr Paul TSE was willing to study them carefully and comment on them, so it can be said that he is a more responsible and conscientious Member among so many Members. At least, he would not oppose everything wholesale on being given an order or because of a political order. He can see clearly that I have done some

differentiation among them by establishing different categories of amendments and he could also point out clearly how many amendments there are in various categories. As a professional, he has already made use of his personal professional knowledge to understand and analyse the relevant clauses.

However, his judgment and comments, in particular, those claiming that these amendments are all petty, frivolous or unreasonable, are definitely inappropriate. Moreover, his analysis is also very biased. The reason is that among all these places, there are countries that he is either familiar or unfamiliar with and he thinks that it is not appropriate to draw up clauses on these places but if the country concerned is the Philippines, he would give his support, so it is evident that this is about his logical thinking and value judgment.

I can change the wordings of the relevant clauses, for example, by substituting certain numbers — it does not matter if they are single-digit or double-digit numbers and it is unnecessary to wrangle over this — so that the meaning can be changed to, say, if not less than two Members of any GC or the DC FC resign from office as Members on the same day because they have been confined without trial over one month by, for example, the Government of the Philippines, and they are released within one month after their resignation, subsection (2A) does not apply to them. The situation in point is that the people concerned are imprisoned in a place without being put on trial and in fact, this is something that can happen in many places around the world. In our great and mighty Motherland, instances of the power of administrative detention being greater than everything else have occurred frequently. Later on, I will explain in detail how absurd and unreasonable this power of administrative detention is and why Members may be detained for more than one month under this so-called power of administrative detention, thus rendering them incapable of performing their duties as a Member and having to resign.

According to Mr Paul TSE's logic and thinking, if the people concerned are imprisoned and detained in the Philippines for more than one month and this Member, on account of being imprisoned in the Philippines ..... he is very familiar with the Philippines and he also behaved quite valiantly on the last occasion. In fact, apart from him, Mr WONG Yuk-man also exerted his very best in the hostage-taking incident on the last occasion. Both of them arrived at the Philippines very quickly to help the Hong Kong people in distress, hoping that

they could pull through the difficulties but unfortunately, in the end, some Hong Kong people still perished. It was an incident that brought great disgrace on the Hong Kong Government and the subsequent blunders and poor handling also brought shame on Hong Kong. Even now, Hong Kong people are still feeling very angry about the dereliction of duty, weakness and incompetence of the Hong Kong Government in this incident. At that time, when the Chief Executive called the President of the Philippines, the latter did not know who he was.

**CHAIRMAN** (in Cantonese): Mr CHAN, you have spent too much time discussing irrelevant matters.

**MR ALBERT CHAN** (in Cantonese): OK. Chairman, because all sorts of thoughts and feelings welled up in me on seeing the Hong Kong Government and Hong Kong people .....

**CHAIRMAN** (in Cantonese): Please do not stray from the question.

**MR ALBERT CHAN** (in Cantonese): This is intended to respond to the judgment made by Mr Paul TSE concerning the Philippines. Due to some special feeling, Mr Paul TSE has particularly strong anger towards or discontent with the Philippines. This is precisely the merit of debates, so Members should really read *On Liberty* by John Stuart MILL. Through this debate, it can be seen clearly that if you have particularly strong feelings towards a country, region or about an experience, you would not consider an issue trivial and would agree that if this country is included, the provisions would then become acceptable. Not only would you not consider the President's ruling unreasonable, instead, you may even vote in support of my amendment.

Obviously, the problem does not lie in to which countries my provisions relate but that you are not familiar with or have no feelings towards these countries. For example, a couple of years ago, I met a woman from Hong Kong who had been subjected to very unreasonable treatment in Pakistan, so she approached each and every Member to seek assistance and I believe Mr Paul TSE was also one of them. She also went to the United Nations to stage protests and

now, she has become a frequent visitor of the United Nations. In fact, I have omitted Pakistan but it should also be included. Therefore, personal experience would affect one's judgment and analysis and this is precisely why being independent and objective is important when the President makes a ruling. How can you judge the President's ruling to be inappropriate because you do not agree with or support the clauses relating to these 15 countries but at the same time, because you agree and accept that the Philippines is trash and completely rotten that if a clause is related to the Philippines, then you would support and rally around the President's ruling, singing praises of the President instead? However, if the Philippines is not included, you would lash out at the President's ruling and whip it into pieces, branding it as trash.

This is not the attitude that we ought to hold when discussing public affairs, nor is this the attitude that we should hold when commenting on the ruling of the President about whether a motion is trivial or not. If it is said that the amendments proposed by me are trivial, may I ask what issue or legislative amendment can be more serious than depriving the public of their political rights? On the question of triviality, the amendments moved by me to the Fisheries Protection (Amendment) Bill 2011 yesterday were even more trivial because what was involved was only rabbitfish traps that are less than 1 cu m in size. Is an issue involving rabbitfish traps more trivial, or is the deprivation of the rights of Members to run in elections and be elected and the right of nomination of the public more trivial? Does one mean that rabbitfish traps are not a trivial enough matter? When it comes to the implications of the clauses on society and politics, the 1 232 amendments proposed by me now are absolutely more important than those made to the aforesaid Fisheries Protection Ordinance. Be it socially, economically or politically, and in particular, legally, this is also the case.

When it comes to the Basic Law, this is also relevant in some measure. I believe Members will still remember that on four separate occasions, the Bar Association issued four statements and later on, I will share the contents of these statements with Members. In fact, concerning the amendments proposed by me, Mr Paul TSE may not remember very well that the Bar Association has advanced some comments and views in this connection. If I remember this correctly, concerning the issue of certain diseases, in fact, it was the Bar Association that mentioned them in its comments and what I did was just to make reference to some of the views of the Bar Association, then incorporate them into the amendments. Therefore, here, I also have to say another word to Mr CHIM

Pui-chung. This is not the result of the several of us working together without regard to the reality, rather, we have made reference to the views of authoritative professional groups. Mr Paul TSE, as a professional lawyer, should also make reference to and respect the views of the Bar Association. At least, he should also agree that it is worthwhile to consider the views of the Bar Association.

Therefore, in view of the analysis and comments made by me just now, I hope that Mr Paul TSE can look at them more carefully. On these clauses relating to those 15 countries, even though you may not agree with them, you cannot disregard the importance of these legislative proposals or their importance in protecting the rights of the Hong Kong public just because there are too many figures, countries and combinations. Any enactment of law must treat all members of the public, irrespective of their backgrounds (*The buzzer sounded*) ..... equitably.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR TAM YIU-CHUNG** (in Cantonese): Chairman, since 12 noon today, I have been listening to these three Members delivering speeches on their 1 232 amendments. Mr Albert CHAN has twice mentioned that "Mr TAM Yiu-chung described most of these amendments as nonsensical, trivial and meaningless". In other words, I think that most, but not all, of the amendments are nonsensical, trivial and meaningless. He has repeated this remark of mine on two different occasions.

After listening to his explanation for hours, however, I have changed my mind. Now I think that all of his amendments are nonsensical, trivial and meaningless. I believe my remark will strike a chord with the radio listeners as well as people watching this meeting on the television.

It does not matter even if he says that he vows to stage a filibuster, because we have all made such suggestions before. Even Mr LAU Kong-wah has once proposed the idea of filibustering. So, Mr LEUNG should feel free to filibuster. However, we cannot bear with his remark that his amendments are not trivial and meaningless but very meaningful. This is the difference. He has even

described himself to be "嘔心瀝血"<sup>23</sup>. The first word is indeed most appropriate.

(Mr LEUNG Kwok-hung stood up)

**MR LEUNG KWOK-HUNG** (in Cantonese): There is a "彳"<sup>24</sup> in "嘔心瀝血". What is he talking about?

**CHAIRMAN** (in Cantonese): Mr LEUNG, it is not your speaking time now.

**MR LEUNG KWOK-HUNG** (in Cantonese): "口"<sup>25</sup> and "彳" .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): I really do not understand.

**CHAIRMAN** (in Cantonese): It is not your speaking time now. Please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): Can he clarify? The two words are not identical.

**CHAIRMAN** (in Cantonese): You know that you still have the opportunity to speak later. If you have any question, please raise it then.

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<sup>23</sup> "嘔心瀝血" means making painstaking efforts.

<sup>24</sup> "彳" is one of the Chinese character radicals.

<sup>25</sup> "口" is one of the Chinese character radicals.

**MR LEUNG KWOK-HUNG** (in Cantonese): No. He should not be talking nonsense if he does not know the word. Why did you not enlighten him?

**CHAIRMAN** (in Cantonese): Mr LEUNG, you must sit down now.

**MR LEUNG KWOK-HUNG** (in Cantonese): You have taught me the word "cited".

**CHAIRMAN** (in Cantonese): Mr LEUNG, if you violate the RoP, I have to ask you to leave.

(A Member said, "Kick him out!")

**CHAIRMAN** (in Cantonese): Mr TAM Yiu-chung, please continue.

**MR TAM YIU-CHUNG** (in Cantonese): I was originally good-tempered, but I found it unbearable recently. I can see that a lot of valuable time of the Legislative Council has really been wasted. This is social sources, too. Nevertheless, I do not want to say anymore, because I do not wish to indirectly help them filibuster .....

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Just now you requested me to speak later. The word "嘔" .....

**CHAIRMAN** (in Cantonese): You may wait for your turn to speak again.

**MR PAUL TSE** (in Cantonese): Chairman, I have to respond briefly because there is some misunderstanding which must be clarified. Had Mr Albert CHAN paid some attention to the speech delivered by me during the Second Reading debate, he should have clearly known that I have carefully read the so-called opinion published by the Hong Kong Bar Association (HKBA). I believe I have read it even more carefully than Mr Albert CHAN, especially its opinion in the fourth paragraph. Please allow me to read out the paragraph later because I strongly criticized the HKBA on that day that its opinion was like a slogan without seriously dealing with the related issues and making a detailed analysis and, what is more, making a genuine, concrete and forceful response to the advice given by Sir David PANNICK, whom the Government relies upon.

Chairman, in the fourth paragraph of the letter issued by the Bar on 17 February 2012, it reads, "The HKBA would however like to observe that a Member may resign for health or other personal reasons or concerns. In such circumstances there is and would appear to be no justification to prohibit them from standing in the by-election as such. Their health or personal problems may have disappeared with time, or medical attention .....". The HKBA mentioned in this paragraph the circumstances under which a Member may resign for health reasons. However, it is clearly stated in Article 79 of the Basic Law that the President of the Legislative Council shall declare that a Member of the Council is no longer qualified for the office when he or she tenders his or her resignation as a result of serious illness. Hence, a Member disqualified for the office under such circumstances will definitely not be affected by this Bill.

Using Members' resignation for health reasons as an example reflects that the HKBA seems not to fully understand the entire matter. Insofar as this point is concerned, I really find it necessary to respond to the criticism that I have not read carefully or noted the opinion of the HKBA.

Meanwhile, please allow me to spend some time explaining the point about countries. If an amendment is proposed to deal with certain countries where injustice occurs frequently, I may consider accepting it. However, as I pointed out just now, I am afraid it is unacceptable to me should Members claiming to be "嘔心瀝血"<sup>26</sup> can merely play these childish and naïve games as if they were primary school students. Furthermore, should Members wish to introduce an

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<sup>26</sup> "嘔心瀝血" means making painstaking efforts.

incisive amendment to deal with certain countries or questions, they must examine all the amendments in a holistic manner, rather than looking at them in isolation. Just as there must be a trade-off should the Government wish to amend any Bills, it can absolutely not propose up to 1 000 amendments as options, for meaningful and non-trivial amendments cannot be proposed in this manner. The Government must evaluate which options are more reasonable before introducing amendments. Though it may be up to the Government to decide the options to be adopted, it should not propose several thousand permutations as options. Otherwise, the amendments will become not meaningful and trivial.

Thank you, Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, you always teach us the Chinese language. This word "嘔" (au2) is not the same as the other word "呕" (ou1), right? The radicals on the left hand side of these two words are different. One of them means vomiting. After listening to the speech by Mr Paul TSE, I feel that I have been enlightened. I think I must not be trivial and I must speak on sound grounds.

Chairman, you also know that we have Article 39 of the Basic Law and two human rights covenants are incorporated into the Basic Law. Although it is a fact that when the Government of the People's Republic of China formulated the Basic Law, it pointed out that Article 39 did not override other provisions and that certain provisions in the International Covenant on Civil and Political Rights would not apply, what I am going to cite now does apply.

What is the subject under discussion that I am talking about? I would first try to analyse it. When I was talking about amendment No. 609 earlier, my argument was, with respect to the grand reconciliation that you proposed, it seemed that Mr Albert CHAN has got the point. He put forward an amendment to the effect that Members who resign from office have to pay 95% of the administrative costs before they are allowed to take part in a by-election. The intention is commendable and I hope that Members of this Council, if they so wish that public money will not be wasted .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, as you have spoken many times, so I cannot allow you to repeat arguments which you have talked about already. The argument you are talking about has been mentioned many times earlier.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, please allow me to do so. This is because you often cut in and add a remark for no reason. I do not know if this is related .....

**CHAIRMAN** (in Cantonese): I am reminding you once again not to repeat those arguments you have talked about before, or else I have to stop you from speaking.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I am just trying to explain why I have to repeat. Now, I do not think I need to do so since you are so smart.

I now quote from something which has yet to be quoted. This is Article 2 of the International Covenant on Civil and Political Rights, I now quote:

"1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, ....." I will skip those which do not apply. "... property, birth or other status. 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant. 3 ....." This is very important.

**MR CHAN KAM-LAM** (in Cantonese): What Mr LEUNG is saying has got nothing to do with the amendment at all.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please do not read out lengthy parts from a document unless there are certain words there which are related to this amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): Let me explain this to you. A piece of legislation I am going to cite is one you also know very well.

**MR CHAN KAM-LAM** (in Cantonese): Point of order. I hope the Chairman can make a ruling after listening carefully to his explanation. If what he is saying has got nothing to do with the amendment mentioned, I hope you can make a ruling. He is being tedious and wasting our time. He should be stopped.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, do you sense the great pressure? I have to rewind. I have talked for so long and do you need to rewind? I have never seen a Member being so discourteous to the Chairman as to teach him how to make a ruling.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am just trying to speak out for the injustice done to you.

Chairman, smart as you are, I bet you know I have a move up my sleeve after that. I am going to talk about Article 25, which is about the political rights that every person in Hong Kong knows about. The first sentence goes like this: "Every citizen shall have the right and the opportunity, without any of the distinction mentioned in article 2 and without unreasonable restrictions." How can I cite Article 25 without citing Article 2 first?

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are repeating your argument. When you quoted from the Covenant, what you tried to achieve is just to prove

that the argument advanced by you earlier is right. So you are repeating your argument.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, Chairman, it is not true.

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are repeating your argument. Please do not do so anymore. Or else, I will rule according to Rule 45(1) of the RoP that you persist "in irrelevance or tedious repetition" of your argument and I will disallow you from speaking further.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, Chairman .....

**CHAIRMAN** (in Cantonese): Please raise a new argument, or please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): May I ask you what argument have I talked about and why is that a repetition?

**CHAIRMAN** (in Cantonese): Mr LEUNG, I will not waste time repeating your argument. When you speak again, if I determine that you are repeating your argument, I will have to ask you to sit down. If you continue to disregard my ruling, I will rule that your conduct is grossly disorderly and I may expel you from the Chamber. Please note that.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I attach great importance to your remarks. According to you, I am repeating my argument in a tedious manner. But I have in fact not done so. Why? In Article 2 which I have cited, there is a sentence about national origin — this does not count, I have not read that out — social origin, property .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have read that out already. Do not spend any more time on reading out some provisions which we all know very well. You have read that out more than once.

**MR LEUNG KWOK-HUNG** (in Cantonese): Therefore, with respect to amendment No. 609, I have said many times that I have not been repeating.

**CHAIRMAN** (in Cantonese): You just said that you had said that many times (*Laughter*), but now you say that you have not been repeating.

**MR LEUNG KWOK-HUNG** (in Cantonese): What? Chairman, I know that you have the authority to kick me out of the Chamber. But if you watch the video recording again, you will find that you have not been right. Can we say anything that is not a repetition of what has been said before when we want to present our arguments? You have said many things and you have been tedious .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, do not challenge my ruling.

**MR LEUNG KWOK-HUNG** (in Cantonese): Of course I am not challenging you. It is someone else who is challenging you.

**CHAIRMAN** (in Cantonese): If you do not resume speaking on the relevant clauses at once and speak in a way that does not stray from the question, I will ask you to sit down immediately.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am about to elaborate on my argument. This method of making assets as a threshold is hampering the other people in the exercise of their rights .....

**CHAIRMAN** (in Cantonese): This is not a new view. You have talked about it many times already. Do not repeat it.

**MR LEUNG KWOK-HUNG** (in Cantonese): No. How do you know what is the next sentence I am going to say?

**CHAIRMAN** (in Cantonese): It is another matter as to what is going to be said in the next sentence. But the remark you have just made is a repetition. Do not ever repeat again.

**MR LEUNG KWOK-HUNG** (in Cantonese): It reminds me of the Cultural Revolution. If only the Chairman asserts his authority, everyone will be scared to death. It would be alright if the Chairman does not assert his authority.

Chairman, my argument is like this — I would not mention the word "assets" now — my argument is, if someone is asked to pay 95% of the total administrative costs, this may not be related to assets, right? What is the reason of that? It is whether or not the person is prepared to pay the money. So Articles 2 and 25 may not apply. The problem is that there is some more profound reason and we can see that in the Covenant, every person has the right to express his or her opinion .....

**MR PAUL TSE** (in Cantonese): This is tedious, Chairman. This is "tedious repetition" mentioned in Rule 45 of the RoP.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I am presenting my new view .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I cannot hear any new view.

**MR LEUNG KWOK-HUNG** (in Cantonese): I was saying that this may not have anything to do with assets ..... Chairman, you have just said that my view about assets is tedious. I then say that this may not be related to assets .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are taking up the meeting time by saying something that you do not even know what you are about. I would suggest that you sit down first and organize your line of thought while other Members are speaking, then you may speak after you have come up with some new view.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, Chairman, I was saying that this might not be .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I will have to stop you. Please sit down. Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, first of all, I have to respond to the accusation made by Mr TAM Yiu-chung. Of course, I know perfectly well why he wants to vomit the moment he sees democracy and he will vomit whenever he hears views expressing dissatisfaction with their political party. But he will feel energized when he sees the rich and the powerful. This is the nature of the DAB.

Chairman, he said earlier that after hearing my remarks today, he thinks that all my amendments are meaningless. I made it very clear when I was making the elaboration that today I am just talking about one of my some 1 000 amendments, that is, No. 609. As for other occasions when I spoke, apart from some brief description and response made after Mr Paul TSE had talked about imprisonment in other countries earlier, I have not yet explained my other amendments in detail. Of the some 1 200 amendments I have proposed, he has only heard my explanation and elaboration in relatively greater detail regarding just one amendment and jumped to the conclusion that all my amendments are frivolous. He has such a remarkable political wisdom, for not only could he make immediate associations but also reject all the amendments after just hearing

one. This shows that when they are deliberating on the Bill, they have neglected completely the importance of people being deprived of their political rights.

I hope that the people of Hong Kong will understand that Members have the duty to scrutinize Bills introduced by the Hong Kong Government. What I am doing is trying to propose amendments that would stop or reduce practices which deprive Hong Kong people of their rights. But this is not given any fair and reasonable treatment in this Chamber. He has just heard the elaboration on one out of the some 1 000 amendments and hastened to reject all the other some 1 000 amendments. He is putting his political stand above everything else. He wants to suppress his political enemy and he does this by turning a blind eye to the dignity and sanctity of this assembly.

I would also like to respond to Mr Paul TSE's remarks about the Hong Kong Bar Association (HKBA). I have never said that Mr Paul TSE has never read the views presented by the HKBA. And my amendments are not entirely similar to the views held by the HKBA. I was only saying that I had made reference to the view of the HKBA regarding illnesses, and also because the HKBA has mentioned issues regarding certain symptoms, therefore, I have proposed the amendments after making reference to that view. I hope to clarify this point. This is because I do not wish to make Mr Paul TSE misunderstand my criticism of him earlier or cause any misunderstanding on his part about my amendments. This applies in particular to my amendments in respect of various kinds of cancer which are not completely in line with the view put forward by the HKBA.

I do not think we have too much time today. Tomorrow I may explain in greater detail the importance of cancer to a Member's office. I hope Mr Paul TSE would enlighten me then.

**CHAIRMAN** (in Cantonese): Does any other Member wish to speak?

**MR WONG YUK-MAN** (in Cantonese): Chairman, in fact, after this Bill has entered the Committee stage, Members all know what is going on. I also hope that some Members are like Mr Paul TSE, whom I know has really read the

clauses carefully. Of course, concerning the judgment made by him — I do not wish to make a judgment of him because according to the RoP, if someone stirs up a debate, we can have even more debates, Chairman. We will not violate the RoP, and I do not want to do so either. I hope that other Members would not be like "TAM sir", who came here to vent his spleen for a while, thus damaging his image as a Mr Nice. It would have been better had he spoken to the point.

The legislature should be a place where political representatives can engage in eloquent debates and make systematic analyses, through which the truth would be borne out. Even if we in the minority have made mistakes, of the 10 sentences uttered by me, one of them may be true and there is a possibility that you may substitute a fallacy with the truth. This is what is so precious about the freedom of speech. You are sitting here to keep us company and this is so hard and tiring. Although some Members are listening to music and playing video games, this is still boring. If you come here to throw a tantrum and inveigh against us, so long as the RoP is not violated and you fall short of offending other Members, I think we can still tolerate that and there is no problem. Of course, it would be most desirable for all of us to speak on the clauses in question. For example, Mr Paul TSE divided the amendments into several categories, so I thank him heartily. People watching the television now have a clear idea about this. In fact, it could be done in this way and he could even come up with something like that. Everyone can make their own judgment. In the case of Dr Priscilla LEUNG, she said she liked to visit the local communities and every day, members of the public would express their views to her. I wonder how many supporters she has. How many supporters do I have? Our positions are different, so I would not help her count her votes, for example, that she only had 19 000 votes and I had 20 000 votes more than her. I would not make such calculations. Even if only 10 people support you, we would still respect the views of these 10 people. This is the most precious thing about the freedom of speech.

When YAN Fu translated the *On Liberty* back in those years, he said, "Even though the utterances are made by enemies, they cannot be dismissed.". That means even though you are my enemy, if you want to speak, I still have to defend your freedom of speech .....

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please hold on. Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Can I not even go there?

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please continue.

**MR WONG YUK-MAN** (in Cantonese): That is, in this legislature, there are still about 10 minutes to go before the suspension of the meeting today and the meeting will resume tomorrow. Members are all having a hard time, are they not? From morning to night. In doing this sort of thing, of course, I would talk about what my rationales are and no matter if you agree or not, I cannot force you into anything but you can also speak. Therefore, Chairman, I hope that through such a "冗長" (jung2 coeng4) (meaning lengthy), rather than "匡" (hong1, a mispronunciation)長", meeting, Members would not just sit there and some people would also make some contribution. For example, Mr WONG Kwok-hing has written a number of big-character posters and I found that his calligraphy is also quite good. I also like calligraphy very much and we can have some exchange in the future. There are other Members who .....

**CHAIRMAN** (in Cantonese): Please do not stray from the question.

**MR WONG YUK-MAN** (in Cantonese): ..... Chairman, I will come back to the question ..... if I want to debate, I can also do so. Just now, I could have targeted at Mr Paul TSE's comments and talked about them point by point. You were so accommodating to him. I think you were accommodating to him and I also respect this. Similarly, after Mr CHIM Pui-chung or your party comrades had raised queries about you, you were also accommodating to me by allowing me to speak for a while longer. Among the three of us, I am the one who have got the least dressing down by you ..... now, I will come back to the question.

In my speech in the last session, I talked about amendment No. 3, Chairman, that is, deleting "自" (zi6) (self, private, personal, from) and

substituting it with "由" (jau4) (cause, reason; from) in the Chinese version. Don't you think that freedom is very good, Secretary?

The No. 4 amendment is to delete "自" and substitute it with "從" (cung4) (meaning from, by, since, whence, through). Mr Paul TSE claimed just now that all these could be done easily. In fact, this is not so and there are a lot of distinctions in Chinese grammar. In the past, when we studied classical Chinese semantics, Chinese phonology and Chinese paleography we had to attend many lessons. Therefore, this is not that simple, saying that this is just about putting a word in front or at the back, or changing a word. One has to give the reasons for changing even one word and talk about the rationale. If one cannot give the rationale and just goes round and round, in the end, our astute Chairman would yell at you and tell you to stop. This is like the case earlier on, when he yelled at me and told me to stop talking about verbs and nouns, I was so scared that I blurted out all the verbs. You can see how formidable the Chairman is. Therefore, in front of this astute Chairman, how dare we beat about the bush? Of course, we have to talk about the core of the problem.

As regards "從", why is "自" changed to "從"? This can be found in No. 4 of the amendments. I wonder how much Members here know about the meaning of "從"? Its first sense is the so-called "to follow", "to comply with", or to "go along".

In *Shuowen Jiezi* (Explaining and Analysing Characters), "從" means to go along. "從" has the meaning of going along, following and following behind. It also has another meaning that describes one of the characteristics of Members of the pro-establishment camp seated here, that is, compliance. Of course, they are not compliant to me but to the "Western District" and "Grandpa". This is what compliance and obedience are. In 《左傳·昭公十一年》："不昭不從" (the Chronicle of Zuo · Duke of Zhao Year XI: "The absence of such intelligence was a want in his words of accordance with reason"<sup>27</sup>), "婦人，從人者也" (The woman follows (and obeys) the man).

In addition, it also means playing a part. Chairman, the word "從" has the meaning of playing a part. There is also another meaning that my teacher taught

<sup>27</sup> <<http://www2.iath.virginia.edu/saxon/servlet/SaxonServlet?source=xwomen/texts/chunqiu.xml&style=xwomen/xsl/dynaxml.xml&chunk.id=d2.16&toc.id=d2.16&doc.lang=bilingual>>

me in the past. "從" also has the meaning of a starting point. Therefore, this change is about the difference between "自" and "從". "從" refers to a starting point. As regards "自 ..... 開始" (starting from), for example, from the clause "本條例自第5屆立法會的任期於2012年開始之時起實施" (This Ordinance comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012), we can see that if "從" is used, the meaning of a starting point is expressed. In this part, there is the meaning of a starting point. Of course, there is also another meaning that fewer people know. "從" also has the meaning of causation, Secretary. In "欲貴其小女，道無從" (wished to make her daughter a promise but fell through), what is the reason?

Another meaning is to rest. Some people pronounce "從" as "鬆" (sung1) (meaning lax, loose, loosen, relax), saying "從容" (sung1jung4) or "從容" (cung4jung4)" (meaning relaxed) and in fact, both are correct. In 《西遊記》 (Journey to the West), there is this sentence "神僧且從容一日" (The Holy monk can take a rest for the day), meaning to take a rest first. About a quarter of an hour later, Members can rest for the night and get up at 7 am tomorrow morning and come back punctually at 9 o'clock for the meeting.

In the amendment, "自" is changed to "從" and in fact, the word "從" is more accurate than "自", so I propose that this word be changed and I hope the Secretary can — I would not say you should "順從" (comply) or "跟從" (follow) — but be more "從容" (relaxed) and accept this amendment.

Having said so much, I also wish to talk about another word. In fact, I am a more rule-abiding person, so I will try to speak by all means according to the order in which my amendments are proposed. I have not yet talked about the amendments proposed by "Hulk" and I think "Hulk" is able to give better play to the amendments. My amendments simply address the accuracy of the expressions and language and the explanations of grammar, so generally speaking, the Chairman has interrupted me less often. However, when it comes to the amendments proposed by "Hulk", they are even more awesome and the coverage can be expanded without limits. However, Members can put their minds at ease. Even though I read from the text, I have made preparations, so I will not repeat myself and I will not waste your time, Chairman, and that of Honourable colleagues.

In my amendment to clause 1(2), concerning the sentence "本條例自第5屆立法會的任期於2012年開始之時起實施"(This Ordinance comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012), in No. 5 of my amendments, I propose that in the Chinese version, "於" (jyu1) (in, at, on) be deleted and substituted by "在" (zoi6) (be at, in, on, consist in, rest). Many people cannot figure out the difference between "於" and "在", so I hope that those Chinese who have a better command of English can figure out the meaning of Chinese words. In this way, be it in expressing one's thoughts and emotions or writing letters or emails to other people, they will be able to express their feelings fully.

I often say that Chinese characters are really very difficult to learn. This is unlike English, which is easier to learn. This is true, so we must by no means belittle ourselves. As Han people, people who use the Han language, we should know that our culture has a long history and in books that talk solely about the creation of characters, there are the liushu (the six principles for composing Chinese scripts). Since Mr WONG Kwok-hing is so terrific in calligraphy, he can reply as to what these six principles are and after learning about them, one's calligraphy may be even better. I cannot remember who asked him what styles of calligraphy he was using just now and he replied that it was the official script. However, that is not the official script and it should be running script, Chairman, right? It seems it is not even running script .....

**CHAIRMAN** (in Cantonese): Please do not stray from the question.

**MR WONG YUK-MAN** (in Cantonese): I have not strayed from the question. This is only intended to give an illustration, so that Members would not feel so bored. Otherwise, Mr CHAN Kam-lam would come up to me and point at me again, shouting, "You are too .....", then one or two seconds would be wasted on talking about me.

First, the word "於" has the meaning of "to" or "go". Now, I have changed "於" to "在" and a lot of people may know that "於" and "在" are similar but "在" is better than "於" and this is why I seek to change "於" to "在". However, the character "於" actually has many meanings, one of them being "to" or "go". In 《詩經·周南》(*Book of Poetry • The Odes of Zhou and the South*),

there is a very well-known line about congratulating other people's on the marriage of their daughters. Chairman, if you have a daughter who is getting married, other people would congratulate you, saying "之子於歸" ("This young lady is going to her future home.")<sup>28</sup> This "之子" does not mean the son of a certain person and the "於" here means "to" or "go". Chairman, this line is followed by "宜其室家" ("And will order well her chamber and house.") — "之子於歸，宜其室家" ("This young lady is going to her future home, And will order well her chamber and house.")<sup>29</sup> and the "於" here means "to" or "go".

The word "於" also has another meaning of "get" or "obtain". The Chairman has perhaps read 《詩經·邶風·七月》："晝爾於茅，宵爾索綯" (*Book of Poetry · The odes of Bin · Qi Yue*: "In the day time collect the grass, and at night twist it into ropes")<sup>30</sup> and the "於" here means to get.

In addition, anyone educated to the secondary level would also know that this word also has the meaning of like or as if. This is not the "如" (jyu4) (if, supposing; as if; like, as) in "如果" (if) but the word "如" in "如履薄冰" (As if we were treading on thin ice) or "如臨深淵" (As if we were on the brink of a deep gulf)<sup>31</sup>. In 《易經·繫辭下》："介於石，不終日，貞吉" (*I Ching / The Book of Changes · Xi Ci II*: "Firm as a rock. Not a whole day. Perseverance brings good fortune.")<sup>32</sup> and this is the origin of CHIANG Kai-shek(蔣介石)'s name. Therefore, this is the meaning of "like" or "as if". "介於石" means firm as a rock.

Another meaning of the word "於" is to introduce the time or place of an action or activity and the meaning is equivalent to "在", "到" or "在 ..... 方面". Therefore, this is one of the reasons for our wanting to change "於" to "在". In sentences, the part that introduces an action is in passive voice. People with a better standard of Chinese would understand this. In 《師說》 (*On the Teacher*) by HAN Yu, the line "不拘於時" (not bound by customs) can be found and we have learnt it in secondary school. In addition, in the essay "教

<sup>28</sup> <<http://wengu.tartarie.com/wg/wengu.php?no=6&l=Shijing>>

<sup>29</sup> <<http://wengu.tartarie.com/wg/wengu.php?no=6&l=Shijing>>

<sup>30</sup> <<http://wengu.tartarie.com/wg/wengu.php?no=154&l=Shijing>>

<sup>31</sup> <<http://wengu.tartarie.com/wg/wengu.php?no=196&l=Shijing>>

<sup>32</sup> <<http://wengu.tartarie.com/wg/wengu.php?l=Yijing&no=16>>

戰守策" (On Military Training) by SU Shi, there is this reference to "苦於多疾" ("troubled by many illnesses"). "不拘於時" and "苦於多疾" are both passive sentences that introduce the action.

In addition, "於" also means doing something to another party, which is more or less the same in meaning as "給". At present, there is a trendy line on the Mainland and in Cantonese, it is pronounced as "給力"(kap1lik6)(brilliant, awesome, empowered, to empower). "(*In Putonghua*) How is it pronounced in Putonghua, this "給力"?" We say that other people are very "給力". Have you seen this term "給力"? It is most trendy on the Mainland, meaning to impose an action or a deed on another party, equivalent to "給". In addition, many people also know that "於" is also a surname. Thank you, Chairman.

## **SUSPENSION OF MEETING**

**CHAIRMAN** (in Cantonese): It is now 9.55 pm. I now suspend the meeting until 9 am tomorrow.

*Suspended accordingly at four minutes to Ten o'clock.*