

OFFICIAL RECORD OF PROCEEDINGS

Friday, 11 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.

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE JEFFREY LAM KIN-FUNG, 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 CHIM PUI-CHUNG

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

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.

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 LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

MEMBERS ABSENT:

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

THE HONOURABLE LEUNG YIU-CHUNG

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

THE HONOURABLE LEE WING-TAT

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

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

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

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

THE HONOURABLE TANYA CHAN

PUBLIC OFFICERS ATTENDING:

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

THE HONOURABLE EDWARD YAU TANG-WAH, G.B.S., J.P.
SECRETARY FOR THE ENVIRONMENT

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 PERCY MA, ASSISTANT SECRETARY GENERAL

BILLS**Committee Stage**

CHAIRMAN (in Cantonese): Good morning, Members. First of all, I would like to talk about today's meeting arrangement. As we are going to have the House Committee meeting and the Finance Committee meeting this afternoon, I will suspend the Council meeting at around 1 pm for Members to have lunch and attend the House Committee meeting and the Finance Committee meeting. Depending on the ending time of the Finance Committee meeting and Members' dinner arrangement, I will determine when this meeting will resume.

The Committee will now continue to consider the provisions of the Bill. Before calling upon Members to speak, I wish to point out that this Committee had spent more than seven hours on this joint debate yesterday and a few Members had spoken again and again. While it is specified in the Rules of Procedure that a Member may speak more than once at the Committee stage, it is also explicitly specified that a Member's remarks must not be irrelevant or repetitive, and he shall only discuss the details of the provisions. Hence, let me draw your attention, a Member will be reminded if he continuously makes irrelevant or repetitive remarks. I will ask him to stop speaking if he keeps making remarks that are irrelevant to the provisions and the amendments, or if he keeps repeating his viewpoints.

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2012

MR WONG KWOK-HING (in Cantonese): Good morning, Chairman. This is the third day of this Council meeting, and we will start wasting the third \$1 million

(Mr Albert CHAN stood up)

CHAIRMAN (in Cantonese): Mr WONG, please wait. Mr Albert CHAN, do you have any questions?

MR ALBERT CHAN (in Cantonese): A quorum is not present. I request a headcount.

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

CHAIRMAN (in Cantonese): The meeting will resume.

(While the summoning bell was ringing, it seemed that Mr WONG Kwok-hing had not returned to his seat)

CHAIRMAN (in Cantonese): Mr WONG Kwok-hing, have you returned to your seat?

MR WONG KWOK-HING (in Cantonese): Yes, I have.

CHAIRMAN (in Cantonese): The display board in front of you has blocked your face, please move it slightly away.

MR WONG KWOK-HING (in Cantonese): I intended to use this display board when I spoke just now, but you suspended the meeting.

CHAIRMAN (in Cantonese): Please put it down, or else I cannot see you.

MR WONG KWOK-HING (in Cantonese): Fine.

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

CHAIRMAN (in Cantonese): A quorum is present and the meeting now resumes. Mr WONG Kwok-hing, please continue with your speech.

MR WONG KWOK-HING (in Cantonese): Good morning, Chairman. The Council meeting has proceeded to the third morning and the third \$1 million of taxpayers' money would be wasted. I feel very sad and sorry.

Chairman, our joint debate on the amendments has lasted more than seven hours and all Members, with no prejudiced views, would agree that the so-called 1 300 amendments are the "five-nots amendments". What do I mean by saying that they are "five-nots amendments"? They are not meaningful, not sensible and trivial, not constructive, not having substantial meanings, and not progressive.

Even the Members who proposed the amendments have admitted without reservation that they are filibustering for the sake of filibustering, and procrastinating for the sake of procrastinating. They have also arrogantly insulted all other Members who insisted on staying in the Chamber. If we are classified as Members of the pro-establishment camp, it means that we are Members who have made efforts to build up Hong Kong, and who have tried to save Hong Kong from degrading. We insist on staying in the Chamber but we are being insulted as "logs".

Chairman, I think those who insult us as logs are really unethical and mean. As far as I remember, during the Unit 731 Germ Warfare when the invading Japanese army occupied the three provinces in Northeast China, our compatriots were imprisoned for germ tests; people and soldiers being taken away were abusively called logs. Such an insult reflected that the Members who proposed the amendments have evil minds.

Yesterday, we had lengthy discussions on the some 1 300 so-called amendments, and I strongly agreed with Mr Paul TSE's analysis last night. He made a penetrating remark, and I hope all Hong Kong people would have listened to his words and remembered them, because the one statement he made is better than the thousand words spoken by them. Mr TSE said that this was a game for "kiddos". Their amendments are just "deleting and substituting".

Chairman, this is an indisputable fact, which has proven time and again and the same also applies in the future. To handle these 1 300 amendments is a waste of public funds and our precious time. Because of these amendments, Members and officials cannot deal with the urgent concerns of the public or the difficulties and hardships of the public that urgently need to be addressed. Nevertheless, they ignore some 7 million people in dire straits and they are concerned about the interests of People Power and the League of Social Democrats (LSD) rather than the interests of the public.

Chairman, when I entered this Chamber just now, some friends from the press asked me what I was going to write today, and I told them that I am going to write "a log book of wastage": \$1 million or so was wasted on 9 May; another \$1 million or so was wasted on 10 May; and another \$1 million or so would be wasted today on 11 May. How many \$1 million do we have? How many \$1 million do we have? Mr WONG Yuk-man and Mr Albert CHAN from People Power publicly gave an advance notice yesterday that they conservatively estimated that the meeting would continue for 14 days. The Secretary General told the press that, excluding the time for discussion, it took 33 hours to press the voting button on the amendments.

If \$1 million will be wasted in each of these 14 days, the total amount will be \$14 million. Only some \$10 million are involved when we ask for licence fee waiver for all licensed hawkers in Hong Kong. If they do not start the filibuster and give the money to all grass-roots licensed hawkers who live from hand to mouth, the hawkers will be exempted from paying license fees for one year. If \$14 million are spent on tram fares, the elderly and people with disabilities can have free tram rides for one year. I hope that everyone in Hong Kong, including all elderly persons and people with disabilities, would understand the implications of wasting \$14 million.

Chairman, I received many telephone calls and short messages last night after the meeting was suspended at 10 pm. The senders were very dissatisfied with the wastage of time by this Council, and they criticized and censured this Council for its incompetence. They censured this Council for allowing the three Members to manipulate the legal loopholes to waste public funds and insult this Council; and for being powerless when the three Members play trick on other Members. I felt very sad and helpless after listening to their criticisms.

Chairman, I would like to express my views. We really cannot allow them to do whatever they want and indefinitely prolong this Council meeting. Chairman, I think you should be determined to take certain measures to cut short this discussion.

Chairman, around 10 Members were having meal box for dinner at the cafeteria last night and we all opined that we should not allow this meeting to continue this way. We hope that the Chairman would take certain measures, instead of the meeting schedule from 9 am to 10 pm each day, the meeting will run continuously until all amendments have been scrutinized. Certainly, before taking this measure, we also hope that the Chairman will consult Members who are willing to stay in this Chamber. When appropriate, he should adopt certain measures so that the meeting will run continuously until all amendments have been scrutinized. Only in this way can we maintain the dignity of the Legislative Council and ensure that public funds will not be abused. Personally, I am willing to stay up day and night, night and day to play with them.

Chairman, Honourable colleagues from the Hong Kong Federation of Trade Unions (FTU) have not spoken for some reasons. We have not spoken because we do not want to fall into the filibustering trap. I speak now because I pressed the "request to speak" button yesterday to clarify Mr WONG Yuk-man's accusation that I did not know how to differentiate between official script and running script. That is why I am the first Member to speak this morning. I have to speak out as I did receive many telephone calls and short messages yesterday.

The attitude of Members from the FTU is reflected by the four Chinese characters on this horizontal scroll, that is "沉默是金" (silence is golden). Let me compose a couplet by borrowing two famous expressions, though they may not rhyme neatly: "此時無聲勝有聲，看你橫行到幾時" (It is better to remain silent than making a sound at this time; let us see how long you can run amok). I borrow these two famous expressions; though the couplet does not rhyme neatly, it really reflects our mind.

Lastly, I must respond to Mr WONG Yuk-man's accusation last night that I had mixed up official script and running script. This criticism is particularly sarcastic on someone who has practiced Chinese calligraphy for decades. If I do not clarify this point, he will really think that I am illiterate. Chairman, this piece is written in official script, though I admit they are not nicely written; and

the slogan "我'拉布'，你找數" (I filibuster, you pay) at my back is written in running script.

Chairman, I do not want to use up my 15-minute speaking time and I will stop here. I am not sure how many more days we will have to discuss this subject, for record purpose, I declare that I will no longer speak on the amendments. Thank you.

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

MR CHIM PUI-CHUNG (in Cantonese): Chairman, I speak

(Mr Albert CHAN raised his hand to indicate his intention to speak)

CHAIRMAN (in Cantonese): Would Members please raise their hands or indicate their intention before speaking? Mr CHIM, please continue.

MR CHIM PUI-CHUNG (in Cantonese): Chairman, I speak in support of Mr WONG Kwok-hing's suggestion of an overnight meeting. Second, I suggest that you should consider resigning if you fail to chair the meeting; third, I suggest that the SAR Government should dissolve the Legislative Council.

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

MR ALBERT CHAN (in Cantonese): Chairman, first, I have to thank Mr WONG Kwok-hing for his impassioned speech. Yet, his allegation that we waste public money is absolutely besmirching and distorting. Basically, all Members of the Legislative Council have received their remunerations. Indeed, by proposing over 1 000 amendments for filibuster, we have enhanced the cost-effectiveness of the Legislative Council. Many Members who never showed up at meetings in the past have to attend the meetings more frequently now. They will definitely contribute more to the Legislative Council.

This debate can draw more people's attention to the business of the Legislative Council. The press coverage has been exceptionally extensive, which has rarely been seen in recent years. The public are more concerned about the issues discussed at the Legislative Council. Before the filibuster, not many people understand the Legislative Council (Amendment) Bill (the Bill), yet over the past couple of days, more people have gained true understanding of the Bill. Some people asked me when they met me, "I only come to realize that this Bill will deprive me of my right to nomination." It is through the filibuster debate that the public get a clearer understanding of the genuine meaning of the Bill, which has invigorated the Legislative Council as a whole.

The vitality of the legislature is very important. We saw Mr TAM Yiu-chung flying into a rare rage yesterday. Mr WONG Kwok-hing lashes out at us by tongue and pen. He uses the fine art of Chinese calligraphy to vent his anger. Just now, he has burst out in anger again. All these reflect the importance of the vitality of the legislature. If the legislature is as lifeless as a log, as said yesterday

MR CHAN KAM-LAM (in Cantonese): Chairman, we are now in the Committee stage and Members should speak on the content of the amendments

CHAIRMAN (in Cantonese): Mr CHAN Kam-lam, please be seated. I have reminded Members about this at the beginning of the meeting, but since Mr WONG Kwok-hing has made an overall comment on Members proposing the amendments in his earlier speech, I will allow Members being criticized by Mr WONG Kwok-hing to respond. However, I have to remind Mr Albert CHAN that his speech must be concise and he should speak on the relevant provisions and amendments as soon as possible.

Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, thank you for your ruling. This attitude of Mr CHAN Kam-lam aptly reflects that he adopts double standards on the violation of the Rules of Procedure (RoP). Back then, when Mr TAM Yiu-chung left the Chamber in protest, Mr LAU Kong-wah supported a

filibuster; and when Mr WONG Kwok-hing has deviated from the content of the amendments to criticize us, he has raised no challenge

CHAIRMAN (in Cantonese): Mr CHAN, please stop giving comments irrelevant to the provisions.

MR ALBERT CHAN (in Cantonese): I get it. Chairman, I only want to express my anger, just as Mr WONG Kwok-hing has expressed his. I want to reprimand the double-standard adopted by Mr CHAN Kam-lam.

Chairman, just now, I talked about vitality, which is indeed related to the amendments, for the vitality of the legislature can only be maintained by the involvement of more Members in the work of the legislature. If the legislature is full of vitality, the interests and views of various sectors will be reflected in the scrutiny of bills and policies of the Government. So, in the past two days, the vitality of the legislature was unprecedented, and we seldom see so many Members attending the meetings, particularly during the Committee stage.

CHAIRMAN (in Cantonese): Mr CHAN, you are repeating your argument.

MR ALBERT CHAN (in Cantonese): Chairman, I would also like to respond to the public appeal made by the Secretary yesterday

MR WONG YUK-MAN (in Cantonese): A quorum is not present.

CHAIRMAN (in Cantonese): Clerk, please ring the bell to summon Members to the Chamber, so as to do the headcount.

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

CHAIRMAN (in Cantonese): The meeting now resumes. Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, just now, I said that I would like to respond to the appeal of the Secretary last night that we should "quit when we have gained the upper hand". In fact, there is no question of "gaining the upper hand", for the amendments we proposed are truly meaningful. The Secretary said that he expected the meeting would last till 30 June, and I think it will probably be so. I initially planned to attend the graduation ceremony of my daughter, as in the case of some other Members who have already left Hong Kong. Yet, yesterday I called to tell her that I would not be able to attend the ceremony. Therefore, if Members decide to stay on, the two Members from the People Power will keep them company to the end, for we have cancelled all the activities from now till mid-July. We will definitely stay in Hong Kong to explain to you all the provisions related to the thousand or so amendments, for I consider that we are obliged to do so.

Chairman, we spent about seven hours for the Committee stage yesterday, and I had only explained part of the amendment, that is, No. 609, but not the remaining items. I would like to tell the Secretary of my approach, schedule and sequence I will adopt in explaining the content of the amendments to him.

Actually, Mr Paul TSE has made great efforts to classify our amendments into categories and analyse them. The first category of amendment alone contains over 600 items, which involve a different number of Members and Members in different constituencies, including geographical constituencies returned by election and District Council (second) functional constituencies. In the next few days, I will try to elaborate on the distribution of the administrative costs involved in those 600 or so amendments.

At the meeting yesterday, I had only elaborated on the administrative costs of amendment No. 609, say the expenditure for the District Councils would be some \$30 million, whereas the resignation of Members of the Legislative Council would involve some \$4 million. Regarding the 600 or so combinations involved in the amendments, I will give details of the administrative cost incurred by each Member in each combination if Members resign. I will share with the Secretary

each set of figures involved in detail. Moreover, if electors are willing to support the resigning Member to stand for re-election, the amount of donation needed for conducting a by-election I will make a simple calculation. There are about six groups of figures, to be multiplied by 600 or so combinations, resulting in having over 4 000 figures. I will read out those figures one by one, and it will take some time to do so.

I will explain the situation of individual constituencies. For instance, if nine Members of a certain constituency resign, it may involve different situations and districts. For example, nine Members in New Territories West may resign *en masse*. I will explain these situations. There are several dozens of combination in this respect and I will explain one by one. I believe it will take a few days for me to explain these scenarios.

Moreover, there are some amendments relating to the arrest or detention of Members in 15 countries. As I read out the names of the 15 countries yesterday, I will not repeat today. I do not want to put the Chairman in a difficult situation. We will explain the background, political structure, demographics, economic condition and the laws of these 15 countries. We will focus on introducing the legal issues, as well as the relevant cases, of these countries. Recently, many netizens have provided us with information about the rights in detention, as well as certain inhuman treatment or practices which Hong Kong people consider unacceptable or violation of human rights in these 15 countries. Moreover, the family members of certain persons who are now in detention or have undergone detention have provided information to us.

I now call upon netizens around the world to provide me with information of their personal experience or knowledge of cases involving the detention of people, particularly Hong Kong people, in these 15 countries, so that Members of the Legislative Council in Hong Kong will know that such extreme, unreasonable and inhuman cases in these overseas countries. In that case, I will not be blamed by Members for putting forth amendments that are meaningless and time-wasting. Since Members do not understand the situation in other countries, when Members As Members often go on holidays, today, they visit

CHAIRMAN (in Cantonese): Mr CHAN, you do not need to cite so many examples, you only need to put forth your views related to the provisions.

MR ALBERT CHAN (in Cantonese): Chairman, some friends may not know these 15 countries well. I must make a comparison, for Hong Kong people who used to live in Hong Kong do not know the situation in other places. Some of these countries are in Africa, the Middle East and Central America, and our great mother country is certainly included. There are a large number of cases in these countries. I use a large folder to keep the information about cases of these 15 countries. I will share with Members information about the situation in each of these countries kept in the folder.

Regarding the sunset clause, the date is of great importance. The date concerned will involve technical issues as well as administrative needs. I believe the Secretary is also aware that the Chinese attach great importance to the selection of important dates. I will try to explain the importance of dates from different schools of the Occult Arts of Chinese, such as Chinese Astrology and The Four Pillars of Destiny. I recall that the Government had paid very careful attention to the design of the Tsing Ma Bridge and the selection of date for its commissioning. It had specifically sought the advice of CHOI Park-lai with regard to the design and colour of the Bridge. Traditionally, the Hong Kong Government has attached importance to fung shui and the selection of dates, and it had been so in the British-Hong Kong era. Certainly, we may refer to the *Chinese Almanac* in our daily life, but different schools I do not know which schools of fung shui does LEUNG Chun-ying believe in, yet it is a well-known fact that Donald TSANG believes in fung shui. The Government House

MR PAUL TSE (in Cantonese): Rule 41 of Rules of Procedure: "relevance"

MR JEFFREY LAM (in Cantonese): I also have a point of order. Are we discussing fung shui or the amendments now?

CHAIRMAN (in Cantonese): Mr Albert CHAN, please do not repeat matters not directly relevant to the provisions.

MR ALBERT CHAN (in Cantonese): Chairman, it is definitely related, for a lot of provisions are about dates, 10 days, 20 days, and even 170 days. Some provisions are related to the sunset clause, from 6 December 2012 to 6 July 2015. According to the *Chinese Almanac* or different schools of fung shui, different months and dates carry different meanings, and some dates may fall on the inauspicious dates of "the linkage of seven stars, which may lead to the end of the world". So, fung shui is related to my amendments. Chairman, I will explain this in detail shortly.

Since Mr Jeffrey LAM is interested in fung shui, I hope he will sit in the Chamber patiently in the following days, for I will explain in depth the relationship between fung shui and my amendments.

Certainly, I hope more experts will provide authoritative information for me. Just now, I am only quoting CHOI Park-lai and the Tsing Ma Bridge as examples, so that Members know clearly that the decisions and the choice of certain measures are more often than not related to fung shui. This is not a practice invented by Mr Albert CHAN. If Members considered this practice undesirable, they should have opposed the Government back then, and Mr LAU Wong-fat should have opposed paying fung shui expenses for villages projects

(Mr IP Kwok-him raised his hand)

CHAIRMAN (in Cantonese): Mr IP Kwok-him, what is your question?

MR IP KWOK-HIM (in Cantonese): Point of order. I notice that Mr Albert CHAN has spent seven minutes talking extensively about fung shui, which is entirely irrelevant to the subject. I hope the Chairman will give a ruling on this.

MR PAUL TSE (in Cantonese): Chairman, I believe Members of this Council, the public opinion and most members of the public do support the Chairman to

act in strict compliance with the Rules of Procedure (RoP) by allowing the proposal of amendments you consider compatible to the RoP. Since you respect the RoP to the extent that you will act in accordance with the RoP when no other alternatives are available, even though you are fully aware that the situation is unjustified, I hope you will, at the same time, strictly enforce the rules of speaking as stipulated in the RoP. Otherwise, it will be unfair. It is tantamount to rubbing salt into wounds. You cannot allow amendments to be proposed according to the RoP on the one hand, and adopt a lax approach in handling Members' speech on the other. It is really unfair to do so.

CHAIRMAN (in Cantonese): I will enforce the RoP strictly. Mr Albert CHAN, please do not repeat incessantly details that are irrelevant to the provisions.

MR ALBERT CHAN (in Cantonese): I have not repeated, I am only explaining

CHAIRMAN (in Cantonese): I heard you repeating.

MR ALBERT CHAN (in Cantonese): Alright. Thank you, Chairman. Just now, I am explaining

CHAIRMAN (in Cantonese): If you intend to explain why you believe in fung shui, you have already made your point clear, and you need not say any further.

MR ALBERT CHAN (in Cantonese): I understand that clearly.

Chairman, I have briefly introduced amendment No. 609. I will now follow the order and talk about amendment No. 610. I think Members know clearly that amendment No. 610 is on page 1219 of the Chinese version and page 1220 of the English version. The content of the amendment read as, "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 90% 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."

This amendment is different from the previous one, for the financial commitment incurred is significantly different. The amount incurred will change in relation to the increase in the number of Members involved and the decrease in the percentage from 95% to 90%. If the resigning Member from geographical constituencies chooses to stand for election again, the amount he has to bear will decrease from some \$4.3 million, which is 95%, to \$4,088,571. Such a commitment will exert enormous financial pressure on the Members concerned.

If my amendment is applied to the election of the District Council (second) functional constituency, the amount of commitment may reach \$159 million, and we may arrive at the amount of financial commitment to be borne by each Member concerned. If these Members stand for election again after resignation, the amount of commitment on the expenses of the by-election of the District Council (second) functional constituency will be \$28.62 million, which represents a decrease of \$1 million or so when compared with the \$30 million or so in the previous amendment.

CHAIRMAN (in Cantonese): Mr Albert CHAN has stated earlier what he intends to do in the ensuing debate. I would like to point out to Members, including Mr Albert CHAN, that the Rules of Procedure (RoP) allows Members to have adequate opportunities to speak. While I allow Members to speak according to the RoP, I also have to give regard to the purpose of each session of the scrutiny process stipulated under the RoP. Moreover, I am obliged to ensure that the time and resources of the legislature are used effectively and efficiently.

The debate at this stage aims at allowing Members attending the meeting to understand the provisions and content of the amendments, and to allow Members to put forth their opinions about these provisions and amendments. If speeches of Members are not conducive to achieving this purpose, I will not allow the Member to take up the meeting time. Unless more effective and efficient alternatives are not available for achieving this purpose, such as providing the

complicated and trivial figures in writing, I will not allow Members to read out the figures one by one. Will Members please take note of this.

Does any other Member wish to speak?

MR WONG YUK-MAN (in Cantonese): Chairman, good morning.

MR CHAN HAK-KAN (in Cantonese): A point of order.

CHAIRMAN (in Cantonese): Mr CHAN Hak-kan, what is your point of order?

MR CHAN HAK-KAN (in Cantonese): This debate has been going on for more than eight hours and 20 Members from the pan-democratic camp have been absent for eight hours. Can you call them and ask them to come back for the meeting?

CHAIRMAN (in Cantonese): The Rules of Procedure has not conferred such rights or obligations on the President of the Legislative Council. What you have said is not a point of order. Mr WONG Yuk-man, please continue with your speech.

(Mr LEUNG Kwok-hung raised his hand in indication)

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I have a report to make. I see that many people are looking for the missing ones, don't worry. Mr Chan Hak-kan, you need not worry.

CHAIRMAN (in Cantonese): If a Member interrupts another Member in the course of his speech, he should either raise a point of order or seek an elucidation.

Any interruption other than that would breach the Rules of Procedure. Mr WONG Yuk-man, please continue with your speech.

MR WONG YUK-MAN (in Cantonese): Chairman, today, yesterday and the following days are indeed tests for colleagues of this Council. Since you said that I am a "kiddo", I am delighted that you have to keep me company as "kiddos". It is nonetheless pretty tough for the Chairman. To him, this is also a challenge and a test. Although you have been facing numerous reproaches and queries in the course of enforcing the Rules of Procedure (RoP), you have all along remained placid and calm. I think that you have strictly enforced the RoP Chairman, I have to respond to the queries raised by colleagues to you and do not stop me. I am not fawning over you, I merely describe the objective facts. On the other hand, I must also respond to Mr WONG Kwok-hing's earlier remarks. Chairman, please give me a couple of minutes to respond to him. I guess you will not stop me from doing so, right?

This is a battle, as I had said on the first day. It is a fight against heavy odds. Members may put pressure on the Chairman by all means and exhaust every means to tell Hong Kong people, using this platform, that we are crap. That is fine as we have different supporters. If people do not vote for me, I will simply say goodbye. Is that right, Mr WONG Kwok-hing? I do not care even if you make personal attacks on me.

Yet, in some cases — Chairman — actually sometimes an experienced person like you will miss the target. In his earlier remarks, there is a part in which he speculated Members' motives. He said that we are spiteful and ill-motivated. And yet, I will not embarrass you. He has associated "logs"¹ — Neither I nor "Big Guy" used the term "log" — with gas chambers in Japan. Buddy, he has indeed escalated the term to its furthest extent. He spoke very loudly, but not accurately. Though he spoke in a loud voice with great righteous anger and made such a moving speech as if he will die a martyr, reasoning is the key. Our world is as simple as that.

Today, there are 37 of you — excluding the Chairman — 36 of you confronting these three "idiots". I call myself "瞽里" (mau6 lei5) (meaning an

¹ It was reported under Japan's Wartime Human Experimentation Program, Chinese prisoners subjected to experiments were called 'maruta' (literally 'logs') by the Japanese. <http://teaching.cs.uml.edu/Rigas/GlobeSecretHistory/shenware.virtualave.net/his_unit731.shtml>

"idiot") because you will probably accuse me of insulting you if I call you "瞽里". He have actually also gone too far by associating "logs" with gas chambers, but you have instead accused us of straying from the subject.

Chairman, at least — honestly speaking, in my opinion, it is apparent that the proposers of the amendments are making use of this political struggle to fight against the draconian law. The RoP allows us to propose amendments and we have therefore proposed a lot of amendments — this is nothing new. Chairman, you will strictly enforce the RoP to prevent us from straying from the subject. Members of the overseas parliaments are even allowed to read out the whole *Bible*. After all, we must admit that each place has its own specific rules. What is more, in this Council — buddy, there are 37 Members from the pro-establishment camp and 23 Members from the so-called pan-democratic camp. We are, however, excluded from the democratic camp — we are the minority within the minority. He said "let us see how long you can run amok", but I think I should be the one who say such word. Buddy, can I say that you really deserve the evil rewards for doing evil deeds? No, I cannot

CHAIRMAN (in Cantonese): Mr WONG.

MR WONG YUK-MAN (in Cantonese): I will not say so, Chairman. They said that we have insulted them, but they have actually insulted us more. Am I right? I therefore think that we, but not people outside this Council, are in dire straits. I rarely got angry in the past two days

CHAIRMAN (in Cantonese): Mr WONG, you have already made a response and you should speak on the provisions and amendments.

MR WONG YUK-MAN (in Cantonese): but I want to tell the Chairman that he should withdraw the term "spiteful".

Chairman, as you know Chinese, you should know what "spiteful" means, right? How can he accuse us of being "spiteful"

CHAIRMAN (in Cantonese): Mr WONG, you should speak on the relevant provision and amendments.

MR WONG YUK-MAN (in Cantonese): I hope that you, Chairman, can make not a ruling, but a fair comment. What does "spiteful" mean? What "spiteful" things have we done today? Are we more "spiteful" than him? Is it a "spiteful" act to throw bombs in 1967?

CHAIRMAN (in Cantonese): Mr WONG, I have reminded you time and again that you should speak on the provision and amendments relating to the Bill.

MR WONG YUK-MAN (in Cantonese): I really need to stay calm as there are still many days ahead. So far, I have gone through I have jotted it down. I have gone through one, two, three, four and now six amendments in day one, whereas two of them are similar. I do not want you to criticize me for filibustering and wasting time though I am actually filibustering. To avoid being repetitive, I have skipped amendment No. 2 and now jump to amendment No. 6.

Regarding the amendment of clause 1(2), you can see that the Chinese version is terrible, which reads "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.) The word "之" is redundant. Thus, for amendment No. 6, I propose to delete the word "之" from the Chinese version.

Chairman, as you may be aware, Chinese words can be classified as function words and notional words. Function words, however, do not mean they are meaningless. Generally speaking, names are notional words. For example, yesterday, Mr Paul TSE used my name as an example and said that "WONG Yuk-man" can be changed into "WONG Cheap-man", "WONG Rascal-man" and "WONG Trouble-man". And yet, names are notional words, and such objective errors are not allowed.

Let me quote another example. When I was a teacher of journalism, I used to have a lesson on "News Accuracy". What is meant by news accuracy?

It means that if after reading a news report on, say, today's Legislative Council meeting, the perception of the readers is exactly the same as what the reporter had observed at the scene, then this piece of news is accurate. News reporting often advocates the accuracy of the notional words. We always accuse news reports of being inaccurate. Chairman, there are two kinds of inaccuracies, namely "subjective inaccuracies" and "objective inaccuracies". What is meant by "subjective inaccuracies"? It means that the news is exaggerative, redundant and abstractive with deliberate omissions. Accusing the proposer of amendments of being "spiteful" is wrong in being subjectively inaccurate.

While objective inaccuracies are indisputable, subjective inaccuracies are pretty controversial. Mr WONG Kwok-hing described me as "spiteful", and this is perhaps echoed by Mr LAU Kong-wah. The Chairman, however, has reservation, and I oppose that description as it is controversial. And yet, Chairman, objective inaccuracies are indisputable. "WONG Yuk-man" is "WONG Yuk-man" and should not be changed into "WONG Rascal-man". There are a total of 60 Members in this Council, we cannot say that there are 61 Members. Numerical mistakes are objective inaccuracies. So are geographical mistakes. Thus, "WONG Yuk-man" can never be turned into "WONG Cheap-man", "WONG Trouble-man" or "WONG Rascal-man". These are objective inaccuracies.

Therefore, nouns are usually notional words, whereas the rest are function words. Let me illustrate with examples. Even if a noun itself is a notional word, it can be interpreted as a function word. For example, in the phrases "春風風人" (the spring wind blows on a person), "夏雨雨人" (the summer rain rains and gets one wet) and "推食食人" (to give food to feed someone). May I ask which words are function words and which are notional words? The first word "風" is a notional word and the second word "風" is a function word. For "夏雨雨人", the first word "雨" is a notional word and the second word "雨" is a function word. What I want to say is that in the amendment, the word "之" in this clause is a function word that does not have any meaning

CHAIRMAN (in Cantonese): Mr WONG, how do your current remarks have anything to do with your amendment?

MR WONG YUK-MAN (in Cantonese): it is a meaningless function word. In this provision — we are certainly discussing the details of this provision — the word "之" is a meaningless function word. Chairman, the abovementioned examples, which we have gone into great detail, illustrate that a noun can turn into a function word and thus carries a meaning. For example, in the phrases "春風風人" and "夏雨雨人", the second word "風" and the second word "雨" are function words with meanings.

The word "之" in this clause is nonetheless a function word that carries no meaning. Secretary Raymond TAM, legal provisions must be specific. I wonder why the law-drafting officials and members of the Bills Committee have failed to notice that. This is weird. In this clause, the word "之" is absolutely meaningless and is actually a function word that carries no meaning.

To make the word "之" meaningful, the sentence should be drafted in a way similar to that of the abovementioned phrases — "夏雨雨人" and "春風風人". Chairman, the word "之" can be a function word with meaning depending on where it is placed. However, in this case, it is definitely meaningless, as in the case that some people have accused us that our amendments are meaningless.

The word "之" carries different meanings, including "to produce, create, or grow". Many people do not understand and always think that "之" means, "of this and that". For example, "風之子" literally means the "son of wind". Chairman, the word "之" can be a verb, meaning "to produce, create, or grow". This is the original meaning of the word "之".

On the other hand, the word "之" can also be used as a verb, meaning "towards" a certain direction. This is another meaning of "之". In *Guangya* 《廣雅》 — a dictionary — "之" can be interpreted as "適", meaning "go to". In 《詩經·衛風》 "自伯之東" (*Book of Poetry · Odes of Wei*) "Since my husband went to the east"², the word "之" is a verb, meaning "go to". It therefore carries a meaning in that specific position of the sentence. Secretary, do listen and be attentive, okay? The word "之" also has another meaning, which refers to someone or something, it means "this" or "that" (*in Putonghua*). In 《韓非子·內儲說上》 "宣王說之" (*Hanfeizi · Nei Chu Shuo Shang*) "Qi

² <<http://ctext.org>>

Xuan Wang was delighted by this", the word "之" refers to a reclusive scholar surnamed Nanguo who played the musical instrument "yu". In other words, the word "之" means a particular person and a particular thing.

In fact, there are a lot more examples, but I am afraid that the Chairman will say that I am procrastinating. It is good to cite more examples to help Members gain a better understanding of Chinese. Why was the Government so stupid when drafting the Bill? The Special Administrative Region has nurtured so many people and there are many well-educated scholars, how come their Chinese standard is so poor. In this simple clause with just 10-odd words, they have used the meaningless function word "之". Are they not afraid of being ridiculed by the world? Therefore, being a Legislative Council Member, Chairman, I am obliged to rectify the deficiencies so as to maintain the standard of our legislation.

Let me continue with the discussion of the word "之", it also serves a demonstrative purpose as a pronoun and has the meaning of "his" or "others". After my simple illustration, Members should begin to understand that the word "之" can be a very useful function word. And yet, can Members tell me the meaning of the word "之" in 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)? If the word "之" is deleted, the sentence will be more fluent — "本條例自第5屆立法會的任期於2012年開始時起實施". Secretary, is this much better? Hence, do not blame me for dwelling on this point and give me an annoying look. If Members do listen attentively, this discussion is merely an exchange of ideas. Language is, after all, a tool for expressing one's emotions.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, Chinese is definitely a profound and sophisticated language. Mr WONG Kwok-hing wrote the three words "我比錢" (I pay money), but the word "比" is wrong. How can he display something like this? I have no opposition to Members displaying

slogans, but they should not use wrong or incorrect words — which will insult the Legislative Council, despise the legislative a quorum is not present.

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 entered the Chamber)

CHAIRMAN (in Cantonese): The meeting now resumes. Mr LEUNG Kwok-hung, please continue with your speech.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, just now I talked about using the wrong word. However, after much toss and turn, I do not want to say any more on this. Instead, I wish to advise Members that if they want to write Chinese characters for display in this Chamber, it is better to write them correctly. Otherwise, it will turn out to be a disgrace, am I right? If Member is not sure about the right word, look it up a Cantonese pronunciation dictionary

CHAIRMAN (in Cantonese): Mr LEUNG, you have digressed from the subject.

MR LEUNG KWOK-HUNG (in Cantonese): What? I cannot hear you.

CHAIRMAN (in Cantonese): Please speak on the clause under discussion.

MR LEUNG KWOK-HUNG (in Cantonese): Okay. Mr WONG Yuk-man proposed an amendment to clause 1, which reads "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), and he has just briefed us on the usages of the word "之". I opine that in this sentence the word "之" certainly has many meanings and

Mr WONG Yuk-man is probably not aware of another one. For instance, in "本條例自第5屆立法會的任期於2012年開始之時起實施", he has probably interpreted the word as "start" or "end". I wonder if the Secretary has ever explained this to our colleagues. Nor do I know their intent. However, if the sentence becomes, for instance, if the Ordinance comes into operation when the term of office starts to end, then what does it mean? It means that this Ordinance comes into operation when the term of office of the fifth term of office of the Legislative Council in 2012 starts to end

CHAIRMAN (in Cantonese): Mr LEUNG, no one in this Council will interpret this sentence in this way. Your interpretation has deviated from the deliberation standard which this Council should have. Please stop right away.

MR LEUNG KWOK-HUNG (in Cantonese): Pardon me.

CHAIRMAN (in Cantonese): I am not going to repeat. Please stop putting forward your argument at once.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, there is no use bullying me. When Mr WONG Yuk-man talks nonsense or speaks loudly, you just sit there and listen to his lecture. As for me, whatever I say, you will stop me. I now oppose him. Am I not allowed to oppose him? I oppose him and you interrupt me at once. I point out his wrong interpretations and you interrupt me. Is this fair?

CHAIRMAN (in Cantonese): You can express your opposition, but I must point out that your argument is totally not in compliance with the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): Fair enough. Let me cite an example. "Yuk-man" used citations and so do I. Thus, you cannot interrupt me. In *Laozi*, for instance, we have "功遂身退，天之道" (When the work is done, and one's name is becoming distinguished, to withdraw into obscurity is the

way of Heaven.)³ Just like today, I will withdraw into obscurity when the work is done. But since the work has yet to be done, I must stay here, right? I need to sit here. The way of Heaven

CHAIRMAN (in Cantonese): Did you use this citation because of its language or content to express your own views? If it is for the latter purpose, you have digressed from the subject, and please stop right away.

MR LEUNG KWOK-HUNG (in Cantonese): I wish to highlight the different usage of the word "之" in these two cases.

CHAIRMAN (in Cantonese): Then you should focus on the word itself instead of expressing views on the meaning.

MR LEUNG KWOK-HUNG (in Cantonese): The example cited by me just now is "功遂身退，天之道". In fact, it is also acceptable to say "天道", but this may give rise to ambiguity because one does not know if this is the way of Heaven. Therefore, the word "之" carries a meaning in this sentence and serves a specific purpose. It brings out the meaning of "功遂身退，天之道". If the work is done, the person will withdraw. It is impossible for the Heaven to withdraw. "天之道" means "the way of Heaven", and the word "之" must be added to avoid ambiguity. Without the word "之", it cannot get the message across that the acts of getting the work done and withdrawing oneself into obscurity are indeed the way of Heaven. It does have a meaning.

And yet, in some cases, the word "之" does not carry any meaning. When I cited the abovementioned example — "開始之時" (on the commencement of), you taught me a lesson. After I said "starts to end", you told me off, "Mr LEUNG, you have gone too far as no one will interpret this way." I opine that in Mr WONG Yuk-man's amendment to "本條例自第5屆立法會的任期..... 開始之時起實施", the word "之" is in fact essential. It is an attributive which specifies the time, and that is, the day of commencement. The Ordinance

³ <<http://2012daily.com/community/blogs/browse-by-tag?tag=dao%20jing>>

cannot come into operation before the day of commencement. Therefore, the sentence will make no sense at all if the word "之" is deleted. However, it makes sense if the word "起" (to begin, starting from) is also deleted. In other words, "本條例自第5屆立法會的任期 — the word "於" (in, on, at) is actually redundant, but I am not going to talk about it now — 2012年開始時實施". This is perfectly clear.

Since Mr WONG yuk-man's amendment is divided into three parts, so if he proposes to delete one word but not the other, then as far as the entire sentence is concerned, when this Council votes on let me remind Members, if they cast a vote without looking carefully at the provision, the deletion of one word but not the other may give rise to a different meaning due to the subtle chemistry of Chinese characters. Members are reminded not to arbitrarily cast their votes as this is very important. Let me cite an example, the word "之" may mean "去" (to go) or it may mean, say, "he or she" in English. It can also be an accusative. Therefore, in my opinion, the best way is to remove all the function words, but not to delete this and retain that. Otherwise, we cannot distinguish between notional words and function words. In some cases, notional words will be deemed as function words, or *vice versa*, or verbs will be deemed as nouns. Here, I hope that Mr WONG Yuk-man will explain why he did not remove all the "的" (of) or In "立法會'的'任期", for instance, the word "的" is not necessary and its deletion will make the entire sentence clearer. I hope that Mr WONG Yuk-man will advise me on this. Perhaps I should listen to Mr WONG Yuk-man's explanation and seek his advice later on.

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

MR ALBERT CHAN (in Cantonese): Chairman, as instructed by you, I am not going to read out the 1 000-odd sets of financial data. Instead, I will make comparisons later on after I have consolidated the data. Actually, an advantage of reading out the figures one by one is that Members can know clearly that if they resign and are willing to bear the costs as we all know, money matters, and \$1-odd million and nearly \$10 million can make a significant difference.

And yet, in order not to make life difficult for the Chairman, I will make a comprehensive analysis after I have consolidated the data, with a view to avoiding repetitions or giving Members an impression of being frivolous. They

consider the amendments frivolous out of their political perception rather than technical perception. As the Chairman has instructed time and again, during the Committee stage of the Bill, Members should clearly explain and analyse each individual amendments, instead of discussing the principles.

Nonetheless, both technical analysis and data analysis are of paramount importance, especially when money is involved, we cannot make irresponsible remarks. And yet, Members tend to make remarks carelessly. They consider my amendments frivolous without even looking at the contents or studying them in great detail. In fact, my amendments will affect the interests of millions of people. When compared with the "hand nets" proposed under the Fisheries Protection Ordinance which was supported by the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) yesterday, from a political, social and

CHAIRMAN (in Cantonese): Mr CHAN, you have already stated this viewpoint, please do not repeat.

MR ALBERT CHAN (in Cantonese): Okay, thank you, Chairman. I have not mentioned "hand nets" before. Yesterday, I only mentioned rabbitfish traps, which is part of my amendments. Amendments concerning "hand nets" were proposed by the Government and had received one-sided support of the DAB. However

I do not want to get myself entangled in this argument. I just want to say that people's right to vote and the right to stand for election are absolutely more important than "hand nets" from the political, social and economic perspectives.

Chairman, resignation involves by-elections, and seats are probably the most important thing in the eyes of many Members. However, to me, seats are just a means or a tool but not the cause. My mission is to fight for people's rights. If there is something wrong with certain policies, the constituency which one represents or the political platform, or a major threshold emerges, a choice will have to be made. This is similar to the case of the "five geographical constituencies referendum" which we instigated for the sake of seeking people's mandate on the political reform.

In fact, it is also possible that District Council Members from various districts will face major issues which affect their decisions. Going back to my first amendment — I just read out amendment No. 609 because I want to illustrate the case to Members using a more exaggerated example. Chairman, the first amendment reads: "If more than 2 Members of any geographical constituency or 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." This only involves two Members but not 35 Members as stated in amendment No. 609.

We may have to tackle major issues at the district level. Let me use New Territories West as an example, which I am more familiar with. If the Government insists on building an incinerator in Tuen Mun — the Government has now decided to build it on Lantau South instead, which is also opposed by us — if the Government decides to build an incinerator in Tuen Mun town centre (Mr LAU Wong-fat will definitely oppose this) but not in Tap Shek Kok, this may probably lead to the resignation of Members, so as to exert political pressure on the Government.

Therefore, the resignation of Members to trigger by-elections is both sensible and reasonable in different geographical constituencies. If I oppose the Government, should I stand for the by-election? The reason for resignation can only be highlighted by standing for the by-election. This does not apply solely to New Territories West. Recently, when I discussed with my friends about the resignation

MR IP KWOK-HIM (in Cantonese): Chairman, the speech of Mr Albert CHAN has digressed from the subject. I would like to ask you to rule.

CHAIRMAN (in Cantonese): Mr Albert CHAN, you have expounded a lot on the reasons for Members' resignation yesterday, so please do not repeat.

MR ALBERT CHAN (in Cantonese): Chairman, this is the first time I talk about the incinerator.

Chairman, my proposed amendments have got your approval. Amendment No. 1 deals with the resignation of two Members, which presents a different scenario from the resignation of 35 Members which I talked about yesterday. There is a difference between the resignation of 35 Members and two Members. Even for the case of resignation of two Members, the scenario will be different if Members of New Territories West and Kowloon are involved. Likewise, the scenario will also be different if Members of Hong Kong Island resign. Each constituency has its own uniqueness, and important social, political and livelihood issues are also involved.

I understand that Members from the royalist camp are getting impatient and they are indifferent to these problems. To them, the Government can impose whatever restrictions they like and they do not care less about these issues

CHAIRMAN (in Cantonese): Mr CHAN, please stop wasting time.

MR ALBERT CHAN (in Cantonese): Chairman, while I respect your ruling, I think that it is my basic duty to explain those 600-odd amendments. If you do not allow me to expound the reasons at length, I will be deprived of an opportunity to explain my amendments to the public. Given that I cannot explain the different sets of amendments, I am not adopting the clause-by-clause approach, I have decided not to explain the 600-odd amendments clause by clause, Chairman, and instead, I have grouped them into different sets, hoping that the underlying rationale of the amendments can be presented in a concise and brief manner. But if you

CHAIRMAN (in Cantonese): Mr CHAN, I just want to remind you that you should not use too many examples to illustrate one single viewpoint.

MR ALBERT CHAN (in Cantonese): Fine, Chairman. The point is, however, political issues are different from social issues, whereas territory-wide issues are

likewise different from regional issues. As representatives of the people, the enactment of a law which imposes a total ban on the re-election of the resigning Members Certainly, Members who participated in the "five geographical constituencies referendum" mainly oppose political issues, but if we shift our focus on regional issues, we will find that the focus and problems leading to Members' opposition to the "five geographical constituencies referendum" in the first place, have

CHAIRMAN (in Cantonese): You can continue with your speech, but I will listen attentively to see if there is any repetition.

MR ALBERT CHAN (in Cantonese): get it, get it.

Chairman, let me cite one more example. Please allow me to cite one more example to illustrate why I consider regional issues so important. Recently, LEUNG Chun-ying proposed to build flats by converting certain parks into public housing estates. Critics have cast doubt if he would turn the Victoria Park into public housing estates, or breach the relevant law on reclamation by carrying out further reclamation in Central and Wan Chai. These regional issues have significant implications. If all six — maybe seven in the future — Members of the Hong Kong Island constituency resign *en masse* to protest against such a proposal, this will give rise to a regional resignation of Members. Non-political issues may also lead to the resignation of Members, so I hope that the Secretary will look into the matter — The Government's gravest concern is political issue, especially those involving referendum, politics, political reform, human rights and amendment to the Basic Law.

Regional issues should not pose any political threat to Beijing, nor would they pose any political challenge to the Hong Kong communists. Then, in respect of the law, should we As all our rights have been deprived of, is it possible to provide some leeway for Members to obtain people's mandate for some regional issues through resignation. I am not going to reiterate the importance of representative government or people's mandate. And yet, if Members have been completely deprived of the right to stand for by-elections after resignation for issues of their personal interests and people's interests, we can see how draconian the law is. The law to be enacted should, by all means,

include public views from all walks of life, and should not neglect everything apart from political directives.

Since the Chairman does not allow me to I have actually prepared some 60 to 70 pages which contain hundreds of different examples, but I do not want to make life difficult for the Chairman. I just want to highlight some figures for Members' information. If two Members resign, and stand for regional by-elections, the administrative costs to be borne by the candidates are different from the two numbers previously mentioned by me. This is attributable to the great differences between territory-wide and regional elections. The re-election which a resigning Member stands for may not necessarily be a territory-wide by-election. If they belong to the same geographical constituency, say, two Members from Kowloon West resign and stand for the by-election According to my amendment, they can stand for the by-election if they reimburse 95% of the administrative costs. Take Kowloon West as an example, there are about 400 000 electors and the administrative costs are therefore much lower in comparison. I will provide more information about the costs later on.

Judging from the figures, this is highly feasible and I will provide detailed information to convince Members later on. Even if a territory-wide referendum is not allowed, there should be a mechanism to enable issues which are not so political to

MR LEUNG KWOK-HUNG (in Cantonese): Good morning, Chairman.

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

MR LEUNG KWOK-HUNG (in Cantonese): A headcount.

CHAIRMAN (in Cantonese): Clerk, is a quorum present? Mr WONG Yuk-man, are you leaving the Chamber? Mr Albert CHAN, please continue with your speech.

MR ALBERT CHAN (in Cantonese): The relevant provision provides that

CHAIRMAN (in Cantonese): Mr CHAN, please put on your microphone.

MR ALBERT CHAN (in Cantonese): Regarding the administrative costs of regional by-elections, the amount to be shared will vary with the number of resigning Members. If more Members resigned, the amount to be undertaken by each Member will be lower. Hence, there should be a mechanism to enable resigning Members to bear the election expenses when they stand for re-elections.

Chairman, just now I mentioned that in page 1 of the Chinese copy, if two Members resign to stand for re-election, the election expense to be borne is about \$4.8 million (\$4,866,375), which is relatively lower than the expenses incurred in regional by-elections as previously mentioned by me. On the contrary, the expenses of re-election for resigning Members returned from functional constituencies will be astronomical. Members should be aware that the District Council (second) functional constituency is territory-wide and does not have any regional election at all. If only two Members have resigned and they have to incur an election expense of more than \$50 million, I guess not many people can afford it financially. Yesterday, Mr LEUNG Kwok-hung criticized that there are class and financial factors in this respect and some people have been deprived of their rights. Therefore, he may not concur with me. I will discuss the problem of social manipulation and political manipulation with him at a later time.

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

MR WONG YUK-MAN (in Putonghua): Chairman, to reflect the speed of speaking of Premier WEN Jiabao

CHAIRMAN (in Cantonese): Mr WONG, you had repeated this statement at least four to five times yesterday and you need not repeat now.

MR WONG YUK-MAN (in Putonghua): There is one more sentence that follows..... Do you remember? That's fine.

No. 49 Chairman, have I repeated myself? In the Chinese text, by deleting "於2012年開始之時起實施" and substituting "在2012年開始時起實行".

No. 50, in

CHAIRMAN (in Cantonese): Mr WONG, a Member complained yesterday that he could not hear you clearly when you spoke in Putonghua, and he found it particularly difficult to understand what you said when you were speaking slowly. Can you consider making a change? As copies of the text are available, you can just let Members read them.

MR WONG YUK-MAN (in Cantonese): Chairman, about the written language, if your suggestion works Is that only a suggestion? If that works, we do not need to have meetings. This is the first point. Second, I do not want to refute you as you are the most authoritative person here, right? You dare not give a ruling to disallow me to speak in Putonghua. Do I speak accurate Putonghua? Do other Members speak accurate Cantonese? We are talking about the same thing, right? If a Member said "Riches and honours acquired by unrighteousness, are to me as a floating cloud"⁴ in Cantonese with a Chiu Chow accent, will you disallow to speak. This is unreasonable. I do not want to challenge you.

CHAIRMAN (in Cantonese): I just want to remind you that there can be better ways of expression.

MR WONG YUK-MAN (in Cantonese): But, I understand that you are under pressure and you need to count the time, right? Can I continue to read aloud this way? I speak slowly, and that is forbidden by you. Is it an offence to speak

⁴ <<http://ctext.org>>

slowly? I speak in Putonghua, and you say that I am not speaking accurate Putonghua. I can try to speak Putonghua more accurately; as I am Cantonese, my pronunciation is not as accurate as Mr WONG Ting-kwong's, right? He has a pure pedigree and has lived in the Mainland for so many years. Obviously, I am reading aloud simply because I want Members to listen more clearly. It is not my problem if Members want to sleep, right? Thus, I will continue to read aloud but I will try my best to pronounce the words more accurately. If I speak even more slowly, I should be able to pronounce the words more accurately, right?

In my opinion, these so-called amendments contain many words that can easily cause confusion. Is it especially difficult for Cantonese people to differentiate between the pronunciation of such words as "時"(shi2) (at that time) "起"(qi2) (to begin, starting from), "實施"(shi2 shi1) (to bring into effect), and "實行"(shi2 xing2) (to put into practice)? I can read aloud in Cantonese but Mr WONG Kwok-hing stirred my nerves yesterday. Can he imagine how special Premier WEN's speaking style is? I am just learning from him. Chairman, it does not matter, you have given me a hand in this filibuster for two minutes, right? I can now continue to speak.

(Dr PAN Pey-chyou stood up)

DR PAN PEY-CHYOU (in Cantonese): Chairman, I raise a point of order.

CHAIRMAN (in Cantonese): Dr PAN, what is your point of order?

DR PAN PEY-CHYOU (in Cantonese): Chairman, I raise a point of order. I have listened very carefully to Mr WONG Yuk-man's speaking in Putonghua at the same pace as Premier WEN. I find that Premier WEN speaks very clearly but I do not understand what Mr WONG Yuk-man has said. He has paused too long between words when he is reading aloud. We must pronounce the related words together when we are reading aloud so that people would understand.

CHAIRMAN (in Cantonese): Dr PAN, I do not want to start a debate about how Members should speak and I believe Mr WONG Yuk-man has already heard these views. Mr WONG, please continue with your speech and consider the Member's suggestion so that we would understand you as far as possible.

MR WONG YUK-MAN (in Cantonese): Chairman, thank you for your ruling and I accept Members' views. Perhaps I can try to read aloud in Cantonese so that Members can have a clearer understanding. I will read aloud in Cantonese so that Members can understand my words more clearly.

No. 50, in the Chinese text, by deleting "於2012年開始之時起實施" and substituting "在2012年開始時起施行".

No. 51, in the Chinese text, by deleting "於2012年開始之時起實施" and substituting "在2012年開始之時實行".

No. 52, in the Chinese text, by deleting "於2012年開始之時起實施" and substituting "在2012年開始之時施行".

No. 53, in the Chinese text, by deleting "於2012年開始之時起實施" and substituting "在2012年開始時同時實行".

No. 54, In the Chinese text, by deleting "於2012年開始之時起實施" and substituting "在2012年開始時同時施行".

These are my proposed amendments to clause 1. Chairman, as you may know, my proposed amendments are divided into three groups. The third group comprises the amendments to clause 2 of the Bill. There are only two amendments in the first group, and I have already read one of them aloud. The second amendment includes No. 3 to No. 54 (I have just read that aloud). I have covered three proposed amendments in this group and there are around 50 other proposed amendments. Of course, I will not digress from the subject and I will read aloud the proposed amendments very carefully.

There is some time left and I am going to read aloud my proposed amendments to clause 2. The original clause reads: "the Legislative Council

Ordinance (Cap. 542) is amended as set out in section 3." (《立法會條例》(第542章)現予修訂，修訂方式列於第3條。)

I proposed six amendments.

No. 55, by deleting "is amended" and substituting "shall be amended".

No. 56, in the Chinese text, by deleting "修訂方式" and substituting "方式".

No. 57, in the Chinese text, by deleting "於" and substituting "在".

No. 58, by deleting "is amended as set out in" and substituting "shall be amended in accordance with".

No. 59, in the Chinese text, by deleting "修訂方式列於" and substituting "方式列在".

No. 60, by deleting "is amended as set out in" and substituting "shall be amended and the amendments shall be set out in" (*The buzzer sounded*)

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

MR LEUNG KWOK-HUNG (in Cantonese): I have just said that it is inappropriate for Mr WONG Yuk-man to amend clause 2 because the same

(Mr Albert CHAN stood up)

CHAIRMAN (in Cantonese): Mr CHAN, do you have any questions?

MR ALBERT CHAN (in Cantonese): Please do a headcount.

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): The meeting now resumes. Mr LEUNG Kwok-hung, please continue with your speech.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I have just seen Mr WONG Kwok-hing's slogan and heard that he blame us for wasting \$1 million a day. I hope he would become a deputy to the National People's Congress; we simply need to consider the fact that CHEN Guangcheng is under siege

CHAIRMAN (in Cantonese): Mr LEUNG, what you are now saying is irrelevant to this meeting.

MR LEUNG KWOK-HUNG (in Cantonese): I am responding to him, I am not the only Member who has spoken, but Chairman, you are specifically pinpointing me. I have not criticized other Members.

CHAIRMAN (in Cantonese): Which Member are you responding to?

MR LEUNG KWOK-HUNG (in Cantonese): He said so before the media and in this Chamber. Can I praise Honourable colleagues?

CHAIRMAN (in Cantonese): I allow Members to respond to the comments made by other Members in this Chamber. You should not mention the comments made by Members outside this Chamber if they are irrelevant to the subject being discussed at this meeting.

MR LEUNG KWOK-HUNG (in Cantonese): I understand, but he made those comments in this Chamber.

CHAIRMAN (in Cantonese): Mr LEUNG, the placard that you are now displaying is irrelevant to the agenda, please pack it up.

MR LEUNG KWOK-HUNG (in Cantonese): I am using this placard to illustrate that Mr WONG Kwok-hing should become a deputy to the National People's Congress. I do not know how much money is spent to put CHEN Guangcheng under siege for a day but the expenses incurred will be even higher than military expenses

CHAIRMAN (in Cantonese): Mr LEUNG, you have digressed from the subject.

MR LEUNG KWOK-HUNG (in Cantonese): If he is a deputy to the National People's Congress

CHAIRMAN (in Cantonese): If you insist, I will not allow you to continue with your speech.

MR LEUNG KWOK-HUNG (in Cantonese): really likes to save money

CHAIRMAN (in Cantonese): Mr LEUNG, I have repeatedly warned you that I will order you to leave the Chamber if you intentionally violate the Rules of Procedure again. Please note this point.

MR LEUNG KWOK-HUNG (in Cantonese): I am just responding to Mr WONG Kwok-hing's criticism on me. Are you pinpointing me?

(Mr Paul TSE raised his hand to indicate his intention to speak)

MR PAUL TSE (in Cantonese): Chairman, how many more times do you have to give a warning before your warning takes effect? You have not taken actions even though you have warned many times, which is totally unfair.

CHAIRMAN (in Cantonese): Mr Paul TSE, I know that a line has to be drawn somewhere. Mr LEUNG Kwok-hung, please speak right away on the provisions and amendments being discussed in accordance with the Rules of Procedure.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, Mr WONG Kwok-hing accuses us for wasting money, but he should understand that this meeting today is held in accordance with the Legislative Council Ordinance. All Members who speak in this Chamber are fulfilling their responsibilities. Those Members who are absent or who should be present but have not been present have failed to fulfil their responsibilities. Chairman, I understand that you are in an awkward position, just like "a daughter-in-law in small shoes" and you are now

CHAIRMAN (in Cantonese): Mr LEUNG, I have already said that if you talk about anything that is irrelevant to the provisions and amendments again, I will rule that your conduct is grossly disorderly.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I have just criticized Mr WONG Yuk-man in relation to the usage of the word "之". We all know that the word "之" has many different meanings. In the Chinese text, clause 1 (2) of the Legislative Council (Amendment) Bill 2012 introduced into the Legislative Council reads: "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"). It is roughly estimated that the words "的" (of) and "之" have the same meaning, and I do not understand why the two words "的" and "之" having the same meaning are used in the same clause.

Chairman should understand that two words as used in the same sentence should have different meanings; otherwise, it will be unnecessary to use two

different words. In the Chinese text, 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") can actually be written as "本條例自第5屆立法會的任期於2012年開始時起實施" or "開始的時候起實施".

In this sentence, I think that the word "之" may mean "去" (to go, leave) but this does not make sense because the words "開始" (to begin, start, commence) already have the meanings of "起始" (the origin), "行" (to go, perform, carry out) and "去" (to go, leave). Thus, I cannot understand this sentence. I have just given the example of the expression "功遂身退，天之道" (when the work is done, and one's name is becoming distinguished, to withdraw into obscurity is the way of Heaven), and the word "之" in this expression has the same meaning as the word "的" in modern Chinese

CHAIRMAN (in Cantonese): Mr LEUNG, you are repeating yourself.

MR LEUNG KWOK-HUNG (in Cantonese): Another example is from the works of Confucius, "子曰：三人行，必有我師焉。擇其善者而從之，其不善者而改之。" (The Master said, "When I walk along with two others, they may serve me as my teachers. I will select their good qualities and follow them, their bad qualities and avoid them.")⁵, and the word "之" in this example has a different meaning.

I think it is inappropriate to merely delete the word "之" in this clause because the words in a sentence should have corresponding meanings, or else, it may be misleading. I hope Mr WONG Yuk-man can explain later why this amendment is proposed. Has he ever considered that this amendment may be misleading? If he does not also amend these two function words in this amendment, we may have different understanding of this provision.

I believe the best way is to amend this provision by deleting all Chinese words "的" and "之" in it, or to rewrite this provision in modern Chinese; and this

⁵ <<http://ctext.org>>

will be more appropriate. I hope that the Secretary — he is not present — would convey a message to Secretary WONG Yan-lung that the Law Drafting Division should standardize language use, including legal definitions. I have looked up the relevant information in the legal dictionary published by the Attorney General's Chambers in 1996 but the topics we just discussed are not covered. There is no explanation about why a certain word is used in the former part of a sentence but another word is used in the latter part of the same sentence. Since the Chinese text is a translated version, as Chairman has said, we need to "meticulously" read most of the laws to understand the passive sense of the provisions. I spent some time looking up the relevant information but I cannot find anything on standardized language use. For the sentence in question, if Mr WONG Yuk-man wants to delete the word "之", it should be reasonable for him to delete the word "的" as well; the clause will then become most fluent and no ambiguity will arise. That is to say, if the words "的" and "之" have different meanings, these two words can be used in the same sentence. If these two words have the same meaning, I believe it is undesirable for the laws to be drafted this way. I have raised this legal issue many times in the past.

I hope Members would understand that, if we are to delete certain words, we should delete all useless function words in a sentence, including the words "的" and "之". I have made reference to Mainland laws, and I have found that they will not write a cumbersome sentence like "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), and it will just be written as "條例規定立法會任期由2012年開始" on the Mainland. If the use of function words can be standardized, specifying that the word "的" used in the former part of a sentence and the word "之" used in the latter part of the sentence have the same meaning, we will understand the usage of these two words and Mr WONG Yuk-man will not have to propose the amendments today.

Moreover, I hope that Members would understand two points. First, the conversion of classical Chinese into modern Chinese should be standardized; second, Chinese and English languages are different some words will sometimes be deleted from the English text; an example is the Chinese word "弓|" (jan5) (to quote) that I mentioned yesterday. If there is a standardized practice of converting passive voice into active voice, we will have concise English expressions that correspond with concise Chinese expressions. There are

actually concise Chinese expressions but the only problem is that translators have failed to accurately grasp the essence of the Chinese language. Thus, they fail to produce a concise version that is required of. A sentence will have ambiguous meanings if one part of it is concise while another part is not. For this reason, I hope the Secretary would standardize the usage so that equivalent Chinese and English translations can be produced. Then, there will be no more arguments and useless function words will not be added in the translation process. Furthermore, the sentences will not have ambiguous meanings because verbs have been regarded as nouns or verbs or nouns can have double interpretations.

I know Chairman is going to tell me that I am repeating myself again, so I will not repeat what I have said. There are other examples but I will not give any more examples because I see that Chairman is glaring at me. I hope Members would not support Mr WONG Yuk-man's amendment to delete the word "之", because the Chinese words "的" and "之" should be deleted together, so as to achieve the corresponding effects.

Thank you, Chairman.

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

MR ALBERT CHAN (in Cantonese): Chairman, Mr WONG Yuk-man has just read out his amendments, partly in Putonghua and partly in Cantonese. Some foreign nationals are of the view that People's Power Members have just read out the amendments in Cantonese and Putonghua but not in English. Since English and Chinese are the official languages of Hong Kong and Hong Kong people are biliterate and trilingual, to enable English speaking people understand the amendments and give them a clear idea of what we are doing, I will try to read out the amendments in English, though I may not speak very fluently or smoothly, so that the public can

CHAIRMAN (in Cantonese): Mr CHAN, we have simultaneous interpretation services, and I believe that the English language proficiency of the simultaneous interpreters is not inferior to that of Members.

MR ALBERT CHAN (in Cantonese): Thank you, Chairman. I fully agree with your and I believe that the simultaneous interpreters definitely speak better English than I, in particular their pronunciation is better. But, as the representative of the People Power, I am just showing our sincerity because the public has made such a request. Legislative Council (Amendment) Bill 2012
.....

(Mr Paul TSE stood up)

CHAIRMAN (in Cantonese): Mr Paul TSE, do you have any questions?

MR PAUL TSE (in Cantonese): Chairman, if excuse me. As we have trilingual translations, is it cumbersome and repetitive if a Member separately reads out the same paragraph three times? Chairman, I ask you to give a ruling according to the Rules of Procedure.

CHAIRMAN (in Cantonese): Mr CHAN, you need not read out those amendments in English.

(Some people in the public gallery yelled nosily and something was thrown down)

CHAIRMAN (in Cantonese): People in the public gallery, leave immediately! The meeting is now suspended.

(Some people kept yelling nosily in the public gallery)

11.17 am

Meeting suspended.

11.25 am

Committee then resumed.

CHAIRMAN (in Cantonese): Committee now resumes. Mr Albert CHAN, please continue.

MR ALBERT CHAN: Legislative Council (Amendment) Bill 2012, Committee stage

MR PAUL TSE (in Cantonese): Sorry, Chairman, I would like to raise a point of order for your ruling: Under the environment of bi-literacy and tri-lingualism, is it necessary to read out the same provision in three different languages? Is that not repetitive and annoying?

CHAIRMAN (in Cantonese): I have already requested Mr Albert CHAN not to read out the same provision in different languages.

MR PAUL TSE (in Cantonese): Chairman, that is exactly what he is doing now.

CHAIRMAN (in Cantonese): I will pay attention to the provision to be read out by Mr CHAN to see if he has read out before.

MR ALBERT CHAN: Chairman, I believe that the English-speaking community entitle the Council to explain to them the nature of our amendment, and I do believe the English-speaking community have the right to listen to the to hear the amendment put forward by the Councillor.

CHAIRMAN (in Cantonese): Mr CHAN, if the provisions you are going to read aloud have already been read aloud in Cantonese, the interpreter would have already provided an English rendition to the audience; hence, you need not repeat those provisions or the contents of your speech you have made in English.

MR ALBERT CHAN: Chairman, the amendment which I am going to read was read by Raymond WONG yesterday and today, not by myself. As a Councillor, I do believe since my constituency have quite a huge number of English-speaking residents, and I do believe they do entitle to the

MR JEFFREY LAM (in Cantonese): Chairman, point of order. Chairman, you have requested time and again that those three Members should not repeat their speeches. The public rage outside has now been brought into the Chamber of the Legislative Council. Chairman, I hope you can strictly enforce the Rules of Procedure.

CHAIRMAN (in Cantonese): Mr Jeffrey LAM, please sit down.

MR WONG YUK-MAN (in Cantonese): Point of order. Members of the Economic Synergy can on the Executive Council now, is that so? Chairman, he said the public rage outside had been brought into the Council. What evidence does he have? He has no idea what has just happened, so how can he make a judgment so hastily?

CHAIRMAN (in Cantonese): Mr WONG, what you have said is not a point of order.

MR WONG YUK-MAN (in Cantonese): Can you please ask him to explain?

CHAIRMAN (in Cantonese): Mr Albert CHAN, I think you understand my meaning clearly. No matter in which language you speak, you cannot repeat the contents of any speech you made previously or read out any provision you read out previously.

MR ALBERT CHAN: Chairman, I think my final word in English

I do apologize to the English community, since that the Councillor here seem to

discriminate against them, and by barring me to read the relevant amendment in English, I do believe

DR PRISCILLA LEUNG (in Cantonese): Chairman, point of order. What Mr Albert CHAN said just now has in fact distorted your ruling. Honourable colleagues in the Legislative Council will never discriminate against other people. The requirement is that we choose to speak in one language.

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

Mr Albert CHAN, please waste no more time on haggling, or else I must ask you to discontinue your speech.

MR ALBERT CHAN: Chairman, it wasn't me that who are wasting time. It was the other Councillor that who raise so-called the order, and to me, those

CHAIRMAN (in Cantonese): Mr CHAN, I suggest you mind your grammar. Please continue.

MR ALBERT CHAN (in Cantonese): Chairman, I hope you can correct the grammatical mistakes I made just now.

CHAIRMAN (in Cantonese): In the sentence you just said, "It wasn't me who are wasting", it is wrong to use "are" after "who".

MR ALBERT CHAN (in Cantonese): Chairman, you are brilliant. Perhaps I was so nervous that I made the mistake, and I must correct my mistake. Thanks, Chairman. Regarding the issue being dealt with just now, Perhaps I have not spoken English for too long, or perhaps I should speak more English in this Council, but I think my English

CHAIRMAN (in Cantonese): Please go directly to your point.

MR ALBERT CHAN (in Cantonese): Chairman, some of my proposed amendments are related to the situation where Members resigned because they have been confined without trial by the governments of a dozen or so foreign countries. I consider that if they happen to be released during the by-election, the disqualification should not apply. As an illustration, I would like to cite a country which Members should be familiar about, *viz* the Republic of Cuba.

The political and economic systems and development of Cuba are very different from that of Hong Kong. Of course, Hong Kong people seldom travel to Cuba and hence, they may have little actual experience about the local imprisonment situation. Nonetheless, Chairman, we know from the history of Cuba that it is one of the few remaining communist countries in the world while its leader, Fidel CASTRO, has been controlling or manipulating the Government for a long time, which is something rarely seen in the world. Basically, all powers in the country are held by him and his brother. Judicial injustices and tortures in Cuba are known publicly, and they are no secrets. More than 1 000 anti-revolutionaries have been killed in Cuban prisons, and many of the prisoners are confined due to political reasons. Miscarriages of justice are commonplace.

Many inmates are local people whose opposing political views have significant mass impacts on government policies and governance in certain aspects. Inhumane treatment of prisoners or tortures can be found in prisons. Prisoners are sentenced to imprisonment of varying terms, some as long as several decades while others may be shorter. In the past, there were cases that prisoners, who had been wrongly imprisoned or subject to inhumane treatment due to political reasons, had staged hunger strike in protests, and some of them died consequently. Their hunger strikes are nothing like the hunger strike relay staged by some people from the pro-democratic camp in Hong Kong which lasted only some 10 or 20 hours. In one case, a Cuban prisoner had gone on a hunger strike for as long as 53 days and he eventually died. Hence, we can see that Cuba is a country suffering from heavy-handed suppression. In some eras, it has been estimated that some 7 000 to 10 000 people had been massacred, while as many as 30 000 people had been put under political arrests.

Hence, in Cuba, people can be imprisoned or wrongly detained, or arrested for political reasons. There are numerous cases of prisoners being tortured, either psychologically, mentally or physically, or they are beaten by electric rods. Not only prisoners themselves are subject to torture — if they are detained for political reasons, their relatives would also be implicated and subject to unreasonable treatment

CHAIRMAN (in Cantonese): Mr CHAN, your introduction of Cuba is enough.

MR ALBERT CHAN (in Cantonese): Chairman, I have just depicted the general situation. Now I want to talk a bit more about the female population in Cuba. I think all Members, particularly those who are concerned about women's rights, should be highly concerned about the humiliating treatment faced by the female population in Cuba, as well as the penalties they received. Over a certain period of time, more than 1 000 women had been imprisoned due to political reasons

MR IP KWOK-HIM (in Cantonese): I hold that Mr Albert CHAN is now digressing from the subject, please rule.

CHAIRMAN (in Cantonese): Mr Albert CHAN, it is unnecessary for you to cite excessive information. You only need to describe the special imprisonment situation in the countries you mentioned.

MR ALBERT CHAN (in Cantonese): Chairman, some standard should apply in relation to Members' right to speak. Quite simply, for instance, when proposing my amendments to the Fisheries Protection (Amendment) Bill 2011 two days ago, I definitely spoke longer about rabbitfish traps than what I just said about Cuba.

Chairman, I certainly understand the impatience of royalist Members

CHAIRMAN (in Cantonese): Mr CHAN, I have already told you the matters you should pay attention to when you speak. Please observe the Rules of Procedure and only speak within the scope of the provisions under discussion now.

MR ALBERT CHAN (in Cantonese): I understand.

Chairman, there is definitely a relationship, because Hong Kong women may also go to Cuba to travel or work. Hence, they may also be subject to unfair treatment or imprisonment in Cuba. Members of the Hong Kong Legislative Council should show concern and learn about the situation. If woman under assault is not a matter of concern because Members are impatient or unwilling to listen, I think this is a kind of disrespect to Hong Kong women
.....

CHAIRMAN (in Cantonese): Members are of course concerned about the situation, but the issue of gender is not specified in the provision under discussion now. Please speak on the provision.

MR ALBERT CHAN (in Cantonese): I understand, Chairman. While the issue of gender is not specified in my proposed amendment, the matter of women under discrimination and assault should merit special attention, Chairman.

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, point of order. Please do a head count.

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 entered the Chamber. Mr Paul TSE raised his hand in indication)

MR PAUL TSE (in Cantonese): Chairman, please allow me to raise a point of order for I hope you can rule on two questions.

Parliaments in other places do not impose a strict requirement on quorum and likewise, they have relatively lax restrictions on the contents of speeches. As for the Legislative Council of Hong Kong, a stringent requirement applies in terms of quorum and likewise, there are strict provisions on maintaining order when speaking. I trust that the Chairman is conversant with the differences.

Chairman, I would like to seek your views on the following: When you allowed certain amendments to be moved in this Council because you must strictly adhere to the Rules of Procedure (RoP), should the same yardstick, the same strict standard as well as the same approach be applied when it comes to maintaining order when speaking? I would like to ask two questions. Firstly, in case a Member speaks in a disorderly manner, will the Chairman issue just one single warning such that the Member would be regarded as having violated your instruction when he makes the same mistake again, or are you going to issue warnings to the Member repeatedly whenever he speaks in contravention of the rules of speaking as stipulated by the RoP, which is equivalent to issuing warnings endlessly? That is the first question I want the Chairman to deal with.

If the former case applies, Chairman, in theory, you can execute your rightful decision when the Member violates the rules again after you have issued the first warning, instead of issuing warnings time and again, asking the Member to behave properly, and yet the same warning will be given later over and over again. That is not going to bring the matter to an end. Hence, Chairman, please give us some clear guidelines later.

Secondly, such conduct is different from certain acts such as hurling objects. If a Member hurls an object, the Chairman can handle immediately. However, when it comes to the number of violations in terms of rules of speaking, it seems that the handling is relatively lax. All in all, how many warnings must be issued and how many offences have to be made before the conduct of the Member concerned is deemed to be grossly disorderly in the view of the Chairman, such that the relevant rules should be executed?

Beside, I would like to remind the Chairman that if we are to strictly adhere to the requirements on quorum and rules of speaking, the Chairman should also

perform gatekeeping in this regard stringently. I also understand how tired you must be, Chairman, but you are the only person in this Council who should listen attentively to the entire speeches made by Members, and can respond immediately; instead of having us, Members present at the meeting, to stand up on your behalf to make complaints again and again. If that is the case, I am afraid that the Deputy Chairman might need to preside over the meeting temporarily so that you can take a rest, because you have the responsibility to listen to the contents of Members' speeches vigilantly, and give a ruling or warning immediately in case of any irregularities. We can accept Crown English, but not clown English.

Thank you, Chairman.

CHAIRMAN (in Cantonese): Thanks to Mr Paul TSE for the question. I would like to explain further the rules of speaking under the Rules of Procedure (RoP).

As Mr Paul TSE has just said, there are specific provisions under the RoP on the contents of Members' speeches as well as their manner of speaking. As I have explained at the beginning of this meeting in the morning, the requirements laid down by the RoP are mainly twofold: firstly, Members should not digress from the subject; and secondly, Members should not repeat the contents of their speeches.

On the issue of digressing from the subject, it is generally accepted, even in overseas parliaments, that it is extremely difficult to give a clear definition. In most circumstances, we can only give a judgment as to whether the remarks made by a Member has deviated from the subject after he has spoken for some time, or even when he has finished speaking.

As Members in this Chamber have all joined the Council for some time, you must appreciate that it would be quite difficult for me to judge whether any remark made by a Member has digressed from the subject while I am still listening to the initial part of his speech. Sometimes, other Members may detect the problem earlier than I do that a Member is digressing from the subject. Of course, other Members who consider that the Member concerned has digressed can always stand up to raise a point of order and seek my ruling. Members will also notice that I sometimes would concur with the view of the Member who

raised the point and rule that the Member speaking has digressed. Sometimes, however, I think the Member should be given more opportunities to explain why his remarks are relevant to the subject under discussion.

Regarding repetitions, I will stop obvious repetitive remarks, as so considered by all Members. But Members should also know that it is quite unreasonable to completely disallow a Member to repeat his arguments in the course of a debate. Given the nature of a debate, it may be necessary to allow the Member concerned to repeat his arguments once, or even more than once. Nonetheless, I wish to point out that as a general rule, if a Member speaks more than once in the same session, for instance, in the current Committee stage, he would have taken up considerable speaking time as the number of times he speaks increases. If he is allowed to take up even more time to present arguments irrelevant to the subject or repeat the remarks he has made previously, that is definitely a waste of the time of the Council. In that case, I have even stronger reasons to stringently enforce the requirements under the RoP in relation to digression and repetition. Hence, regarding the first question raised by Mr Paul TSE, my reply is that I will enforce the requirements stringently. If any Member notices that a Member speaking has violated the RoP, he can always stand up and raise a point of order.

Regarding the second question in relation to the number of warnings I should give, as Members have noted for themselves, warnings can be of varying degrees of severity, and it is very difficult to say rigidly how many warnings should be given before I can rule that the conduct of the Member concerned is grossly disorderly if he violates the RoP again, because it should really depend on how severe those warnings are. Nonetheless, I must also remind Members who have spoken more than once that if I must issue warnings to them whenever they rise to speak, I will be inclined to seriously consider whether they should be allowed to speak any more. If they insist on not heeding my advice and keep repeating themselves, or persist in irrelevance or tedious repetition of arguments in violation of Rule 45 of the RoP, I will not allow them to speak anymore.

MR ALBERT CHAN (in Cantonese): Thank you, Chairman. In this Chamber, the Chairman definitely has the power to enforce the RoP. We all understand that. However, in enforcing the RoP, Members should have been given adequate opportunity to explain their case; a balance is of great importance. Just because some Members are impatient, we cannot deprive

CHAIRMAN (in Cantonese): Mr CHAN, please stop expressing your opinions about the RoP.

MR ALBERT CHAN (in Cantonese): Mr Paul TSE is directing against me, Chairman. Since he is directing against me, I think I should at least have the right to — actually I am going to stop after explaining in a sentence or two — we should not be deprived of our rights.

Chairman, let me return to the issues on Cuba. The last two sentences of my previous speech are about women in Cuba. In Cuba, female prisoners have to strip naked in meeting their family members. This practice is a serious abuse to women. If a Member considers it unnecessary to understand and pay attention to these issues, it is his choice, his choice of being unconcerned and paying no attention to women's issues it is because they have become impatient.

Another special situation in Cuba is about its security and intelligence system. Why do I have to explain to Members and let Members know about the special features of the security and intelligence system of Cuba, and their relationship with imprisonment? This is because in countries or places which are relatively democratic and respect human rights, there is a statutory organization similar to the police or the security regime, so that the intelligence agency will not be in absolute control.

In fact, the intelligence and security system in Cuba is dubbed the Gastepo in Red. Members know that in the era of Nazi Germany

CHAIRMAN (in Cantonese): Mr CHAN, as I have said earlier, with regard to your amendment, you have already expounded on the imprisonment in Cuba, so please do not dwell on this subject any longer.

MR ALBERT CHAN (in Cantonese): Chairman, I respect your ruling, but I hope you can explain your ruling. I have just started to talk about imprisonment under the intelligence system. There may be Hong Kong people being unreasonably imprisoned in Cuba in future and they may be arrested because of

the intelligence system rather than common In my amendment, I mention that they have been confined without trial over one month, I am now pointing out why this situation may occur in Cuba. The intelligence system and the power arrangement in Cuba make that possible.

Since many Members criticize that my amendments are meaningless, how can I convince them and explain to the public if I am not given the opportunity to explain my amendment? So, I have to point out that

CHAIRMAN (in Cantonese): Mr CHAN, I have stated my views. Please do not argue about this any more.

MR ALBERT CHAN (in Cantonese): Chairman, I want to point out that you have been very stringent, and you are being more stringent than before

CHAIRMAN (in Cantonese): Your observation is correct. As I said earlier, you have spoken many times, and for Members speaking repeatedly, I will pay particular attention to see whether they have complied with the RoP.

MR ALBERT CHAN (in Cantonese): I am complying with the RoP, Chairman. I am entirely following the instructions you gave at the beginning, that is, our speeches should be related to the amendment not about the principles and spirits of the amendment but the details of the provisions. I am now explaining the details of the provision, and this is the first time I speak on this subject, the first time I give an analysis on this subject, the first time I talk about the structure

CHAIRMAN (in Cantonese): Mr CHAN, you need not explain, please continue.

MR ALBERT CHAN (in Cantonese): In that case, you may as well prohibit us from speaking right away, Chairman. Will you?

I have only spoken on the issues relating to Cuba for three minutes. The yardstick you now adopt is close to prohibiting me from giving any explanation, Chairman.

MR WONG YUK-MAN (in Cantonese): Point of order, Chairman. I have a point of order. I would like to seek the advice of the Legal Adviser what if — "Long Hair" will be evicted from this Chamber sooner or later, yet he has not proposed any amendment. What if we two, who have proposed amendments, have both been evicted from the Chamber by the Chairman according to the RoP on the ground of disorderly conduct, then we can no longer speak on the amendments, will the Council proceed to the Third reading of the Bill immediately?

CHAIRMAN (in Cantonese): Clear provisions have been stipulated in the RoP. Please be seated, and I will reply. When the amendments are put to vote, I will invite the Member proposing the amendment to move the amendment. If for any reason the Member is not present, the amendment will not be moved. It is just that simple.

MR WONG YUK-MAN (in Cantonese): If the amendment will not be moved, does it mean that no voting will be carried out and the Council will proceed to the Third reading of the Bill?

CHAIRMAN (in Cantonese): If there are other amendments to be followed and if the public officers or Members proposing those amendments are present, I will invite them to move their amendments and then the amendments will be put to vote.

MR WONG YUK-MAN (in Cantonese): So, my point of order is

CHAIRMAN (in Cantonese): Mr WONG, I have answered your question clearly.

MR WONG YUK-MAN (in Cantonese): Not clear enough. Since there are only two of us proposing amendments to the Bill, what if we both have been evicted from the Chamber by you? Does it mean that there will be no more amendments for no one can move the amendments? Is this the case?

You said earlier that other people might move amendments, yet in the present case, only two Members and the Secretary have proposed amendments, does it mean that the debate will come to an end after the Secretary moves his amendment? Is this the case?

CHAIRMAN (in Cantonese): Correct.

MR WONG YUK-MAN (in Cantonese): Ok, thank you, Chairman. I have another point of order. I indeed want to bring it up earlier, yet other Members

CHAIRMAN (in Cantonese): Please state the question now.

MR WONG YUK-MAN (in Cantonese): Earlier, you said you would request Members, you were actually referring to Mr Albert CHAN in particular, to provide information relating to the different figures or situations of similar categories and nature in writing instead of giving speeches. Did you say that? Have I distorted your meaning?

CHAIRMAN (in Cantonese): Please continue with your question.

MR WONG YUK-MAN (in Cantonese): No, first of all, have I distorted your meaning?

CHAIRMAN (in Cantonese): Please continue with your question. I will reply later.

MR WONG YUK-MAN (in Cantonese): Are you saying that I have not distorted your meaning? Alright, my question is

CHAIRMAN (in Cantonese): Mr WONG, I can tell you that since Mr Albert CHAN told Members in advance how he would use his speaking time later on, including his plan to read out the many figures he considered important, I pointed out that I had the responsibility to ensure that the time and resources of the legislature would be used effectively and efficiently. If the Member speaking could in no way achieve the purpose of enhancing the understanding of other Members present at the meeting or exchange views with them, I would not allow the Member to take up the speaking time. Moreover, unless no better alternatives were available — I cited the provision of long and trivial figures in writing to other Members as an example at the time — I would not allow Members to take up the speaking time to read out a long list of figures. This is what I said then.

MR WONG YUK-MAN (in Cantonese): If so, I have three questions for you. First, will the Chairman state explicitly which rule of the RoP authorizes the Chairman to make the request concerned? The RoP does not allow Members to make irrelevant speeches and repetitions, yet the Chairman is not empowered to decide whether or not to request a Member to provide written information to substitute for his speech.

Second, it is natural that the filibuster may last for a rather long period of time, yet the Chairman should not assume that Mr WONG Yuk-man and Mr Albert CHAN will speak incessantly. In other words, when we both stop speaking and no other Member wish to speak, the amendments concerned will be immediately put to vote. As such, if written information is provided to substitute for speeches, Chairman, there is no guarantee that other Members will have the opportunity to read the relevant information. Though Members present may not read such information at all, this is another issue. I am stating the actual situation regarding the example you mentioned earlier.

Third, even if the practice of the Chairman complies with the RoP, as Mr CHAN needs time to prepare the information in writing, will the Chairman intend to adjourn the meeting, so that Mr CHAN can prepare the relevant information in writing? If this can be done, will a deadline be set? When will be the

deadline? What principles are adopted in setting the deadline? Thank you, Chairman.

CHAIRMAN (in Cantonese): First, I will not request Members to provide written information to substitute for their speeches. I have made it very clear just now that if there are other alternatives which enable other Members to understand the information in a more effective manner than reading out a large set of figures, I will not allow the Member to read out the figures concerned in his speech. If the Member considers that he cannot provide the information in writing, he may consider other alternatives. For instance, he may give a collective argument to explain the case to other Members. Members should have the standard of expressing their personal views fully within the speaking time.

Second, Mr WONG Yuk-man's earlier remark is correct. When I ask if any Member wish to speak and no Member raise their hands to request to speak, the debate will come to an end. We will then proceed to the voting on each of the amendments. If Members consider that other Members may not have fully understood the amendments when the amendments are put to vote, I would like to remind Members that, this debate has, up to now, lasted for more than 10 hours, which is close to one and a half day or almost one whole day. If Members intend to provide the information, they would have ample time to do so. If Members are not merely aiming at taking up the meeting time, but are genuinely hoping that other Members will grasp the accurate information before voting, Members proposing the amendments have already been given plenty of opportunity to present the information to other Members. As such, this should not be construed as an excuse to prevent the meeting from proceeding to voting. I will enforce the RoP strictly, with regard to the proceedings at the meeting.

Mr WONG, I have answered your questions. Please be seated.

MR WONG YUK-MAN (in Cantonese): Thank you, Chairman.

CHAIRMAN (in Cantonese): Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, thank you for explaining the case. However, the ruling concerning my speech just now is obviously based on a tighter yardstick when compared with the rulings made yesterday and some time ago. This tightened yardstick has affected the right of Members. Due to this ruling, I cannot provide the information relating to Cuba in a clear and comprehensive manner

CHAIRMAN (in Cantonese): Mr CHAN, if you have already given your views in this respect, please continue with your speech.

MR ALBERT CHAN (in Cantonese): Chairman, I just want to put this on record, for this sets an important example to this Council. This may set an example for future, and Members' right to speak will be tightened in future. The Legislative Council in Hong Kong will gradually become the National People's Congress.

Chairman, in gist, the penal authority in Cuba is holding enormous power, which basically has unlimited resources and absolute power. The authority may arrest a large number of people with its investigation and administrative power. In the past many years

MS STARRY LEE (in Cantonese): You just ruled that the exposition on Cuba has been repeated a number of times, yet I heard Mr Albert CHAN present his arguments on Cuba again. Please make a ruling.

MR ALBERT CHAN (in Cantonese): Chairman, may I know which issues I mentioned just now are considered repetitive and inappropriate by Ms Starry LEE? Will she explain her query? Chairman, I think this is an infringement of my right to speak and an unjustified interference.

CHAIRMAN (in Cantonese): Mr Albert CHAN, Members have the right to put forth a point of order, and Ms Starry LEE has put forth a point of order. I have already pointed out that your earlier speech is not directly related to the

provisions and amendments now under discussion and you should stop. Yet, you continue to speak on this subject. I allow you to continue simply because I think you will stop after saying a few more sentences on the subject to ensure the continuity of your speech. You should not repeat the situation about the penal system in Cuba, yet you have kept talking about the situation in Cuba just now. If it is necessary, please conclude this part of your speech with a sentence or two. You should give your arguments on other issues relating to the provisions or the amendments you proposed under discussion now.

MR ALBERT CHAN (in Cantonese): Chairman, thanks for the instruction. This instruction throws light on my speaking order I know more clearly what I should say then. The ruling of the Chairman is right, for I have finished speaking on the penal authority after those few sentences. I will come to the figures now.

Between 1959 and the end of 1990, over 100 000 people — Chairman, it was 100 000 — had been put in prison. The issue about 100 000 people is new, not a repetition, so do not distort what I have said. Among the 100 000 cases of imprisonment, 15 000 to 17 000 people had been executed. These were only figures for a decade or two decades ago. It is evident that the situation is very serious. There is no freedom of speech in Cuba at all, neither is there freedom of the press. In 2008 — these are new figures, not a repetition, Chairman — in 2008

MR IP KWOK-HIM (in Cantonese): Point of order. I heard very clearly the Chairman rule that no more views about Cuba should be expressed, yet I still heard him dwelling on the discussion on Cuba just now.

CHAIRMAN (in Cantonese): Mr Albert CHAN, how much more information about Cuba are you going to provide?

MR ALBERT CHAN (in Cantonese): Chairman, just two more pages, and I have come almost to the end.

CHAIRMAN (in Cantonese): Mr CHAN, I have made it clear earlier that you have said a lot about imprisonment in respect of your amendments, including your earlier remark concerning a large number of people being imprisoned and executed in Cuba. That should be enough. You have mentioned this point at the beginning of your speech, so you need not read out the figures again. Just now, I have requested you to stop talking about the situation in Cuba, and I consider that you have said enough.

MR ALBERT CHAN (in Cantonese): Chairman, I will go to the last paragraph. I will surely respect your ruling. I definitely do not want to see a change of tone due to the pressure from Members, which eventually strips me of the opportunity to move the amendments later. I want to point out that many this will be the last sentence, Chairman. In 2008, Cuba was rated as the region with the least freedom on Internet around the world, and I hope Members will draw reference from the background information (*The buzzer sounded*)

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I will now talk about the People's Republic of China. As in his case, I will try to be concise, so I will not state which provision I am referring to, and I think all of you should know that. I am responding to your call.

The People's Republic of China — not the Republic of China — is the home town of many Hong Kong people. With the implementation of the National 12th Five Year Plan as well as the Framework Agreement on Hong Kong/Guangdong Co-operation, there are frequent exchanges between the two places, so it is particularly meaningful. We will first examine the possibility of confinement without trial in China. It is really a question. I wonder people here are aware of that. Chairman, let me tell you, if I go out and show my mobile phone to reporters, they will see that there are over 10 messages issued from the Mainland concerning people being beaten up and detained by public security officers. Those people are not political prisoners. They are detained when they do business in the Mainland, or when they seek redress for injustice for their brothers who had been beaten to death by people seizing their land.

Has the detention of these people been processed strictly according to the procedures of the Mainland? It is doubtful.

I would like to remind Members that Mr Albert CHAN is talking about cases involving conviction without trial, but not about convicted cases, for discussion about convicted cases is uncalled for. My friend, LAU Shan-ching, had been imprisoned for 10 years, yet after all, he was arrested

(Mr Albert CHAN stood up)

MR ALBERT CHAN (in Cantonese): Chairman, a quorum is not present.

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): The meeting now resumes. Mr LEUNG Kwok-hung, please continue.

(Dr Philip WONG stood up)

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, please wait.

DR PHILIP WONG (in Cantonese): You should know that I frequently look towards that side of the Chamber in the course of the meeting. In fact, I have been doing headcounts. When a mover of the amendments is aware that only 30 Members are present, he would leave the Chamber so that the other mover can indicate a lack of quorum. This situation has happened more than once.

Chairman, what is your ruling on such a practice?

CHAIRMAN (in Cantonese): This question has been raised many times. That is a political act of the Member. As I have said already, there is no requirement under the Rules of Procedure that a Member who requests a headcount must stay in the Chamber after making the said request. If the Member concerned leaves the Chamber after making the request or stays outside the Chamber knowing that a quorum is still not present with the lack of one or two Members, that is his own political choice, and he must bear the consequence himself.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, what you say is correct, and the consequences will be borne by individual Member.

As I have just said, many people would go to the Mainland to do business, or they themselves have immigrated to Hong Kong from the Mainland because the case I cited just now is now handled by me. The victim's younger brother was beaten to death as his land was forcibly resumed. When the victim went to the Mainland to appeal and petition to the Central Authorities for help on behalf of his younger brother, he has been imprisoned many times. Actually, what is the problem? As I have just said, if a person is imprisoned because of political reasons, he may actually be tried.

Let me give an example, which is related to the arrest of my old friend, Mr LAU Shan-ching. According to the procedures, no matter you like it or now, he was formally charged with counter-revolutionary offences under the then Criminal Law of the People's Republic of China, and transferred by the public security bureau to

MR CHAN KAM-LAM (in Cantonese): Chairman, I consider that the example cited by Mr LEUNG Kwok-hung has fundamentally deviated from the contents of Mr Albert CHAN's amendment. Why do I raise this point of order? It is because the said amendment is only about Members who have been confined without trial over one month in a particular country. There is no preamble, and there is no mentioning about the cause of confinement, or the offences committed by the Members who are confined without trial, and so on. Therefore, he has actually deviated from the scope of the said amendment by citing other examples.

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung made those remarks to explain why he considered that the country he mentioned should or should not appear in Mr Albert CHAN's amendment. I will listen further to determine whether Mr LEUNG has digressed.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, in fact, my speech is logical. I want to illustrate to Members in this Chamber as well as to Hong Kong people that contrary to the perception held by Hong Kong people about the likelihood of being sentenced to "political prison" in the Mainland, the amendment *per se* is not solely intended to protect political prisoners. On the contrary, it is intended to protect other people. That is because — my speech was interrupted just now — even though Mr LAU Shan-ching was arrested on counter-revolutionary charges, he could instead be protected by the judicial process to a certain extent. In other words, after being arrested by the public security bureau, he would be transferred to the procuratorate and then to the Court for indictment and then formally be sentenced to imprisonment for counter-revolutionary charges. That is the situation I am going to explain.

In the other example I have quoted, some members of the public may be arrested in the Mainland when doing business or appealing to the Central Authorities for help. In those cases, they can fall under the situation described by Mr Albert CHAN of being confined without trial for over one month. Of course, this dispute is caused by the different judicial systems of the two places. A case in point is the legislation on re-education through labour in the Mainland. Under re-education through labour, a person can be sent by the relevant authorities — which may or may not be the public security bureau, or the so-called law-enforcement agencies which are most likely the public security bureau — to labour reform camps to undergo re-education (rather than reform) through labour without any formal indictment and prosecution. What is the consequence then? Under the common law system — I know about it all too well — is this the same as being imprisoned? Being deprived of his freedom, that person has been imprisoned. Actually, that person has not been sentenced by the court. Under Hong Kong's legal system, that is a case of a person being not tried and sentenced by the court.

In the Mainland, as the law-enforcement agencies are allowed to turn a person into a "prisoner" in reality, albeit not in name, under the relevant legislation, the situation described by Mr Albert CHAN will arise when similar

things happen. In that case, will a person be disqualified as a result? That is an important question. As I say, why is this special? At present, there is an increasing trend of such incidents in the Mainland. A case in point is Mr CHEN Guangcheng whom you just said was irrelevant to me. If he is confined again after his release from prison by the authorities through the civilian army or the "stability preservation office", or if the public security authorities order the "stability preservation office" to confine him, is that not confinement? Actually, nobody knows. You may have your point when you say that he is not confined because we can see no tangible prison, yet there is an intangible prison. And more importantly, is "residential surveillance" under the Mainland legal system the same as confinement in Hong Kong? Now, there is really no way to tell.

Hence, I am really worried about this issue. More and more Hong Kong people, in particular I have received many emails lately in relation to persons being sent to certain places because of their involvement in commercial disputes or on the ground of "stability preservation", or being detained and prohibited from leaving the country, or being interfered by public security officers, are those situations the same as confinement? I think that is not about I want to stress that Members should not be mistaken that this amendment proposed by Mr Albert CHAN is intended for political prisoners. For political prisoners, that will be the case.

Let me cite an example. Regarding most dissidents including Mr LIU Xiaobo, the authorities will make a formal and clear announcement about their cases. As prisoners, they will not be caught by the scope of this amendment. Hence, I hope the Chairman

(Dr PAN Pey-chyou stood up)

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

DR PAN PEY-CHYOU (in Cantonese): I think this amendment of Mr Albert CHAN is unrelated to whether a person is a political prisoner or not. Hence, I think Mr LEUNG Kwok-hung has digressed from the subject.

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, you may continue. But you should pay attention to the fact that your remarks must be directly related to the amendment under discussion now.

MR LEUNG KWOK-HUNG (in Cantonese): I understand.

CHAIRMAN (in Cantonese): Please do not waste too much time on irrelevant examples.

MR LEUNG KWOK-HUNG (in Cantonese): That is why I am going to list out the situations where a person may be sentenced without trial. If there is a chance that a person is deprived of his freedom without trial, it would be equivalent to a term of confinement. Under the common law, that person has already been deprived of his freedom as he is subject to control by others. It applies specifically when criminals transferred by the law-enforcement agencies are detained. That is a question highly worthy of consideration by Members because there is no such problem in Hong Kong. Say, for example, if I was arrested today and brought back to the police station, I must be transferred to the Court within 48 hours for trial, regardless of whether I was on bail or not. Once I was put on trial, it could not be withdrawn. Similarly, I could not be transferred to the "stability preservation office" or other agencies, in order to create a *de facto* confinement bypassing the Court.

Let me give another more practical example. If a Hong Kong citizen goes to the Mainland to do business with other people

(Mr Paul TSE stood up)

MR PAUL TSE (in Cantonese): I must interrupt again because I have a point of order in relation to relevance. Having carefully read again subsection (2B) proposed to be added under amendment No. 628, as well as other similar amendments which follow, I note that they are mainly about different numbers of Members who resigned, starting from at least two Members of the District Council (second) functional constituency. Here, the amendments specifically

refer to Members of the Legislative Council; that is the first point. Secondly, they resigned from office as Members within the same day because they have been confined over one month in various countries. That is a crucial requirement for they are Members who resigned from office themselves, and it does not apply to any other person under imprisonment. Thirdly, there is the condition that they are released within one month.

Chairman, under such circumstances, I am afraid that the scope of discussion must be restricted confined to firstly, Members; secondly, Members who resigned from office themselves; and thirdly, they are then released, rather than some general reference to the detention of criminals in certain countries. I am afraid that the speeches just made by several Members, including Mr LEUNG Kwok-hung at present, have digressed extensively from the scope of the relevant amendments. Hence, I seek the Chairman's ruling.

CHAIRMAN (in Cantonese): Mr Paul TSE's views are correct. Mr LEUNG Kwok-hung, please focus on the amendments when you speak.

MR LEUNG KWOK-HUNG (in Cantonese): I get it, Chairman. Actually, it is not difficult at all. If a Member commits a crime during his visit to the Mainland, he would be in this kind of situation because some Members indeed organize sight-seeing tours to China for local residents, just like the offering of snake feasts, vegetarian feasts, moon cakes and rice dumplings, right? Given the different legal systems of the two places, he might get into real trouble because he ran over a cow or other objects. As Mr Paul TSE said, perhaps a group of Members, let's say, three Members, ran over a cow in the Mainland and then got beaten up and blackmailed, but they had no money to pay. Eventually, they were confined by the "stability preservation office" for one month. Actual cases like this might have happened, right? I will not talk about the numbers now because the numbers are insignificant. I only want to illustrate with an example that such incidents can really happen.

In fact, what is the key issue? Perhaps Mr Paul TSE does not understand the problem of different policies coming from different departments in the Mainland. In other words, the power to effect actions of arrest and detention is not limited to one single department; and unlike the situation in Hong Kong, such

actions do not necessarily have to go through the Court for the relevant order before they can take effect. Let me give a simple example

CHAIRMAN (in Cantonese): Mr LEUNG, if you want to point out that Hong Kong people may be confined without trial for over one month in the People's Republic of China, you have already repeated this viewpoint many times.

MR LEUNG KWOK-HUNG (in Cantonese): No, Chairman, you do not understand for there is the point about release. If he is not released, then that is it. In other words, if that person is still not released after one month, end of the story. As in my case, if after the arrest

CHAIRMAN (in Cantonese): You need not repeat your point if you have already explained it clearly.

MR LEUNG KWOK-HUNG (in Cantonese): I get it, thank you, Chairman. You are right. Perhaps my explanation is a bit tedious because many people really do not understand the situation in the Mainland very well.

The question is: If he is not released within one month, nothing will happen because he would be disqualified. Hence, the question is: Why would he get released within one month? That goes back to what I said in the beginning about public pressures because the case is groundless, and he would be released if voices are heard in society. Let's say, four Members of the League of Social Democrats — if we eventually do have four Members in future — organized a lychee tour to the Mainland and we ran over a cow. We were then demanded to pay a huge compensation, and were confined by the "stability preservation office" or whatever, such that we were deprived of our freedom. Eventually, we were released. Could we take part in the by-election when we came back to Hong Kong?

I do not want to waste Members' time

(Mr Jeffrey LAM stood up)

MR JEFFREY LAM (in Cantonese): "Long Hair" is talking about the judicial system of places other than Hong Kong, which we have no control. But are those matters related to the amendments under discussion now?

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung is not discussing the judicial system of places other than Hong Kong. Mr LEUNG, please continue.

MR LEUNG KWOK-HUNG (in Cantonese): Hence, notwithstanding the many details set by Mr Albert CHAN, I think such a situation is still likely. With the increasing exchanges between China and Hong Kong Let me give a simple example. In the past, motorists could not drive between China and Hong Kong. But now, they can conduct self-drive tour to the Mainland. If an accident happened during such a tour organized by a Member in the Mainland, the said Member, as one of the legal persons who organized the event, could in fact be subject to *de facto* confinement — such as residential surveillance, or perhaps re-education through labour which I am not so sure about, but it might still be possible if the term is less than three years — through an unknown source of power. Therefore, on this question, I seek Mr Jeffrey LAM's understanding that I am most definitely talking about the system of other countries because the crux of the issue is about confinement without trial in other countries

CHAIRMAN (in Cantonese): Mr LEUNG, as pointed out by Mr Paul TSE just now, if the Members concerned have not resigned themselves, or resigned on the same day, as stipulated in the provision, this Bill will have no impact on them even if it is enacted.

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

CHAIRMAN (in Cantonese): Hence, please speak in relation to this amendment.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I need to explain the matter layer by layer. Perhaps when the said Member signed a statement of

repentance in exchange for freedom, he had undertaken to resign upon returning to Hong Kong and leave the political arena altogether. Hence, he must resign when he returned to Hong Kong. This is something you would not know. Of course, Members would not be as stupid as to resign together, but when they are left entirely at the mercy of others, they have no choice but to resign.

Hence, this is something you would not understand. I have thought about the matter carefully, and the situation is indeed likely. Honestly, when people are in countries other than the People's Republic of China, they may have to sign a statement of repentance in exchange for freedom and undertake to resign upon returning to Hong Kong. This provision will provide them with some remedy or the chance of remedy.

I do not want to waste Members' time. This question is actually quite complicated. Given the opportunity, I will explain in greater details if Members do not find it too tedious.

Thank you, Chairman.

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

MR WONG YUK-MAN (in Cantonese): Chairman, I have proposed 74 amendments. I have already read aloud 60 amendments and I have notified you that I will start discussing the new amendment No. 7 after I have finished reading aloud the remaining amendments.

I have already discussed amendment No. 6 and I will continue, though my voice is not very clear now. I hope Members would put up with that and I hope that I would not be stopped from speaking again because of my hoarse voice. Some Members have tried to stop me from speaking by criticizing that my Putonghua pronunciation is not accurate. Please do not stop me from speaking because my voice is hoarse as this would be very inhumane. Is that alright?

The third group of amendments pinpoints clause 3 of the Bill. As stated in the Government's Amendment Bill: "在第39(2)條之後加入'(2A)如有以下情況，某人亦喪失在任何補選中獲提名為候選人的資格 — (a)該人

(i)根據第14條辭去議員席位，而其辭職於在該補選當日結束的6個月期間內生效；或(ii)於在該補選當日結束的6個月期間內，根據第13(3)條被視為已辭去議員席位；及(b)在有關辭職通知或不接受席位的通知生效後，並無換屆選舉舉行。"(After section 39(2) — Add "(2A) A person is also disqualified from being nominated as a candidate at a by-election If — (a) within the 6 months ending on the date of the by-election — (i) the person's resignation under section 14 as a Member took effect; or (ii) the person was taken under section 13(3) to have resigned from office as a Member; and (b) no general election was held after the relevant notice of resignation or notice of non-acceptance took effect.)

I have proposed more than 10 amendments to clause 3 of the Bill in the following order.

Amendment No. 61: "In the proposed section 39(2A), in the Chinese text, by deleting '亦' and substituting '也'."

Amendment No. 62: "In the proposed section 39(2A), in the Chinese text, by deleting '喪失' and substituting '失去'."

Amendment No. 63: "In the proposed section 39(2A), in the Chinese text, by deleting '為候選人' and substituting '作候選人'."

Amendment No. 64: "In the proposed section 39(2A), in the Chinese text, by deleting '亦喪失' and substituting '也失去'."

Amendment No. 65: "In the proposed section 39(2A), in the Chinese text, by deleting '喪失在任何補選中獲提名為候選人' and substituting '失去在任何補選中獲提名作候選人'."

Amendment No. 66: "In the proposed section 39(2A), in the Chinese text, by deleting '亦喪失在任何補選中獲提名為候選人' and substituting '也喪失在任何補選中獲提名作候選人'."

Amendment No. 67: "In the proposed section 39(2A)(a)(i), in the Chinese text, by deleting '其'."

Amendment No. 68: "In the proposed section 39(2A)(a)(ii), in the Chinese text, by deleting '被視為' and substituting '被視作'."

Amendment No. 69: "In the proposed section 39(2A)(a)(i)and(ii), in the Chinese text, by deleting '期間'."

Amendment No. 71: "In the proposed section 39(2A)(a)(ii), in the Chinese text, by deleting '期間內，根據第13(3)條被視為' and substituting '內，根據第13(3)條被視作'."

Amendment No. 72: "In the proposed section 39(2A)(b), in the Chinese text, by deleting '有關' and substituting '該'."

Amendment No. 73: "In the proposed section 39(2A)(b), in the Chinese text, by deleting '舉行'."

Lastly, amendment No. 74: "In the proposed section 39(2A)(b), in the Chinese text, by deleting '並'."

I have read aloud amendment No. 74 very clearly. I have spoken on amendment No. 6 and I am now going to speak on amendment No. 7. But, before I start to speak, will Chairman please do a headcount.

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

(While the summoning bell was ringing, Mr WONG Ting-kwong stood up)

CHAIRMAN (in Cantonese): Mr WONG Ting-kwong, do you have any questions?

MR WONG TING-KWONG (in Cantonese): Chairman, should the lunch time start at 12.30 pm?

CHAIRMAN (in Cantonese): I have already talked about the lunch arrangement this morning, please ask other Members.

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

CHAIRMAN (in Cantonese): A quorum is present but I judge from Mr WONG Yuk-man's voice when he was speaking just now that he needs to take a little rest and eat something. I also hope that other Members would still have the appetite.

As Members have to attend the House Committee meeting and the Finance Committee meeting this afternoon, please pay attention to the Secretariat's notice about when the meeting will resume. I now suspend the meeting.

1.00 pm

Meeting suspended.

8.20 pm

Committee then resumed.

CHAIRMAN (in Cantonese): The meeting will now resume.

(Mr Albert CHAN said that a quorum is not present)

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

CHAIRMAN (in Cantonese): The summoning bell has been rung for 15 minutes but a quorum is not present. Council shall now resume.

Council then resumed.

NEXT MEETING

PRESIDENT (in Cantonese): As a quorum is not present, I now adjourn the Council.

Adjourned accordingly at twenty-three minutes to Nine o'clock.