

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 16 May 2012

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

THE HONOURABLE LAU KONG-WAH, J.P.

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

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

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

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

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

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

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

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

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

THE HONOURABLE CHIM PUI-CHUNG

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

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

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

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

THE HONOURABLE CHAN HAK-KAN

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

THE HONOURABLE CHAN KIN-POR, J.P.

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

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE IP WAI-MING, M.H.

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

DR THE HONOURABLE PAN PEY-CHYOU

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

**MEMBER ABSENT:**

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

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE STEPHEN LAM SUI-LUNG, G.B.S., J.P.  
THE CHIEF SECRETARY FOR ADMINISTRATION

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

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

DR THE HONOURABLE YORK CHOW YAT-NGOK, G.B.S., J.P.  
SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE DENISE YUE CHUNG-YEE, G.B.S., J.P.  
SECRETARY FOR THE CIVIL SERVICE

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.  
SECRETARY FOR LABOUR AND WELFARE

PROF THE HONOURABLE K C CHAN, S.B.S., J.P.  
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE MRS CARRIE LAM CHENG YUET-NGOR, G.B.S., J.P.  
SECRETARY FOR DEVELOPMENT

THE HONOURABLE EVA CHENG, G.B.S., J.P.  
SECRETARY FOR TRANSPORT AND HOUSING

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:**

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MR ANDY LAU KWOK-CHEONG, ASSISTANT SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY  
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

**PRESIDENT** (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)

## **TABLING OF PAPERS**

The following papers were laid on the table under Rule 21(2) of the Rules of Procedure:

| Subsidiary Legislation/Instruments  | <i>L.N. No.</i> |
|---|-----------------|
| Land Survey (Fees) (Amendment) Regulation 2012.....   | 87/2012         |
| Road Traffic (Registration and Licensing of Vehicles)<br>(Amendment) (No. 2) Regulation 2012..... | 88/2012         |
| Waterworks (Amendment) Regulation 2012.....   | 89/2012         |
| Electronic Transactions (Exclusion) (Amendment) Order<br>2012.....                                | 90/2012         |
| Hong Kong Court of Final Appeal (Amendment) Rules<br>2012.....                                    | 91/2012         |
| Rules of the High Court (Amendment) Rules 2012.....   | 92/2012         |
| Rules of the District Court (Amendment) Rules 2012.....   | 93/2012         |
| Securities and Futures Ordinance (Amendment of<br>Schedule 1) Notice 2012.....                    | 94/2012         |
| Securities and Futures (Amendment) Ordinance 2012<br>(Commencement) Notice.....                   | 95/2012         |

## Other Papers

- No. 91 — Report of changes made to the approved Estimates of Expenditure during the fourth quarter of 2011-12  
Public Finance Ordinance: Section 8
- No. 92 — Early Retirement Ex-gratia Payment Fund for Aided Secondary School Teachers  
Financial statements together with the Report of the Director of Audit for the year ended 31 August 2011
- No. 93 — The Government Minute in response to the Report of the Public Accounts Committee No. 57 of February 2012

Report No. 19/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

**ADDRESSES**

**PRESIDENT** (in Cantonese): Addresses. The Chief Secretary for Administration will address the Council on "The Government Minute in response to the Report of the Public Accounts Committee No. 57 of February 2012".

**The Government Minute in response to the Report of the Public Accounts Committee No. 57 of February 2012**

**CHIEF SECRETARY FOR ADMINISTRATION** (in Cantonese): President, I present to the Legislative Council today the Government Minute in response to the Report of the Public Accounts Committee (PAC) No. 57.

On presenting Report No. 57 on 15 February to the Legislative Council, the Chairman of PAC gave comments on two chapters in the Director of Audit's Reports, namely:

- (i) Food labelling and nutrition labelling of infant and special dietary foods; and

- (ii) Water losses from unauthorized consumption and inaccurate metering.

I am grateful for the time and efforts that the PAC had devoted to the deliberation on these topics. The Administration had accepted PAC's various recommendations and set out its specific responses in the Government Minute. Today, I would like to highlight the key measures that the Administration had taken in the areas concerned and the progress made.

The Administration welcomed the recommendations made by the Audit Commission and the PAC on food labelling and nutrition labelling of infant and special dietary foods.

Following the publication of the Audit Commission and the PAC reports, the Food and Health Bureau, the Department of Health (DH), and the Food and Environmental Hygiene Department (FEHD) have implemented a number of measures to address the concerns raised.

We are formulating a Hong Kong Code of Marketing of Breast-milk Substitutes (Hong Kong Code) applicable to Hong Kong, which is expected to be launched for consultation with the trade and stakeholders in mid-2012. The objective of the Hong Kong Code is to provide guidelines for manufacturers and distributors of breast-milk substitutes and related products so as to prevent malpractices in the advertising and marketing of breast-milk substitutes and related products.

In preparing the details and delineating the coverage of the Hong Kong Code, the Taskforce on the Hong Kong Code of Marketing of Breast-milk Substitutes drew reference from the International Code of Marketing of Breast-milk Substitutes of World Health Organization promulgated in 1981 and the subsequent World Health Assembly resolutions, taking into account the local advertising and marketing practices of manufacturers and distributors of relevant products. It will also cover other requirements on breast-milk substitutes and related products, such as nutrition labelling, claims and nutritional composition. The Administration had reported the progress of the formulation of the Hong Kong Code to the Legislative Council Panel on Health Services at its meeting on 16 April 2012.



It is expected that the drafting of the Hong Kong Code will be completed in mid-2012 and will be implemented after consultation with the trade and stakeholders. The Hong Kong Code would be implemented for voluntary compliance in tandem with an appropriate monitoring mechanism. The DH will work closely with the Centre for Food Safety (CFS) of the FEHD to monitor the trade's compliance with the Hong Kong Code. The CFS will also conduct testing on the nutritional composition of infant formulae available in the market in 2012 and in 2013.

Depending on the response of the trade to the Hong Kong Code, the Administration will consider if it is necessary to step up regulation by way of enacting specific legislation governing nutritional composition, nutrition labelling and claims of infant foods and report its views to the relevant Panel of the Legislative Council and PAC.

As regards special dietary foods, the CFS will study the current situation regarding labelling of such food and make recommendations on whether such products need regulation; and if so, the priority to be accorded.

On enforcement of food labelling, the CFS has adopted the recommendations in the PAC Report and will continue to take a risk-based enforcement approach to target at high-risk retail outlets and to announce products with unsatisfactory compliance testing results on a regular basis since March 2012. To improve the trade's compliance with the legibility requirements on food labels, the CFS is working closely with the trade in drafting the "Trade Guidelines on Preparation of Legible Food Label" which are expected to be finalized and issued in May 2012.

As for the regulation of health claims and nutrition claims, the Undesirable Medical Advertisements (Amendment) Ordinance will be brought into operation on 1 June 2012. It provides that health food products carrying medical claims but not registered under the Pharmacy and Poisons Ordinance (Cap. 138) or the Chinese Medicine Ordinance (Cap. 549) must carry an additional disclaimer indicating so.

The CFS has also enhanced its internal guidelines on surveillance and law enforcement. Complaints related to nutrition and health claims of food will be followed and considered for prosecution if there is sufficient evidence. The

enforcement strategy will be adjusted from time to time based on operational experience.

The CFS will continue its joint efforts with the education sector and community organizations in carrying out publicity campaigns and public education to reach out to different target groups in promoting the use of nutrition information on labels to select foods suitable for them.

The Administration accepted the recommendations made by the Audit Commission and the PAC on the management of the apparent water losses from unauthorized consumption and inaccurate metering. In general, the recommendations are in line with the new initiatives being launched by the Water Supplies Department (WSD) to enhance its management of water losses.

To deal with unauthorized consumption, the WSD adopts a two-pronged approach, including the enhancement of detection and prosecution as well as promotion and education. It began to take a risk-based approach since 2011 in detecting unlawful taking of water while exploring the use of data mining techniques for identifying unauthorized uses. It is also collaborating with different sectors of the community to widen the detection webs for unlawful taking of water. The WSD had issued letters to all property management companies to advise them of the dire consequences of unlawful taking of water. It had also secured the co-operation of plumbing associations, institutions and trade unions, consultants and contractors associations together with resident site staff association in preventing unlawful taking of water. In this connection, nine participating organizations had signed a charter in March 2012 pledging their support.

The WSD had liaised with various government departments to solicit their assistance in preventing and deterring unauthorized water uses by reporting promptly any suspected unlawful water taking activities within premises under their supervision and works sites. The WSD will provide training to the staff of such departments on detecting and reporting unlawful water taking activities. In addition, it has set up a mechanism of notifying the government departments concerned of conviction cases of unlawful water taking within premises under their supervision and works sites so that they can take appropriate actions to deter such unlawful acts.

For meter accuracy, the WSD has all along been attaching great importance to water meter management while adopting the international best practice of regular meter replacement to enhance the accuracy of its meter fleet. It started a catch-up replacement programme for the 15 mm meters in 2006 and nearly 1.5 million aged meters have been replaced up to the present. The Department will continue with the arrangements for replacement of aged meters.

Finally, President, I would like to thank PAC once again for its constructive comments and recommendations. The Administration will, as always, respond in a proactive manner and implement practical improvement measures when necessary. Thank you, President.

## ORAL ANSWERS TO QUESTIONS

**PRESIDENT** (in Cantonese): Questions. First question.

### **Tenders for Government Building Contracts**

1. **PROF PATRICK LAU** (in Cantonese): *President, some members of our sector have relayed to me that due to constraints imposed by the building contractors responsible for controlling construction prices, architects who undertake the design of some works projects tendered through design and build (D&B) contracts are unable to give full play to their due role in ensuring that the works' quality is commensurate with the design. Members of the sector have also relayed that contractors allowing multi-layer subcontracting of works and subcontracting works items to subcontractors with the lowest bids in order to control costs have led to delays in works, incessant works to rectify defects and poor overall construction quality. In view of this, members of the sector propose that the Government should review all public works projects carried out under the D&B approach, including the one for the new Broadcasting Building of Radio Television Hong Kong (RTHK), to avoid recurrence of similar faults. In this connection, will the Government inform this Council:*

- (a) *whether it will change the D&B tendering approach for the aforesaid public works projects, including the one for the new*

*Broadcasting House of RTHK; if it will, of the details; if not, the reasons for that;*

- (b) of the improvement measures put in place by the authorities to prevent problems of delays and poor quality of public works projects arising from contractors allowing multi-layer subcontracting of works and the award of contracts to bidders with the lowest prices under the D&B tendering approach; and*
- (c) whether it will enhance the participation of architects in public works projects and allow them to give full play to their due role in ensuring that the works' quality is commensurate with the design; if it will not, of the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, for public works project, the Government will carry out the works in accordance with established guidelines and adopt different procurement methods and contractual arrangements, with a view to meeting the specified needs and limitations of a project as well as achieving its value for money target. In connection with the concerns raised by Prof Patrick LAU in his main question, we shall focus the discussion on two main categories of procurement methods, namely the more traditional "first design then build" and the increasingly popular D&B. Under the "first design then build" procurement method, the Architect responsible for the design (irrespective of whether he is an inhouse Architect or an Architect engaged by the Architectural Services Department (ArchSD)) can first discuss with the client department on the project requirements. The Architect will then carry out the detailed design work before inviting tenders for the building works based on the completed design. For the D&B procurement method, design work and building works will be bundled as a single contract in the tendering exercise. The successful contractor will also be responsible for engaging the Architect to carry out the detailed design work.

The above quoted two different contract procurement methods have their own merits and limitations. The "first design then build" procurement method allows the Architect to discuss with client departments and define technical specifications and requirements of the proposed works before inviting tenders for

the building works. During the construction stage, the Architect will monitor the work according to the original detailed design or may propose design changes. This would enable the proposed works to be implemented according to the detailed design provided by the Architect though the overall design and construction period would be longer. The possibilities of claims from contractors may increase due to incompatibility between the Architect and the building contractor. For D&B procurement method, the overall design and construction period would normally be shorter than the "first design then build" procurement method. Contractors could also provide their expertise input on application of building materials and specialized working techniques in the early stage of contract so as to enhance quality and cost-effectiveness of the proposed works. However, these current procurement methods may give rise to the concerns raised in the main question by Prof Patrick LAU.

In connection with Prof Patrick LAU's concern, the ArchSD has commenced a study on D&B procurement method early this year to analyse projects that had been completed in the past few years through different procurement methods. The result revealed that different contract procurement methods would deliver different results. The Client Satisfaction Surveys also show that the Average Overall Satisfactory Index for those projects completed by D&B procurement method is comparable to projects completed by using method other than D&B. Notwithstanding the above, the ArchSD has also reviewed projects to be submitted to the Public Works Subcommittee for consideration in the next three years. The ArchSD plans to change the procurement method from the original D&B to "first design then build" approach for two projects, namely the Control Point at Liantang/Heung Yuen Wai and New Territories East Cross-District Community Cultural Centre. The major reason for the change is that the specifications and technical requirements for these two projects cannot be finalized at the current stage. Therefore, "first design then build" approach will be adopted to reduce variations after tenders are called. The ArchSD will apply funding for engaging a consultant Architect to carry out the detailed design work for these two projects. The general technical specifications and requirements will be prepared based on the requirements of the client departments. Upon completion of the design, further application for funding for the building works will be made.

My reply to the three parts of the main question is as follows:

- (a) After considering the review mentioned above and consulting with the RTHK, the ArchSD has decided not to change the original plan to adopt the design and build procurement method for the proposed RTHK Broadcasting Building. The reason that the current RTHK staff, with ample technical expertise and operational experience, are able to specify in tender documents the complex requirements on radio/television information and broadcasting technology such as protection of electronic signals, sound quality from interference, provision of sound-proof insulation and vibration-proof facilities. With the use of D&B procurement method, contractors could draw on their expertise to submit a design that is cost-effective, technically feasible, creative and yet conforming to the technical requirements prescribed in tender documents. Moreover, the relevant departments have completed a lot of preparatory work for the new Broadcasting Building. The tender invitation exercise is expected to commence shortly. Any change to the procurement method at this stage will certainly delay the completion of the project.
- (b) Generally speaking, I wish to point out that the Government would only enforce contract conditions with main contractors so as to ensure the timely delivery of quality works. For subcontracting arrangements between main contractors and subcontractors that are on the approved list, the Government does not have a role to play on the procurement methods and consideration to be adopted by the main contractors. The Government always put emphasis on quality of work. Works departments should strictly enforce quality control, inspect and accept the works according to the contract requirements, established procedures and standards. For D&B tenders, departments will clearly set out the technical requirements in the tender documents, including the experience of tenderers and the professionals proposed for the design and project management (including architects and other designers), and so on. After a contract is awarded, unless there is a special reason (for example, resignation of the designers or health reasons), contractors cannot alter the original proposed design team at their discretion. On the

practice of subcontracting, there is a strict control for public works contracts to avoid excessive layers of subcontracting, resulting in problems like delays, unsatisfactory quality, and so on.

- (c) According to the current tendering conditions, the proposals from the contractors in their tenders will go through stringent assessment and approval processes to ensure compliance with requirements in various aspects. To further ensure the quality of the construction works conforming to the design, the ArchSD will adopt the two measures below: (1) contractors shall clearly list out the responsibilities of their partnering professional design teams in their tenders. The architectural designer shall co-ordinate all the project design details to effect proper implementation of proposed works in the construction stage, for ensuring works quality; and (2) for individual large scale or comparatively complex projects, experienced directorate grade professional officers will be arranged by the ArchSD to join the tender assessment panel to select the best technical proposal in terms of design and quality.

**PROF PATRICK LAU** (in Cantonese): *President, I thank Secretary Eva CHENG for her explanation on the D&B and the "first design then build" procurement methods. We have been using these methods in construction works, and they have been very effective. But, I may not agree with the Satisfactory Index for the projects as mentioned by the Secretary.*

*The Secretary has mentioned in parts (b) and (c) of her main reply the problems with the D&B method. She also knows that I highly recommend the method of architectural competition and I think this method should be adopted by all cities. If a city attaches importance to architecture, it should organize open competitions for all buildings, especially government buildings; and many such competitions have been held in Hong Kong. Even though the Secretary may find that there is insufficient time for building the new Broadcasting Building of the RTHK, or it is not necessary to hold a competition — I have a different view — will the Secretary organize more open architectural design competitions in future, so as to select buildings with more distinguishing features for the city?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I thank Prof LAU for suggesting another method, that is, design competitions. In recent years, the Development Bureau has strived to improve the design of buildings, and we have been making the best efforts to organize more design competitions where possible. The problem is, according to our experience, problems will arise if the design competition is adopted as the procurement method in the construction of an entire building.

As Prof LAU has remarked, design competitions can help identify more creative new architects but the winners in these competitions may not have received relevant training on professional design and project management. Therefore, there are practical difficulties in immediately appointing the winner of a design competition as the designer for a project. Very often, after making this arrangement, the government's engineering departments often need to take remedial measures after the completion of the project to meet legal standards and users' needs. There is actually one current example. The winner in a design competition is responsible for the operation of the project, but further improvements have to be made to meet users' needs.

In any case, I can assure Prof LAU, we will try our best to give local designers, especially young local designers, more opportunities to take part in public works projects, taking into account the construction quality and cost-effectiveness in the technical aspect.

**MR ABRAHAM SHEK** (in Cantonese): *President, in part (b) of his main question, Prof LAU has mentioned these two procurement methods and he has also asked the Government if the award of contracts to bidders with the lowest prices is still adopted. Will the Government change this direction?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): Mr Abraham SHEK needs not worry. For many years, especially in relation to the D&B procurement method, we have not just taken prices into consideration. Technical performance and prices have certainly been considered. For major projects, the weighting in technical aspect very often is more important than that of prices.



According to the information in hand, between 2007 and 2011, we have awarded a total of 16 D&B contracts, and only one of these contracts was awarded to the bidder with the lowest price. This sufficiently proves that the lowest tender price is not the principal factor for our consideration.

**MRS SOPHIE LEUNG** (in Cantonese): *President, the focus of the main question seems to reflect the industry's ideas about the D&B and the "first design then build" procurement methods, as well as the design for the whole city.*

*My question derives from the main question. I would like to ask the Secretary if more seminars or forums will be held in the near future, so that members of the industry and other related parties can have more thorough discussions regarding this question?*

*President, why do I ask this question? Because even if we hold a design competition, all we can have is a very unique building to be built among a group of buildings, for no specific reasons at all. How should buildings in a certain place tie in with the whole environment? The design of the whole area may be more important than that of a single building; for example .....*

**PRESIDENT** (in Cantonese): Mrs Sophie LEUNG, please do not make lengthy remarks. If you have already raised your supplementary question, please let the Secretary reply.

**MRS SOPHIE LEUNG** (in Cantonese): *Yes. It is stated in the first paragraph, that is the preamble of the main question that conflicts seem to arise between the D&B approach and cost control; thus I understand that the industry considers that approach unclear. Can the Secretary provide a better platform for more focused discussions on the application of the approach?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I believe the focus of Mrs Sophie LEUNG's supplementary question is not about whether D&B contracts is desirable or not, as the industry in fact has different views. While

some architects consider this approach desirable, others may share Prof Patrick LAU's concerns.

As Mrs Sophie LEUNG has stated, the focus of the problem may lie in the roles to be played by architect under the D&B contracts. We concur with this point. When the ArchSD conducted a review early this year, it also pointed out that architect should play certain roles in the course of construction. First, he should be responsible for designing the building; second, he should monitor the implementation of his design; third, as there are other designers in a project, the main architect should be responsible for co-ordinating the work of other designers in the course of construction. Therefore, we agree that greater efforts should be made in some areas.

When I responded to part (c) of Prof Patrick LAU's main question, I said that we concluded after a review that architectural designer should play stronger roles under these construction contracts. Hence, it is specified in some tenders that the architectural designer shall be responsible for co-ordinating the construction teams.

I can also tell Prof Patrick LAU and Mrs Sophie LEUNG that we have already taken this measure. From April this year, this requirement has been set out in D&B tenders. At present, for the two current projects, namely the Tin Shui Wai Hospital and the Centre of Excellence in Paediatrics at Kai Tak Development Area, it has been clearly specified in the tenders the roles to be played by the architectural designer under the D&B contract.

**DR RAYMOND HO** (in Cantonese): *Prof Patrick LAU's main question is actually a dissertation topic that is not at all simple, and it is not easy to respond. I think the Secretary has given a very comprehensive and wonderful answer.*

*President, in relation to civil engineering or building works, we need to consider various factors such as the demand for the whole project, environmental conditions and restrictions. Many aspects are involved, such as engineer's design, architect's design, D&B, BOT and so on.*

*Hence, if the Secretary's reply emphasizes on cost-effectiveness, in order not to avoid being too general, I will just focus on the "first design then build"*

*method. Very often, after a contractor has received the tender, he may change certain material or certain parts of the design, this is permitted and there are no problems. Yet, the Government often has a minimum standard requirement. Comparing the D&B and "first design then build" methods, which method can achieve higher cost-effectiveness to the employer (that is, the Government)?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, each type of the procurement method has its own merits and restrictions. In response to Dr Raymond HO's supplementary question, in carrying out these works, it is most important for the Government, as the procurement authority, to ensure the quality of the works. These works certainly need to be cost-effective because they are undertaken with taxpayers' money. At present, we achieve these two objectives through the so-called "multi-layer regulation" approach. As I have just said in reply to Mr Abraham SHEK's supplementary question, we will not simply consider awarding the contracts to the bidders with the lowest prices when vetting the tenders.

After the award of contracts, work supervision is also a very important task. As Dr Raymond HO has just said, contractors may sometimes propose certain changes but we may not endorse them if we think that they are not cost-effective or do not meet the quality of the projects. Regarding some works, we have even required the contractors to engage independent person to verify the design, so as to ensure the quality of works.

As always, we adopt a multi-layer regulation approach in relation to the building works mentioned in the main question and the engineering works that Dr HO is more concerned about.

**PROF PATRICK LAU** (in Cantonese): *President, I want to ask the Secretary another question about architectural competitions. She has just replied that new architects may not have the experience to oversee the whole works project. The Government has organized many large-scale architectural competitions and concept competitions, and I have strong views about that. After the new architects have participated in the architectural competitions, they will let other architects use their concepts, and I do not know how the expenses should be shared .....*

**PRESIDENT** (in Cantonese): Prof LAU, please try to be concise and state your supplementary question.

**PROF PATRICK LAU** (in Cantonese): *I would like to ask the Secretary if there are better modes of holding architectural competition, such as a phased mode. When a concept has been devised in the first phase, will architects be required to co-operate with professionals or companies with construction experience to ensure that this problem will not arise?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): To put it simply, we will positively consider Prof Patrick LAU's suggestion. As a matter of fact, we have been consistently studying on how we can overcome the problems that will arise when the winning design is converted into construction blueprint. If the problems can be overcome, I think it will be very beneficial to the quality of local architectural designs and the training of local design talents.

**PRESIDENT** (in Cantonese): Second question.

### **Fake Marriage Documents Used by Pregnant Mainland Women to Give Birth in Hong Kong**

2. **MR PAUL TSE** (in Cantonese): *President, a newspaper used "\$860 to turn doubly non-permanent resident pregnant women into singly ones" as its headline, and reported on its front page that some people gathered at Huaqiang Road in Shenzhen to sell forged mainland marriage certificates (false documents), provided information on Hong Kong people to act as husbands, and offered to find Hong Kong people to engage in bogus marriage or declarations so as to help pregnant mainland women whose spouses are not Hong Kong permanent residents (doubly non-permanent resident pregnant women), with the use of false documents or by means of bogus marriage, disguise as pregnant mainland women whose spouses are Hong Kong permanent residents (singly non-permanent resident pregnant women), thereby assisting "doubly non-permanent resident pregnant women" in reserving beds for delivery in private hospitals in Hong Kong. The degree of resemblance of the aforesaid*

*false documents is so high that even the law-enforcement officers in Hong Kong and individual Members of the Legislative Council found it difficult to distinguish them. In this connection, will the Government inform this Council:*

- (a) whether it has assessed the seriousness and prevalence of false documents and bogus marriage, and assessed how many "doubly non-permanent resident pregnant women" have used or will use false documents and bogus marriage to give birth in Hong Kong under the disguise of "singly non-permanent resident pregnant women"; whether it has assessed the impact of the relevant situation on the Chief Executive-elect's earlier proclamation that private hospitals in Hong Kong should adopt a zero delivery quota for "doubly non-permanent resident pregnant women" next year, as well as the Government's measures referred to in the newspaper report of establishing a checking mechanism for "singly non-permanent resident pregnant women" and liaising with four private hospitals for admitting such pregnant women;*
- (b) of the policies put in place to prevent the persistent influx of "doubly non-permanent resident pregnant women" to give birth in Hong Kong by making use of false documents and bogus marriage; and*
- (c) whether the current-term Government and the Chief Executive-elect have communicated on the aforesaid issue to explore practicable and effective policies, which will not be affected by the change of the Government, to stop "doubly non-permanent resident pregnant women" from giving birth in Hong Kong; whether they will, in the situation that it is difficult to solve the problem of "doubly non-permanent resident pregnant women" by administrative measures, choose the approach which causes the least harm and study the steps and timetable for seeking interpretation of the Basic Law by the National People's Congress, so as to solve the problem for the Government?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, the SAR Government is gravely concerned about the issue of non-local pregnant women

giving birth in Hong Kong and has been making every effort to address this issue. The Government's healthcare policy is to ensure that local pregnant women are accorded priority and are provided with quality service. We will only consider making obstetric services available to non-local pregnant women when we have spare service capacity. The number of non-local women (mainly Mainland women) seeking to give birth in Hong Kong has been increasing rapidly in recent years. It has caused tremendous pressure on the capacity of obstetric service in public hospitals and affected the provision of such service to Hong Kong residents.

To control the number of non-local pregnant women giving birth in Hong Kong, we put forward and implemented a number of measures last year. These include capping the delivery places at public and private hospitals for non-local pregnant women in 2012 at the level of 35 000, and issuing a standardized Confirmation Certificate on Delivery Booking to non-local pregnant women who have made prior bookings in public or private hospitals for checking by officers of the Immigration Department (ImmD) when they enter Hong Kong.

The Hospital Authority (HA) will stop accepting bookings for public hospitals once this service capacity is full or when more capacity has to be reserved to cope with an increase in service demand from local women. Furthermore, it is planned that all beds for obstetric services in public hospitals would be reserved for local pregnant women and urgent cases referred by private hospitals in 2013. As such, no bookings from non-local pregnant women will be accepted at this stage.

We understand that some Mainland pregnant women whose husbands are Hong Kong permanent residents hope to give birth in Hong Kong but are unable to make their bookings in hospitals this year. There is a consensus in the community that the Government should provide assistance to this group of expectant mothers as far as possible. At the beginning of this year, we began to study the mechanism and detailed arrangements for effective verification of their identity. As what I announced on 25 April 2012, starting from 26 April 2012, Mainland pregnant women married to Hong Kong permanent resident husbands will be required to submit the following documents to private hospitals when making delivery bookings, if they intend to give birth in private hospitals in Hong Kong:

- (i) a Hong Kong certificate of marriage; or a certificate of marriage notarized by notary public offices in the Mainland;
- (ii) the husband's Hong Kong permanent resident identity card; and
- (iii) an oath taken by the Hong Kong permanent resident husband to confirm the authenticity of the marriage certificate provided and/or their marital relationship.

The couple concerned also has to sign a consent form to authorize the authority to conduct checks with the relevant Mainland departments on their certificate of marriage issued in the Mainland as well as their identity.

My reply to the various parts of the question is as follows:

- (a) The new arrangement for pregnant women implemented by the SAR Government earlier will help distinguish and verify the identity of the Mainland wives of Hong Kong permanent residents. The SAR Government will closely monitor the operation of this new arrangement. According to the reports made to the Department of Health (DH) by private hospitals, following the launch of the new booking and verification arrangement on 26 April, and up to 13 May, a total of over 200 Mainland pregnant women whose husbands are Hong Kong permanent residents have made bookings for delivery service with private hospitals in 2012 through the new arrangement. The DH will look out for and investigate suspicious cases. It will also conduct random checks on the other cases. Up till now, the DH has not found any suspicious cases.
- (b) Under the above new arrangement, the concerned couples have to submit a certificate of marriage notarized by notary public offices in the Mainland if their marriage certificate was not issued by the ImmD. We understand that Hong Kong residents must apply for a Certificate of Absence of Marriage Record in Hong Kong and seek verification from the relevant Mainland authority before they can get married in the Mainland. As such, the verification work under the new arrangement can be conducted through a number of ways and will not just be based on the Mainland marriage certificate submitted

by the couple concerned. If the couple were married in Hong Kong, the ImmD can verify their marriage certificate.

The couples concerned are also required to sign a document upon making a delivery booking to state that they know and understand clearly that it is a criminal offence to make a false declaration or a false oath, and to authorize private hospitals to pass their information and documents to the relevant government departments for verification. This serves to remind those concerned not to commit such an offence. The DH will monitor the arrangements and conduct random checks. Suspicious cases, if any, will be referred to law-enforcement agencies for follow-up action.

- (c) We will closely monitor whether this aforementioned new arrangement for Mainland pregnant women married to Hong Kong permanent resident husbands can be in smooth operation. If this arrangement is proved feasible, the next-term of Government can draw reference from it when formulating policies relating to these pregnant women.

The Food and Health Bureau has been holding discussions with the HA and private hospitals on the issue of delivery by non-local women in 2013. Since this issue is also a task which needs to be followed up and handled by the next-term Government, the current-term Government has maintained liaison and discussion with the Chief Executive-elect on the policy for handling the issue of Mainland pregnant women giving birth in Hong Kong. The Chief Executive-elect has indicated that before we can have a full picture of the impact on Hong Kong's social services such as healthcare, maternal and child health services and education caused by non-local pregnant women who give birth in Hong Kong and whose husbands are also non-Hong Kong residents, private hospitals should stop accepting these non-local pregnant women's delivery bookings in 2013. Private hospitals have also unanimously agreed to stop accepting their bookings for delivery services in 2013. At the same time, it is planned that in 2013, all beds for obstetric services in public hospitals would be reserved for local pregnant women and



urgent cases referred by private hospitals. As such, no bookings from non-local pregnant women will be accepted at this stage.

The current policy of the Government is to resolve the issue of non-local pregnant women giving birth in Hong Kong on the existing legal basis through administrative measures. We would continue to monitor the effectiveness of the measures. Moreover, the Chief Executive-elect has pointed out that legal solutions to the issue of non-local pregnant women who give birth in Hong Kong and whose husbands are also non-Hong Kong residents could be further explored.

**MR PAUL TSE** (in Cantonese): *President, this report seems to affirm the high degree of resemblance of the false Mainland documents, and this is not the first time we heard about similar news in Hong Kong. Apart from casting doubts on the documents issued by the Mainland, we also have queries on the authenticity of certain marital relationship. In the main reply, the Secretary said that so far no suspicious cases have been found.*

*May I ask the Secretary how random checks will be conducted and the number of cases to be examined? More than 200 delivery bookings have been made in half a month under the new arrangement. Under this circumstance, what practicable measures will be put in place to verify their identities, so as to avoid leaving the supposedly closed door unlatched?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): *President, the information in hand shows that among the 200-odd "singly non-permanent resident pregnant women" who have made bookings with private hospitals in the past month for delivery in 2012, more than 80% were married in Hong Kong and have Hong Kong marriage certificates. Therefore, it would be easier for the ImmD to trace and verify. We will, depending on the situation, conduct random checks on suspicious cases. Yet, so far, no suspicious cases have been found.*

Members may be aware, as I have said in the main reply just now, if the couple was married in the Mainland, the husband will have to obtain a Certificate of Absence of Marriage Record (commonly known as certificates of "unmarried

men") issued by the ImmD. We can then trace the date of issuance of this certificate of "unmarried men", as well as the name of the Mainland woman whom he married. If the name on the certificate is different from that of his existing wife, follow-up actions will be taken. We can still adopt other means, and certainly, the co-operation of the ImmD and the relevant Mainland authorities are needed.

We understand that forged certificates can be found worldwide, and Mainland media has also widely reported on various forged certificates, which also include certificates of graduation. The most important thing that we have to do is to put in place a tracking and verification mechanism to identify suspicious cases. While I believe the existing mechanism is certainly viable, I do not rule out the possibility that people will take risk in this regard. Therefore, all along, though we cannot say that this is the best approach, we will not hesitate to ask the relevant departments to closely follow up on the cases.

**DR MARGARET NG** (in Cantonese): *President, I wish to follow up on the last paragraph of the Government's reply. President, someone mentioned earlier that in order to eliminate the problem of "doubly non-permanent resident pregnant women" giving birth in Hong Kong, we should stop issuing Hong Kong birth certificates, the proof of permanent residency, to their babies. The Secretary for Justice subsequently responded publicly that this practice contravened the constitution and the laws of Hong Kong, as well as the judgment handed down by the Court of Final Appeal in accordance with the Basic Law. He went on to say that though the Government was sufficiently empowered to seek interpretation of the Basic Law by the National People's Congress, it will not arbitrarily take such action.*

*According to the last paragraph of the Government's reply, if the existing legal basis has to be changed, how changes will be made? The question put by Mr Paul TSE is whether the current-term Government has liaised with the Chief Executive-elect, and if changes are to be made on the legal basis, which aspect of the legal basis will be changed?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, we have liaised with the Chief Executive-elect on the need to reserve hospital beds for the so-called "doubly non-permanent resident pregnant women" in 2013. I think

Members may still remember that in late April, the Chief Executive-elect had said openly that private hospitals would stop accepting the delivery bookings of these non-local pregnant women in 2013, and I subsequently looked into the matter with the private hospitals and echoed in agreement.

The Chief Executive-elect and I have not discussed in detail how the problem of right of abode relating to babies born to those "doubly non-permanent resident pregnant women" in Hong Kong can be resolved from the legal perspective. Thus, we cannot provide an answer for Members at this moment.

**PRESIDENT** (in Cantonese): Has your supplementary question not been answered?

**DR MARGARET NG** (in Cantonese): *The Secretary has not answered my supplementary question. Has he discussed with the Chief Executive-elect? If he has, what legal changes will be made? In his earlier reply, the Secretary said that they had not discussed the details, have they had some general communication? If there is, what legal changes will be made?*

**PRESIDENT** (in Cantonese): Secretary, do you have anything to add?

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, we will certainly tell the Chief Executive-elect the legal basis on which our existing policies are formulated. And yet, how the Chief Executive-elect will resolve the legal problems that arise, as I have said in the main reply, needs further exploration.

**DR MARGARET NG** (in Cantonese): *Has discussion been held on which aspects of the legal basis will be changed? Is there any communication?*

**PRESIDENT** (in Cantonese): Secretary, is there any special references regarding the aspects of the legal basis?

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, we have not discussed in detail any specific law or issues.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, I remember that at one time when I asked Secretary Dr York CHOW about the difficulties encountered by the "singly non-permanent resident pregnant women", he said disdainfully that this had nothing to do with me and therefore not he would answer me.*

*The Secretary is really a good writer. In his reply, he wrote that "..... I announced on 25 April .....", explaining how "singly non-permanent resident pregnant women" can be verified. In the second paragraph, he pointed out that, "..... capping the delivery places at public and private hospitals for non-local pregnant women in 2012 at the level of 35 000". The Secretary suddenly announced on 25 April that "singly non-permanent resident pregnant women" could be identified. Previously, we pointed out that since "singly non-permanent resident wives" of civil servants could be identified under the computerized system ..... yet, the Secretary accused me of being unfounded.*

*President, Secretary Dr York CHOW, look at me. Do you think that .....*

**PRESIDENT** (in Cantonese): Mr LEUNG, please raise your supplementary question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, please ask Secretary Dr York CHOW to listen attentively to my speech .....*

**PRESIDENT** (in Cantonese): Please raise your supplementary question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Does the Secretary think that he should be held responsible for his previous remarks and apologize to the husbands and children of those "singly non-permanent resident pregnant women"? When I was once pushed to the ground in a protest, the Secretary turned a blind eye. After LEUNG Chun-ying said that "singly non-permanent*

*resident pregnant women" could be distinguished, the Secretary subsequently announced on 25 April that there are ways to distinguish them. What had he done before that? I will give the Secretary one minute to make an apology — no, just 15 seconds as I do not want to waste my time — does the Secretary consider it necessary to apologize for his false statement?*

**PRESIDENT** (in Cantonese): Mr LEUNG, you have raised your supplementary question. Please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Being a Member, I will certainly put questions to the Secretary. How can he say that this has nothing to do with me?*

**PRESIDENT** (in Cantonese): Mr LEUNG, please sit down.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I have previously said that it is no easy task to distinguish the so-called "doubly" or "singly" non-permanent resident pregnant women, especially when they are undergoing immigration clearance. I think the ImmD staff cannot verify the authenticity of the marriage certificate produced as well either. This illustrated why so much time has been spent to come up with a mechanism that is considered feasible for trial.

I think that studies in this respect take time. As I have pointed out earlier, the relevant studies commenced early this year and much time has been spent to liaise with the relevant local and even Mainland departments before the current approach is identified.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, he has not answered my supplementary question. Before 25 April, he said that there was no way to distinguish the "singly non-permanent resident pregnant women". But after LEUNG Chun-ying chided him, he immediately found a way to distinguish them. His reply has failed to answer our questions. As we have previously pointed out,*

*since civil servants' Mainland spouse can be distinguished, how come the same does not apply to other people's Mainland spouse? The Mainland spouses of civil servants are not verified while undergoing immigration clearance. Does the Secretary really think that I am illiterate?*

**PRESIDENT** (in Cantonese): Mr LEUNG, you have expressed your views on the Secretary's reply.

**MR LEUNG KWOK-HUNG** (in Cantonese): *No, I am asking him ..... at the border .....*

**PRESIDENT** (in Cantonese): Just now you asked the Secretary if he would apologize.

**MR LEUNG KWOK-HUNG** (in Cantonese): *..... he explained that .....*

**PRESIDENT** (in Cantonese): The Secretary has already answered.

**MR LEUNG KWOK-HUNG** (in Cantonese): *He has not answered. President, let me explain to you. At the border, he .....*

**PRESIDENT** (in Cantonese): Mr LEUNG, this is not a debate. Please be seated.

**MR LEUNG KWOK-HUNG** (in Cantonese): *I am not debating. At the border, he cheated all Hong Kong people .....* Fine, just cheat as he wishes .....

**PRESIDENT** (in Cantonese): If you are not satisfied with his reply, you can follow up through other channels.

**MR JAMES TO** (in Cantonese): *President, I have also considered if the situation mentioned by Mr Paul TSE is really that dangerous or prone to abuse. I do not think so. Generally speaking, they are traceable.*

*And yet, I would like to ask the Secretary how he can tackle the following problem: I learnt that some "doubly non-permanent resident pregnant wives" divorced their husbands soon after she got pregnant, and then married to Hong Kong residents. Since it is not easy to verify the authenticity of their marital relationships, those Mainland women have therefore become "singly non-permanent resident pregnant woman" and can give birth in Hong Kong. Soon after their babies have got Hong Kong identity cards, they will divorce their Hong Kong husbands.*

*May I ask the Government, in that case, is the child a "singly non-permanent resident"? Furthermore, is it possible to authorize any DNA test to verify if the Hong Kong permanent resident is the natural father of the baby in question?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, as Members may be aware, marital relationship and parenthood are pretty complicated and may not be verified by any law or policy. The most important of all is to verify the identity of the "singly non-permanent resident pregnant women". If she indicated that she was married to a Hong Kong permanent resident during the registration process in Hong Kong, we will classify her as "singly non-permanent resident". As for the unborn baby, there is no way we can verify its natural father. We should not be doing this either. The scenario which I described is, at the time of marriage, the permanent resident is willing to marry that woman as his wife.

Therefore, we have required all "singly non-permanent resident pregnant women" to produce the abovementioned three documents with their husbands and signed together. We will also consider how marital relationship can be authenticated. If a woman was married after she got pregnant, we will pay special attention to their marital relationship. Of course, there are cases where genuine couples married after the wife got pregnant.

Thus, not all the abovementioned cases can be verified. After all, it is most important to verify the authenticity of the marital relationship. We have required them to sign and authorize our investigations. In my opinion, the mechanism has provided various steps for verification by all means. As to whether the problem can be completely resolved, I think more time is needed and a review should be conducted upon the implementation.

**PRESIDENT** (in Cantonese): Has your supplementary question not been answered?

**MR JAMES TO** (in Cantonese): *The Secretary has not answered the part concerning DNA, that is, whether the authorization includes .....*

**PRESIDENT** (in Cantonese): The Secretary has already answered. Let me see if the Secretary has anything to add regarding the DNA issue.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, as I have said earlier, it is doubtful whether the husband of a legitimate couple is the natural father of their baby. This is because a woman has every right to decide on the way of pregnancy and the name to be filled in the father's column on her baby's birth certificate. I think that if all parties follow the normal channels with mutual recognition, we cannot proceed with our verification. Investigations, including DNA tests, will only be conducted someone challenges the system.

**PRESIDENT** (in Cantonese): This Council has spent more than 24 minutes on this question. Third question.

### **Measures to Prevent Elderly Abuse**

3. **MR LEUNG KWOK-HUNG** (in Cantonese): *President, with an ageing population and an increasing number of assistance-seeking cases involving elderly abuse, quite a number of organizations and elderly people have relayed to me their dissatisfaction about the absence of a dedicated legislation at present for*



*combating elderly abuse behaviour. Quite a number of elderly people (including demented elderly people) are victims of abuse without being given protection, and the abusers can get away without punishment. Despite the fact that several Legislative Council Members of the current term have put forth similar views, the Government has not yet introduced any legislation to protect the legal rights of elderly people. In this connection, will the Government inform this Council:*

- (a) given that children and juveniles are at present protected under a dedicated legislation of the Protection of Children and Juveniles Ordinance, but no dedicated legislation has been introduced by the Government for protecting elderly people, whether the current-term or the next-term Government will consider afresh repealing the Protection of Children and Juveniles Ordinance, so that the public will not have the impression that the legislation only addresses the problem of child abuse but ignores the problem of elderly abuse, leaving the abused elderly people to continue not to be protected by any dedicated legislation; if it will, whether the current-term or the next-term Government will repeal the Ordinance; if not, whether it is because the current-term or the next-term Government considers that elderly people do not need to be protected by legislation;*
- (b) why the Secretary for Labour and Welfare replied to this Council, without conducting any public consultation, that it was not necessary to enact a dedicated legislation against the problem of elderly abuse; base on what public opinion the Secretary for Labour and Welfare came to the decision that it was not necessary to enact a dedicated legislation against the problem of elderly abuse; and*
- (c) whether the Social Welfare Department (SWD) has instituted prosecution under the Residential Care Homes (Elderly Persons) Ordinance against a residential care home for the elderly in Sheung Shui a staff member of which was found to have forced an elderly resident to eat faeces; if it has, when the prosecution was instituted and what the outcome is; if not, whether it is because feeding faeces to elderly does not violate the Residential Care Homes (Elderly Persons) Ordinance?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, my reply to Mr LEUNG Kwok-hung's question is as follows:

(a) and (b)

As mentioned in my reply of 13 January 2010 to a relevant question, Hong Kong already has in place sound legislation to protect all citizens (including elders) from abuse. Specifically, elders are protected by legislation governing criminal offences, including the Crimes Ordinance (Cap. 200), the Offences Against the Person Ordinance (Cap. 212) and the Theft Ordinance (Cap. 210). Pursuant to the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189), they may also apply to the Court for an injunction order against molestation by their spouses, children or other persons as specified in that Ordinance. If an elder is a mentally incapacitated person, according to the Mental Health Ordinance (Cap. 136), the Guardianship Board has the power to issue a guardianship order and appoint a guardian for him. The guardian can make decisions on behalf of the elder in respect of his personal or healthcare matters, or hold, receive or pay a specified monthly sum on his behalf. This arrangement can further protect the rights of elders who are under guardianship. In view of the above, we do not see the need to enact a dedicated legislation against elder abuse.

Apart from legal protection, we will continue to enhance public awareness of the problem of elder abuse through publicity and education, provide training to front-line staff at service units, and adopt various prevention and intervention measures to provide appropriate support for elders.

As regards the Protection of Children and Juvenile Ordinance (Cap. 213) mentioned by Mr LEUNG, it aims at protecting the children and juveniles as specified in that Ordinance. They are mainly those having been assaulted, ill-treated or sexually abused, or whose health, development or welfare has been neglected. Exercising the power conferred by that Ordinance, the Juvenile Court may make decisions in relation to the guardianship, custody

and control of these children and juveniles. As this arrangement is not applicable to adults in general, it should not be used as a reference for dealing with elder abuse.

The Protection of Children and Juvenile Ordinance has its unique functions and should be retained. It is also not incompatible with the aforementioned legislation which protects citizens (including elders) from abuse.

- (c) We do not tolerate elder abuse incidents in residential care homes for the elderly (RCHEs), and would treat them seriously. If an RCHE staff abuses an elder, the Licensing Office of Residential Care Homes for the Elderly (LORCHE) of the SWD will follow up immediately once it has learnt of the incident. Follow-up actions include conducting investigation and handling the case in accordance with the SWD's "Procedural Guidelines for Handling Elder Abuse Cases", stepping up inspections of the RCHE concerned, and monitoring the implementation of improvement measures by the RCHE.

Regarding the case mentioned by Mr LEUNG, the RCHE staff who had abused an elder was convicted of four counts of assault and sentenced to imprisonment for six months by the Court on 29 December 2009. Following the incident, the LORCHE had also taken a series of actions against the RCHE concerned, including: (1) meeting the management of the RCHE to understand what measures the RCHE would take to prevent similar incidents from happening again; (2) issuing a warning letter and instructions for rectification to the RCHE in accordance with section 19 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459), requiring the RCHE to formulate and execute detailed procedural guidelines on handling elder abuse cases, pay particular attention to professional ethics of its staff, and provide comprehensive training for them, and so on; otherwise, the SWD would prosecute the RCHE for breaching the Residential Care Homes (Elderly Persons) Ordinance; (3) shortening the validity period of the licence of the RCHE from the original two years to six months, thereby subjecting the RCHE to more frequent inspections; (4) conducting a total of 20 surprise inspections on the

RCHE within 2010 to ensure that it had made improvements in accordance with the written instructions; and (5) stop buying 40 places from the RCHE, as a punishment for the RCHE's failure to take reasonable steps to prevent its elderly residents from being abused in accordance with the requirements of the service agreement for the Enhanced Bought Place Scheme.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, it is in fact very easy to abuse people, just don't let him sleep.*

*As the Secretary said that the situation was not serious, let me provide Members with some figures. These figures are collated from the replies given by the Secretary for Security and the Commissioner of Police to the questions I raised when examining the Government's draft estimates of expenditure.*

*Between 2007 and 2011, 973 or close to 1 000 elderly abuse cases involving claims of physical abuse were reported to the police, while the number of such cases involving psychological abuse was 206. Secretary, would you say the situation is serious or not? In comparison, are there as many child abuse cases in Hong Kong? There are not, right?*

*In face of this serious situation, the Secretary just told me that child abuse and elderly abuse were different, and the legislation for child protection was only intended to protect the children. That is entirely irrelevant. Of course, I know that the legislation for child protection is dedicated to the protection of children. My question is: Given that both children and the elderly are the disadvantaged in society requiring care and attention, how come no dedicated legislation is in place to protect the elderly? What is your reply? Do you have the statistics on child abuse cases right now? I have already provided you with the number of elderly abuse cases. Can you compare the number of these two types of cases?*

*Besides, I receive a complaint .....*

**PRESIDENT** (in Cantonese): Mr LEUNG, have you asked your supplementary question?

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... *I have just received a complaint that the elders in the "Yok Sing Chun Ying Nursing Home" are not allowed to sleep all night. Is that some kind of abuse? Please investigate this case for me. It happens in the Legislative Council.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, thanks to Mr LEUNG for the question.

First of all, I must stress that, as I have clearly explained in the main reply, at present, Hong Kong has sound legislation to protect the well-being of the elderly, that is, to protect them from being abused. As regards the Protection of Children and Juvenile Ordinance just mentioned by Mr LEUNG, it has the unique functions of protecting the children and juveniles. This Ordinance is completely different from the legislation on protecting the elderly, as they serve different targets. Nonetheless, I must stress that the elderly have been adequately protected by the legislation. This is my first point.

Secondly, Mr LEUNG just enquired about the situation of child abuse. I would like to provide Members with some general figures for reference. Regarding abuse cases, a total of 368 newly reported elderly abuse cases were received by the SWD in 2011, and 877 newly reported child abuse cases received in the same period. In other words, there were 877 new child abuse cases and 368 new elderly abuse cases respectively. Most of the elderly abuse cases are spouse/cohabitant battering cases. There were over 3 000 cases last year, the actual figure stands at 3 174.

For sure, we will definitely not ignore the situation just because there are fewer elderly abuse cases. That is absolutely not true. We will treat each and every case seriously by conducting in-depth investigation. In particular, we are gravely concerned about elderly abuse incidents in RCHEs. Regarding the elderly abuse incident which happened in a RCHE in Sheung Shui, as I have explained in the main reply, prosecution had been instituted and the staff concerned was sentenced to imprisonment for six months. Moreover, a series of measures have been taken to rectify the problems of the RCHE concerned, which included requiring the RCHE to draw up guidelines and provide training to staff, as well as enhance its service standard from various aspects.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, he has not answered my question. But I know you will definitely say that we are not in a debate. As the saying goes, "God knows everything we do." He has really not answered my question .....*

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MR LEUNG KWOK-HUNG** (in Cantonese): *I asked him why no dedicated legislation is in place to protect the elderly, but he has not answered. He made a comparison, and the situation was the same. OK, forget it, I give up. I will be abused tonight, I cannot go to sleep.*

**PRESIDENT** (in Cantonese): Mr LEUNG, you were expressing your views just now. But in your supplementary question, you ask the Secretary to provide the figures and make a comparison. The Secretary has just provided the relevant figures to you. Hence, he has answered the question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *He has not given any conclusion. His conclusion is that the situation is similar, but there are more child abuse cases. You are right, and I am wrong.*

**MR WONG SING-CHI** (in Cantonese): *According to the statistics provided by the Secretary just now, there are 300-odd elderly abuse cases, 800-odd child abuse cases, and 3 700-odd spouse/cohabitant battering cases. In respect of protecting the rights of individuals, victims in spouse/cohabitant battering cases may be more willing to come forward as compared with victims in elderly or child abuse cases. Mr LEUNG Kwok-hung asked this question because elderly abuse cases are often reported by a third party who cannot stand the abusive incidents, rather than by the elderly victims themselves to seek protection. On the contrary, for child abuse and spouse/cohabitant battering cases, they are mostly reported by the victims themselves.*

*President, I would like to ask the Secretary what measures and arrangements are currently in place to make the general public as well as the elders themselves more aware of elderly rights? In case an elderly is being abused, he would know how to seek help and report the case to the police. As the Government has not properly handled various elderly welfare issues, such as universal retirement protection, the elders have a feeling that they have to suffer in silence even when being abused. As such, is the Government taking the lead to stifle the victims of elderly abuse? Will the Secretary please explain what measures or arrangements the Government has in place to encourage the elders as well as members of the public to speak out against elderly abuse and fight for elderly rights even more proactively.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, thanks to Mr WONG for the question. First of all, I would like to thank Mr WONG for his suggestion. As a matter of fact, we concur with the need to increase the awareness of members of the public on the problem of elderly abuse. In recent years, the number of reported cases of domestic violence has increased because the community has become increasingly aware of the problem and many people are willing to come forward to report the cases. We hope that any elders or person under duress or unfair treatment can speak out and seek assistance in order to safeguard their own rights. In this respect, the SWD has set up a 24-hour hotline: 2343 2255. When we receive a complaint ..... We will definitely follow up on all complaints, not just those against RCHEs, but all relevant assistance-seeking cases as well.

My colleagues will handle such cases seriously. Any cases received will definitely be referred to the relevant unit for follow-up, such as the so-called "serious case units" (that is, the Family and Child Protective Services Units), or the Integrated Family Service Centres in various districts. If necessary, we will seek help from the police, the Hospital Authority and the Housing Department as parties involved in such cases often have housing problems.

Of the elderly abuse cases last year, most of them, or 66%, involved abuse perpetrated by spouses, to be followed by domestic helpers (11%), and finally sons (about 8% to 9%). As elderly abuse cases do not have a fixed pattern, it would be most important to educate the public on reporting elderly abuse cases because some elders actually have no idea how to protect themselves, or are

incapable of protecting themselves. If members of the public suspect any case of elderly abuse, they should make a report immediately.

At present, we receive many complaints from members of the public about the RCHEs. Usually, family members who are dissatisfied with the RCHEs after visiting their elderly relatives would lodge complaints to the SWD. There are many established and open channels of complaints. At present, it is most important to increase public awareness so that members of the public can pay attention to the problem. This will definitely help in safeguarding elderly rights.

**PRESIDENT** (in Cantonese): Has your supplementary question not been answered?

**MR WONG SING-CHI** (in Cantonese): *I ask him how to increase awareness, but not whether awareness should be increased. His reply is about whether awareness should be increased. In respect of how to increase awareness .....*

**PRESIDENT** (in Cantonese): Secretary, the Member asked how to increase awareness.

**MR WONG SING-CHI** (in Cantonese): *..... what arrangements can be made by the Government to increase the awareness of the general public as well as the elderly?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, work will be undertaken at various levels. First of all, extensive publicity and civic education will be rolled out. Furthermore, the Neighbourhood Active Ageing Project has been launched by the Elderly Commission. At the district level, voluntary workers would be deployed to help hidden and singleton elders who have no idea how to lodge a complaint. Through the District Elderly Community Centres and Neighbourhood Elderly Centres in the territory, it is hoped that outreach services can be provided to a greater number of elders, so that when they are under duress or being abused, they know how to get assistance



through the community support network. That is one of the approaches we have adopted.

**DR PAN PEY-CHYOU** (in Cantonese): *President, according to my experience, the figures on elderly abuse cases provided by the Government are in fact the tip of the iceberg because many elderly victims also suffer from dementia.*

*What was the objective of enacting the Protection of Children and Juveniles Ordinance in the first place? The main reason is that as children and juveniles are incapable of protecting themselves as they are immature mentally. In fact, the condition of elders who suffer from dementia is the same as children and juveniles.*

*As a matter of fact, elders subject to physical abuse are protected by legislation. However, regarding the so-called "passive abuse" cases, such as not giving the elders enough food or suitable clothing, how can the Government exercise regulation if the elders are abused in their own homes? Is there any legislation to sanction this kind of abuse? As I understand, if such incidents happen in RCHEs, the Government can sanction the RCHEs concerned through administrative means or in accordance with the relevant guidelines. Nonetheless, if the elders are abused in their own homes, what legislation is currently available to protect the elderly victims?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Thanks to Dr PAN for his views and question. Regarding elders who suffer from dementia, as I just said in the main reply, according to the Mental Health Ordinance, the Guardianship Board has the power to issue a guardianship order to protect them, or even make decisions on their behalf in relation to their admission to RCHEs, receiving or making payments, undergoing treatment, and so on, in order to protect the elders under guardianship.

Just now, Dr PAN asked how the Government would handle incidents concerning elders not provided with adequate food, and so on, by family members. In fact, we have classified the 368 elderly abuse cases last year and found that elderly abuse is not limited to physical abuse, but psychological abuse and other types as well. In case of incidents described by Dr PAN, we must deal

with them according to the actual situation. Social workers who receive such cases will definitely intervene as early as possible, so as to investigate into the actual situation and search for evidence. In some cases, such as those involving personal relationships or problems living with children, family visits may help. But if there is evidence suggesting that the elders concerned have been abused deliberately, we do not rule out referring the cases to the police for follow-up.

**DR PAN PEY-CHYOU** (in Cantonese): *Only a few elders .....*

**PRESIDENT** (in Cantonese): Dr PAN, do you think the Secretary has not answered your supplementary question?

**DR PAN PEY-CHYOU** (in Cantonese): *Yes.*

**PRESIDENT** (in Cantonese): Please do not respond to the reply given by the Secretary because this is not meant to be a debate session. You can only repeat the part of your question you think the Secretary has not answered.

**DR PAN PEY-CHYOU** (in Cantonese): *Yes, my supplementary question just now is: What current laws of Hong Kong can the authorities invoke to prosecute persons who have abused the elders psychologically or in the so-called "passive ways", such as not giving them suitable clothing or food? Regarding these abuse cases, what laws can the authorities invoke to impose sanction? The Secretary's reply is just about the complaints received.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, as I have pointed out clearly in the main reply, Hong Kong has now in place a series of relevant legislation governing criminal offences, including the Offences Against the Person Ordinance. This Ordinance applies to both psychological and physical abuses, not just physical abuse. Under this Ordinance, a person who abuses others psychologically commits an offence. The most important point is whether the case is supported by evidence. Hence, we must ascertain

the facts of the case. In this respect, we will closely liaise with the police on each case. When handling domestic violence cases, we will closely co-operate with the police at the district level. Integrated Family Service Centres are set up in various districts to respond to the needs of individuals or families in the service boundaries, and the "serious case units" will also co-operate with dedicated terms in various police regions to handle these cases.

**PRESIDENT** (in Cantonese): Fourth question.

### **Redevelopment of Public Housing Estates**

4. **MR FREDERICK FUNG** (in Cantonese): *President, the Chief Executive stated in his 2011-2012 Policy Address that the Government needed to explore ways to appropriately increase the densities and plot ratios of public housing estate (PHE) projects without compromising the living environment in order to increase the supply of public housing. The Housing Department (HD) indicated in the middle of last month that having considered the build-back potential of the aged portion of Pak Tin Estate in Sham Shui Po, the Hong Kong Housing Authority (HA) had approved the redevelopment of eight residential blocks and a commercial centre which were the older portion of Pak Tin Estate. In this connection, will the Government inform this Council:*

- (a) *of the criteria adopted by the authorities at present for deciding to initiate the redevelopment of old PHEs; whether such criteria include factors such as the structural conditions of the buildings, the wishes of the residents in the districts, plot ratios which have not been fully utilized and those which can be increased as well as the maintenance costs required; and the weightings assigned to various factors; regarding the newly-developed sites for future public housing, of the criteria adopted and the procedures which need to be followed by the authorities for increasing the densities and plot ratios of public housing;*
- (b) *whether the wishes of the residents of the district have been taken into account in initiating the redevelopment of Pak Tin Estate; if so, of the process for consulting the residents and gauging their views as*

*well as the recommendations finally adopted; whether the quality of the living environment and densities of the estates upon redevelopment have been considered; the existing and permitted maximum plot ratios of such lots; whether the redevelopment only involves land where the plot ratios have not been fully utilized; if so, why it does not consider further increasing the plot ratios of such lots to provide more public housing flats; and*

- (c) *of a list of the various existing old PHEs with potential redevelopment values, together with the age of such estates, the existing plot ratios and the plot ratios which may be fully utilized, and set out the information in table form; which old PHEs the authorities are planning or will consider to redevelop and whether they will consult the residents in the districts as soon as possible; whether they have assessed how the redevelopment of old PHEs will facilitate the increase in the supply of public housing in future?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese):

President, the Government aims to provide public rental housing (PRH) for low-income families who cannot afford private rental accommodation through the HA. The target is to maintain the average waiting time for General Waiting List applicants at around three years. According to the current five-year rolling Public Housing Construction Programme of the HA, the anticipated new PRH production during the five-year period starting from 2011-2012 is about 75 000 flats, averaging about 15 000 flats per year. To provide a steady and adequate supply of land for PRH so as to meet our flat production target, the Government stated in the 2011-2012 Policy Address that it will open up new sites and explore ways to appropriately increase the densities and plot ratios of PRH projects without compromising the living environment in order to achieve the PRH production target.

In 2011, the HA had approved the "Refined Policy on Redevelopment of Aged Public Rental Housing Estates" to refine the policy relating to the redevelopment of aged PRH estates. It is state that apart from applying the two-pillar criteria of structural safety and economic repair when considering the clearance and redevelopment of aged PRH estates under the Comprehensive Structural Investigation Programme (CSIP), the HA will in future also examine

the build-back potential of aged PRH estates bearing in mind the availability of suitable rehousing resources, so as to strike a balance between sustainability of existing buildings and the redevelopment potential of older estates.

My reply to the three-part question raised by the Mr FUNG is as follows.

- (a) As I have just mentioned, in order to be in line with the refined policy on redevelopment, the HA would apply the criteria of structural safety and economic repair for consideration of redevelopment of aged estates under the result of CSIP, examine the build-back potential of aged PRH estates and the availability of suitable rehousing resources so as to strike a balance between the sustainability of existing buildings and the redevelopment potential of older estates.

Under the current CSIP, the HA will examine and assess the structural safety of its aged estates including the gathering of test samples from existing buildings to assess the concrete strength and the anticipated ageing of steel reinforcement for the coming 15 years in order to ascertain the extent of maintenance and repair works required and the associated repair costs.

For Pak Tin Estate, we have conducted a basket of detailed studies which include various technical and environmental impact assessments, master planning for the district, urban design and the development intensity, and so on. We have also discussed with relevant bureaux and government departments in relation to the community, welfare, transport and educational facilities in the districts.

On the consideration of the build-back potential of the aged PRH estates and the availability of suitable rehousing resources, the older portion of Pak Tin Estate consists of 3 500 PRH units in eight residential buildings. Upon completion of the redevelopment, it would provide some 5 650 units, representing a substantial gain of about 2 150 units when compared to the number of flats before redevelopment. The newly completed PRH flats available in the nearby Shek Kip Mei Estate Phases 2 and 5 will serve as the primary

rehousing resources for the first batch of affected tenants of Pak Tin Estate. The existing vacant primary school will also be demolished and included in the redevelopment. Having considered the above, the HA's Strategic Planning Committee approved in January 2012 the preliminary master plan for the phased clearance and redevelopment of Pak Tin Estate.

In the planning for the new PRH sites, the HA will comply with the relevant prevailing statutory regulations, and conduct various technical studies such as environmental, traffic, air ventilation and visual assessments. The HA will also liaise with concerned bureaux and government departments with an aim to optimizing the development potential of each site without compromising the environmental quality. Consideration will also be given to ensure the maximum flat production through relaxing plot ratios and building heights, and so on. For example, as a result of liaison between the HD and the Planning Department, we have successfully relaxed the plot ratio and building height restriction as well as to increase the site area for the PRH developments in Fo Tan and Hung Shui Kiu, thus enabling a total additional production of 4 200 flats. For future PRH developments, the HA will continue to adopt the principle of optimized utilization of land resources so as to build cost-effective and sustainable public housing developments.

- (b) Apart from taking into account the aforementioned four criteria namely structural safety, economic repair, build-back potential and availability of suitable rehousing resources, the HA has also taken into account the local needs when considering the clearance and redevelopment of Pak Tin Estate.

We have always kept abreast of local aspirations and maintained dialogues with Members of local District Councils and residents through the concerned District Councils (DC) and various channels so as to listen to their views. We understand that they are in general supportive to our proposal to redevelop the older portion of Pak Tin Estate. In fact, the HD has held several meetings with the affected residents, resident representatives, commercial tenants and welfare organizations on the preliminary master plan for the phased

clearance and redevelopment of Pak Tin Estate, and has listened to their views and responded to their enquiries. Moreover, we briefed the Panel on Housing of the Legislative Council on the Pak Tin Estate redevelopment proposal in early May 2012, and will brief the Housing Affairs Committee of Sham Shui Po DC to seek Members' views on this proposal. Throughout the process of the redevelopment, we will actively liaise with the concerned DC, concern groups and residents of Pak Tin Estate, and will follow up on their views.

In addition, the HA is working closely with other bureaux and government departments on the relocation, re-provisioning and funding arrangements of the community, social welfare, transport and educational facilities for the redevelopment of Pak Tin Estate. The HA will engage the community when drawing up the master plan for redevelopment.

At present, the plot ratio of the older portion of Pak Tin Estate site is about four. By relaxing the concerned plot ratio to six, there will be a total build-back of about 5 650 PRH flats, representing a net gain of about 2 150 PRH flats when compared with the number of flats before redevelopment.

- (c) As I have just mentioned, according to the "Refined Policy on Redevelopment of Aged Public Rental Housing Estates", in order to increase PRH production through optimizing the valuable land resources, one of the considerations for redevelopment of the aged PRH estates is the build-back potential of the estate upon redevelopment.

The Pak Tin Estate redevelopment proposal is the first redevelopment proposal under the "Refined Policy on Redevelopment of Aged Public Rental Housing Estates". In order to be in line with the refined redevelopment policy, the HA would, in addition to continuing to apply the two-pillar criteria of structural safety and economic repair based on the result of the CSIP for consideration of redevelopment of aged estates in future, examine the case for redevelopment having taken into account the

redevelopment need and build-back potentials of individual aged estates. At present, we are conducting a basket of detailed studies for some individual estates, which include various technical and environmental impact assessments, local master planning, urban design and the development intensity, and so on. We are also discussing with relevant bureaux and government departments in relation to the community, welfare, transport and educational facilities in the districts. Should consensus be reached, we will establish the feasibility of redeveloping individual estates as and when appropriate.

**MR FREDERICK FUNG** (in Cantonese): *President, I would like to put forth an observation and a question, for I can only raise the question upon observation. Regarding the redevelopment of the older portion of Pak Tin Estate, since residents are only given six months for relocation, the business of some shops which fail to adapt to the environment within the short period of time has been affected. Besides, some commercial tenants, who have entered into tenancy agreement for less than six months and have put in several hundred thousand dollars for refurbishment, are requested to vacate now. Similarly, some residents who have recently moved in the estate and have decorated their flats are required to move out again. The proposal is originally well-intentioned — I believe residents would also like to have a better environment after the redevelopment — yet due to the short notice, residents have various concerns. However, in the second paragraph of part (b) of the main reply, the Secretary only stated that she would be willing to listen to their views, without mentioning whether compensation in kind would be provided to affected residents.*

*President, my supplementary question is about the second paragraph of part (a) of the main reply, in which the Secretary mentioned that the Bureau had examined and assessed the structural safety of many aged estates, and the results should be available. Against this background, the Secretary has only stated in the second paragraph of part (c) of the main reply that consideration would be given to the applicability of the rehousing plan for Pat Tin Estate in providing six-month relocation notice to residents to individual estates in future. In the past, the redevelopment of old districts would adopt a revolving approach and spans over five years to make it easier for people to prepare for the change in doing business and accommodation, as well as in their studies and work. Has*



*the Secretary considered making the proposal mentioned in the second paragraph of part (c) an ongoing, long-standing and permanent plan, so that residents can cope with the redevelopment and clearance process of the Bureau?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I would like to thank Mr Frederick FUNG for his opinions. In fact, this is the first time we adopt the "Refined Policy on Redevelopment of Aged Public Rental Housing Estates", and we will definitely listen to views. I now respond to the several questions he put forth just now. First, we understand that some commercial tenants will be affected, and for commercial tenants under fixed term tenancy, an ex gratia allowance equivalent to 15 months' exclusive rent (excluding rates) will be provided. We understand that when the notice period is less than 30 months, a special ex gratia allowance equivalent to three months' exclusive rent will also be granted. Regarding the concern raised by the Member on the adaptability of these commercial tenants, we will try our best to provide assistance to these tenants as far as possible. We may, for instance, assist the rehoused tenants through restricted tender exercises, where tenants may participate if they consider the offer appropriate.

Moreover, for non-commercial tenants, we understand that since the notice period is less than 30 months, we may assist affected tenants by providing them with a special ex gratia allowance of an amount equivalent to the domestic removal allowance. In the next stage, we will consider the experience this time in handling the redevelopment of other PRH estates in future.

For other PRH estates, we will conduct CSIP of a revolving nature and with a time limit. In addition to these considerations, we will take into account a number of important facts, including the comparison of the cost-effectiveness between repair and redevelopment. We will not only examine the structure or the effectiveness, but will also consider two relatively important concerns. First, it is the availability of rehousing resources. In the present case of Pak Tin Estate, since the newly completed Shek Kip Mei Estate is in the vicinity of Pak Tin Estate, the first batch of affected residents may be rehoused there. Upon the redevelopment of Pak Tin Estate, affected residents will be rehoused within the same estate. Hence, rehousing resources is one of the factors for consideration. I think Members would understand that residents do not want to be rehoused far

away. The availability of rehousing resources in the district is thus an important factor for consideration.

Furthermore, we have added build-back potential as another factor for consideration. For estates which CSIP have been completed or will soon be completed, we will have to examine a basket of other factors and discuss with the Policy Bureaux concerned before finalizing the arrangement. Certainly, this will be carried out at an appropriate time. We will definitely, as Member has said, give more time to the residents by notifying them of the arrangement as soon as possible.

**DR PRISCILLA LEUNG** (in Cantonese): *President, the Secretary said earlier that redevelopment was carried out for enhancement purpose, and many residents are looking forward to the redevelopment of the entire Pak Tin Estate. The Secretary also said that tenants will be rehoused in Shek Kip Mei Estate in the vicinity. I have participated in a number of consultation meetings. Last Wednesday, on 9 May, the Secretary gave a reply similar to this one today, stating that affected tenants would be allocated suitable PRH flats. Had she taken part in those consultation meetings, she would have known that the greatest concern of residents was that the flat size of two to three persons units in Shek Kip Mei Estate was smaller than that of the three-person units in Pak Tin Estate. The redevelopment is long-awaited. However, when the authorities suddenly announced the redevelopment project, the residents found that the flat size of the rehousing units is smaller than their existing units. Hence, I hope the Secretary will make a pledge here that the flat size of the PRH units allocated will not be smaller than the current units of tenants in Pak Tin Estate.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, in handling this redevelopment project, we are dealing with some precious public resources, as in the case of handling other housing issues, such as the construction of new PRH flats. We understand that residents of PRH cannot afford rental housing in the private market, so we are obliged to provide them with the resources. Yet, on the other hand, we have to handle the existing resources in a reasonable and fair manner. Therefore, for residents now living in two-person or three-person units, it is impossible for us to allocate them with four-person units instead of two-person units or even larger units in the process of

redevelopment. We should after all follow the existing requirements. For individual households with difficulties, we will definitely handle on a case by case basis. However, in terms of flat allocation, Shek Kip Mei Estate provides some quality new units. When the HA allocate units, it will consider the flat size of the existing units of residents and the facilities, as well as the compliance with the existing requirements and standards. I do not think that the rehousing arrangement of any redevelopment project should undermine the existing standard, or that a separate set of standard should be adopted in flat allocation for tenants.

**PRESIDENT** (in Cantonese): Has your supplementary question not been answered?

**DR PRISCILLA LEUNG** (in Cantonese): *President, the Secretary has not answered my question, since Pak Tin Estate residents are already living in PRH, and the Secretary ensured earlier that the redevelopment plan was for enhancement .....*

**PRESIDENT** (in Cantonese): Please simply repeat the part of supplementary question which has not been answered by the Secretary.

**DR PRISCILLA LEUNG** (in Cantonese): *..... if the flat size provided is smaller, how can there be assurance? The Secretary has said nothing about ..... she is just beating about the bush .....*

**PRESIDENT** (in Cantonese): Dr LEUNG, you do not need to comment on the reply of the Secretary. Secretary, will you respond to the part that the flat size of rehousing units allocated will not be smaller than the existing units of affected residents?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, regarding the flat size of the existing units of individual households, we

can hardly comment on individual cases as the area will be reduced if some family members have moved out. However, for residents living in a two-person unit, we will naturally allocate a two-person unit in rehousing. I believe Dr LEUNG does not want us to allocate a four-person unit to a two-member family so as to give preferential treatment to residents of Pak Tin Estate. I have given a precise reply earlier. As I said, PRH units are precious public resources which must be handled in a fair manner. Moreover, the HA has already laid down the specification about the flat size per person or per household.

**MR CHAN KAM-LAM** (in Cantonese): *President, in part (c) of the main reply, the Secretary said that the HA would conduct some studies on "Refined Policy on Redevelopment of Aged Public Rental Housing Estates". Recently, some Members have conducted surveys to gauge the views of residents in the district about the redevelopment. Honestly, the practice of the authorities has aroused anxieties and fear among local residents. May I know how many estates have been covered by the studies conducted by the Government regarding the refined policy and the results of these studies? Will the Government announce the results of these studies as soon as possible, so as to ease the mind of the public, and residents in certain aged PRH estates will not be distressed by the surveys conducted by certain political parties, worrying when the redevelopment will take place and where they will be rehoused?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I share the view of Mr CHAN Kam-lam. He is right in pointing out that if we have a plan, we should announce it as soon as possible. Pak Tin Estate is the first estate undergoing redevelopment according to the refined policy, and we are carrying out the plans in hand. However, in reply to Mr Frederick FUNG's question earlier, I have pointed out that we cannot simply consider the results of the CSIP, structural safety and economic repair not be the only factors for consideration. In fact, there are two other very important principles, that is, the availability of rehousing resources and build-back potential, particularly the latter one — build-back potential. We must examine the information in hand carefully with the Planning Department to find out if there is room to increase the plot ratio, density and height, and we must examine cautiously the planning parameters and the restrictions of existing planning. Yet, on the whole, we agree with Mr CHAN Kam-lam that information should be

announced as soon as possible to set the mind of the public at ease. We understand this point.

**MR FREDERICK FUNG** (in Cantonese): *President, the Secretary said earlier that compensation had been provided to commercial tenants and residents. That sounds good, such as provision of an additional three-month allowance or double allowance. Yet, in fact, commercial tenants have only got tens of thousand dollars and residents only got several thousand dollars, which is a really a small amount in comparison with the hundreds of thousands spent by commercial tenants and nearly \$100,000 spent by residents in refurbishing their new units.*

*President, I would like to ask the Secretary about the two stages of clearance of Pak Tin Estate. The first stage is the clearance of Pak Tin Estate Phase I and the second stage is the clearance of Phase III. Since the closest blocks between Phase III and Phase I are only less than 20 ft apart, the clearance of that block in Phase I under redevelopment will definitely affect the block in Phase III which is only 20 ft apart. Indeed, has the Secretary considered advancing the redevelopment of the affected Phase III, or at least allow the affected residents to move out if other PRH units are available, so that residents living in Phase III will not be affected during the clearance of Phase I?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): *President, I understand the intention of putting forth this proposal. However, since Shek Kip Mei Estate is the primary rehousing resource at present, and we have to accommodate other applicants waiting for PRH, we consider this the best approach to carry out the clearance in two stages. Residents move out in the first stage will be rehoused in Shek Kip Mei Estate. After the clearance and redevelopment of Pak Tin Estate Phase I, affected residents of Pak Tin Estate of other phases to be moved out for clearance will be rehoused locally in Pak Tin Estate. On this premise, we are willing to examine the possibility of advancing the redevelopment project. On the other hand, we do not want to disturb the social network of residents, so we will by all means provide *in situ* rehousing to residents. Given this restriction, we have to carry out the development in stages. However, we agree that we will definitely speed up this project as far as possible.*

**PRESIDENT** (in Cantonese): This Council has spent more than 22 minutes on this question. Fifth question.

**Appointment of a Non-permanent Resident of Hong Kong as Project Officer of Chief Executive-elect's Office**

5. **MR FRED LI** (in Cantonese): *President, recently, the Chief Executive-elect has appointed Miss Ran CHEN, who has a background of Communist Youth League membership, to the post of Project Officer in the Chief Executive-elect's Office (CEEEO). However, according to the press reports, as Miss CHEN has been residing in Hong Kong for only six years and nine months, she is not a Hong Kong permanent resident. Article 99 of the Basic Law provides that public servants serving in the Government of the Hong Kong Special Administrative Region (SAR) must be permanent residents of the Region and therefore, Miss CHEN is not eligible to join the Civil Service. In this connection, will the Government inform this Council:*

- (a) *whether the Civil Service Bureau has assessed the impact of approving this application on the existing systems of civil servants and non-civil service contract staff; and*
- (b) *whether the authorities will, in response to the queries and objection raised in society at large in respect of such an appointment, re-assess if the appointment procedures and decision are correct, and consider withdrawing the appointment, as well as ensure that all sensitive and important appointments in the future will comply with the existing appointment procedures and requirements?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, my consolidated reply to the two-part question raised by Mr Fred LI is as follows:

The first part of Article 99 of the Basic Law states, (I quote) "Public servants serving in all government departments of the Hong Kong Special Administrative Region must be permanent residents of the Region, except where otherwise provided for in Article 101 of this Law regarding public servants of

foreign nationalities and except for those below a certain rank as prescribed by law." (End of quote).

The second part of Article 101 states, (I quote) "The Government of the Hong Kong Special Administrative Region may also employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments. These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region." (End of quote).

In April this year, the Civil Service Bureau approved an application from the CEEO to create two additional non-civil service Project Officer positions and one additional non-civil service Public Relations Officer position until 30 June this year, to meet the service needs of the CEEO.

In accordance with the existing system, the CEEO applied to the Civil Service Bureau for approval to employ Miss Ran CHEN, a non-permanent resident, to fill one of the Project Officer positions. In its application, the CEEO explained it is not desirable to conduct an open recruitment exercise to identify a suitable candidate to fill the Project Officer position since the opening is for less than three months, since work must start immediately, since the duties involved include policy studies and speech drafting and the appointee must be conversant with the Chief Executive-elect's policy manifesto and its underlying rationale. The CEEO considers Miss Ran CHEN is a qualified candidate for the position because she had worked for the Chief Executive-elect in his Election Campaign Office for more than six months. Having taken into account all the relevant factors, including the operational need of the CEEO, the time constraint, the duties of the Project Officer position, the continuity between these duties and the work involved in formulating the Chief Executive-elect's policy manifesto during his election campaign, as well as Miss Ran CHEN's participation throughout the formulation of the Chief Executive-elect's policy manifesto and the community liaison work she did during the Chief Executive-elect's election campaign, the Civil Service Bureau approved the CEEO's employment of Miss Ran CHEN on non-civil service contract terms and waived the "permanent resident" requirement.

The Civil Service Bureau and the CEEO processed Miss Ran CHEN's appointment in accordance with the existing recruitment requirements. The Civil Service Bureau considers that the said appointment would not have any negative impact or adverse effect on the existing civil service and non-civil service recruitment systems. The Administration will not re-assess its decision on the said appointment or consider rescinding the said appointment.

**MR FRED LI** (in Cantonese): *President, Article 99 of the Basic Law states clearly that public servants employed by the Government must be permanent residents, except for the special exemption granted to public servants of foreign nationalities in Article 101. Article 101 states as follows: "..... may employ British and other foreign nationals as advisers to government departments and, when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments." Will the Secretary tell us, is Miss Ran CHEN an officer of a foreign or British nationality? Or does the position of Project Officer undertaken by her fall under "professional and technical posts"? If not, her employment fails to meet the requirements in the Basic Law.*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, in my main reply I have especially quoted the second part of Article 101, in which there is the clear mention of "outside the Region". We consider that the mention of "outside the Region" in the second part of Article 101 covers Mainland China, Taiwan and Macao.

It is also mentioned in Mr LI's supplementary question that the second part of Article 101 states that the Government, "when required, may recruit qualified candidates from outside the Region to fill professional and technical posts in government departments". However, the Basic Law has not provided the definition of "professional and technical". We consider that since the Basic Law has not set out any particular definition in this regard, "professional and technical posts" should be interpreted at the policy level and with common sense.

According to the interpretation we made at the policy level and with common sense, whether an individual post is "professional and technical" is mainly determined by two factors. The first thing to consider is the job nature of



the post. The second consideration is whether the person undertaking such a post has the professional knowledge, skills and experience required.

In my main reply, I have explained to the Council in detail about the duties of the Project Officer position currently held by Miss Ran CHEN. I have also mentioned that Miss Ran CHEN had undertaken similar duties which entailed continuity in the Chief Executive-elect's Election Campaign Office for a period of time. Therefore, we consider that the employment of Miss Ran CHEN completely satisfies the conditions set out in the second part of Article 101 of the Basic Law.

**PRESIDENT** (in Cantonese): Has your supplementary question not been answered?

**MR FRED LI** (in Cantonese): *President, the Secretary has not answered my supplementary question. I ask clearly whether this position of Project Officer falls under "professional and technical duties". The Secretary should reply with regard to the nature of the position rather than personal qualifications.*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, I think the supplementary reply I made just now has explained quite clearly that we consider the position of Project Officer falls under "professional and technical duties".

**DR MARGARET NG** (in Cantonese): *President, in the reply she made just now, the Secretary has given a very broad interpretation of the second part of Article 101 of the Basic Law, which makes us worry that under such an interpretation given by her, the Chief Executive-elect may recruit a large number of Mainlanders to take up various types of positions. As shown by the Secretary's reply, Article 101 not only refers to foreign nationals but also people outside HKSAR. However, after "..... foreign nationals as advisers to government departments" in this provision, there is actually a comma. The whole sentence is "(and), when required, may (recruit qualified candidates) from outside the Region .....". In other words, what the provision means is that these foreign*

*nationals may be recruited in Hong Kong, but they may also be recruited from places outside Hong Kong.*

*However, if we classify the people into two categories in accordance with the Secretary's interpretation, there will be some problem because "These foreign nationals shall be employed only in their individual capacities and shall be responsible to the government of the Region." In that case, non-foreign nationals recruited abroad will not have to be responsible to the HKSAR Government. For example, if the Chief Executive-elect wishes to employ someone to be exclusively responsible for liaison with the Liaison Office of the Central People's Government in the HKSAR or departments on the Mainland, he can simply interpret the relevant duties broadly as "professional and technical duties" and then recruit a large number of Mainlanders to take up such duties. These people will not have to be responsible to the HKSAR Government. They will only be responsible to the other units.*

*President, my supplementary question is, if the Government adopts such a broad interpretation, how will the Secretary be able to prevent the employment of Mainlanders and non-Hong Kong permanent residents in large numbers to take up a large number of positions (including those of junior-ranking civil servants) in the future?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, I thank Dr NG for her supplementary question. According to our interpretation of the second part of Article 101 of the Basic Law, the first part of this provision focuses on "British and other foreign nationals". Where these British and other foreign nationals come from is not mentioned in the second part of Article 101.

As for the following stipulations provided in the second part of Article 101, I must emphasize that two very important points are included there. The first point is that it carries the words "when required". Hence, the requirement of genuine necessity must be met. The second point is, it is provided that the Government "may recruit (qualified candidates) from outside the Region". If this part also refers to "British and other foreign nationals", there is no need for this part of the provision to use the expression "from outside the Region". Rather, it would continue to state "when required, may recruit the aforesaid British and other foreign nationals". However, this part of the provision in the

Basic Law is not phrased in this way. Instead, it brings out "British and other foreign nationals" in the earlier part and puts forth the requirement of "from outside the Region" in the middle part. This is my first point.

Secondly, Dr NG is worried whether such an interpretation of the second part of Article 101 of the Basic Law will lead to a large number of people from outside the HKSAR who are not foreign nationals joining the SAR Government. We do not see it this way, and we do not have such a worry either, since this provision of the Basic Law carries the words "when required". Apart from this, the provision also explicitly states that candidates recruited from outside the Region shall fill professional and technical posts. Therefore, we do not think that such an interpretation of the second part of Article 101 of the Basic Law will give rise to the consequences which Dr NG is worried about.

**PRESIDENT** (in Cantonese): Has your supplementary question not been answered?

**DR MARGARET NG** (in Cantonese): *The Secretary has not answered, if the meaning of "professional and technical" is interpreted in such a broad way, how can the authorities avoid the employment from the Mainland a large number of low-ranking staff who need not be responsible to the HKSAR Government?*

**PRESIDENT** (in Cantonese): Secretary, could you respond to the point about the excessively broad interpretation raised by the Member?

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, perhaps I really have not made myself clear. As I have just emphasized, the provision carries the words "when required". Thus, there will not be the situation where people can be recruited from outside the HKSAR to fill professional and technical posts at any time. We have to meet the requirement of "when required" provided in the Basic Law. Besides, all public officers serving in government departments and Policy Bureaux need to be responsible to the HKSAR Government.

**MS EMILY LAU** (in Cantonese): *President, the Secretary has exceptionally approved this application. Although she claimed there would not be any influence or impact, it has already caused civil servants and members of the public some worries.*

*The justifications for lodging this application are that the service period is less than three months, and the appointee must be conversant with the Chief Executive-elect LEUNG Chun-ying's policy manifesto and its underlying rationale, so it is not desirable to conduct an open recruitment exercise. Actually, apart from the professional and technical aspects, I believe there are not too many people who can satisfy such a requirement.*

*Besides, the authorities advised that the reason for employing Miss CHEN was her participation throughout the formulation of LEUNG Chun-ying's policy manifesto and the community liaison work she did during his election campaign. If this is the requirement for the position, it will be very difficult to find any suitable candidates, even if open recruitment is launched in the future. The question is, why did the authorities give approval on the basis of these conditions? Speaking of being conversant with the formulation of LEUNG Chun-ying's policy manifesto, community liaison work and having worked in his office for six months, there are really not many people in society who have such qualifications, not to mention whether this is a professional or technical post.*

*Why did the authorities give approval and grant such an exceptional exemption on the basis of the aforesaid conditions? Although the Secretary has claimed that the political background of applicants for these positions need not be considered, Miss CHEN's background of being a member of the Communist Youth League membership has caused great anxieties to many civil servants. Does the Secretary understand their feelings?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): *President, in our recruitment of civil servants or public officers who are non-civil servants, we will not request the applicants to disclose their political background. In our view, we should not do so because we do not wish to have any element of political vetting during the recruitment process. Hence, no matter they are Ms CHAN, Mr WONG or Ms HO, when they apply for a government position, we will not*

inquire their political background nor ask them to disclose it under the present system.

In my main reply I have listed a series of factors considered by the Civil Service Bureau in waiving the permanent resident requirement. Apart from being conversant with the Chief Executive-elect's policy manifesto formulated in his election campaign, which Ms LAU has just emphasized, these factors also include the considerable continuity between this Project Officer's work during the short period of two and a half months from mid-April to the end of June and the work involved in formulating the Chief Executive-elect's policy manifesto during his election campaign.

We have also mentioned that as this Project Officer position will last about two and a half months, we are unable to identify those who can meet the relevant requirements and who are also permanent residents to take up the post through open recruitment, because generally speaking, it takes two to three months to conduct an open recruitment exercise, but the term of this position will end on 30 June.

**MS EMILY LAU** (in Cantonese): *The Secretary has not answered my question.*

**PRESIDENT** (in Cantonese): Which part of your supplementary question has not been answered?

**MS EMILY LAU** (in Cantonese): *I query the authorities' reason for granting approval, that is, her participation throughout the formulation of LEUNG Chun-ying's policy manifesto and the community liaison work she did during his election campaign. If an open recruitment was conducted with such selection criteria, how many people would be eligible to apply for this job?*

**PRESIDENT** (in Cantonese): Ms LAU, the Secretary has already replied.

**MR LAU KONG-WAH** (in Cantonese): *President, the second part of Article 101 of the Basic Law has clearly set out the requirements for two types of people. The second type of people may be recruited from outside the SAR "when required". The crux of the matter obviously lies in two aspects, namely, "when required" and "professional posts".*

*Regarding the two criteria mentioned by the Secretary just now, the explanation is that since there is no such provision in the Basic Law, there was the need to draw up the two criteria in consideration. My question is, were these two criteria formulated only during the examination of this case, or had they been drawn up before; and was there any precedent of appointing someone to the Government in accordance with these criteria?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): *President, the three points which I mentioned just now, namely, "when required", "from outside the Region" and "professional and technical posts", have been the vetting and approval principles applied since 1 July 1997.*

*Since 1 July 1997, we have examined applications made by different departments and Policy Bureaux for approval to employ non-permanent residents to undertake civil service positions and non-civil service positions. All along, we have examined these applications in accordance with the criteria mentioned just now. In the past 15 years, we have approved applications which were considered to be in complete compliance with those three criteria. However, the number of applications approved is very small since we work in strict compliance with the said criteria. Each application has to meet the principles mentioned just now before getting approval.*

**MR IP KWOK-HIM** (in Cantonese): *As a matter of fact, the Secretary has cited in her reply Article 99 of the Basic Law to state that at present, civil servants serving in all government departments must be Hong Kong permanent residents. The Secretary has also mentioned in paragraph four of her main reply that the two additional Project Officer positions and one additional Public Relations Officer position created are non-civil service positions. I would like to ask the other way round. As Miss Ran CHEN currently holds this position, has she*

*become a civil servant? Because as far as I understand, since this is a non-civil service position, even though she holds this position, is she still a non-civil servant?*

**PRESIDENT** (in Cantonese): Actually, the Secretary has already answered this question last week. Secretary, can you repeat it briefly?

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): The President's good memory is admirable.

In short, Miss Ran CHEN is a public servant but not a civil servant. Generally speaking, all people who are appointed to serve in the government departments and Policy Bureaux are called "public servants", but some of them are not employed on civil service terms. Miss Ran CHEN is a public servant but not a civil servant. Moreover, the term of her non-civil service position will end on 30 June. Hence, Miss Ran CHEN's capacity as a public servant will end on 30 June.

**PRESIDENT** (in Cantonese): This Council has spent almost 23 minutes on this question. Last oral question.

### **Measures to Improve Economy and Livelihood of Residents of Tung Chung**

6. **MR LAU KONG-WAH** (in Cantonese): *Some residents of Tung Chung have indicated that after years of development of a new town in North Lantau which centres around Tung Chung, the population there has increased annually, and the residents have been facing problems such as high travelling expenses, high prices of goods and high pressure on their livelihood since they moved into the district, and the situation has not improved over the years. In this connection, will the Government inform this Council:*

- (a) *given that the local infrastructure projects of the Hong Kong-Zhuhai-Macao Bridge (HZMB) will soon commence, how the planning of the airport island in Chek Lap Kok will dovetail with the relevant development so as to achieve the effect of a "bridgehead*

*economy"; of the latest progress of the whole project; whether more commercial and community facilities (for example, parks, shopping malls and hotels, and so on) in Tung Chung are planned so as to attract tourists to the district for consumption, create job opportunities and promote the development of service industries in the district;*

- (b) *given that the SkyPier at the Hong Kong International Airport (HKIA) is now open for use only by transit passengers and provides them with air-to-sea/sea-to-air speedy ferry services to and from the Pearl River Delta (PRD) Region and Macao, whether the authorities will consider afresh making the services at the SkyPier available to Hong Kong residents for direct departure from and arrival at the territory so as to facilitate the flow of people and traffic within the district, stimulate tourism development, and bring convenience to Tung Chung residents; and*
- (c) *given that some Tung Chung residents have indicated that as they rely mainly on the MTR for travelling to other districts but the fare is expensive, and monthly ticket concessions are not offered for the Tung Chung line and, in addition, the MTR will soon increase its fares, the burden on Tung Chung residents, which is already very heavy, will definitely increase further, whether the authorities will request the MTR to offer monthly ticket concessions to Tung Chung residents so as to alleviate the pressure on their livelihood?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese):  
President,

- (a) When we considered the landing points and the location of the HZMB Hong Kong Boundary Crossing Facilities (HKBCF), economic benefits were one of the important considerations.

After considering various related factors, the HKBCF will be located at the northeast of the HKIA. The HKBCF is located at an accessible and favourable geographical location and is in the vicinity of the HKIA. It will accommodate extensively-connected road



sections and link roads for traffic to and from Tuen Mun and North Lantau. Therefore, apart from providing immigration, customs and public transport interchanging facilities, the HKBCF will become a strategic multi-modal transportation hub on the west of Hong Kong. Its traffic and economic benefits will radiate to nearby areas and will significantly boost the economic development capability of these areas.

To give full play to the benefit of the HZMB and HKBCF in facilitating the "bridgehead economy" in the nearby areas, we plan to provide convenient transport services between the HKBCF and the HKIA, Tung Chung, other parts of the Lantau Island and Tuen Mun. These services will encourage travellers coming to Hong Kong through the HZMB to make use of the commercial facilities in these locations (for example, the AsiaWorld-Expo, hotels in the vicinity, shopping malls in Tung Chung and tourist attractions on the Lantau Island, and so on) in order to provide business opportunities to these areas.

On the other hand, the Airport Authority (AA) is conducting a consultancy study on how to further drive commercial development at the airport. The study also assesses the demand and supply of ancillary facilities at and nearby the airport to tie in with the long-term development needs of the airport and facilitate the "bridgehead economy".

As regards the remaining development of Tung Chung, the Civil Engineering and Development Department and the Planning Department commenced a "Planning and Engineering Study on the Remaining Development in Tung Chung" (the Study) early this year to review the planning and development of the remaining area in Tung Chung. The Study will focus on the provision of more land to meet housing needs. It will also explore possible sites for supporting facilities including commercial, retail and services ones. Relevant planning considerations such as environmental protection, transport and housing demands will be taken into account with a view to putting forward the most appropriate development proposal. During the formulation of the development options, the Government

will give due regard to the development of adjacent areas (including HZMB and HKIA) and the economic synergies brought about by the improvement of the entire road network connecting North Lantau.

Meanwhile, in planning and developing Tung Chung New Town, the Government aims to meet the need of Tung Chung residents for community facilities. Adequate land has been reserved for different types of commercial and community facilities, including schools, medical and health facilities, police station, fire station, post office, library, community and recreational facilities as well as open spaces, in accordance with the Hong Kong Planning Standards and Guidelines. Having regard to population growth and land use planning, relevant Policy Bureaux and departments would co-ordinate the planning and implementation of the various community facilities. They would take forward individual developments as far as practicable to cope with the population growth and distribution.

- (b) At present, cross-boundary ferry services are mainly provided at the two cross-boundary ferry terminals (CBFTs) managed by the Government (that is, Hong Kong-Macao Ferry Terminal and the China Ferry Terminal). The maximum daily processing capacities of the two CBFTs is 290 000. In 2011, the total peak daily patronage for these two terminals is only 133 000, accounting for about 46% of the total processing capacities of the CBFTs. We expect that the demand for cross-boundary ferry services would continue to increase steadily before the commissioning of the HZMB in 2016 and the CBFTs managed by the Government would have sufficient capacity to meet the projected increase in patronage.

Apart from the two CBFTs managed by the Government, we rented part of the Tuen Mun ferry pier to a private organization by way of a tenancy agreement for operation of cross-boundary ferry services in 2003. At present, the Tuen Mun Ferry Terminal only provides cross-boundary ferry services between Hong Kong and Macao with a daily patronage of around 1 000.

The main purpose of providing SkyPier service at the HKIA is to provide speedy ferry services for air transit passengers travelling to and from the PRD and Macao.

The existing SkyPier is located within the Airport Restricted Area where customs, immigration and quarantine (CIQ) facilities are not provided. If the SkyPier is to open for use by non-transit passengers, it would require expansion to fit in the necessary facilities and increase the handling capacity of the pier. AA has looked into this and concluded that the provision of CIQ facilities would not increase the usage of the SkyPier services by transit passengers. In addition, the relevant works would incur substantial capital costs and manpower and take two to three years to design and build. The AA therefore has no plan to pursue the proposal.

In fact, the Government has been enhancing the transport connectivity between Hong Kong and the PRD Region through different strategies. Upon the completion of the HZMB, which is being constructed, in 2016, the Western PRD will fall within a three-hour-commuting radius from Hong Kong. It would significantly reduce transportation costs and time for travellers and goods on the road, enabling Hong Kong to fully develop its key role as a regional trade and logistics hub. It is envisaged that HZMB will also benefit various sectors in Hong Kong, such as tourism, finance and commerce. Visitors travelling through the HZMB can conveniently reach the nearby facilities at the airport island as well as tourist attractions in Lantau and Tung Chung, enhancing the business opportunities of the tourism and convention and exhibition industries. Residents in Lantau and Tung Chung could also travel to and from the PRD conveniently.

In view of the aforesaid considerations, in particular that the HZMB will provide another option for cross-boundary travellers between Hong Kong and Macao, and between Hong Kong and cities on the western side of the Pearl River, we consider that it is more prudent to review the need for making available the SkyPier for immigration clearance after the commissioning of the HZMB. However, in case

there is private organization interested in operating cross-boundary ferry service at HKIA, based on the Tuen Mun Ferry Terminal model, for the provision of direct immigration clearance, we could study the feasibility of the proposal.

- (c) The relatively high inflation rate in Hong Kong at the moment has resulted in a heavy financial burden on the local community. The Government understands that members of the public are concerned that the increase of travelling expenses would aggravate their burden of living, particularly to those living in remote districts and frequent commuters of the MTR.

As I have emphasized at various occasions earlier, the Government shares the same concern and expectation of the society. We are of the view that the MTR Corporation Limited (MTRCL) should, apart from considering its commercial operations, give due regard to its corporate social responsibility. While providing safe and efficient railway services, the MTRCL should also strive to help the public reduce fare expenses. In this regard, the Government has had rounds of discussion with the MTRCL on how to deal with this year's fare adjustment in an appropriate manner.

I have urged the MTRCL to reward the additional revenue arising from the fare adjustment to passengers through various effective means, so as to substantively address the needs of various groups of passengers and alleviate their burden of travelling expenses.

Public's views and requests on fare concessions have been well-received by the MTRCL. As far as I know, the MTRCL is actively working on various concession and reward proposals, with a view to making an announcement by the end of May 2012.

**MR LAU KONG-WAH** (in Cantonese): *President, monthly ticket concessions are now available for the East Rail, West Rail and Ma On Shan lines but not for the Tung Chung line, which is charging the highest fare.*

*As the Secretary has stated that the MTRCL is actively working on various concession proposals, I would like to ask the Secretary whether she has proposed introducing monthly tickets for the Tung Chung line, and whether the concession proposals have included the introduction of such monthly tickets?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, in part (c) of my main reply, I have already responded to the point made by Mr LAU Kong-wah in his supplementary question.

Of course, we understand that the increase in travelling expenses and inflation will further increase the burden of people. In regard to this fare adjustment, what I want to say is that we understand its impact on the people, particularly those living in remote districts and ride on the MTR to work every day. We therefore think that the reward proposals to be implemented this time should take care of these two groups of passengers and benefit them as far as possible.

**MR LAU KONG-WAH** (in Cantonese): *The Secretary has not answered me. She only stated that she made a response in the main reply but has not answered my supplementary question. My question is whether the Secretary has proposed introducing monthly tickets for the Tung Chung line, and whether the introduction of such monthly tickets is included in the concession proposals under active consideration?*

**PRESIDENT** (in Cantonese): Secretary, can you make some additional comments on the issue of monthly tickets?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Some members of the public have proposed to us the introduction of monthly tickets for the Tung Chung line, and this proposal is of course one of the options under consideration right now. We have put forward ideas like introducing monthly tickets for commuters and offering them some other reward proposals.

**MS MIRIAM LAU** (in Cantonese): *President, the SkyPier at the Airport is now open for use only by transit passengers. In the main reply, it is stated that the AA has conducted a review and concluded that the provision of CIQ facilities will not increase the usage of the SkyPier services by transit passengers. Yet, the AA has missed the point in this review. It fails to grasp the essence of the proposal in question.*

*In essence, the proposal seeks to open up the SkyPier to both Hong Kong people and overseas visitors for exit and entry, so as to vitalize the entire Lantau Island, including the AsiaWorld-Expo, the Giant Buddha, Disneyland and other tourism facilities on the Island. It enables Mainland tourists to enter Hong Kong through this pier and start their day of joy.*

*Hence, the AA has completely missed this point in its review. Taking into account the needs of the public and the development of local tourism, will the Government conduct a study on its own to look into the potential benefits of providing CIQ facilities at the SkyPier to Hong Kong residents and the tourism industry?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, in the main reply, I have already responded specifically to this so-called core problem mentioned by Ms LAU just now. As a matter of fact, we share her concern, that is, how we should capitalize on this area, particularly the airport island, for the purpose of departure and arrival. People who depart from Hong Kong by sea mainly go to Macao or the PRD Region. Yet, these visitors will not necessarily have to travel by sea in the future. As stated in the main reply, the HZMB will be commissioned in 2016, and it can perform the role as a point for departure and arrival. However, we cannot rule out that some visitors or local people may still want to take the sea route.

Regarding the overall optimization of resources, a more conservative and desirable approach is to reconsider the proposal in light of the situation after the commissioning of the HZMB. At present, the SkyPier has already operated to its full capacity during the peak hours from 8 am to 5 pm. The opening up of the SkyPier is hence easier said than done. Certain expansion works will have

to be conducted and additional manpower deployed before the SkyPier can be opened up for departure and arrival purposes. All these efforts will take about three years, and by then, the HZMB will almost be commissioned.

Therefore, from a functional perspective, we think it is worth waiting till the commissioning of the HZMB; by then we can consider if the SkyPier should be further opened up according to the actual situation at that time. As I have said, opening up the SkyPier does not only involve manpower deployment, but also a series of works.

**MR TAM YIU-CHUNG** (in Cantonese): *President, residents in New Territories West, particularly in the vicinity of Tung Chung, really hope that the authorities can open the SkyPier for use. According to my previous experience in Tuen Mun, people welcomed the opening up of the pier. At that time, in opening the Tuen Mun pier, I did not see great problems in manpower deployment and pier conversion works. Technically, all problems could be solved and tackled. The real problem is the Government's willingness to open up the pier. I think the Government should reconsider the proposal and even if additional resources are required, it is worth doing so.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I understand the view of Mr TAM Yiu-chung but I think we should take note of certain points. First of all, the cross-border ferry services. The current utilization rate of the CBFTs is only 46%. Therefore, before opening up the SkyPier to a further extent, we must consider whether this proposal will allow a proper allocation of resources.

Furthermore, as I have just said, regarding boundary crossing facility, with the commissioning of the HZMB in 2016, the development of the entire Lantau Island will be stimulated. Most importantly, it will bring great convenience to local residents as it takes only half an hour to travel by car from the HKBCF to Macao and 45 minutes to Zhuhai. As so many transportation facilities are available with different choices, we hope that transportation services on the boundary can have more competition. Therefore, we are not brushing aside the

proposal in question. We just think that it is more prudent to consider the proposal after the commissioning of the HZMB.

**MR WONG KWOK-HING** (in Cantonese): *President, the Government has treated residents of Yat Tung Estate unfairly. Ten years ago, many people moved to Yat Tung Estate as they were attracted by the Housing Department's plan, indicating a MTR station in the area after reclamation. Yet, 10 years have passed and the residents are disappointed. There are no minibus service running between the MTR station and Yat Tung Estate, and the MTRCL is unwilling to install MTR Fare Savers at any locations within a 500-metre radius of a MTR station. Moreover, unlike some West Rail stations, Tung Chung Station does not provide any free shuttle bus services to serve residents of Yat Tung Estate. Hence, residents are forced to travel by Lantao Bus to save a few dollars for food.*

*In view of this, I would like to raise a question to the Secretary through the President. As the Secretary is an important member and the Government representative in the Board of the MTRCL, why the Government and the Board do not request the MTRCL to install a MTR Fare Saver for residents of Yat Tung Estate in Tung Chung, so as to ease their burden? If the MTRCL does not agree to this request, it should provide free shuttle bus services for residents to travel between the MTR station and Yat Tung Estate. Alternatively, the Government may allow green or red minibuses to operate this route so as to give the residents an additional choice. Right now, there is no choice. Residents of Yat Tung Estate are forced to pay high fares. I hope that the Secretary can respond to this problem.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): *President, I know that Mr WONG Kwok-hing cares about transportation services and fare levels. We will later request bus companies to offer different interchange discounts when we discuss the extension of their franchises in the provision of franchised bus services. As for the long-term railway development, we are now working on the remaining planning and engineering study in Tung Chung. We will certainly look into the transportation needs as well. For example, we will consider whether or not to extend the existing Tung Chung*



Line. I am aware of the proposed extension of MTR line to Yat Tung Estate mentioned by Mr WONG. However, the relevant site has yet to be reclaimed. If Tung Chung is to be further developed, we may consider conducting reclamation works, such as reclaiming 50 hectares of land in the west or 70 hectares in the southeast. We will then consider if it is possible to extend the MTR line. We will take heed of this issue and consider the possibility of such development in our study.

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

**PRESIDENT** (in Cantonese): Has your supplementary question not been answered?

**MR WONG KWOK-HING** (in Cantonese): *..... Yes. The Secretary has not answered why the MTRCL does not provide MTR Fare Savers or free shuttle bus services. I have asked these two supplementary questions clearly but the Secretary has not responded to them.*

**PRESIDENT** (in Cantonese): Secretary, please answer the questions on MTR Fare Savers and free shuttle bus services.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, we will definitely relay this view to the MTRCL. There have been some criteria for the installation of MTR Fare Savers. Firstly, the proposed installation should be able to help draw patronage for the MTR. Secondly, a Fare Saver has to be installed at a location which is within a radius of about 500 m of a MTR station. If there are suitable locations for the installation, we will be more than willing to ask the MTRCL to give thought to such locations.

**MR PAUL TSE** (in Cantonese): *President, my supplementary question is related to the questions just raised by Mr TAM Yiu-chung and Ms Miriam LAU. After*

*reading paragraphs one and four of part (b) of the Secretary's main reply, I find that there is a mismatch. Why is there a mismatch? In paragraph one of part (b), it is stated that the utilization rate of the CBFTs in Hong Kong, which are the Hong Kong-Macao Ferry Terminal and the China Ferry Terminal, is only 46%. On the contrary, according to paragraph four of part (b), the SkyPier, which is for the use of transit passengers, has almost operated to its full capacity. In this case, will the authorities seriously consider providing additional resources to the SkyPier as it has almost operated to its full capacity? Or will the authorities redeploy resources from other places to this pier?*

*What we care about is not the patronage but the quality. If residents of the New Territories West wish to depart from or enter into Hong Kong through the SkyPier, the authorities should consider providing it with additional facilities to cater this need. President, my supplementary question is: since there is still some time to go before 2016, will the Secretary consider allocating some resources for the immediate provision of additional immigration facilities at the SkyPier so as to enhance service quality and visitor convenience, if the cost so incurred will not be huge and manpower redeployment not difficult?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I have already answered this question. It is not easy to open up the SkyPier because it involves a series of expansion works. In respect of ferry transfer, there are more than 100 ferry sailings each day, almost using up the daily capacity of the SkyPier. Yet, any works to increase its capacity will take about three years to complete. Upon works completion, the HZMB will soon be commissioned as there is only four years left before 2016. Visitors to Macao or the PRD will not have to take a ferry every time. Instead, they may choose among various new and convenient transportation services after the commission of the HZMB. This new infrastructure should be used to its maximum capacity. As for the current proposal, the problem is not only about staff redeployment. It is also about the expansion works and the building of additional berths. Therefore, at this stage, we will not consider opening up the SkyPier.

**PRESIDENT** (in Cantonese): This Council has spent more than 21 minutes on this question. Oral questions end here.

**WRITTEN ANSWERS TO QUESTIONS****Promoting Development of Local Innovative Technology**

7. **DR SAMSON TAM** (in Chinese): *President, some members of the industry have pointed out that the existing procurement policy of the Government does not provide support for local innovative technology products, resulting in local enterprises lacking the experience in using such products which may serve as references, which has not only caused an outflow of technology but has also led to a drain of technology talents of the new generation. In order to change the present business environment in Hong Kong, will the Government inform this Council:*

- (a) *whether it has conducted any study on the provision of incentives to encourage government departments and the commerce and industry sectors to accord priority to using the results of local scientific researches; if it has, of the details; if not, the reasons for that;*
- (b) *whether the authorities have any proactive measure in place to boost the confidence of the domestic market and users in local innovative technology, and whether they will consider setting up a certification scheme similar to that of "Created by Hong Kong", so as to improve the situation of local innovative technology being neglected in Hong Kong; if such measures are in place, of the details; and*
- (c) *apart from providing funds to support the operation of the Research and Development (R&D) Centres set up under the Innovation and Technology Fund (ITF), what specific measures the authorities have put in place at present to assist in the commercialization of R&D results of enterprises so as to promote the development of local innovative technology?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in the absence of Secretary for Commerce and Economic Development) (in Chinese): *President, the SAR Government has been attaching great importance to the development of innovation and technology, and it was designated in 2009 as one of the six industries where Hong Kong enjoys clear advantages.*

It is a long-term investment to develop innovation and technology. Over the past decade, Hong Kong's R&D expenditure has been increasing at an average annual growth rate of about 7%. The R&D expenditure by the public sector (including Government and higher education sectors) has increased at an average annual growth rate of 4.7%, from HK\$5 billion in 2001 to HK\$7.5 billion in 2010, accounting for 57% of the gross R&D expenditure.

My reply to the three parts of the question is as follows:

- (a) As an international business centre, the SAR Government ought to follow an open and fair procurement policy which complies with the tender procedures as clearly set out by the World Trade Organization. We treat all tenderers equally and will not accord any favourable treatment to products on the basis of their country of origin.

Nonetheless, we understand that there is a keen expectation from the research sector for the SAR Government to promote innovation and technology on various fronts, in particular on the trial use of local R&D outcome in the public sector. Such trials would bring social benefits by facilitating real world application of the research deliverables. We have been pro-actively seeking flexible measures over the past two years through consultation with various stakeholders (including the Legislative Council), with the objective of nurturing indigenous innovation and technology.

Following the principles of fairness and openness outlined above, the prevailing Government procurement system puts emphasis on both the price and quality of products, including their usage track record. New products tend to cost more due to various reasons, for example when mass production may not yet be feasible to reduce unit cost. In relation to the usage track record, they do not usually fair well. For these reasons it is difficult for new local R&D products to win in an open tender. In order to promote the use of local R&D products in the public sector, we should explore means to help new products to meet the level of requirements through the ITF, instead of varying the procurement system.

Before early 2011, the ITF would only provide financial support for the completion of the R&D work cumulating in the submission of a report; and any follow-up would not be funded. However, it is very difficult to convince users to adopt such R&D outcomes with confidence simply based on a report. Most of them would like to study the prototypes or samples in more detail, or to compare them with existing products before they feel more confident about the new offers. It would be even more desirable to observe the products in a real world application to enable an accurate assessment of their merits (for example, speed, reaction time, failure rates, and so on).

To this end, we have extended the scope of ITF funding in early 2011 to cover, in addition to R&D work, the production of tools/prototypes/samples and the conduct of trial schemes in the public sector. The public sector includes government departments, public bodies and trade associations, and so on. The funding ceiling for these additional work is capped at 30% of the original R&D project cost. Moreover, the Commissioner for Innovation and Technology may exercise discretion for additional spending under exceptional circumstances (for example, the product developed would bring great benefits to the community).

The above new arrangements are beneficial to various parties:

- (i) For the public sector such as government departments, they can conduct trial use of new technologies at no cost to improve their operations. They also have the benefit of sharing the knowledge and experience of the research experts;
- (ii) For technology developers such as university professors, they can witness real world applications of their R&D outcomes;
- (iii) For companies that have funded the R&D projects, they can collect user feedback in the process of product design and fine-tune research outcomes so that their products can better meet market needs. They can also obtain references for their products from the public sector through the trial, and that the references will be useful for future marketing efforts; and

- (iv) For the general public, they can also benefit from the enhanced service quality and efficiency of the public sector following the adoption of innovative technologies.

Since the launch of the new arrangements in 2011, a large number of projects have been conducted. Some examples include:

- (i) The Hong Kong R&D Centre for Logistics and Supply Chain Management Enabling Technologies has developed an E-lock-enabled tracking platform for the Customs and Excise Department to monitor the movement of the vehicles and ensure cargo security. Trial runs have been conducted at various control points;
- (ii) The Hong Kong Polytechnic University and the Hong Kong Applied Science and Technology Research Institute (ASTRI) have recently conducted R&D on various intelligent home systems and equipment and set up a demonstration centre in Yau Ma Tei with the Hong Kong Housing Society, providing information to enhance the quality of life for the elderly;
- (iii) The Highways Department has been conducting trial use of ASTRI's LED lighting facilities; and
- (iv) The Nano and Advanced Materials Institute has installed a 10kW thin-film silicon solar cell unit on the rooftop of the Tseung Kwan O Hospital as a supplementary source of power.

(b) and (c)

I strongly share the view expressed by a number of Members at different meetings that commercialization of R&D results is vital to technology development. This is also regarded as a priority area in our efforts in promoting innovation and technology development. Apart from the abovementioned arrangements on extending the scope of ITF funding to cover the production of tools/prototypes/samples and the conduct of trial schemes in the public sector, other initiatives include:

- (i) Encouraging the R&D Centres to set up dedicated teams on the commercialization of research outcomes;
- (ii) The Innovation and Technology Commission organizing various networking events to bring together representatives from the Government, industry, academic and research sectors to discuss their need in relations to R&D and commercialization activities under different technology areas, so as to identify and devise R&D projects for collaboration;
- (iii) In order to support the R&D activities of technology-based small and medium enterprises (SMEs), the Administration has launched the Small Entrepreneur Research Assistance Programme (SERAP) to provide SMEs with funding in the form of a matching grant to encourage them to undertake R&D and promote commercialization of deliverables. To enhance the effectiveness of SERAP, we have since April increased the funding ceiling for each project from \$4 million to \$6 million and expanded the funding scope to facilitate commercialization, including industrial designs, testing and certification of prototypes, pre-clinical trials, and so on; and
- (iv) The Hong Kong Science Park also provides technology start-ups with a comprehensive incubation programme comprising consultancy services in training, business, legal and fund-raising, and so on, to facilitate technopreneurship development.

### **Barrier Free Access and Facilities for Persons with Disabilities in Public Hospitals and Clinics**

8. **MR ALBERT HO** (in Chinese): *President, regarding barrier free access and facilities in hospitals and clinics under the Hospital Authority (HA), will the Government inform this Council:*

- (a) *given that the Disability Discrimination Ordinance (Cap. 487) stipulates that unless there is unjustifiable hardship in compliance*

*with the statutory requirements, barrier free access and facilities should be provided for persons with disabilities, but some organizations have pointed out that the Building (Planning) Regulations (Cap. 123F) (the Regulations), Design Manual: Barrier Free Access 1997 and Design Manual: Barrier Free Access 2008 (Design Manual 2008) are not applicable to government premises, whether the authorities will extend the scope of application of the Regulations to require all hospitals and clinics under the HA to provide barrier free access and facilities;*

- (b) given that the HA has been reviewing, studying and exploring the feasibility of improving the environment and facilities of its hospitals and clinics since 2010 with a view to achieving the requirements of the Design Manual 2008, whether it knows the latest results and progress of such efforts; and*
- (c) whether it has comprehensively assessed if the relevant medical facilities in the HA's hospitals and clinics are suitable for persons with disabilities to use; if it has, of the assessment results; if not, whether it will conduct the relevant assessment, and discuss with the concerned groups for the rights of persons with disabilities to understand their needs and make improvement accordingly?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President,

- (a) Under the Disability Discrimination Ordinance (Cap. 487), it is unlawful to discriminate against persons with disabilities in relation to the provision of means of access to any premises that the public is entitled to enter or use. This Ordinance also applies to existing and newly constructed buildings. Like other private facilities, public bodies such as the HA must ensure that their facilities are in compliance with the statutory or design requirements on the provision of barrier free facilities under the Disability Discrimination Ordinance, the Buildings Ordinance (Cap. 123) and the Design Manual. The Equal Opportunities Commission, being the independent statutory body for the enforcement of the Disability Discrimination Ordinance, will follow up complaints about barrier



free facilities, including those against facilities of public institutions. This is to ensure that the premises which will be used and accessed by persons with disabilities in general provide accessible facilities for persons with disabilities in a non-discriminatory manner. Public views on the access and facilities in the HA's hospitals or clinics can be forwarded to the Public Complaint Management Officer of the HA Head Office or the Patient Relations Officers of various hospitals/institutions.

The HA embraces the spirit of barrier free access and endeavours to create a barrier free environment for persons with disabilities in its hospitals and clinics. All newly constructed facilities and those with major renovation designed and completed after December 2008 have adopted the requirements as set out in the Design Manual 2008. For other existing facilities, the HA is progressively incorporating the requirements while ensuring that disruption to patients and daily services is minimized.

- (b) Since 2010, the HA has been conducting a thorough review to study the feasibility of improving its hospitals and clinics, with a view to achieving the requirements of the Design Manual 2008. This review has been taking place in three phases, with the first phase covering all general out-patient clinics (GOPCs), and the second all acute hospitals with accident and emergency (A&E) services. These two phases have been completed. The HA will complete the third phase of the review, which covers the remaining public hospitals, within 2012.

On barrier free access improvement works, the HA's GOPCs have been given priority in this regard because of their high patient volume in relatively confined floor areas. The HA has completed barrier free access improvement works for 18 GOPCs at a cost of around \$5 million, and similar improvement works will be carried out in 2012-2013 for another 14 clinics at an estimated cost of around \$4 million. The HA plans to complete works of all remaining GOPCs by the end of 2014. As for public hospitals, the HA has completed preliminary assessments on the 16 public hospitals with A&E departments. Barrier free access improvement

works will be arranged for these hospitals according to the situation of individual hospitals without affecting their daily operation. The HA expects that the improvement works of the 16 hospitals will be completed by the end of 2014 and those of the remaining hospitals will be completed by the end of 2016.

- (c) The HA has all along closely monitored the latest international research and development in medical facilities and strived to promote modernization of medical facilities. The HA also updates and replaces medical equipment in its hospitals and clinics regularly to enhance the service quality and ensure that patients are given the most appropriate treatment. The medical facilities used by the HA are suitable for people of varying physical and health conditions and are operated by qualified staff. If necessary, patients will use such equipment under the supervision of the relevant staff. Besides, the HA has been maintaining communication with persons with disabilities and the relevant groups to ensure that the medical services provided can cater for the needs of various patients.

### **Land Exchange Agreements with Representative Organ of Central People's Government**

9. **MR ALAN LEONG** (in Chinese): *President, it has been reported that the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (LOCPG) purchased a vacant site of 11 750 sq ft at 21 Tai Tam Road at a cost of \$167 million in 2007; and if calculated at a plot ratio (PR) of 1.4, the permissible gross floor area would be 16 450 sq ft, translating into an average price of \$10,140 per sq ft of floor space. It has also been reported that an "in-situ land exchange" for LOCPG was approved by the Lands Department (LandsD) in July 2010 to merge an adjacent vacant government lot and a slope with the aforesaid vacant site to form a larger site, adding an area of 2 110 sq ft, and LOCPG thus obtained a bonus gross floor area of about 3 000 sq ft, yet the Government charged LOCPG a land premium (premium) of only \$9,980,000 (that is, the premium per sq ft of the bonus floor area being only about \$3,300). Under the current policy, developers applying to the LandsD for "in-situ land exchanges" are required to meet some criteria (including where the Government land in question is incapable of reasonable separate alienation or development, where it has no foreseeable public use for the Government land concerned, and*

*that the developers are required to pay full market value premium and this results in a financial return to the Government no less favourable than by separate alienation). In this connection, will the Government inform this Council:*

- (a) whether the Government has assessed if the Government land involved in the in-situ land exchange application related to the aforesaid site at Tai Tam Road is incapable of reasonable separate alienation or development and has no foreseeable public use; if the assessment result is in the affirmative, of the details; if the assessment outcome is in the negative, whether the LandsD has violated the in-situ land exchange policy;*
- (b) given that it has been reported that the selling prices of luxurious homes around Tai Tam Road were about \$15,000 per sq ft in 2010, the \$9,980,000 received by the Government from LOCPG as premium was obviously lower than the market value, and there is no resale restriction in the new land lease conditions, how the Government's approval of the aforesaid land exchange arrangement can fulfil the policy requirement that the developers are required to pay full market value premium; of the relevant formula and the details for the calculation of the premium;*
- (c) given that it has been reported that in reply to media enquiries, the Development Bureau pointed out that the relevant land lot and the extension thereto had been approved in 2009 by the Town Planning Board (TPB), which also granted planning permission for the owner to construct a building consisting of a seven-storey residential block and a two-storey ancillary car park on the lot, and that the owner had made an in-situ land exchange application to the LandsD for merging the Government land concerned with the land lot for combined development, so as to implement the planning permission granted in 2009, and the Government had already charged a full market value premium, of the details of the approval and planning permission granted by the TPB in 2009 for the relevant land lot and the extension thereto;*
- (d) of the number of in-situ land exchange applications made by the offices of the Central People's Government in Hong Kong in the past years; among such applications, the number of those approved by*

*the LandsD, and set out in table form the details of all the approved projects (including the land lots, the areas of the Government land involved, the planned uses, as well as the total amount of premiums charged and the methods of calculation); and*

- (e) *of the respective total number of in-situ land exchange applications approved by the LandsD in each of the past five years, and set out in table form the details (including the land lots, the areas of the Government land involved, the planned uses, as well as the total amount of premiums charged and the methods of calculation) of all the approved projects?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the site at 21 Tai Tam Road was granted by the Government in 1949. Subsequently in 1962, the Government granted a small part of the neighbouring Government land to the then owner of the lot. The total area of the lot amounts to about 1 091.6 sq m. The use as stipulated in the lease is "private residential", and there was no restrictions on the gross floor area, number of storey, site coverage (SC) or alienation. According to records at the Land Registry, the lot was the subject of a number of transactions before it was acquired by the LOCPG in November 2007 from the market. Please refer to part (c) of the reply below with regard to the planning application in relation to the lot.

Subsequently, the lot owner submitted to the LandsD an "in-situ land exchange" application to include the relevant Government land into the lot for development for the purpose of implementing the planning permission obtained in 1997 and the Class A amendment obtained in 2009 (referred to altogether as "the planning permissions" hereunder). In July 2010, the LandsD applied additional conditions with reference to the content of the planning permissions to the land exchange documents to be granted to the lot owner in accordance with applicable procedures, including the erection of a block of flats for private residential purposes not exceeding seven storeys and two storeys of ancillary carports. The maximum gross floor area of the block shall not exceed 1 803.2 sq m and the SC shall not exceed 20%. The total area of the lot after the land exchange is 1 288 sq m.

My reply to the various parts of the question is as follows:

- (a) As mentioned in my response to a Member's oral question at the Legislative Council sitting on 4 June 2008, the Government will process applications for "in-situ land exchanges" in order to allow the implementation of the approved plans/schemes within the statutory planning framework whilst upholding the situation of optimization of the use of land. Some criteria have to be fulfilled for such applications, including where the Government land involved in "in-situ land exchanges" is incapable of reasonable separate alienation or development; where it has no foreseeable public use for the Government land concerned; and that the applicants are required to pay full market value premium and this results in a financial return to the Government no less favourable than by separate alienation. The "in-situ land exchange" case of 21 Tai Tam Road was in line with the above criteria.
- (b) In assessing the land premium for the subject land exchange, the professional estate surveyors of the LandsD had, in accordance with the existing land exchange arrangements, assessed the full market value premium reflecting the difference between the land value of the lot under the lease conditions before the land exchange and that after the land exchange. As explained above, as new conditions were imposed in the lease conditions after the land exchange, so the premium was not assessed solely on the basis of additional gross floor area after the land exchange.

As mentioned in my main reply, the lot was acquired by the present lot owner from the market, instead of by a direct land grant to the lot owner concerned for a specific use. There is no restriction before the land exchange with regard to alienation. Taking into consideration the development under the planning permissions, there is no reason to apply restriction on alienation to the conditions of exchange.

- (c) The subject site falls within an area zoned "Residential (Group C)5" on the Tai Tam and Shek O Outline Zoning Plan (OZP). According to the Notes of the OZP, development within the area is subject to a building height (BH) restriction of seven storeys over one storey of

carports or the height of the existing building, whichever is the greater. For development with seven domestic storeys, the maximum PR and SC are restricted to 1.4 and 20% respectively. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR, SC and BH restrictions stated above may be considered by the TPB on application under section 16 of the Town Planning Ordinance.

A planning application for minor relaxation of the BH restriction was approved by the Metro Planning Committee of the TPB in December 1997 (that is, seven domestic storeys resting on one level of carports, one level of ramp and one level of plant rooms cum entrance lobby), subject to the following conditions:

- (i) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB. The relevant submission was made in September 2011;
- (ii) the permission should cease to have effect in December 2000 unless prior to the said date either the permitted development was commenced or this permission was renewed. The relevant building plans for the development were approved by the Building Authority in 1998. According to the TPB Guidelines No. 35B, the proposed development is considered as commenced and the planning permission is still valid.

In December 2009, the Planning Department received a set of building plans circulated by the Buildings Department in respect of a development scheme for seven domestic storeys resting on one level of carports and one level of ramp cum entrance lobby, with a PR and SC of 1.4 and 20% respectively. This development proposal was generally in line with the approved scheme, except with some Class A amendments to the approved scheme which do not require separate approval from the TPB. The set of building plans were approved by the Building Authority in January 2010.

- (d) According to the LandsD's records, there has not been any "in-situ land exchange" application submitted in the capacity of an institution of the Central People's Government in Hong Kong. The land

exchange application in question was made by the LOCPG in its capacity of the owner of a private lot (acquired from the market).

- (e) Regarding the land exchange applications completed by the Government, the relevant land exchange documents are registered at Land Registry and are accessible by the public. Members of the public can also examine the summaries of the relevant cases from the LandsD's website.

### **Village Houses Built on Old Schedule Lots**

10. **MR LAU WONG-FAT** (in Chinese): *President, will the Government inform this Council:*

- (a) *when the authorities started to regulate (including enacting relevant legislation) the buildings built or rebuilt on old schedule lots in the New Territories, together with the relevant details; and*
- (b) *of the details of the regulatory actions taken in the past, including conducting consultation and publicity and education activities, as well as taking enforcement actions (including the respective numbers of verbal or written advice issued and the number of prosecutions instituted), together with a breakdown by year and district?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the Buildings Ordinance (BO) (Cap. 123) governs the planning, design and construction of buildings and the associated works in Hong Kong. When first enacted in 1955, the BO was only applied to "Hong Kong, Aplichau, Kowloon and New Kowloon". Since 1 January 1961, the BO has been applied to the New Territories in the manner provided by the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121).

The reference to "buildings built or rebuilt on old schedule lots in the New Territories" is taken to mean buildings erected on land leased under the Block Government Lease in the New Territories. The use of such leased land should comply with the relevant lease conditions, including the provision that the

property owner should obtain prior approval from the Authority for erection or rebuilding of houses on such land.

My reply to the two-part question is as follows:

- (a) Under the BO, building works may only be carried out after obtaining the prior approval and consent of the Building Authority (BA). However, New Territories village houses which meet the specifications stipulated in the Buildings Ordinance (Application to the New Territories) Ordinance are exempt from specific provisions of the BO and the regulations made under the BO.

The Buildings Ordinance (Application to the New Territories) Ordinance covers all building works carried out in the New Territories on or after 1 January 1961, including reconstruction works. It also clearly prescribes the exemption for New Territories village houses which meet the stated specifications. The Ordinance is applicable to all buildings in the New Territories, irrespective of whether the building is erected on land leased under Block Government Lease.

- (b) Any building works not exempted under the Buildings Ordinance (Application to the New Territories) Ordinance and undertaken without the BA's prior approval and consent are illegal.

The Buildings Department (BD) has all along taken enforcement action against unauthorized building works (UBWs) in village houses. In line with the then prevailing enforcement policy, the BD's past enforcement action had focused on UBWs which constituted obvious hazard or imminent danger to life or property and UBWs in progress. Having regard to the current regulatory regime for control of New Territories village houses, the actual situation on the ground and the views of various parties, and also taking reference from the past experience and strategy in tackling UBWs in urban areas, the Administration announced last year an enhanced enforcement policy *viz*: on the fundamental premise of ensuring building and public safety and in compliance with existing legislation, to enhance enforcement against UBWs in New Territories village houses through categorization of UBWs and



prioritization of enforcement. UBWs will be categorized by reference to the severity of their breach of law and the risks to public safety, which are to be dealt with by adopting corresponding measures. The new enforcement policy has been implemented since 1 April 2012.

On publicity and public education, the BD has all along been active in organizing publicity through advertisements, posters, TV, radio and public transport, to foster public awareness of building safety on the one hand, and to complement the BD's law-enforcement actions on the other. Specifically for publicizing the new enforcement policy and the associated arrangement, the BD launched a series of publicity and public education activities on tackling UBWs in New Territories village houses in November 2011. The publicity activities included direct mailing of promotional pamphlets; Announcements of Public Interest on TV, radio, buses and trains; newspaper supplements; as well as outdoor advertisements and posters. The BD has launched another round of publicity in late March 2012, with emphasis on enhanced enforcement against UBWs in village houses and the implementation of the reporting scheme for UBWs. In addition to the publicity channels mentioned above, the BD has distributed the UBWs report forms, guidelines and promotional pamphlets by direct mailing to New Territories village households to facilitate their reporting. We will continue to monitor the effectiveness of these publicity activities and enhance the publicity programme as necessary.

As mentioned above, the BD does not make any difference in its enforcement action because of the nature of the land lease. The Department therefore does not keep separate statistics on enforcement actions taken against UBWs in newly built or rebuilt houses on land leased under the Block Government Lease in the New Territories. According to record, the numbers of advisory letters and removal orders issued by the BD against UBWs in New Territories village houses, in each of the years from 2007 to 2012 (up to 30 April 2012) as well as broken down by districts, are tabulated below:

| <i>Year</i>              | <i>Number of advisory letters</i> | <i>Number of removal orders</i> |
|--------------------------|-----------------------------------|---------------------------------|
| 2007                     | 158                               | 152                             |
| 2008                     | 424                               | 423                             |
| 2009                     | 291                               | 291                             |
| 2010                     | 305                               | 304                             |
| 2011                     | 390                               | 377                             |
| 2012<br>(up to 30 April) | 45                                | 45                              |
| Total                    | 1 613                             | 1 592                           |

| <i>District</i> | <i>Number of advisory letters</i> | <i>Number of removal orders</i> |
|-----------------|-----------------------------------|---------------------------------|
| Islands         | 20                                | 20                              |
| Kwai Tsing      | 3                                 | 3                               |
| North           | 155                               | 150                             |
| Sai Kung        | 290                               | 288                             |
| Sha Tin         | 93                                | 92                              |
| Tai Po          | 327                               | 324                             |
| Tuen Mun        | 101                               | 100                             |
| Tsuen Wan       | 38                                | 37                              |
| Yuen Long       | 586                               | 578                             |
| Total           | 1 613                             | 1 592                           |

Where an owner fails to comply with the requirements of a removal order by the specified deadline, the BD would normally institute prosecution under section 40(1BA) of the BO against the owner concerned. The numbers of prosecutions instituted by the BD against non-compliant cases and the numbers of convictions in each of the years from 2007 to 2012 (up to 30 April 2012) are listed below:

| <i>Year</i>              | <i>Number of prosecutions</i> | <i>Number of convictions</i> |
|--------------------------|-------------------------------|------------------------------|
| 2007                     | 17                            | 12                           |
| 2008                     | 66                            | 38                           |
| 2009                     | 132                           | 76                           |
| 2010                     | 129                           | 77                           |
| 2011                     | 204                           | 169                          |
| 2012<br>(up to 30 April) | 36                            | 30                           |
| Total                    | 584                           | 402                          |

**Start-up Loan Scheme**

11. **MR CHEUNG MAN-KWONG** (in Chinese): *President, regarding the Start-up Loan Scheme (SLS) implemented since 2001, will the Government inform this Council:*

- (a) *of the institutions which had applied for the loans since the introduction of SLS; the respective loan amounts, annual amounts of loan repayment, interests, outstanding loan amounts and loan repayment due dates in respect of the various institutions being granted the loans; which parties own the ultimate titles to the college premises constructed on such loans and the rights to use them;*
- (b) *whether it knows the respective numbers of places that the various institutions planned to offer in relation to the programmes involved in the loans applied and those places currently provided by them, together with a list of such information broken down by the academic level of the programmes;*
- (c) *whether it knows the respective percentages of the average unit costs of different programmes of the various institutions concerned under SLS and the annual loan repayments of the institutions in the tuition fees charged by the community colleges which offer such programmes;*
- (d) *whether the institutions may change the titles to, the rights to use or the uses of the relevant college premises before or after full repayment of the loans; if they may, whether the relevant changes are subject to the authorities' approval; whether it knows if any institution has already changed or plans to change such titles, rights to use or uses;*
- (e) *whether it knows how the institutions, after extending the loan repayment periods or repaying all the loans, make use of the resources previously used for loan repayment to benefit students (including lowering the levels of tuition fees or charging tuition fees on the principle of cost recovery), in order to relieve students' burden;*

- (f) *given that the original purpose of SLS is to provide loans to institutions offering full-time locally accredited self-financing post-secondary programmes for construction of college premises with a view to promoting the development of post-secondary education, which parties own the titles to the college premises after the institutions have repaid all the loans; whether the owners may sell the college premises; how the authorities prevent the institutions from using the college premises for other activities unrelated to post-secondary education or even for profit-making purpose; and*
- (g) *whether, before full repayment of the loans, the institutions may charge those community colleges using the college premises rent or continue to rent the college premises to the community colleges after full repayment of the loans; if they may, whether it knows the names of the institutions concerned, the justification for making such arrangements, the monthly rents charged and the uses of the rentals received; if not, whether the authorities will take action against those institutions which receive rentals from the community colleges under them, so as to ensure that the institutions will not use the college premises to earn rentals and other income while the students have to bear the relevant rental burden?*

**SECRETARY FOR EDUCATION** (in Chinese): President, SLS was launched in 2001 as part of a basket of measures to support the development of the self-financing post-secondary sector in Hong Kong. SLS provides interest-free loans to non-profit-making post-secondary education providers for purchasing, renting or building campuses to operate full-time accredited post-secondary programmes. Under SLS, short-term loans are offered to institutions for renting premises for two years.

In May 2008, the Finance Committee (FC) of the Legislative Council approved a modification of SLS to permit the offer of loans for enhancing teaching and other ancillary facilities to improve students' learning experience, without requiring the borrowing institutions to provide additional student places. The FC also approved the extension of the loan repayment period under SLS from no more than 10 years to no more than 20 years for existing borrowing institutions with proven financial difficulties, subject to the payment of interest at

the no-gain-no-loss rate after the first 10 years. Institutions applying for an extension of the loan repayment period are required to submit progress reports once every three years. Starting from 2008, institutions granted land sites or vacant school premises under the Land Grant Scheme (LGS) are also required to submit annual progress reports to the Government after the premises come into operation.

(a), (b), (d) and (f)

As at April 2012, the FC had approved 25 loans to 14 institutions, amounting to about \$5,121 million in total. The Secretary for Education had approved under delegated authority a total of seven loan applications amounting to \$69 million in total. Details of start-up loans approved are set out at Annex A.

All premises built, purchased or renovated with a start-up loan, regardless of ownership, should be used to operate self-financing post-secondary programmes during the repayment period in accordance with the development proposal submitted by the institution concerned when applying for the loan. Premises rented with start-up loans are also subject to the same restriction during the two-year rental period. No change of use of the premises is allowed without the prior approval of the Education Bureau. For premises built on land sites granted under LGS, they should be used to operate self-financing post-secondary programmes in accordance with the institution's Education and Site Development Proposals both before and after full repayment of the loan. Applications for change of use of premises will be considered by the Education Bureau on a case-by-case basis. For premises built on land owned by the institution or sponsoring body concerned, they should still be used for the purposes specified in the land lease, such as operation of a post-secondary institution, after the loan is fully repaid.

Out of the 32 loans granted, some were for renting premises. In all these cases, the two-year rental period has expired. In some other cases, the premises have not yet come into operation. Regarding the remaining 17 loans granted, the numbers of school places involved, ownership, authorized users of the premises, and change of

use of the premises approved by the Education Bureau are set out at Annex B. It is worth noting that the 2011-2012 academic year is a gap year between the new and old academic structures, and the school places offered by the institutions in this year may be affected. To date, no institutions granted start-up loans have changed the ownership of their premises.

- (c) The Government does not have data on the average unit costs of self-financing programmes. As we understand, institutions generally operate such programmes on the basis of a balanced budget.

Regarding repayment of loans, institutions often finance campus development projects with the funds or financial reserves of themselves and/or their sponsoring bodies, as well as other donations. SLS provides interest-free loans to alleviate the financial pressure facing post-secondary education providers in meeting their initial start-up costs. Campus developments are long term capital investments. Construction costs and loan repayment are normally amortized over a long period of time. Therefore, loan repayment in a given year is not borne directly by tuition fee income from students in that year. As such, it would not be appropriate to provide the percentages of tuition fees of individual self-financing programmes used by institutions for the repayment of start-up loans.

- (e) Setting the fee levels for self-financing programmes is the internal affair of institutions. As we mentioned in the paper submitted to the Legislative Council Panel on Education on 20 April 2012 (LC Paper No. CB(2)1694/11-12(08)), when setting the fee levels for self-financing programmes, most institutions plan on the basis of a balanced budget and adopt a prudent approach, taking into account a basket of factors, including expected enrolment, similar programmes offered in the society, and affordability of the target group. To cater for possible year-on-year volatility and uncertainties, an adequate level of reserves is critical to serve as a buffer to sustain the healthy operation of the programmes, avoid any financial burden on the institutions concerned or affect the programme quality. Any surpluses in a year will be kept in their reserves and ploughed back

in support of teaching and learning activities, curriculum development, student scholarships, research activities, and the maintenance, replacement and improvement of teaching and learning facilities for the benefit of students.

As regards concerns over the surpluses generated from the self-financing operations of individual institutions funded by the University Grants Committee and the use of such surpluses, the Government has earlier on undertaken to bring them for discussion by the newly established Committee on Self-financing Post-secondary Education and invite the Committee to discuss possible measures to promote transparency and good practices.

- (g) The charging arrangements (including sharing of libraries, recreational and teaching facilities) between a sponsoring body and its institutions are matters between them. As far as those operating premises built/purchased/renovated from vacant school premises are concerned, according to the information provided by sponsoring bodies, there are four loan cases where the sponsoring bodies charge their institutions rent for using such premises. The rent levels, justifications for charging rent, and the use of rent received are set out at Annex C.

## Annex A

List of Loans Approved under SLS  
for Post-secondary Education Providers  
(as at 30 April 2012)

| <i>Loan No.</i> | <i>Borrowing Organization</i>     | <i>School/College Operated</i>                      | <i>Premises</i>  | <i>Loan Amount (\$)</i> | <i>Annual Amount of Loan Repayment (\$)</i> | <i>Outstanding Loan Amount (\$)</i> | <i>Date of Final Repayment</i> |
|-----------------|-----------------------------------|---|--|-------------------------|---|-------------------------------------|--------------------------------|
| 1               | The University of Hong Kong (HKU) | HKU School of Professional and Continuing Education | Renting and renovating commercial premises in Wan Chai       | 35,402,000              | 3,540,200                                   | 3,540,200                           | 1 August 2012                  |
| 2               | HKU*                              | HKU School of Professional and Continuing Education | Purchasing and renovating commercial premises in North Point | 176,124,000             | 4,064,400                                   | 40,644,000                          | 8 March 2022                   |

| <i>Loan No.</i> | <i>Borrowing Organization</i>                | <i>School/College Operated</i>                      | <i>Premises</i>   | <i>Loan Amount (\$)</i> | <i>Annual Amount of Loan Repayment (\$)</i> | <i>Outstanding Loan Amount (\$)</i> | <i>Date of Final Repayment</i> |
|-----------------|--|---|---|-------------------------|---|-------------------------------------|--------------------------------|
| 3               | Hong Kong Baptist University (HKBU)          | School of Continuing Education (SCE), HKBU          | Purchasing and renovating commercial premises in Kowloon Tong           | 86,201,000              | 8,620,100                                   | 8,620,100                           | 14 June 2012                   |
| 4               | The Hong Kong Polytechnic University (PolyU) | Hong Kong Community College                         | Renting and renovating Professional Complex at Hung Hom Campus          | 32,700,000              | 3,270,000                                   | 6,540,000                           | 31 July 2013                   |
| 5               | Lingnan University (LU)                      | The Community College at LU                         | Renting and renovating commercial premises in Tuen Mun and Causeway Bay | 10,597,000              | 1,059,700                                   | 2,119,400                           | 31 July 2013                   |
| 6               | LU*  | The Community College at LU                         | Constructing new buildings in Tuen Mun Main campus                      | 205,735,000             | 6,857,834                                   | 82,293,998                          | 2 April 2024                   |
| 7               | The Hong Kong Institute of Education         | School of Continuing and Professional Education     | Renting and renovating commercial premises in Tai Kok Tsui              | 15,000,000              | 1,500,000                                   | 3,000,000                           | 2 June 2013                    |
| 8               | The Chinese University of Hong Kong (CUHK)   | School of Continuing and Professional Studies, CUHK | Purchasing and renovating commercial premises in Central                | 135,274,000             | 13,527,400                                  | 13,527,400                          | 9 October 2012                 |
| 9               | Caritas — Hong Kong                          | Caritas Bianchi College of Careers                  | Renting and renovating commercial premises at MTR Kowloon Station       | 15,000,000              | 1,500,000                                   | 1,500,000                           | 18 September 2012              |
| 10              | City University of Hong Kong (CityU)         | Community College of City University (CCCU)         | Renting and renovating commercial premises in Kowloon Bay               | 44,756,000              | 4,475,600                                   | 8,951,200                           | 31 July 2013                   |



| <i>Loan No.</i> | <i>Borrowing Organization</i>  | <i>School/College Operated</i>                      | <i>Premises</i>  | <i>Loan Amount (\$)</i> | <i>Annual Amount of Loan Repayment (\$)</i> | <i>Outstanding Loan Amount (\$)</i> | <i>Date of Final Repayment</i> |
|-----------------|--|---|--|-------------------------|---|-------------------------------------|--------------------------------|
| 11              | Vocational Training Council (VTC)  | School of Business and Information Systems          | Constructing new buildings in IVE Tsing Yi Campus                              | 266,400,000             | -   | 0                                   | 7 March 2012                   |
| 12              | International Education and Academic Exchange Foundation Company Limited | Hong Kong Institute of Technology                   | Renting and renovating commercial premises in Cheung Sha Wan and Tsim Sha Tsui | 7,148,000               | 714,800                                     | 714,800                             | 26 February 2013               |
| 13              | Education and Learning Institute (Hong Kong) Limited                     | The Hong Kong Learning Community College            | Renting and renovating commercial premises in Causeway Bay                     | 4,000,000               | -   | 0                                   | 5 September 2005               |
| 14              | HKU*   | HKU School of Professional and Continuing Education | Constructing a new campus in Kowloon Bay                                       | 279,256,000             | 12,411,378                                  | 186,170,666                         | 28 September 2026              |
| 15              | HKBU*  | SCE, HKBU   | Constructing a new campus in Shek Mun, Sha Tin                                 | 359,200,000             | 15,964,445                                  | 239,466,665                         | 2 February 2027                |
| 16              | Caritas — Hong Kong*   | Caritas Bianchi College of Careers                  | Constructing a new campus in TKO Area 73B                                      | 188,000,000             | 9,400,000                                   | 159,800,000                         | 2 January 2029                 |
| 17              | PolyU*   | Hong Kong Community College, and PolyU              | Constructing a new campus in Hung Hom  | 424,714,000             | 21,235,700                                  | 361,006,900                         | 28 November 2028               |
| 18              | CUHK — Tung Wah Group of Hospitals Community College (CUTW)*             | CUHK — CUTW   | Constructing a new campus in Mong Kok  | 346,050,000             | 15,380,000                                  | 230,700,000                         | 3 January 2027                 |
| 19              | PolyU*   | Hong Kong Community College, and PolyU              | Constructing a new campus in West Kowloon                                      | 458,100,000             | 22,905,000                                  | 412,290,000                         | 30 September 2029              |
| 20              | CityU*   | CCCU, and CityU                                     | Constructing new buildings in its Kowloon Tong main campus                     | 599,500,000             | 28,397,369                                  | 454,357,893                         | 9 April 2028                   |

| <i>Loan No.</i> | <i>Borrowing Organization</i>           | <i>School/College Operated</i>                      | <i>Premises</i>   | <i>Loan Amount (\$)</i> | <i>Annual Amount of Loan Repayment (\$)</i> | <i>Outstanding Loan Amount (\$)</i> | <i>Date of Final Repayment</i>            |
|-----------------|---|---|---|-------------------------|---|-------------------------------------|---|
| 21              | Po Leung Kuk (PLK)*                     | HKU SPACE Po Leung Kuk Community College            | Constructing new buildings in its HQ in Causeway Bay                                      | 254,000,000             | 12,700,000                                  | 215,900,000                         | 30 January 2029                           |
| 22              | The Open University of Hong Kong (OUHK) | OUHK  | Constructing new buildings in its Ho Man Tin campus                                       | 120,000,000             | 12,000,000                                  | 84,000,000                          | 3 October 2018                            |
| 23              | HKCT Group Ltd.                         | Hong Kong College of Technology                     | Renting and renovating commercial premises in Hung Hom                                    | 10,875,000              | 1,087,500                                   | 7,612,500                           | 2 July 2018                               |
| 24              | Hang Seng School of Commerce            | Hang Seng Management College                        | Constructing a new building in its Siu Lek Yuen campus                                    | 32,400,000              | 3,240,000                                   | 19,440,000                          | 10 January 2018                           |
| 25              | CUHK                                    | School of Continuing and Professional Studies, CUHK | Renting and renovating commercial premises in Central                                     | 22,743,000              | 2,274,300                                   | 13,645,800                          | 13 November 2017                          |
| 26              | Hong Kong Arts Centre                   | The Hong Kong Art School                            | Renovating the ex-premises of PLK Ho To Shui Hing Primary School in Shau Kei Wan          | 5,500,000               | 550,000                                     | 4,400,000                           | 9 September 2019                          |
| 27              | HKCT Group Ltd.                         | Hong Kong College of Technology                     | Renovating the ex-premises of Ho Fai Primary (sponsored by Sik Sik Yuen) in Ma On Shan    | 29,000,000              | 2,900,000                                   | 26,100,000                          | 16 December 2020                          |
| 28              | HKU                                     | HKU School of Professional and Continuing Education | Renovating the ex-premises of Kwong Yuet Tong Excel Foundation Primary School in Pokfulam | 40,344,000              | 4,034,400                                   | 40,344,000                          | 3 February 2022                           |
| 29              | Chu Hai College of Higher Education     | Chu Hai College of Higher Education                 | Constructing a new campus in Tuen Mun East  | 350,000,000             | 35,000,000                                  | 350,000,000                         | Depends on the date of the final drawdown |
| 30              | OUHK                                    | OUHK  | Constructing a new purpose-built campus in Ho Man Tin                                     | 317,000,000             | 31,700,000                                  | 317,000,000                         | Depends on the date of the final drawdown |

| <i>Loan No.</i> | <i>Borrowing Organization</i>   | <i>School/College Operated</i>    | <i>Premises</i>   | <i>Loan Amount (\$)</i> | <i>Annual Amount of Loan Repayment (\$)</i> | <i>Outstanding Loan Amount (\$)</i> | <i>Date of Final Repayment</i>            |
|-----------------|---|-----------------------------------|---|-------------------------|---|-------------------------------------|---|
| 31              | Hang Seng School of Commerce  | Hang Seng Management College      | Constructing a new purpose-built campus in Siu Lek Yuen | 308,000,000             | 30,800,000                                  | 308,000,000                         | Depends on the date of the final drawdown |
| 32              | International Education and Academic Exchanges Foundation Company Limited | Hong Kong Institute of Technology | Renovating the ex-premises of St. Thomas Primary School | 11,000,000              | 1,100,000                                   | 11,000,000                          | Depends on the date of the final drawdown |
|                 |   |                                   |   | 5,190,019,000           |   |                                     |   |

Note:

- \* Approval has been granted to the institution concerned for extending the loan repayment period from 10 years to 20 years, subject to the payment of interest at the no-gain-no-loss rate after the interest-free period of the first 10 years. As yet, no such loans have reached the end of the 10-year interest-free period.

## Annex B

### Numbers of School Places Involved and Ownership and Authorized Users of Premises Set up with Start-up Loans (Including Operating Premises Built/Purchased/Renovated from Vacant School Premises with Start-up Loans)

| <i>Loan No.</i> | <i>Borrowing Organization</i> | <i>Premises</i>  |                  |   | <i>Loan Amount (\$)</i> | <i>Types of Programmes</i> | <i>Number of Students using the Premises</i>       |                                |
|-----------------|-------------------------------|--|------------------|---|-------------------------|----------------------------|--|--------------------------------|
|                 |                               | <i>Location</i>  | <i>Ownership</i> | <i>Authorized Users</i>                                     |                         |                            | <i>Number of Students Covered by Loan Approved</i> | <i>2011-2012 Academic Year</i> |
| 2               | HKU                           | Purchasing and renovating commercial premises in North Point | HKU              | HKU School of Professional and Continuing Education (SPACE) | 176,124,000             | Postgraduate               | -  | -                              |
| 14              |                               | Constructing a new campus in Kowloon Bay                     |                  |   |                         | 279,256,000                | Undergraduate                                      | -                              |
|                 |                               |  |                  |   |                         | Sub-degree                 | 3 300  | 4 161 <sup>(1)</sup>           |

| Loan No. | Borrowing Organization | Premises  |                     |   | Loan Amount (\$) | Types of Programmes | Number of Students using the Premises       |                         |
|----------|------------------------|---|---------------------|---|------------------|---------------------|---|-------------------------|
|          |                        | Location  | Ownership           | Authorized Users                                    |                  |                     | Number of Students Covered by Loan Approved | 2011-2012 Academic Year |
| 3        | HKBU                   | Purchasing and renovating commercial premises in Kowloon Tong | HKBU                | SCE, HKBU   | 86,201,000       | Postgraduate        | -   | 20 <sup>(2)</sup>       |
|          |                        | Constructing a new campus in Shek Mun, Sha Tin                |                     |   |                  | Undergraduate       | -   | 862 <sup>(2)</sup>      |
| 15       |                        |   |                     | 359,200,000   |                  | Sub-degree          | 3 300                                       | 3 750 <sup>(2)</sup>    |
| 6        | LU                     | Constructing new buildings in Tuen Mun Main campus            | LU                  | The Community College at LU                         | 205,735,000      | Postgraduate        | -   | -                       |
|          |                        |   |                     |   |                  | Undergraduate       | -   | -                       |
|          |                        |   |                     |   |                  | Sub-degree          | 1 200                                       | 3 058 <sup>(3)</sup>    |
| 8        | CUHK                   | Purchasing and renovating commercial premises in Central      | CUHK                | School of Continuing and Professional Studies, CUHK | 135,274,000      | Postgraduate        | -   | -                       |
|          |                        |   |                     |   |                  | Undergraduate       | -   | -                       |
|          |                        |   |                     |   |                  | Sub-degree          | 900   | 854                     |
| 11       | VTC                    | Constructing new buildings in IVE Tsing Yi Campus             | VTC                 | School of Business and Information Systems          | 266,400,000      | Postgraduate        | -   | -                       |
|          |                        |   |                     |   |                  | Undergraduate       | -   | - <sup>(4)</sup>        |
|          |                        |   |                     |   |                  | Sub-degree          | 2 438                                       | 1 655                   |
| 16       | Caritas — Hong Kong    | Constructing a new campus in TKO Area 73B                     | Caritas — Hong Kong | Caritas Bianchi College of Careers                  | 188,000,000      | Postgraduate        | -   | -                       |
|          |                        |   |                     |   |                  | Undergraduate       | -   | 138 <sup>(5)</sup>      |
|          |                        |   |                     |   |                  | Sub-degree          | 1 434                                       | 774                     |
| 17       | PolyU                  | Constructing a new campus Hung Hom                            | PolyU               | Hong Kong Community College and PolyU               | 424,714,000      | Postgraduate        | -   | -                       |
| 19       |                        | Constructing a new campus in West Kowloon                     |                     |   |                  | 458,100,000         | Undergraduate                               | -                       |
|          |                        |   |                     |   |                  | Sub-degree          | 6 600                                       | 7 887                   |

| Loan No. | Borrowing Organization       | Premises   |                                     |   | Loan Amount (\$) | Types of Programmes | Number of Students using the Premises       |                         |
|----------|------------------------------|--|-------------------------------------|---|------------------|---------------------|---|-------------------------|
|          |                              | Location   | Ownership                           | Authorized Users                            |                  |                     | Number of Students Covered by Loan Approved | 2011-2012 Academic Year |
| 18       | CUHK – CUTW                  | Constructing a new campus in Mong Kok  | Tung Wah Group of Hospitals (TWGHs) | CUTW  | 346,050,000      | Postgraduate        | -   | -                       |
|          |                              |  |                                     |   |                  | Undergraduate       | -   | -                       |
|          |                              |  |                                     |   |                  | Sub-degree          | 2 565                                       | 1 227 <sup>(7)</sup>    |
| 20       | CityU                        | Constructing new buildings in its Kowloon Tong main campus                       | CityU                               | Community College of CityU and CityU        | 599,500,000      | Postgraduate        | -   | -                       |
|          |                              |  |                                     |   |                  | Undergraduate       | -   | 1 600 <sup>(8)</sup>    |
|          |                              |  |                                     |   |                  | Sub-degree          | 6 000                                       | 4 400                   |
| 21       | PLK                          | Constructing new buildings in its HQ in Causeway Bay                             | PLK                                 | HKU SPACE Po Leung Kuk Community College    | 254,000,000      | Postgraduate        | -   | -                       |
|          |                              |  |                                     |   |                  | Undergraduate       | -   | -                       |
|          |                              |  |                                     |   |                  | Sub-degree          | 2 000                                       | 2 671                   |
| 22       | OUHK                         | Constructing new buildings in its Ho Man Tin campus                              | OUHK                                | OUHK  | 120,000,000      | Postgraduate        | -   | -                       |
|          |                              |  |                                     |   |                  | Undergraduate       | 1 200                                       | 1 590                   |
|          |                              |  |                                     |   |                  | Sub-degree          | -   | -                       |
| 24       | Hang Seng School of Commerce | Constructing a new building in its Siu Lek Yuen campus                           | Hang Seng School of Commerce        | Hang Seng Management College <sup>(9)</sup> | 32,400,000       | Postgraduate        | -   | -                       |
|          |                              |  |                                     |   |                  | Undergraduate       | -   | -                       |
|          |                              |  |                                     |   |                  | Sub-degree          | 280   | 270                     |
| 26       | Hong Kong Arts Centre        | Renovating the ex-premises of PLK Ho To Shui Hing Primary School in Shau Kei Wan | Government site                     | Hong Kong Art School                        | 5,500,000        | Postgraduate        | -   | -                       |
|          |                              |  |                                     |   |                  | Undergraduate       | -   | -                       |
|          |                              |  |                                     |   |                  | Sub-degree          | 150   | 163                     |

| Loan No. | Borrowing Organization | Premises  |                 |                                 | Loan Amount (\$) | Types of Programmes | Number of Students using the Premises       |                         |
|----------|------------------------|---|-----------------|---------------------------------|------------------|---------------------|---|-------------------------|
|          |                        | Location  | Ownership       | Authorized Users                |                  |                     | Number of Students Covered by Loan Approved | 2011-2012 Academic Year |
| 27       | HKCT Group Limited     | Renovating the ex-premises of Ho Fai Primary School (sponsored by Sik Sik Yuen) in Ma On Shan | Government site | Hong Kong College of Technology | 29,000,000       | Postgraduate        | -   | -                       |
|          |                        |   |                 |                                 |                  | Undergraduate       | -   | -                       |
|          |                        |   |                 |                                 |                  | Sub-degree          | 1 200                                       | 962                     |

## Notes:

- (1) As students of the HKU SPACE attend classes at both the North Point and Kowloon Bay Campuses, this figure is the sum of all students using these two premises.
- (2) As students of the SCE of HKBU attend classes at both the Shek Mun and the Kowloon Tong Campuses, this figure is the sum of all students using these two premises. The loans approved only cover the operation of sub-degree programmes, but the borrowing institution stated when applying for the loans that the Shek Mun Campus would accommodate a small number of undergraduate and postgraduate students.
- (3) Apart from the premises concerned, students of the Community College at LU also use some of LU's facilities and attend classes at other education centres.
- (4) The VTC made early repayment of the loan in March 2012 and intends to accommodate some of the undergraduate students of the Technological and Higher Education Institute of Hong Kong at the premises concerned starting from the 2012-2013 academic year.
- (5) Caritas — Hong Kong obtained approval from the Education Bureau in 2009 to operate other locally-accredited self-financing programmes which meet the land lease conditions using the unoccupied areas of the premises concerned.
- (6) PolyU obtained approval from the Education Bureau in 2009 to operate other locally-accredited self-financing programmes which meet the land lease conditions using the extra construction space of the premises concerned.
- (7) CUTW obtained approval from the Education Bureau in 2007 and 2011 respectively to let the unoccupied areas of the premises concerned to other course operators for operating locally-accredited self-financing programmes which meet the land lease conditions. This figure only includes the number of CUTW students. The CUTW will cease operation from the 2013-2014 academic year. The TWGHs is planning to change the use of the premises to operating the Tung Wah College.
- (8) CityU obtained approval from the Education Bureau in 2012 to operate other locally-accredited self-financing programmes which meet the land lease conditions using some of the areas of the premises concerned.
- (9) Hang Seng School of Commerce obtained support from the Education Bureau in 2011 for operating the Hang Seng Management College in the existing premises. The sub-degree programmes are now offered by the Hang Seng Management College at the academic building.

## Annex C

Information on Estimated Rent Charged to Institutions  
by Borrowing Organizations

| <i>Loan No.</i> | <i>Borrowing Organization</i> | <i>Premises</i>  | <i>Institution paying rent</i>             | <i>Loan Amount (\$)</i> | <i>Estimated rent charged for the 2011-2012 academic year (\$)</i> | <i>Justifications and uses</i>  |
|-----------------|-------------------------------|--|--|-------------------------|--|---|
| 11              | VTC                           | Constructing new buildings in IVE Tsing Yi Campus          | School of Business and Information Systems | 266,400,000             | 6,790,000  | To cover accommodation-related expenses, including public utilities, cleansing, Government rent and rates, repair and maintenance, and so on.   |
| 17              | PolyU                         | Constructing a new campus in Hung Hom                      | Hong Kong Community College                | 424,714,000             | 22,000,000   | Rent is charged on a cost recovery basis to cover the repayment of the start-up loan and additional construction costs.   |
| 19              | PolyU                         | Constructing a new campus in West Kowloon                  | Hong Kong Community College                | 458,100,000             | 27,000,000   | Rent is charged on a cost recovery basis to cover the repayment of the start-up loan and additional construction costs.   |
| 20              | CityU                         | Constructing new buildings in its Kowloon Tong main campus | CCCU                                       | 599,500,000             | 24,000,000   | Rental is charged on a pro-rata basis according to the number of students occupying the new buildings, as well as the net floor area occupied by CCCU for its offices/laboratories, to cover the repayment of the start-up loan and construction costs. |

**Influence of Mainland Buyers on Hong Kong Property Market**

12. **DR DAVID LI:** *President, in reply to my question at the Council meeting of 10 November 2010, the Government advised that there was no breakdown on the number of property transactions by Mainland buyers in the Land Registry (LR)'s record on local property transactions, as a flat buyer does not have to declare such information when registering the transactions with the LR. Yet, it was recently reported in the press that an estate agency had compiled data on the activities of Mainland buyers by observing whether the registered name of the buyer was provided in pinyin. According to the data produced, the total value of transactions involving Mainland buyers reached \$60 billion in 2011. This represented 19.2% of the value of all transactions, which has gone up from 10.8% in 2010. The impact of Mainland buyers was particularly pronounced in the primary market, where such buyers accounted for 39.9% of the value of all transactions in 2011. In this connection, will the Government inform this Council:*

- (a) whether the Government will consider requiring buyers of residential properties to provide more details on their origin so that market participants do not need to derive information on the source of demand in Hong Kong's property market using crude methods; if not, of the reasons for that;*
- (b) given the apparent large number of Mainland buyers in the local property market and especially in the primary market as reported by the media, whether the Government has any reason to believe that a bubble exists in the local property market; and*
- (c) whether the Government has conducted any review of the impact of Mainland buyers' activities in the local property market in recent years and/or the outlook for the coming years; if so, of the conclusion reached?*

**SECRETARY FOR TRANSPORT AND HOUSING:** President,

- (a) and (c)

As a centre for international finance and trade, Hong Kong attracts investments from all over the world. The Government has been



closely monitoring the property market. In this regard, the Government has always paid heed to factors that may impact on the development of the local property market, including local and external economic conditions, global liquidity and interest rates, and so on, and made reference to various statistics and indexes, including residential property prices, transaction volume, supply and demand, affordability of home purchase, speculative activities, mortgage lending, and so on, to assess the overall situation of the property market. Since it has all along been the Government's policy to safeguard the free flow of capital within, into and out of Hong Kong, the Administration has no plan to require buyers of residential property to declare information about their origin. The Administration has also not conducted any study and forecast on the impact on or the outlook of the property market arising from Mainland people purchasing properties in Hong Kong.

- (b) That said, the Government has always been mindful of the ramifications that wild fluctuations in property prices would have on overall macroeconomic and financial stability. Since 2010, the Government has introduced a series of measures along four directions, *viz* increasing land supply, combating speculative activities, enhancing the transparency of the property market, and preventing excessive expansion in mortgage lending, with a view to ensuring the healthy and stable development of the property market.

The various Government efforts have yielded significant results. Nonetheless, as the major advanced economies are likely to maintain an ultra-loose monetary policy for a prolonged period, the resultant low interest rates and abundant liquidity could easily drive the property market to an exuberant state again when the external environment shows even a slight improvement. Accordingly, the Government will stay vigilant to the risk of a property market bubble and introduce further measures when necessary.

### **Statistics on Retired Civil Servants**

13. **MRS REGINA IP** (in Chinese): *President, as stated in a discussion paper provided by the Government to this Council in April this year on the establishment and strength of the Civil Service, there will be a continuous*

*increase in the number of civil servants retiring from the Civil Service in the coming decade, from the annual average of around 3 800 for the five-year period ended 2010-2011 to around 5 200 in the five-year period ending 2015-2016 and around 6 900 in the next five-year period ending 2020-2021. Moreover, no more new appointees are appointed to the Civil Service on permanent and pensionable terms starting from 1 June 2000. Instead, they will enjoy retirement benefits based on the terms under the Mandatory Provident Fund (MPF) scheme or the Civil Servant Provident Fund (CSPF) Scheme. In this connection, will the Government inform this Council of:*

- (a) the respective numbers of those among the 158 444 serving civil servants as at the end of March 2011 who are entitled to retirement benefits based on permanent and pensionable appointment terms and on the terms under the MPF or CSPF schemes;*
- (b) the current number of retired civil servants and judicial officers who are in receipt of pensions from the Government of the Hong Kong Special Administrative Region; and the amount of the Government's average monthly recurrent expenditure on pensions, including lump sum pension gratuities and monthly pension;*
- (c) the numbers of retired civil servants and judicial officers in receipt of a monthly pension in each of the next 10 years as estimated by the Government, together with their rates of increase and the amounts of recurrent expenditure on pensions, as well as the changes in such amounts; and*
- (d) the time, as estimated by the Government, by which the expenditure on pensions and pension obligations will completely come to an end, as no more new recruits are appointed to the Civil Service on permanent and pensionable terms since 1 June 2000?*

**SECRETARY FOR THE CIVIL SERVICE** (in Chinese): President,

- (a) As at 31 March 2011, there were a total of 158 348 civil servants<sup>(1)</sup>, judges and judicial officers (JJOs). Among them, 126 131 were

(1) Including officers of the Independent Commission Against Corruption but excluding locally engaged officers working in the Hong Kong Economic and Trade Offices in the Mainland and overseas.

appointed on pensionable terms<sup>(2)</sup> and 32 217 were appointed on terms under the MPF scheme or the Civil Service Provident Fund Scheme.

- (b) According to the Treasury's records, as at 31 March 2012, there were a total of 103 720 retired civil servants and retired JJOs in receipt of pension payments. According to the approved estimates for the 2012-2013 financial year, the estimated average monthly recurrent expenditure on pensions (including the commuted lump sum pension gratuities and monthly pensions) is \$1,846 million for the said financial year.
- (c) The number of persons in receipt of pension every year and the annual expenditure on pensions are affected by the following factors:
  - (i) the timing of retirement of officers appointed on pensionable terms — For civil servants, the normal retirement age under the Old Pension Scheme<sup>(3)</sup> is 55<sup>(4)</sup>, while that under the New Pension Scheme<sup>(5)</sup> is 60, but civil servants appointed before 1 July 1987 and have opted for the New Pension Scheme may retire between the age of 55 and 60. In the next 10 years, a considerable number of civil servants appointed before 1 July 1987 and have opted for the New Pension Scheme will reach the "permitted retirement age". Their decisions on the timing of retirement will impact on the number of pensioners each year and the annual expenditure on pensions. As regards JJOs, their normal retirement age (depending on the rank) is 60 or 65, but those appointed before 1 July 1987 and have opted for the New Pension Scheme may retire (depending on the rank) between the age of 55 and 60 or between the age of

(2) Refers to the pension schemes provided under the Pensions Ordinance (Cap. 89), the Pension Benefits Ordinance (Cap. 99) and the Pension Benefits (Judicial Officers) Ordinance (Cap. 401).

(3) Refers to the pension scheme provided under the Pensions Ordinance (Cap. 89).

(4) Under the Old Pension Scheme, civil servants having attained the age of 45 may apply for early retirement (for example, on medical, compassionate or personal grounds) in accordance with the Pensions Ordinance and the Civil Service Regulations.

(5) Refers to the pension scheme provided under the Pension Benefits Ordinance (Cap. 99) or that provided under the Pension Benefits (Judicial Officers) Ordinance (Cap. 401).

55 and 65. In the same way, their decisions on the timing of retirement will impact on the number of pensioners each year and the annual expenditure on pensions.

- (ii) the lifespan of retirees — As pension is payable to a retiree on a monthly basis until his death, the lifespan of retirees will also impact on the annual number of pensioners and the expenditure on pensions.
- (iii) the annual pay adjustment for civil servants and JJOs — Under the pension legislation, pension payment is calculated on the basis of an officer's highest annual pensionable emoluments, his length of service and the pension factor under the applicable pension scheme. If there is an upward adjustment in the pay for civil servants and JJOs in a financial year, the pension payment to those officers retiring in that year will change correspondingly, thus affecting the expenditure on pensions in that year and subsequent years.
- (iv) the commutation percentage opted by individual officers under their respective pension schemes — According to the pension schemes provided under the pension legislation, an officer may choose to commute a certain percentage of his pension into a lump sum pension gratuity which will be paid to him upon his retirement. The remaining part of the pension will be payable to the officer on a monthly basis until his death. The decisions by individual officers on their commutation percentage will impact on the annual expenditure on pensions.
- (v) the annual inflation rate — Under the law, the amount of monthly pension payable to a retiree in receipt of pension by the Government shall be adjusted each year in accordance with the Consumer Price Index (A) (if the Index registers an increase). Therefore, the annual inflation rate will impact on the pensions expenditure.

Due to the many variables mentioned above, it is difficult for us to have a full grasp of the number of pensioners each year and the estimated annual expenditure on pensions for the coming decade.

- (d) Civil servants joining the Government on or after 1 June 2000 are no longer appointed on pensionable terms. We estimate that the last batch of civil servants appointed on pensionable terms will retire in 2040 or so, on the assumption that these officers were at the age of 20 when they joined the Government before 1 June 2000 and will retire in 2040 upon reaching the age of 60. The Government has the statutory obligation under the pension legislation to make pension payments to civil servants employed on pensionable terms when they retire and until they die. As regards JJOs, the Judiciary is still allowed to appoint JJOs on pensionable terms at the moment. As such, there is no end-date to the Government's expenditure on pensions and pension liabilities.

### **Application for In-situ Land Exchange Involving Lots at Tai Tam Road**

14. **MR LEE WING-TAT** (in Chinese): *President, it has been reported earlier that when processing an application for in-situ land exchange (land exchange) in 2010, the Lands Department (LandsD) additionally granted the Government land adjoining the lot in question (including the carriageway, the small slope and the green area) at an excessively low land premium (premium) to the Liaison Office of the Central People's Government in Hong Kong Special Administrative Region (LOCPG), and the Buildings Department (BD) also offered a substantial gross floor area (GFA) concession (commonly known as "inflated area"). In this connection, will the Government inform this Council:*

- (a) *of the original site area and the planned use of the site at 21 Tai Tam Road purchased by the LOCPG in 2007; why the authorities approved the aforesaid application for land exchange and allowed the LOCPG to obtain the additional adjoining Government land; the total site area of the lot (including the additional Government land area involved) after the land exchange; whether there is any change in the planned land use of the new lot; whether the whole site may be used for residential development;*
- (b) *of the plot ratio (PR), the permissible building height (BH) and the permissible building area of the lot after the land exchange, as well as the difference between these measurements and those before the*

*land exchange; the amount of premium involved and how it compares with those of the nearby lots at the time of the land exchange; the market price per square foot of the site at 21 Tai Tam Road in 2007 and the market price per square foot of the nearby residential sites in 2010;*

- (c) of the factors considered by the authorities when they approved the application for land exchange at 21 Tai Tam Road;*
- (d) regarding the permissible building area of the lot and the application plan for building construction thereon after the land exchange, of the area exempted by the authorities and the reasons for such exemption; whether premium was involved; if so, of the amount of the premium;*
- (e) whether any additional condition was imposed by the authorities when they approved the aforesaid land exchange application; whether the aforesaid carriageway, small slope and green area have become private land after the land exchange; which party is responsible for the management and maintenance of such land; whether the LOCPG may restrict public use of such carriageway, small slope and green area; whether Government land where carriageways, small slopes and green areas are located had been granted by the Government for private ownership in similar cases in the past;*
- (f) whether any restriction on transfer or use was specified in the land lease for the new lot after the land exchange; and*
- (g) whether the aforesaid land exchange case was subject to the vetting and approval of the Town Planning Board (TPB) due to a change in the planned land use or other reasons; if so, of the decision made by the TPB and whether any additional condition was imposed?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the site at 21 Tai Tam Road was granted by the Government in 1949. Subsequently in 1962, the Government granted a small part of the neighbouring Government land to the

then owner of the lot. The total area of the lot amounts to about 1 091.6 sq m. The use as stipulated in the lease is "private residential", and there was no restrictions on the GFA, number of storey, site coverage (SC) or alienation. According to records at the Land Registry, the lot was the subject of a number of transactions before it was acquired by the LOCPG in November 2007 from the market. Please refer to part (g) of the reply below with regard to the planning application in relation to the lot.

Subsequently, the lot owner submitted to the LandsD a land exchange application to include the relevant Government land into the lot for development for the purpose of implementing the planning permission obtained in 1997 and the Class A amendment obtained in 2009 (referred to altogether as "the planning permissions" hereunder). In July 2010, the LandsD applied additional conditions with reference to the content of the planning permissions to the land exchange documents to be granted to the lot owner in accordance with applicable procedures, including the erection of a block of flats for private residential purposes not exceeding seven storeys and two storeys of ancillary carports. The maximum GFA of the block shall not exceed 1 803.2 sq m and the SC shall not exceed 20%. The total area of the lot after the land exchange is 1 288 sq m.

My reply to the various parts of the question is as follows:

(a) and (b)

Please refer to my main reply on information before and after the land exchange.

In assessing the premium for the subject land exchange, the professional estate surveyors of the LandsD had, in accordance with the existing land exchange arrangements, assessed the full market value premium reflecting the difference between the land value of the lot under the lease conditions before the land exchange and that after the land exchange. As explained above, new conditions were imposed in the lease conditions after the land exchange, so the premium was not assessed solely on the basis of additional GFA after the land exchange.

(c) As mentioned in my response to a Member's oral question at the Legislative Council sitting on 4 June 2008, the Government will

process applications for land exchanges in order to allow the implementation of the approved plans/schemes within the statutory planning framework whilst upholding the situation of optimization of the use of land. Some criteria have to be fulfilled for such applications, including where the Government land involved in land exchanges is incapable of reasonable separate alienation or development; where it has no foreseeable public use for the Government land concerned; and that the applicants are required to pay full market value premium and this results in a financial return to the Government no less favourable than by separate alienation. The land exchange case of 21 Tai Tam Road was in line with the above criteria.

- (d) In processing submissions of building plans, the BD will consider applications for exclusion of floor spaces from GFA calculations in accordance with the Buildings Ordinance, Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers and Joint Practice Notes. In general, the items that may be excluded from GFA calculations mainly comprise carparks, plant rooms, green features and amenity features, and so on.

The BD had implemented a new GFA concessions policy on 1 April 2011. The latest set of building plans for the domestic building at 21 Tai Tam Road was approved in 2010 in accordance with the GFA concession policy prevailing at that time. Details of the GFA concessions are attached at Annex.

The abovementioned GFA concessions were approved in accordance with the provisions of the Buildings Ordinance and the criteria laid down in the then GFA concessions policy. For example, in accepting the area of the carports and the associated driveway which amounts to about 67% of the total GFA concessions to be excluded from GFA calculation, the BD had made reference to the level of provision of car parking spaces set out in the Hong Kong Planning Standards and Guidelines, the design of the carports as well as the advice of the Commissioner for Transport.



In addition, the lot owner, according to building plans approved by the BD, applied to the LandsD under related lease condition to exempt the green balcony facilities of 25 sq m from GFA calculation. The LandsD assessed the premium (about \$1.2 million) in accordance with the LandsD Practice Note and approved the Consent Letter. The relevant LandsD Practice Note could be found in the LandsD's website. The relevant Consent Letter has also been registered in the Land Registry and accessible by public.

- (e) The related lease conditions in details contained in the land exchange were registered in the Land Registry. In general, other than the restrictions as mentioned above, the LandsD has, in accordance with government departments' comments to the application in the aspects of transportation, greening and slope, and so on, incorporated the relevant lease conditions to the land exchange. For example, the lot owner is responsible for a slope at the north west side of the lot, who shall conduct slope works (preventive, compensatory, repair and maintenance, and so on) when required. In addition, the lot owner is required to construct a road at the south east side of the lot and open the same for public use. The concerned slope and road which have been indicated in the lease are still Government lands.
- (f) Please refer to my main reply with regard to development restrictions applied to the conditions of exchange.

As mentioned in my main reply, the lot was acquired by the present lot owner from the market, instead of by a direct land grant to the lot owner concerned for a specific use. There is no restriction before the land exchange with regard to alienation. Taking into consideration the development under the planning permissions, there is no reason to apply restriction on alienation to the conditions of exchange.

- (g) The subject site falls within an area zoned "Residential (Group C)5" on the Tai Tam and Shek O Outline Zoning Plan (OZP). According to the Notes of the OZP, development within the area is subject to a

BH restriction of seven storeys over one storey of carports or the height of the existing building, whichever is the greater. For development with seven domestic storeys, the maximum PR and SC are restricted to 1.4 and 20% respectively. Based on the individual merits of a development or redevelopment proposal, minor relaxation of the PR, SC and BH restrictions stated above may be considered by the TPB on application under section 16 of the Town Planning Ordinance.

A planning application for minor relaxation of the BH restriction was approved by the Metro Planning Committee of the TPB in December 1997 (that is, seven domestic storeys resting on one level of carports, one level of ramp and one level of plant rooms cum entrance lobby), subject to the following conditions:

- (i) the submission and implementation of landscaping proposals to the satisfaction of the Director of Planning or of the TPB. The relevant submission was made in September 2011;
- (ii) the permission should cease to have effect in December 2000 unless prior to the said date either the permitted development was commenced or this permission was renewed. The relevant building plans for the development were approved by the Building Authority in 1998. According to the TPB Guidelines No. 35B, the proposed development is considered as commenced and the planning permission is still valid.

In December 2009, the Planning Department received a set of building plans circulated by the BD in respect of a development scheme for seven domestic storeys resting on one level of carports and one level of ramp cum entrance lobby, with a PR and SC of 1.4 and 20% respectively. This development proposal was generally in line with the approved scheme, except with some Class A amendments to the approved scheme which do not require separate approval from the TPB. The set of building plans were approved by the Building Authority in January 2010.

## GFA concessions granted by the BD

| <i>Items granted with GFA concessions</i>  | <i>GFA concessions granted<br/>(sq m)</i> |
|--|---|
| Carports<br>(Including 23 car parking spaces on 1/F and ramp connecting G/F and 1/F)                               | 855.728                                   |
| Plant room   | 249.441                                   |
| Green feature (Balcony)  | 25  |
| Amenity features and other exempted areas<br>(including recreational facilities and larger lift shafts, and so on) | 145.694                                   |
| Total  | 1 275.863                                 |

### **Support to Children with Disabilities Including Autism and Specific Learning Difficulties**

15. **MR CHEUNG KWOK-CHE** (in Chinese): *President, according to the information provided by the Central Registry for Rehabilitation (CRR) of the Labour and Welfare Bureau, the number of children registrants aged zero to 14 with various types of disabilities, such as intellectual disabilities, hearing or visual impairment and physical disabilities, and so on, had been decreasing over the past 10-odd years, while the number of those with autism increased from 884 in 2001 to 2 593 in 2011, representing approximately a three-fold increase. Moreover, the number of cases receiving the Child Assessment Service (CAS) provided by the Department of Health (DH) increased from 5 574 in 2000 to 26 217 in 2010, representing a five-fold increase. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of children aged zero to 14 and adults with disabilities in the past five years, broken down by type of disabilities (list in table form);*
- (b) *whether the statistics on cases receiving CAS at present include those receiving assessments on autism and dyslexia; if not, whether the authorities will include the statistics on such cases;*

- (c) *of the new services and resources provided since 2010 in the areas of education, social welfare and healthcare to children with hyperactivity disorder and specific learning difficulties; and*
- (d) *of the respective education, social welfare and healthcare services currently provided to children with dyslexia; whether the authorities will enhance the relevant services?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, my reply to Mr CHEUNG Kwok-che's question is as follows:

- (a) and (b)

According to the records of the Labour and Welfare Bureau's CRR, the numbers of CRR Cards that have been issued in the past five years, by type of disabilities and age group (aged zero to 14 and above 14), are listed at Annex 1. According to the records of the DH, the numbers of children diagnosed with developmental disabilities by the CASs in the past five years, by type of disabilities, are listed at Annex 2. These statistics have already covered the number of children with autism and dyslexia. As CAS is provided only to children aged zero to 12, the DH does not have statistics on children in the age group above 12.

- (c) and (d)

The Government strives to provide various services and support for children with special educational needs (SEN), including those with attention deficit/hyperactive disorder (AD/HD) and special learning difficulties (SLD) (for example, dyslexia), in order to develop their potential and help them integrate into society. Details of the relevant medical, education and welfare services are set out below.

#### *Medical Services*

The Child Assessment Centre (the Centre) of the DH provides children with SEN, including those with AD/HD and SLD (for

example, dyslexia), with comprehensive integrated assessment services, and arranges the required rehabilitation services for them. The Centre also provides complementary teaching materials and organizes a range of activities, including talks for parents, workshops and parental training courses, in order to support parents of needy children. For diagnosed cases, the Centre will arrange and co-ordinate the necessary rehabilitation services according to individual needs and family conditions of the children. After preliminary assessment by the Centre, children suffering from AD/HD will be referred to the Paediatrics and Adolescent Medicine or Child and Adolescent Psychiatric Specialist Outpatient Clinics of the Hospital Authority (HA) for further diagnosis and treatment. For children with SEN, they will be referred to receive suitable support services.

The HA has a professional team comprising multi-disciplinary healthcare practitioners to provide needy children with early identification, assessment and treatment. The professional team comprises child psychiatrists, paediatricians, clinical psychologists, nurses, speech therapists and occupational therapists. It provides children diagnosed with autism or AD/HD with a range of treatment and training, with a view to enhancing their ability in language communication, socializing, emotion management, problem solving, learning and speech, and so on. The professional team also provides the parents and carers of needy children with knowledge about these diseases, in order to enhance their understanding of the symptoms and treatment needs. In addition, the HA's professional team maintains close communication with related organizations, such as schools and early training centres, to provide appropriate referrals and support according to the developmental needs of the children. In 2011-2012, 48 additional doctors, nurses and allied health professionals have been provided to the HA's professional team.

#### *Education Services*

With a view to facilitating public sector primary and secondary schools to support their students with SEN, including those with

AD/HD and SLD (for example, dyslexia), the Education Bureau has been providing schools with additional resources, and continued to enhance and develop the professional support and teacher training. Additional resources for schools provided by the Education Bureau include Learning Support Grant, Enhanced Speech Therapy Grant and provision of additional teachers to cater for the needs of the low academic achievers, and so on. The Education Bureau also provides professional support for schools in areas such as assessment and consultation services of educational psychologists, speech therapists and audiologists, development of teaching resources for the use of teachers and parents, and so on. The professional staff of the Education Bureau also pay regular visits to schools to provide professional advice on matters related to the policies and practices on early identification and intervention of students with SEN, teaching strategies, resource deployment and home-school co-operation, and so on. Besides, to enhance the professional competencies of teachers in catering for the needs of students with SEN, the Education Bureau launched the Teacher Professional Development Framework on Integrated Education (Framework) in the 2007-2008 school year, under which systematic professional development courses have been provided. As announced by the Chief Executive in the 2011-2012 Policy Address, the Education Bureau will further extend the School-based Educational Psychology Service to cover all public sector secondary and primary schools by the 2016-2017 school year. Through regular visits to schools, the educational psychologists provide schools with comprehensive professional support services, including assessment and counseling for students, professional development/consultation for teachers, parent education as well as professional advice on the school policies and practices for supporting students with diverse educational needs.

The abovementioned support services cover students with AD/HD and those with SLD. With regard to support services specifically provided for students with these two types of SEN, thematic courses on SLD and AD/HD have been included in the Framework to strengthen teacher training. Furthermore, the Education Bureau has developed localized screening tools and checklists for early identification of at-risk students in collaboration with the

Department of Psychology and Department of Psychiatry of The Chinese University of Hong Kong, thereby facilitating the early identification of students with this type of SEN and their early referral for psychiatric assessment services and medical treatment. Separately, further to the publication of a "Development of Executive Skills Resource Package" for primary school students in the 2009-2010 school year, the Education Bureau is developing a "Coaching Programme on Development of Executive Skills" for school supporting staff, including teachers, school social workers and guidance personnel, thereby enabling them to systematically enhance students' executive skills and ability of self management.

In fact, over the past 10 years, there has been significant development in the educational support for students with SLD in the areas of assessment tools, identification mechanism and support strategies, and so on. For example, the Education Bureau has collaborated with the tertiary institutions to develop the Hong Kong Test of Specific Learning Difficulties in Reading and Writing for Primary School Students (second edition) (2007) and the Hong Kong Test of Specific Learning Difficulties in Reading and Writing for Junior Secondary School Students (second edition) (2012), both with local norms; facilitated all public sector primary schools in Hong Kong to make use of the electronic version of the "Observation Checklist for Teacher" for early identification and intervention of Primary One students with learning difficulties; and developed diversified teaching and remedial resources for use by schools. The latest development is to support schools to apply an evidence-based and widely recognized "Tiered Intervention Model on the Teaching of Chinese Language in Primary Schools" (the Model) to assist students with SLD. At present, more than 80 primary schools are trying out the Model with the support of the Education Bureau's professional staff. It is anticipated that 40 more primary schools will participate in the project in the coming school year.

#### *Welfare Services*

The Social Welfare Department (SWD) provides children with SEN from birth to six years old, including those with AD/HD and SLD

(for example, dyslexia), with early intervention through pre-school rehabilitation services, with a view to enhancing their physical, psychological and social developments, thus improving their opportunities for participating in ordinary schools and daily life activities and helping their family meet their special needs.

The Government has been steadily increasing the pre-school rehabilitation places. Over the past five years, the Government has provided about 1 400 additional places, representing an increase of 30%. At present, there are a total of 6 230 pre-school rehabilitation places. We anticipate that there will be 607 additional places coming on stream in 2012-2013. Furthermore, the Community Care Fund has rolled out an assistance programme on "Training Subsidy for Children who are on the Waiting List of Subvented Pre-school Rehabilitation Services" in December 2011, providing training subsidy for children with rehabilitation needs from low-income families for not more than 12 months. The programme aims at enabling them to receive the necessary services as early as possible to facilitate their learning and development. Moreover, the SWD, through its District Support Centres for Persons with Disabilities, provides one-stop support and training services for adults and children with disabilities living in the district, as well as training/educational courses/talks/workshops, and so on, for their carers so as to enhance their caring ability. In addition, the Parents/Relatives Resource Centre also organizes social and recreational activities for children with disabilities and their carers to facilitate experience sharing and mutual support.

Annex 1

The number of CRR Cards that have been issued in the past five years (2007-2011) by type of disabilities<sup>(1)</sup>

| <i>Type of disabilities</i> | <i>Age</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> |
|-----------------------------|------------|-------------|-------------|-------------|-------------|-------------|
| Hearing impairment          | 0-14       | 301         | 335         | 365         | 401         | 474         |
|                             | > 14       | 5 909       | 6 342       | 6 691       | 6 965       | 7 399       |
|                             | Subtotal   | 6 210       | 6 677       | 7 056       | 7 366       | 7 873       |



| <i>Type of disabilities</i>              | <i>Age</i> | <i>2007</i> | <i>2008</i> | <i>2009</i> | <i>2010</i> | <i>2011</i> |
|--|------------|-------------|-------------|-------------|-------------|-------------|
| Visual impairment                        | 0-14       | 162         | 184         | 195         | 214         | 237         |
|  | > 14       | 2 891       | 3 026       | 3 153       | 3 319       | 3 514       |
|  | Subtotal   | 3 053       | 3 210       | 3 348       | 3 533       | 3 751       |
| Physical disability                      | 0-14       | 461         | 499         | 561         | 597         | 661         |
|  | > 14       | 6 621       | 7 140       | 7 664       | 8 379       | 9 413       |
|  | Subtotal   | 7 082       | 7 639       | 8 225       | 8 976       | 10 074      |
| Speech impairment                        | 0-14       | 657         | 778         | 870         | 1 000       | 1 138       |
|  | > 14       | 3 047       | 3 173       | 3 343       | 3 524       | 3 718       |
|  | Subtotal   | 3 704       | 3 951       | 4 213       | 4 524       | 4 856       |
| Intellectual disability                  | 0-14       | 1 869       | 2 202       | 2 417       | 2 701       | 2 978       |
|  | > 14       | 13 657      | 14 146      | 14 724      | 15 329      | 16 087      |
|  | Subtotal   | 15 526      | 16 348      | 17 141      | 18 030      | 19 065      |
| Mental illness                           | 0-14       | 9           | 10          | 14          | 19          | 22          |
|  | > 14       | 5 945       | 6 695       | 7 378       | 8 800       | 11 388      |
|  | Subtotal   | 5 954       | 6 705       | 7 392       | 8 819       | 11 410      |
| Autism                                   | 0-14       | 1 013       | 1 334       | 1 623       | 2 062       | 2 587       |
|  | > 14       | 1 600       | 1 719       | 1 898       | 2 083       | 2 293       |
|  | Subtotal   | 2 613       | 3 053       | 3 521       | 4 145       | 4 880       |
| Visceral disability/Chronic illness      | 0-14       | 273         | 343         | 389         | 457         | 521         |
|  | > 14       | 9 607       | 10 530      | 11 253      | 12 402      | 13 788      |
|  | Subtotal   | 9 880       | 10 873      | 11 642      | 12 859      | 14 309      |
| Attention Deficit/Hyperactivity Disorder | 0-14       | 9           | 40          | 113         | 271         | 469         |
|  | > 14       | 26          | 33          | 47          | 79          | 135         |
|  | Subtotal   | 35          | 73          | 160         | 350         | 604         |
| Specific learning difficulties           | 0-14       | 4           | 60          | 138         | 273         | 379         |
|  | > 14       | 30          | 47          | 64          | 99          | 165         |
|  | Subtotal   | 34          | 107         | 202         | 372         | 544         |
| Total <sup>(2)</sup>                     |            | 39 480      | 43 011      | 46 268      | 51 158      | 58 265      |

Note:

- (1) The application for CRR Card is voluntary in nature. A significant proportion of persons with disabilities have not applied for CRR Card, and thus, the above figures do not represent the actual total number of persons with disabilities in Hong Kong. Furthermore, these are cumulative figures, rather than the number of CRR Cards issued in that year. The number of deceased CRR Card holders has also been discounted from the total.
- (2) A person with disability may have more than one type of disability. Therefore, the total number of cases would be less than the aggregate sum of the cases of each type of disability.

Children assessed and diagnosed with developmental disability by the  
CASs of the DH in the past five years (2007- 2011)<sup>Note</sup>

| <i>Developmental Disability</i>               | 2007  | 2008  | 2009  | 2010  | 2011  |
|---|-------|-------|-------|-------|-------|
| Language and Speech Delay/Disorders           | 2 410 | 2 014 | 2 340 | 2 493 | 2 647 |
| Borderline Developmental Delay                | 1 563 | 1 437 | 1 664 | 1 930 | 1 891 |
| Attention Deficit/Hyperactivity Disorder      | 1 387 | 1 220 | 1 703 | 2 084 | 2 234 |
| Psychological Difficulties                    | 412   | 313   | 458   | 565   | 565   |
| Developmental Co-ordination Disorder          | 1 181 | 993   | 997   | 1 088 | 978   |
| Developmental Motor delay                     | 563   | 763   | 821   | 785   | 1 041 |
| Dyslexia and Mathematical Learning Difficulty | 977   | 677   | 809   | 710   | 628   |
| Mental Retardation                            | 905   | 1 012 | 1 028 | 1 111 | 1 175 |
| Autistic Spectrum Disorder                    | 887   | 1 023 | 1 452 | 1 790 | 1 607 |
| Cerebral Palsy                                | 61    | 71    | 47    | 64    | 46    |
| Hearing impairment (Moderate to Severe Grade) | 67    | 68    | 83    | 67    | 97    |
| Visual impairment (Moderate to Severe Grade)  | 36    | 41    | 31    | 47    | 30    |

Note:

The figures only reflect cases assessed and diagnosed by the CASs of the DH of that year, but are not cumulative. Furthermore, a child with disabilities may have more than one type of disability.

### Complaints Relating to Online Purchases

16. **MS STARRY LEE** (in Chinese): *President, as pointed out by the Consumer Council, there were a total of 829 complaint cases involving online purchases last year, representing a significant increase of 89% over the figure in 2010; among these complaints, the number of those involving group purchases increased from only two cases in 2010 to 548 last year. Such complaints mainly involved beauty treatments, medical services, dining, cosmetics and fashion products, and so on, and 32% of the cases complained about not being able to receive discount coupons or make advance booking for services after payment,*

*and those concerning dissatisfaction with the quality of goods or services as well as shop closure accounted for 20% and 13% respectively. In this connection, will the Government inform this Council:*

- (a) given that quite a number of group purchase websites contain disclaimers of liabilities for any defect in goods or services, whether it has assessed if such disclaimers have any legal effect; of the assessment result; whether the authorities will study now, in the light of the relevant problem, restrictions should be imposed on the posting of such disclaimers on group purchase web sites;*
- (b) whether the authorities will in the future study in detail the liabilities of the intermediaries vis-à-vis those of the final providers of services/goods in the contracts for online group purchases, so as to clarify their respective liabilities and plug the loopholes in the existing legislation; and*
- (c) whether the existing legislation imposes any restriction (for example, imposing specific regulations on pharmaceutical and food products sold online with a view to safeguarding consumers' safety and health) on the types of goods to be sold online; if so, of the details; if not, whether the authorities will consider amending the legislation, with a view to stepping up efforts in safeguarding the interest of consumers making purchases online?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in the absence of Secretary for Commerce and Economic Development) (in Chinese): President, my reply to the various parts of the question is as follows:

- (a) Existing legislation already imposes controls on contracts relating to consumer transactions. It applies to both traditional face-to-face transactions and online business. The Control of Exemption Clauses Ordinance (Cap. 71) prohibits traders from evading certain types of civil liability by means of contract terms or other means. The Ordinance also regulates exemption clauses that might be incorporated in contracts for the sale of goods to consumers. For instance, section 11 of the Ordinance provides that when a trader is dealing with a consumer, he cannot exclude or restrict, by reference

to any contract term, the liability for breach of obligations arising from section 15, 16 or 17 of the Sale of Goods Ordinance (Cap. 26) (that is, seller's implied undertakings as to conformity of goods with description or sample, or as to their quality or fitness for a particular purpose). The Supply of Services (Implied Terms) Ordinance (Cap. 457) imposes similar requirements on consumer contracts in relation to services. In addition, the Unconscionable Contracts Ordinance (Cap. 458) empowers the court to determine if a contract (or part of it) is unconscionable, and provides for a range of relief measures for aggrieved consumers who enter into unconscionable contracts.

- (b) The liability and role of parties involved in a contract depend on the actual contents of the contract. Aggrieved consumers may lodge claims under the law of contract and/or the common law according to the actual circumstances (including contract terms) of the case concerned. Furthermore, the Trade Descriptions (Unfair Trade Practices) (Amendment) Bill 2012, which has been submitted to this Council for scrutiny, contains provisions which deal with the liability of traders and their agents as well as principal officers of bodies corporate involved. In their investigation, enforcement agencies will take into account all relevant evidence and circumstances and ascertain the liability of persons who are suspected to have engaged in unfair trade practices.
  
- (c) The Toys and Children's Products Safety Ordinance (Cap. 424) and the Consumer Goods Safety Ordinance (Cap. 456) regulate the safety of products available in our market. Pursuant to these two Ordinances, toys, designated children's products and other general consumer goods manufactured in, imported to or supplied in Hong Kong must comply with specified safety requirements or standards. The quality and sale of pharmaceutical and food products are subject to the control of the Public Health and Municipal Services Ordinance (Cap. 132), the Food Safety Ordinance (Cap. 612), the Pharmacy and Poisons Ordinance (Cap. 138), the Antibiotics Ordinance (Cap. 137) and the Dangerous Drugs Ordinance (Cap. 134). These pieces of legislation are applicable to traditional face-to-face sales and online transactions.

Relevant enforcement agencies, including the Customs and Excise Department, the Department of Health and the Centre for Food Safety of the Food and Environmental Hygiene Department, will continue to deploy manpower to patrol the Internet in accordance with actual needs.

**False Fire Alarms Going Off at Hotels**

17. **MR KAM NAI-WAI** (in Chinese): *President, recently, I have received quite a number of complaints alleging that residents in the vicinity of hotels are often disturbed by false fire alarms going off at the hotels. Regarding cases of false fire alarms going off at hotels (including hotels in buildings which are originally designed for hotel purposes (hereinafter referred as "originally-built hotels") and hotels being converted from other types of buildings, for example, commercial buildings and industrial buildings (converted hotels)) in Hong Kong, will the Government inform this Council:*

- (a) *of the respective monthly numbers of false fire alarms went off at hotels in Hong Kong in 2011, broken down by District Council districts (18 districts) in the following table:*

| <i>Monthly numbers of false fire alarms went off at hotels in 2011</i> |                                     |                         |            |                                     |                         |            |                                     |                         |            |
|--|-------------------------------------|-------------------------|------------|-------------------------------------|-------------------------|------------|-------------------------------------|-------------------------|------------|
| <i>Month</i>   | <i>Originally-built hotels</i>      |                         |            | <i>Converted hotels</i>             |                         |            | <i>Total</i>                        |                         |            |
|  | <i>Central and Western District</i> | <i>Sha Tin District</i> | <i>...</i> | <i>Central and Western District</i> | <i>Sha Tin District</i> | <i>...</i> | <i>Central and Western District</i> | <i>Sha Tin District</i> | <i>...</i> |
|  |                                     |                         |            |                                     |                         |            |                                     |                         |            |
|  |                                     |                         |            |                                     |                         |            |                                     |                         |            |
|  |                                     |                         |            |                                     |                         |            |                                     |                         |            |
|  |                                     |                         |            |                                     |                         |            |                                     |                         |            |

- (b) *of the respective monthly numbers of hotels in Hong Kong at which false fire alarms went off in 2011, broken down by the 18 districts in the following table;*

| <i>Monthly numbers of hotels at which<br/>false fire alarms went off in 2011</i> |   |                             |            |   |                             |            |   |                             |            |
|--|---|-----------------------------|------------|---|-----------------------------|------------|---|-----------------------------|------------|
| <i>Month</i>   | <i>Originally-built hotels</i>                  |                             |            | <i>Converted hotels</i>                         |                             |            | <i>Total</i>                                    |                             |            |
|  | <i>Central<br/>and<br/>Western<br/>District</i> | <i>Sha Tin<br/>District</i> | <i>...</i> | <i>Central<br/>and<br/>Western<br/>District</i> | <i>Sha Tin<br/>District</i> | <i>...</i> | <i>Central<br/>and<br/>Western<br/>District</i> | <i>Sha Tin<br/>District</i> | <i>...</i> |
|  |   |                             |            |   |                             |            |   |                             |            |
|  |   |                             |            |   |                             |            |   |                             |            |
|  |   |                             |            |   |                             |            |   |                             |            |
|  |   |                             |            |   |                             |            |   |                             |            |

- (c) *of the names of the hotels at which the highest number of false fire alarms went off within a month in 2011, as well as the major reasons for such false fire alarms, and list the information by "originally-built hotels", "converted hotels" and 18 districts; and*
- (d) *whether the authorities have any pragmatic measure to effectively improve the situation of false fire alarms going off at hotels; if so, of the details; if not, the reasons for that; whether the authorities have any system to monitor false fire alarm cases in all kinds of hotels in Hong Kong; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR SECURITY** (in Chinese): President, my reply to the four parts of the question is as follows:

- (a) and (b)

According to the records of the Fire Services Department (FSD), there were 23 889 calls involving false fire alarms in 2011, and the monthly figures are at Annex. The FSD does not maintain separate statistics on false fire alarms involving hotels or whether those hotels were built for such use originally, and so on.

- (c) As mentioned above, the FSD does not maintain separate statistics as required. Nevertheless, based on the FSD's experience, the causes of false fire alarms mostly involve human factors such as smoke detectors being actuated by smoking of cigarettes. Other causes

include malfunction of the fire alarm system or actuation of smoke detector by high humidity, and so on.

- (d) The Office of the Licensing Authority (OLA) under the Home Affairs Department is responsible for the issue of licences and related enforcement work of guesthouses in accordance with the Hotel and Guesthouse Accommodation Ordinance (Cap. 349). The OLA advises that licensed hotels are required to comply with a number of licensing conditions including the appointment of a registered fire service installation and equipment (FSI) contractor to conduct annual inspection of the FSIs inside their premises, such as fire alarms, to ensure their proper operations. If the OLA finds any FSI defective or that the concerned hotel does not carry out annual inspection according to the requirement, it will take appropriate follow-up action (such as issue warning, and so on). The OLA also conducts inspections on hotels from time to time, including the checking of the proper functioning of the FSIs. Moreover, the OLA also issues letters to hotels from time to time to remind them that they should properly maintain their FSIs and ensure their staff are familiar with the operation of the FSIs.

Apart from the licensing conditions of guesthouses, the Fire Service (Installations and Equipment) Regulations (Cap. 95B) also contain a similar provision which requires the owners of FSI to be responsible for their effective operation. In addition, after the FSD has ascertained that a call is a false fire alarm, it will ask the responsible person at the concerned premise to identify the cause of the false fire alarm and to arrange FSI contractor to inspect and rectify the problem as soon as possible.

Annex

Monthly calls involving false fire alarms in 2011

| <i>Month</i> | <i>Number of calls</i> |
|--------------|------------------------|
| January      | 1 954                  |
| February     | 1 764                  |
| March        | 2 392                  |

| <i>Month</i> | <i>Number of calls</i> |
|--------------|------------------------|
| April        | 1 688                  |
| May          | 2 118                  |
| June         | 2 253                  |
| July         | 2 395                  |
| August       | 1 994                  |
| September    | 1 728                  |
| October      | 1 823                  |
| November     | 1 746                  |
| December     | 2 034                  |
| Total        | 23 889                 |

### **Registered Vegetable Farms on the Mainland Supplying Vegetables to Hong Kong**

18. **MR WONG SING-CHI** (in Chinese): *President, it has been learnt that over 520 registered vegetable farms on the Mainland, which are regulated by Mainland inspection and quarantine authorities, supply vegetables to Hong Kong (Mainland vegetable farms). Moreover, since the Agriculture, Fisheries and Conservation Department (AFCD) and the Vegetable Marketing Organization (VMO) jointly launched the Accredited Farm Scheme (the Scheme) in 1994, over 250 local farms and 37 farms on the Mainland have been accredited under the Scheme (accredited farms). Regarding the monitoring of such farms and the use of pesticides, will the Government inform this Council:*

- (a) *of the current number of Mainland vegetable farms and Mainland accredited farms inspected by the authorities each year and the items inspected;*
- (b) *whether the inspectors are required to submit inspection reports; if so, whether the authorities publish such reports; if so, where the public can have access to and peruse those reports; if the reports are not published, of the reasons for that;*
- (c) *whether the authorities have a list of pesticides against which the vegetables produced by the Mainland vegetable farms are checked; if so, of the names of the pesticides on the list;*



- (d) *whether there is a list of suggested pesticides or prohibited pesticides under the Scheme; whether vegetable farms which are both Mainland vegetable farms and accredited farms should follow Hong Kong's regulations and policies on the use of pesticides or those of the local government; and*
- (e) *given that Hong Kong will soon implement legislation on the regulation of pesticide residues on food, whether the authorities will set the target for reduction in the amount of pesticides (pesticide reduction) and work with the relevant Mainland authorities to carry out the initiatives for pesticide reduction at source and encourage operators of Mainland vegetable farms to reduce the use of pesticides; if they will, of the details; if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, the Government is committed to enhancing food safety through a multi-pronged approach. It adopts the "from farm to table" strategy to safeguard public health by ensuring that food consumed by the public meets safety standards. This includes not only surveillance at the import, wholesale and retail levels, but also proper control at source. In 2011, 21 700 samples of vegetables and fruits were tested by the Centre for Food Safety (CFS) with a satisfaction rate of over 99%. As the Mainland is a major supplier of food to Hong Kong, we have maintained close liaison with the State General Administration of Quality Supervision, Inspection and Quarantine and the respective entry-exit inspection and quarantine bureaux. We also conduct inspections of registered vegetable farms for exportation to Hong Kong on the Mainland regularly to ensure that agricultural products supplied to Hong Kong are wholesome and safe at source.

My reply to the different parts of the question is as follows:

- (a) The Food and Environmental Hygiene Department conducted inspections of 20, 16 and 20 registered vegetable farms for exportation to Hong Kong on the Mainland respectively in 2009, 2010 and 2011. The scope of inspection mainly covers crop production, the application and storage of pesticides and fertilizers, the environment of vegetable farms, field management, water

supplies and quality of soil, testing of produce and management of farms.

The AFCD and the VMO have jointly run the Scheme. The Scheme aims at promoting the adoption of good horticultural practice and environmentally-friendly production. Integrated pest management and the proper and safe use of pesticides are emphasized. Produce of the farms are subjected to regular testing to ensure production of quality vegetables that are safe for consumption, so as to safeguard public health. So far 259 local farms and 37 farms on the Mainland have been accredited under the Scheme.

Regarding accredited farms on the Mainland, the VMO and the Federation of Vegetable Marketing Co-operative Societies Limited, with the technical support from the AFCD, inspect all 37 accredited farms on the Mainland regularly every year. Inspection items include horticultural practice of farms as well as the records of storage and usage of pesticides. In addition, the VMO regularly commissions independent auditors to review the performance of the farms concerned.

- (b) Inspectors are required to submit an inspection report for each visit made. As these reports touch upon business information of the farms concerned, they are not published for public consumption.
- (c) The risk-based Food Surveillance Programme carried out by the CFS each year is drawn up after being scrutinized by the Expert Committee on Food Safety and having regard to the views of experts and stakeholders.

Currently, the types of pesticides commonly tested by the CFS under the Food Surveillance Programme include organophosphorus pesticides, organochlorine pesticides, pyrethroids, carbamates, and so on. As regards accredited farms on the Mainland, the vegetable samples collected from these farms will be sent to the VMO for testing of the same types of pesticides as those under the Food Surveillance Programme. The scope and frequency of testing

conducted by the VMO and CFS will be appropriately adjusted taking into account test results, food incidents around the world, the development and information of the Mainland agricultural sector, and so on.

- (d) Accredited farms on the Mainland are operated in accordance with the regulations and policies of relevant Mainland authorities. Pesticides used must be those which are registered by the Ministry of Agriculture. Produce which have been imported into Hong Kong will be regulated by relevant local legislation on food safety.
- (e) In enacting legislation to regulate pesticide residues in food, the Government has specified in the Schedule of the Pesticide Residues in Food Regulation a list of maximum residue limits (MRLs)/extraneous maximum residue limits (EMRLs), that is, the maximum concentration of specified pesticide residues permitted in specified food commodities. The MRLs/EMRLs in the Schedule are based primarily on the available standards recommended by the Codex Alimentarius Commission, supplemented by related standards of the Mainland and other major food exporting countries to Hong Kong, and taking into consideration the opinions received during the public consultation period. In setting the above standards, the Government has further scrutinized these standards by conducting risk assessment based on local food consumption patterns to ensure that they are adequate to protect public health in Hong Kong.

The MRLs are established by evaluating pesticide residue data in food commodities, provided that pesticide is applied properly. When applying a pesticide, farmers must strictly observe the instructions printed on its label, including the authorized type of food commodities to which the pesticide could be applied, the recommended application rates, frequencies and amount, as well as the duration required between the last application of the pesticide and harvest, and so on. The amount of the pesticide applied should also be limited to the lowest possible level necessary to accomplish its desired effect (that is, for preventing, destroying, repelling or mitigating pests) while ensuring the pesticide residue in food is reduced to the lowest level. In this respect, the promotion of

reduction of pesticide at source has already been part of our daily work.

However, due to the variability of combined effects arising from the nature of crops, climates, pests, and other biological and non-biological factors, it is not scientific or realistic to set a target for pesticide reduction.

### **Pilot Scheme on Community Care Service Voucher for Elderly**

19. **DR PRISCILLA LEUNG** (in Chinese): *President, the Government will launch a four-year pilot scheme on community care service (CCS) voucher for the elderly (pilot scheme) next year to provide direct subsidy for eligible elderly people to choose to receive home care and day care services which suit their needs. In the first phase, participants may choose any service up to a value of \$5,000 per month and the authorities will provide them with a monthly subsidy of \$2,500 to \$4,500. In this connection, will the Government inform this Council:*

- (a) *of the progress of the preparatory work for the pilot scheme; given that services in the first phase will focus on elderly people who have been assessed by the Standardized Care Need Assessment Mechanism for Elderly Services (SCNAMES) of the Social Welfare Department (SWD) as having impairment at moderate level, of the criteria based on which the authorities assess an individual as "having impairment at moderate level"; of the estimated number of eligible elderly people for the first phase;*
- (b) *of the numbers of non-governmental organizations (NGOs) and non-profit-making organizations (including social enterprises) which to date have been invited and agreed to participate in the first phase of the pilot scheme; of the criteria based on which the authorities determine whether or not individual organizations are suitable to participate in the pilot scheme;*
- (c) *given that the authorities have indicated its intention to introduce a case manager approach to the pilot scheme and proposed that in the*

*first phase, case management be undertaken by service providers and a quality monitoring mechanism be established by the authorities to safeguard service standard, of the progress in establishing the monitoring mechanism; of the specific mode of operation; how they ensure that no conflict of interests will arise when service providers are responsible for both case management and care planning; and*

- (d) *as I have learnt that due to inadequate supply of residential care places for the elderly, quite a number of members of grass-roots families need to take care of mobility-handicapped or chronically ill elderly people at home, and they are not able to take up full-time jobs, thus worsening the financial situation of their families, whether the authorities will consider providing additional subsidies on the existing basis to low-income families or individuals who need to take care of elderly people so as to alleviate the financial burden on such carers, with a view to encouraging ageing at home and thus relieving the community's demand for residential care places for the elderly; if they will not, of the reasons for that?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, the Government will implement the pilot scheme in 2013-2014. The pilot scheme will adopt a "money-follows-the-user" approach, and will provide subsidy directly to eligible elders, enabling them to choose the service provider(s), service types and packages which best suit their needs. We hope to test the viability of voucher which is a new funding mode, and attract different types of service providers to enter the market, thereby promoting further development of CCS. We briefed the Panel on Welfare Services (the WS Panel) of the Legislative Council on the preliminary proposal of the pilot scheme on 13 February 2012, and listened to the views of 30 elderly care associations/concern groups on the pilot scheme at the WS Panel's special meeting on 27 April 2012.

My reply to Dr Priscilla LEUNG's four questions is as follows:

- (a) To allow elders who are most in need to have priority in using subsidized services, we would only invite elders assessed by the SWD's SCNAMES to have impairment at moderate level or above to participate in the pilot scheme. To facilitate a smooth launch of the

scheme, we will first serve elders with moderate level of impairment during the first phase as their care needs are relatively similar.

Under SCNAMES, assessors will adopt an internationally recognized assessment tool named "Minimum Data Set-Home Care" to assess the long-term care needs of elders. The assessment is based on the elder's conditions in various aspects (for example, his ability to cope with daily activities, body functioning, memory, communication skills, behaviour and emotion, health conditions, home safety, adequacy of carer support, and so on). SCNAMES has been in use since 2000 and is a proven tool.

The pilot scheme aims at testing the viability of voucher which is a new funding mode, rather than meeting the existing service demand. We will therefore launch it in a few selected districts to ensure a smooth operation. The number of places to be offered by the pilot scheme will largely depend on the number of eligible elders, the readiness of service providers in the selected districts, and so on. We are mapping out the details of the pilot scheme, and expect that the districts and number of places to be offered can be confirmed this year.

- (b) For the first phase of the pilot scheme, we will invite NGOs and non-profit organizations (including social enterprises) to be service providers, as they are more experienced in the provision of CCS for the elderly. The SWD will invite these organizations to submit Expression of Interest within this year.

In selecting service providers, the SWD will consider the applicants' relevant experience, service proposals, and so on, to make sure that those selected have the capability to deliver the service.

- (c) In the first phase of the pilot scheme, the voucher value will be at a flat rate of \$5,000 per month. As such, case managers have less budgeting functions to perform, and there will be less conflict of interests in care planning and service provision. Under such circumstance, we believe that service providers can also assume case management responsibilities.

Specifically, service providers acting as case management bodies have to prepare care plans for individual elders and review the plans regularly. The SWD will specify the service content with reference to the existing Enhanced Home and Community Care Services and day care services. It will also draw up a set of quality monitoring measures to ensure service quality. The SWD will firm up the details this year.

- (d) The Government has been providing various types of support services to family carers to alleviate their pressure.

At present, the 41 District Elderly Community Centres (DECCs), 118 Neighbourhood Elderly Centres, 85 Home Care Service Teams and 63 Day Care Centres/Units for the elderly (DEs/DCUs) throughout the territory are providing support services for elderly carers to enhance their caring capabilities. These support services include provision of information, training and counselling, assistance in forming mutual-assistance groups, setting up resource centres, arranging demonstration and loan of rehabilitation equipment, and so on. At the same time, residential care homes for the elderly (RCHEs) that provide subsidized places (including private RCHEs participating in the Enhanced Bought Place Scheme) and subvented DEs/DCUs also provide relief to carers through their respective provision of residential/day respite services for the elderly.

In addition, the Government has implemented the District-based Scheme on Carer Training since October 2007. We subsidize DECCs to partner with community organizations in their districts to organize carer training programmes. By December 2011, 119 elderly centres had participated in the scheme and 8 450 individuals had completed the training.

Cherishing the family is one of the core values of the Hong Kong society. The Government has therefore been promoting mutual family support, and we value family carers' contribution to their family members. While the Government cannot replace family functions, we have been providing training courses for family carers to equip them with relevant knowledge and skills. We also offer various types of support services to alleviate their burden. All these

measures can help family members of elders discharge their family responsibilities.

Frail elders generally require professional support (such as nursing care, rehabilitation training, and so on). We believe that, compared with direct provision of cash subsidy, providing services for them and supporting their carers can better address their needs.

### **Harbourfront Development**

20. **PROF PATRICK LAU** (in Chinese): *President, the Victoria Harbour is a famous landmark of Hong Kong and good harbour management will enable it to serve its due functions and demonstrate its scenic beauty. In this connection, will the Government inform this Council:*

- (a) *of the total number of berths (including those inside typhoon shelters) throughout the territory which are open for use by vessels at present and the areas of such berths, with a breakdown by type of berths (including those for cruises, barges, and yachts, and so on);*
- (b) *whether an estimate has been made in the planned development of the harbourfront for the next decade on the numbers of berths for different types of vessels required in various districts throughout the territory and on the areas of such berths; if so, of the relevant figures; and*
- (c) *whether it has studied and planned to increase correspondingly the numbers of berth facilities for large, middle and small-sized yachts and other vessels to tie in with the construction of the new cruise terminal in Kai Tak so as to meet the demands from marine traffic and promoting tourism development; if it has not, of the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President,

- (a) The Administration is to ensure that there is sufficient suitable berthing/mooring space within the Hong Kong waters for local



vessels and small visiting vessels to take refuge during typhoon or inclement weather for the safety of the vessels and the crew members onboard. According to the assessment as at end 2011, the total area of the 14 purpose-built typhoon shelters and the 13 sheltered anchorages in different areas is about 590 hectares. These berthing facilities, which are suitable for local vessels to take refuge during typhoon, are not demarcated by vessel types and can be used (including under normal circumstances) by any type of vessels. The Marine Department (MD) also allows private moorings to be laid in different waters at cost to the owners. As at end 2011, there are about 1 860 private moorings in the Hong Kong waters, of which about 1 580 numbers are for use by pleasure vessels. In addition, 24 anchorages and 17 mooring buoys are provided in different waters for the berthing use of ocean-going vessels.

- (b) In recent years, the Administration has strived to promote the enhancement of the harbourfront and to improve its accessibility. Subject to the actual circumstances of the harbourfront sites and through effective allocation of resources, the Government gradually constructs various harbourfront promenades on both sides of Victoria Harbour for public enjoyment. At present, the large-scale development on both sides of Victoria Harbour includes the West Kowloon Cultural District, the Kai Tak Development and the New Central Harbourfront. The MD assesses periodically the demand and supply of the typhoon shelter space on an overall territory-wide basis. The MD does not collect statistics on the demand for berthing space at district level. According to the estimation by the MD as at end 2011, the overall demand for typhoon shelter and sheltered anchorage in Hong Kong will amount to about 570 hectares in 2025.
- (c) There will be two berths at the new cruise terminal at Kai Tak dedicated to be used by cruise vessels. For other types of vessels, as mentioned in part (a) above, they can use the typhoon shelters in Hong Kong, make an application to the MD for private mooring, or take berth at anchorages or mooring buoys. In addition, the MD will continue to monitor the marine traffic and keep in view from time to time whether there are sufficient typhoon shelters and

sheltered berthing facilities in Hong Kong for the safety of vessels and crew members on board under inclement weather.

## **BILLS**

**(Bill originally scheduled to be dealt with at the last Council meeting)**

Council went into Committee.

### **Committee Stage**

**CHAIRMAN** (in Cantonese): Council is now in committee and we will continue to examine the provisions of the Legislative Council (Amendment) Bill 2012 and the amendments thereto.

## **LEGISLATIVE COUNCIL (AMENDMENT) BILL 2012**

**CHAIRMAN** (in Cantonese): As Members have been notified, when we continue to examine this Bill, I will suspend this meeting at meal time. I now suspend this meeting until 2.30 pm.

1.29 pm

Meeting suspended.

2.30 pm

Committee then resumed.

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

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

**MR ALAN LEONG** (in Cantonese): Chairman, I raise a point of order. I would like to propose an adjournment motion under Rule 40(4) of the Rules of Procedure (RoP).

Chairman, Ms Audrey EU moved an adjournment motion at the Committee stage last week. One week is indeed a very long time as far as politics is concerned. Very important changes have emerged this week, and we have one less week for the remaining Council meetings. There are 16 bills related to people's livelihood pending deliberation; and these 16 bills are more meaningful and important than this Bill concerning the replacement arrangement for filling a vacancy arising from resignation of Legislative Council Members.

Chairman, why do I make this comment? At present, bills pending consideration by the Committee, including the Residential Properties (First-hand Sales) Bill, the Companies Bill and the Personal Data (Privacy) (Amendment) Bill 2011, and so on, have completed the deliberation work; and there are some other bills for which more meetings should be held. If the Government appropriately exercises its power ..... Chairman, I need not remind you that the executive authorities have sufficient power to set the priorities of introducing these bills into the Council. However, the Government has failed to first introduce into this Council the bills that are related to people's livelihood; instead, it has introduced this highly controversial Bill that deprives the public of the right to express their wishes through the ballot box at a by-election. Chairman, the logic is very simple: if the Government is willing to appropriately exercise its power and handle the bills related to people's livelihood first and leave this bill to be handled last, the so-called filibuster will not take place, and the operation of this Council will not be affected.

Chairman, another week has passed and some other Members have indicated that they will join the filibuster and speak on some 1 000 amendments. I find that some Honourable colleagues are not in their usual attire today: those who usually wear suits are wearing windbreakers or Polo shirts. They are ready for an overnight meeting. Even though they are physically present in this

Chamber, it does not mean that they are attending the meeting. Can they remain high-spirited all night? Should they really do so?

Chairman, we should now focus on ..... the Government has now spun a cocoon around itself. We hope that it can free itself from the cocoon. I would like to propose an adjournment motion under Rule 40(4) of the RoP again today, hoping that the Government and the pro-establishment camp in this Council can have another chance and reconsider this issue after one week. Chairman, there are changes in public sentiments and more and more Hong Kong people come to realize that this dilemma — some have even described the situation as a dead end — is caused by the Government, because basically it has the power to arrange this Bill to be considered last. In moving this motion today, I hope that the Government and Members from the pro-establishment camp can take the opportunity to find a way out of this dilemma or dead end.

Chairman, during this week, we notice that the Chief Executive and the Chief Executive-elect seem to have forgotten that the Chief Executive has the power to place this draconian bill concerning the replacement arrangement as the last item. Nevertheless, both of them have put the blame on this Council; hence, this Council has become the scapegoat and is unjustly treated.

We have noted that the Chief Executive-elect seems to be very anxious about the present situation, and he often says that he has to "sense the urgency that the people sense". Yet, it appears that Donald TSANG does not "sense the urgency that LEUNG Chun-ying senses" and LEUNG Chun-ying cannot make Donald TSANG sense his urgency. They have been blaming this Council, asking why we .....

(Mr IP Kwok-him raised his hand in indication)

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

**MR IP KWOK-HIM** (in Cantonese): I hope Chairman would rule if we are actually reverting to the last debate.

**CHAIRMAN** (in Cantonese): Mr Alan LEONG is now going to move an adjournment motion under Rule 40(4) of the RoP. As I have previously stated, if the adjournment motion is negatived after debate, the RoP does not prohibit Members from proposing the same motion again at the Committee stage. However, in order to ensure that the meeting time is well spent, I must consider if the content of the debate will be repetitive when the same motion is proposed again.

It is my responsibility to listen to Mr LEONG's explanation of the reasons why he wants or needs to propose this motion again. I hope Mr LEONG would note that the reasons he has just given had been discussed in great detail by Members last week. So, please focus on the latest progress since the last debate on this motion.

Mr LEONG, please continue.

**MR ALAN LEONG** (in Cantonese): Chairman, I notice that you have just marked down the changes in the past week that I have just mentioned. I understand that it is my task to help Chairman make a ruling. As I have just said, in the past week, the Chief Executive and the Chief Executive-elect have done injustice to this Council and they have resorted to "verbal manoeuvres". However, they have not told the public that, if Donald TSANG really "senses the urgency that the people sense", or "senses the urgency that LEUNG Chun-ying senses", he can place this draconian Bill concerning the replacement arrangement to the bottom of the list. Hence, if we do not pass this adjournment motion today to handle other business first, this Council may become a scapegoat. All these incidents only happened last week.

Chairman, just now, I have also pointed out that there are changes in public sentiments. When I listened to some radio or talk show programmes this week, more people asked why the 16 bills pending consideration by this Council could not be handled first, and why should this Bill concerning the replacement arrangement be handled first. These are the accumulated changes in people's sentiments in the past week. Public sentiments have certainly changed over the past week. The current situation is different from that when this Council held a debate a week ago. In this connection, I told Chairman that I would like to move an adjournment motion.

Moreover, as I have just pointed out, some Members have joined in and they will speak on some 1 300 amendments at the Committee Stage this week. That is to say, we do not only have one week less; we will also have even longer meetings. This situation has not arisen last week.

Also, unlike the case last week, Chairman decided yesterday that the meeting will be held around the clock. Why has Chairman's decision lead to my moving of this adjournment motion? If we are going to have overnight meeting, as I have said, Members will only be physically but not mentally present in this Chamber and they may have a physical overdraft. For this reason, I consider moving an adjournment motion so that the Government can place this highly controversial Bill to the last item.

Chairman, many things have happened this week and I think Chairman and Honourable colleagues should consider supporting my motion. The Government's replacement arrangement basically cannot stop the so-called *de facto* referendum that the Government fears most. Chairman, the Government now proposes imposing punishment on resigning Members. As compared with other bills, such as the Residential Properties (First-hand Sales) Bill and the Companies Bill, this Bill lacks urgency and comparatively speaking, it can be said that this Bill has no practical effects and is meaningless, and public opinion has been ignored. The Government should lead our society in moving towards justice, but it has now taken the lead to upset justice. In introducing this draconian Bill, the Government has intervened in the operation of this Council and resorted to "verbal manoeuvres" to threaten Members. This is undisguised administrative high-handedness and I hope Members of this Council would not allow the executive authorities to do injustice to the legislature.

Chairman, concerning the Government's replacement arrangement and the so-called filibustering among some Members, we absolutely cannot put the cart before the horse or confuse the cause and effect. It is the Government who first introduced this unjust bill, and some Honourable colleagues then resort to filibuster as a means of resistance. If the Government shelves this unjust Bill and allows bills relating to people's livelihood to be examined first, the filibuster in this Council will naturally stop. The logic is that simple.

Chairman, lastly, I want to say that pro-establishment Members have made a ridiculous accusation that the democrats were to be blamed for the abortion of the Council meeting. Since the democrats are against this Bill, definitely we

will not play a supporting role as opponents in this "high-handed" Council. We boycott the meeting to express our dissatisfaction; we boycott the meeting to avoid creating the illusion of the minority subordinating to the majority; we boycott the meeting to let the pro-establishment camp know that it pays to be royalists.

Chairman, I will stop speaking. I do not want to use up my 15-minute speaking time and I do not want to be deliberately filibustering. Yet, I really hope that Honourable colleagues would support this well-intentioned adjournment motion moved by me today. I so submit.

**CHAIRMAN** (in Cantonese): Mr Alan LEONG has just given the reasons for moving an adjournment motion again.

I wish to emphasize that, as Members clearly remember, Ms Audrey EU moved an adjournment motion last week, and this Council spent five hours debating that motion. I noticed last week that Members for or against the motion had fully expressed their views. In considering whether I should propose the question to you about a similar adjournment motion moved by Mr LEONG, I must ask myself if the five-hour debate last week would recur. I must listen very carefully so as to determine if I am convinced by the justifications given by Mr LEONG. If I allow him to move the motion, we will actually have a different debate from the one last week, because there have evidently been recent developments.

As I have pointed out, some of Mr LEONG's remarks just now are repetitions of what had been said at the last debate. For example, Mr LEONG has described the Bill being examined a draconian bill, the importance of which is lower than other bills. He also thinks that the Government can give the least priority to this Bill. Regarding all such remarks, some Members had already raised these points at the debate last week, and they also explained their views.

Mr Alan LEONG has mentioned the latest development this week. While some events had not taken place when the debate was held last week; for example, more Members will speak on the amendments and overnight meeting will be held, I have to say that Members who spoke during the five-hour debate last week had already anticipated what would happen this week.

Members may remember that, when we had a debate on the adjournment motion last week, the Committee had not yet started to examine the Legislative Council (Amendment) Bill 2012. Hence, we hardly knew how many Members would take part in the debate. I cannot assume that Members speaking at that time were targeting the two or three Members who indicated that they would conduct a filibuster, and they might have to reconsider what they would do when one or two other Members joined in the filibuster. This factor will not cause substantive changes in the debate.

We are going to have one less Council meeting. At last week's debate, Ms Audrey EU mentioned at the outset how many bills were pending examination, and the number of remaining Council meetings before the end of this term. Certainly, when Members delivered their speeches, they were well aware of the decreasing number of Council meetings with the passage of each week. Hence, that is not a new situation.

In the past few days, we have learnt more of the views of the Chief Executive and the Chief Executive-elect, as well as public sentiments. Whether or not we will have another debate on the adjournment motion and whether we have decided to adjourn this Council, the views of the authorities including the Chief Executive and the Chief Executive-elect on this Council will not change. If they make unjust remarks on this Council, as Mr Alan LEONG has said, the problem cannot be solved even if we have a debate about whether this Council should be adjourned or make a decision to adjourn this Council.

As regards the saying that some Members will only be "physically present in this Chamber but their mind will be wandering" if an overnight meeting is held, will this be a stronger reason for moving an adjournment motion? In the past few days, Members who strongly requested me to give permission for holding meeting continuously for 24 hours without rest at night have given me the impression that they are persistent, and will not support the adjournment of this Bill. Certainly, if they request for continuous examination of the Bill, they have the responsibilities for ensuring that they are physically and mentally present in this Chamber. They will be monitored by the public and the media.

Hence, my conclusion is .....

(Dr Margaret NG raised her hand to indicate her intention to speak)



**DR MARGARET NG** (in Cantonese): Chairman, please let me make one point before you made your conclusion.

**CHAIRMAN** (in Cantonese): Please go ahead.

**DR MARGARET NG** (in Cantonese): Chairman, it seems that the health issue has not been raised by Honourable colleagues. I do not want to repeat any argument but it appears that the situation has become whether Members intending to filibuster will collapse first or whether other Members attending the overnight meeting will collapse first.

Chairman, I note that the Secretariat has fulfilled its responsibilities within the scope permitted by the RoP. For example, it has arranged for a joint debate on many amendments, so that Members will not speak for endless times on each amendment. Chairman has also given Members less chance to elaborate their viewpoints so that they will not repeat what has already been said.

However, the lengthy meetings last week had deepened the friction between Chairman and Members, which is not beneficial to this Council. The credibility of this Council will certainly be affected if any Member is eventually carried away by an ambulance. This is the only outcome if both sides are sticking to their own stand.

Chairman, this crisis did not emerge last week. Last week, we were mainly concerned about the hours needed for the filibustering speeches, and how many hours the bell had to ring when we voted on some 1 300 amendments. We did not expect that the meeting would be aborted so often because of the lack of quorum. If the meeting is aborted because of the lack of quorum, it will only resume a week later. Chairman, I really do not want to see that happen, and I think the only way to prevent this from happening is to postpone this agenda item by the authorities.

So, Chairman, before you draw a conclusion, I hope that you can consider the humanitarian ground, the health of Members, and how our society thinks about the credibility of this Council.

**CHAIRMAN** (in Cantonese): I thank Dr NG for giving me the opportunity to .....

(Mr LEE Cheuk-yan raised his hand in indication)

**MR LEE CHEUK-YAN** (in Cantonese): Chairman .....

**CHAIRMAN** (in Cantonese): Mr LEE Cheuk-yan, please express your views concisely.

**MR LEE CHEUK-YAN** (in Cantonese): I will be very brief. Chairman, it seems that you were just debating with Mr Alan LEONG about whether this meeting should be adjourned but I believe it should be your role to find out if anything new has happened. You have actually admitted that there was a new element — an overnight meeting — but you have said that some Members suggested doing so while some other Members commented that we did not need to have a debate. There is apparently a presumed result. We should have a debate after something new has happened and it should not be assumed that Members would oppose the adjournment of this meeting .....

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

**MR LEE CHEUK-YAN** (in Cantonese): I think that an overnight meeting is something new. Now that we are going to have an overnight battle of attrition, we oppose .....

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

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

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

**MR WONG KWOK-KIN** (in Cantonese): Chairman, I would like to clarify if we are having a debate now.

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

**MR WONG KWOK-KIN** (in Cantonese): I notice that many Members have spoken on this issue as if there is a debate .....

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

**MR WONG KWOK-KIN** (in Cantonese): ..... Chairman, will you make a ruling or are we going to have a debate? I hope Chairman will clearly make a ruling.

**CHAIRMAN** (in Cantonese): I would respond to Mr LEE Cheuk-yan's question first. I want to explain the ruling I am going to give and I am not going to have a debate with Members. Even if Members are not satisfied with my explanation, they can only accept it first. If Members have other views, I would be pleased to further discuss with them outside this Chamber.

Concerning the point made by Dr Margaret NG about conducting a debate around the clock, I wish to say that, the problem cannot be solved even if this adjournment motion is passed. Last time, Ms Audrey EU remarked very clearly that she moved an adjournment motion not because she wanted to ask the Government to withdraw the Bill, she only wanted to postpone the examination of the Bill. If the Government wants to resume this debate, it just needs to give a five-day notice and this Council can then examine the Bill again. Then, the same situation as mentioned by Honourable colleagues will arise, that is, we will not know how long the discussion will last, what conflicts will arise, or whether

Members will think that I have enforced the RoP too stringently. Thus, this is not a solution to the problem.

Regarding the decision last night on an overnight meeting, I have just said that I am pleased to elaborate the reasons here. As Members may know, we have had overnight meetings before. I will try my best to prevent the situation just mentioned by Dr Margaret NG, that is, the meeting cannot continue because Members are exhausted or have health problems.

When I announced this decision yesterday, I only said that the meeting this evening would not be suspended and there would be breaks every few hours. Certainly, we will take corresponding measures if it is found that some Members are exhausted. Certainly, changes can be made at any time if we find that attending an overnight meeting is really unreasonable and seriously impairs Members' health, we can definitely make changes at any time. Actually, I should state that the overnight meeting arrangement is made upon the request of the vast majority of Members who will attend the meeting.

At this stage, I decide that no more debate will be held on the adjournment motion. If, at any time during the process, any Member thinks that the new situation has arisen, making it necessary for us to reconsider whether this Committee should be adjourned, I will certainly allow the Member to give his reasons under the RoP.

(Mr LEE Cheuk-yan raised his hand in indication)

**MR LEE CHEUK-YAN** (in Cantonese): I would like Chairman to clarify, you say that we will be given enough to take rest, in that case, when will the meeting ends tomorrow? If the meeting tomorrow will only suspend at 10 pm or after 11 pm, we will in effect have a continuous meeting for 36 hours, with a total break of only be seven hours and 15 minutes, as I have computed. Chairman, have you taken Members' physical strength into consideration when you plan to give us intermittent breaks amounting to seven hours and 15 minutes only within 36 hours?

**CHAIRMAN** (in Cantonese): I will decide when the meeting will be suspended tomorrow, in light of the progress of the meeting today and after listening to Members' views. Up till yesterday, most of the Members who confirmed their attendance requested the meeting to be held continuously. I would take note of their views. If Members have received the notice from the Secretariat, they should clearly know that the meeting will continue overnight and breaks are arranged every few hours. I will maintain close contacts with Members during these breaks and listen to their views.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, you have not answered my question. I asked you when tomorrow's meeting would be suspended. According to what you have just said, the meeting tomorrow would be held continuously; even if it will not continue overnight, it may only be suspended at 10 pm.

**CHAIRMAN** (in Cantonese): I will decide when the meeting will be suspended tomorrow in light of the progress of the meeting today and after paying attention to the conditions of Members and listening to their views.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, you said that you would pay attention to the conditions of Members. Will you only suspend the meeting when any Member cannot carry on anymore?

**CHAIRMAN** (in Cantonese): Mr LEE, I have no intention of debating my decision with you here. If Members have views on the meeting arrangements, as a general practice, when the meeting is suspended later for a break, I am pleased to listen to Members' views.

(Dr Margaret NG raised her hand in indication)

**DR MARGARET NG** (in Cantonese): Chairman, a Member has said that, if a Member moving the amendments becomes exhausted and collapses, he will not be able to move the amendments; and such an ending will be the most

satisfactory. I would like Chairman to clarify one point: if a Member moving the amendments is not present because he has fallen ill, will this be the immediate consequence, or will Chairman then consider suspending the meeting?

**CHAIRMAN** (in Cantonese): On this point, I have already given the Member concerned a very clear answer. If a Member moving the amendments is not present without reasonable explanation when it is time for him to move the amendments, he will lose the opportunity to move the amendments.

But, sufficient flexibility is given under the RoP. There was a precedent in the past involving a Member who was not present on reasonable grounds when it was time for him to move the amendment. We made an appropriate arrangement so that his amendment could be moved. An arrangement was made for another Member to move the amendment on behalf of the absent Member, and we also made some procedural changes so that the Member who originally proposed the amendment would withdraw his amendment. I then allowed another Member to propose the same amendment without notice. As all Members had learnt about the amendment and the Committee had debated it, this was a reasonable arrangement.

The Legal Adviser has also advised me that, even if no other Member can or is willing to move the amendment on behalf of the Member who cannot attend the meeting because of health reasons and so on, Chairman can exercise his power to assume that the amendment has been moved and put the question to Members so that Members will vote on the amendment.

Unless the Member has been absent from the meeting for no reason, such that I do not know if he has intentionally withdrawn from the meeting and the reasons why he has been absent at the time for him to move his amendment, I will allow his amendment to be moved.

We have already discussed this issue thoroughly. Committee will now continue to examine the provisions of the Legislative Council (Amendment) Bill 2012 and the amendments thereto.

Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, I have to first raise a point of order and hope that you can deal with it.

**CHAIRMAN** (in Cantonese): Please raise your point of order.

**MR ALBERT CHAN** (in Cantonese): I notice that quite a number of Members have been watching movies during the meeting. Yet, under the Rules of Procedure (RoP), they are not allowed to do so. Some of them have been watching movies of Stephen CHOW Sing-chi, which, in my view, is an insult to the Legislative Council. I would like to ask Chairman to make a ruling so that in the remainder of this meeting ..... previously, Mr Paul TSE had asked how we should deal with Members who have violated the RoP repeatedly after the Chairman has warned them time and again. As watching videos on computer during meetings is a violation of the RoP, can you, as Chairman, please tell us: if a Member is found to be doing something irrelevant to Council business, which is in violation of the RoP, and such accusation has been verified ..... very often, this kind of accusations will only be verified after meetings. Can Chairman please explain how you will deal with this case, so as to ensure that the Members who breach the RoP will not go scot-free and bring insult to the Legislative Council?

**CHAIRMAN** (in Cantonese): Let me remind Members, all the materials which you read or watch in this Chamber during meetings should be relevant to Council business. This is the requirement stipulated in the RoP. Mr Albert CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): No, Chairman, I want you to make a ruling, if a Member is found, like what I have just said .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you should well understand, for all conducts which are in violation of the RoP, if a Member points out that a certain Member has violated the RoP, I will always ask the Member in question to stop behaving that way. If that Member insists, I will still advise him not to do so.

In case the situation has not improved despite my repeated advice, and I rule that his conduct is grossly disorderly, I will order him to withdraw from the meeting as required by the RoP.

**MR ALBERT CHAN** (in Cantonese): Chairman, may I ask Mr WONG Kwok-kin, who watched the movie Hail the Judge at the last meeting, to explain how that movie is relevant to Council business? Chairman, if he fails to provide an explanation, will you rule that Mr WONG Kwok-kin had acted disorderly?

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you have just made an accusation. Let me remind Members once again: for all the materials that you read or watch in the Chamber when a meeting is in progress, they must be relevant to Council business. If there is another case of some other Members raising the issue that other Member has violated the RoP, I will handle the case. Mr CHAN, do you want to speak on this amendment?

**MR ALBERT CHAN** (in Cantonese): Chairman, I hope that all people of Hong Kong will monitor the conduct of legislators to see if they have violated the RoP during the meeting. If they have, such misconduct should be pointed out at once, and not after the meeting. It will be an insult to the Legislative Council if the Members concerned are allowed to go scot-free.

Chairman, I have caught a cold today and so my throat is a bit hoarse. I have proposed more than 1 000 amendments and some of them are related to a dozen countries or so ..... one of the key issues is that a person will lose his personal freedom when being confined ..... one of the countries that are on the list is North Korea.

Chairman, Hong Kong people do not know much about North Korea. Theoretically, North Korea is, like all other countries, have its own constitution, which has stipulated various kinds of freedom, including freedom of speech, press, assembly, association, religion and employment ..... 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): Committee now resumes. Mr Albert CHAN, please continue with your speech.

**MR ALBERT CHAN** (in Cantonese): Chairman, there is a great difference between North Korea and Hong Kong in terms of constitutional freedom. While we can still enjoy a little freedom of expression in Hong Kong, North Koreans are not allowed to express their views freely. In respect of broadcasting, their television stations and news agencies are subject to legal constraints and — I must emphasize — they are being strictly controlled by the country and the government .....

**CHAIRMAN** (in Cantonese): Mr CHAN, what is the relevance between your speech and the amendments?

**MR ALBERT CHAN** (in Cantonese): Chairman, since my amendments are related to situations where Hong Kong people are confined without trial in some specified countries, I must explain .....

**CHAIRMAN** (in Cantonese): Please focus on the issue of confinement without trial.

**MR ALBERT CHAN** (in Cantonese): Okay, but I must explain how the constitution of the specified country differs from the actual situation so as to prove that it is likely for Hong Kong people to .....

**CHAIRMAN** (in Cantonese): Please focus on the issues of trial and confinement.

**MR ALBERT CHAN** (in Cantonese): Fine. Chairman, I have drafted my speech according to provisions of the RoP, as well as the criteria and rationale adopted by you in the past few years in deciding whether or not to allow a Member to speak .....

**CHAIRMAN** (in Cantonese): Mr CHAN, your saying is not right. Over the years, there has never been any Member speaking more than 10 times at the Committee stage. Hence, I am afraid that your previous experiences do not apply to this meeting. As I have stated, the usual practice is that I will be stricter to Members who have spoken more than once at a particular stage, so as to prevent digression or repetition. I must emphasize once again that in the past, no Member has ever spoken for more than 10 times. Now, please continue with you speech.

**MR ALBERT CHAN** (in Cantonese): Chairman, I would like to clarify that my previous and upcoming speeches are not repetitive.

**CHAIRMAN** (in Cantonese): As some of the provisions in your amendments are about confinement without trial, I hope that you can focus on this issue.

**MR ALBERT CHAN** (in Cantonese): Chairman, trial and confinement are closely related to the political system and the legal system of a country. When I explain the issues of trial and confinement, I must talk about the law; when I talk about the law, I must mention the constitution. I well understand your dilemma and what you want me to do. However, in the discussion of a democratic Council, every viewpoint must be well-justified and legally .....

**CHAIRMAN** (in Cantonese): Please speak on the amendment concerned.

**MR ALBERT CHAN** (in Cantonese): Chairman, I just want to explain the importance of what I have said but, of course, you have the power to make rulings. Chairman, why is there the problem of confinement? That is because in North Korea, any one, not just its citizens but also tourists can be imprisoned if the Government considers that they have verbally criticized the government. Generally speaking, the media of North Korea will only commend and sing praise to the leaders. As for criticisms ..... voicing an open criticism is of course unlikely but making criticism in private is also an offence which will result in confinement. I would like to tell you how an international organization commented on this country. Chairman, this is an important piece of information. Otherwise, people may say that "Hulk" is making up news or inventing stories. What I am going to say comes from a study report of an authoritative international organization. Chairman, I have not repeated myself. Everything that I am going to say is new and relevant .....

**CHAIRMAN** (in Cantonese): I hope your information is relevant to the issues of confinement and trial.

**MR ALBERT CHAN** (in Cantonese): Chairman, the following information is published by Freedom House in the last few years. Freedom House, an authoritative and renowned organization, conducted a number of studies on North Korea. According to the country report published by Freedom House in 2006, North Korea is a totalitarian dictatorship and the most restrictive country in the world. Every aspect of social and economic life is controlled by the state. The oppressive regime denies North Koreans all basic rights and — please listen carefully — subjects tens of thousands of people to brutal conditions.<sup>1</sup> Freedom House has given North Korea almost the lowest score of all countries under study and rated it as "not free". From the above, we can know that the situation of North Korea is really bad and terrible.

North Korea has adopted the policy of seclusion and its political atmosphere is extremely mysterious ..... this point is important because in places with free flow of information, many issues are known to the public,

<sup>1</sup> <<http://www.freedomhouse.org/report/freedom-world/2006/north-korea>>

including whether there are any Chinese or Hong Kong people being confined. The worst thing about North Korea is that not only its political situation is terrible and it defies human rights, but it also does not allow free flow of information. Therefore, if a person is taken to confinement, I mean confinement without trial, his confinement may not be known by the outside world. Many people had got such experience before and their confinement was not known by others until they were released after years of confinement. Yet, I am not going to illustrate this point with examples. I just give a brief account on the fact that, years ago, the United States House of Representatives had conducted a public hearing on a case of this kind, with the inside story being clearly told. I will not go through the case in detail for it will take me an hour to do so. I do not want to be criticized by other Members as adopting a stalling tactic, so I just briefly say that there was such a case in the past and all the relevant details and proofs were provided in an authoritative public hearing.

Next, I must talk about the legal system, an issue which the Chairman has highlighted repeatedly. The judiciary of North Korea is headed by the Central Court, which consists of a Chief Justice and two People's Assessors; three judges may be present in some cases. Their terms of office coincide with those of the members of the Supreme People's Assembly. Every court in North Korea has the same composition as the Central Court. The judicial system does not practise .....

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, please make a ruling. I think Mr Albert CHAN has digressed from the subject, as the composition of the judiciary has nothing to do with the issue of confinement without trial.

**CHAIRMAN** (in Cantonese): I listen to find out whether the composition of North Korea's judiciary will make foreigners susceptible to confinement without trial and justify the inclusion of this country in Mr Albert CHAN's amendments. Mr Albert CHAN, please do not digress from the subject again.

**MR ALBERT CHAN** (in Cantonese): Chairman, you are the one who make the ruling, but I do not think I have deviated from the topic. Perhaps, to members of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), judicial independence is not important. Why do the Hong Kong people .....

**CHAIRMAN** (in Cantonese): Please state quickly how your speech is relevant to the amendments.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am telling you how they are relevant. As there is no judicial review in North Korea, and "the security forces so often interfere with the actions of the judiciary". This is what I intended to say just now. Can Members of the DAB hear that? North Korea is somewhat similar to the Mainland. The security forces can often interfere with the actions of the judiciary so that — listen carefully and do not say that it is irrelevant — the conclusion of most cases is foregone. As North Korea does not allow judicial independence and deny personal rights, there are many cases of ..... Members from the DAB, please listen carefully and do not say it is irrelevant ..... indiscriminate confinement, disappearance and illegal execution. Do not say that they are irrelevant. These cases, as well as torture, are common .....

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

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

**MR ALBERT CHAN** (in Cantonese): I missed out the Hong Kong Federation of Trade Union (FTU), the DAB .....

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

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, Mr Albert CHAN is speaking on "confinement without trial". However, we should discuss the

situation where a Member resigns while in confinement. He has not explained why the Member concerned has to resign in this case.

**CHAIRMAN** (in Cantonese): The amendments proposed by Mr Albert CHAN highlight the issue of confinement without trial in some specified countries. We should let him explain why he has to include those countries in his amendments. Yet, during last week's debate, some Members had already pointed out that he should not be allowed to continue with his speech if he was not speaking on the situation concerning the resignation of Legislative Council Members.

Mr Albert CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): Chairman, of course ..... Chairman, of course there is — Chairman, I have taken some medicine today and is having some side effects. Chairman, of course it is relevant. Just now, Members from the DAB and the FTU have not listened to me. Cases of indiscriminate confinement, disappearance, illegal execution and torture are common and serious. When a person is being confined, living in fear and being tortured, he, being a responsible Member who knows nothing about his confinement and is not brought to trial or given formal legal representation as the security forces ..... just now, I have said that in a situation where little information is known and communication with the outside world is prohibited, a Member, being tortured, will not know how long the confinement will last, whether he can live or not and what is going to happen to him. Under such circumstances, it is reasonable and normal for him to resign as he may not want his voters to lose their representative in the Council. He is not "a dog in the manger" who just takes the seat in the Council for a nap or watches movies of Stephen CHOW without attending any meeting, raise no question nor participate in any debate throughout the year.

Chairman, this country ..... I select these countries because of their special features. Members should spend some time learning more about them, and it is very irresponsible for Members to deny the possibility of confinement without trial before they know anything about these countries.

Moreover, I must highlight that there have been thousands or even tens of thousands of cases where people are confined indiscriminately, tortured, beaten

up or detained in North Korea. The characteristic of North Korea is that it has got concentration camps which press people into forced labour. In concentration camps (*The buzzer sounded*) .....

**CHAIRMAN** (in Cantonese): Just now, Mr CHAN has mentioned the term "酷刑" (huk9 jing4) (torture) several times and pronounced the word "酷" as "hou6". As a matter of fact, it should be pronounced in an entering tone as "huk9", same as that of "酷" in the term "殘酷" (caan4 huk9) (cruel).

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I also want to speak on the problems of the Democratic People's Republic of Korea (North Korea). Why would you guys think that the speech of Mr CHAN is lengthy? That is because you do not know that the situation described in the amendment can actually happen in this country. Yet, I am not going to repeat what Mr CHAN has said.

Firstly, this regime is notorious for its refusal to abide by international conventions. For example, it refuses to cut nuclear stockpiles as requested by the international community. In other words, the way that North Korea operates is very special, even if we do not comment on whether it is right or wrong .....

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

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

**MR WONG KWOK-HING** (in Cantonese): Chairman, the speech given by Mr LEUNG Kwok-hung right now is irrelevant to the amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): Are you a tortoise? How can you know that they are irrelevant?

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, how are they relevant?

**MR LEUNG KWOK-HUNG** (in Cantonese): He is too stupid. Let me tell you my line of thought. If I go to North Korea ..... as I am now such an annoying person, some people want to kill me, some come here to protest ..... North Korea and the People's Republic of China are on very good diplomatic terms, and they convened the six-party talks together. If I visit North Korea or if I am abducted to North Korea on the border of South Korea — incidents like this had happened before and some American soldiers were axed to death by North Koreans — after abduction, if officials of North Korea threaten to torture me and force me to resign, I will have no choice but to resign. Yet, if I am only confined but not put on trial in North Korea, and I manage to escape from the country, naturally I should be waived under the Bill. Is that right?

I think it is important for a person to be tolerant. When I speak, how can you know what I am going to say? You often rise to say that my speech is irrelevant to the amendment. As a matter of fact, the word "I" is also irrelevant to the amendment. Will you rise to say that the word "I" is irrelevant to the amendment whenever I begin my speech with "I"? I have my line of thought; you may disagree to it but you should not rashly say that it is wrong .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, please speak on the provisions and the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): The Chairman is really brilliant. In fact, I definitely have a point to make.

In view of the above, what we should discuss is that, in a country notorious for refusing to abide by international conventions ..... people are being kidnapped across the boundary to be sent to this country. As we all know, CHOI Eun-hee, the Asian Best Actress, had been kidnapped by North Korea's secret agents from South Korea to make movies for North Korea. She had then lost her freedom. Hence, I actually have a point to make. In Macao, North Korea has set up a lot of institutions, including secret agencies. The son of the late KIM Jong-il also studied in Macao .....



**MR CHAN KAM-LAM** (in Cantonese): I would like to know what is the relationship between CHOI Eun-hee and this amendment?

**MR LEUNG KWOK-HUNG** (in Cantonese): North Korea has the record of kidnapping people .....

**MR CHAN KAM-LAM** (in Cantonese): Chairman, I want to highlight that the amendments they propose now are related to Members being confined without trial for over one month by a particular country. In my view, the speech of Mr LEUNG is completely irrelevant to the issue of confinement without trial as he is just elaborating on the current situation of North Korea, which is not the least relevant to this amendment. What we should discuss now is, should this situation arise, is this amendment applicable when we consider the resignation of a Member. For countries like North Korea, the Democratic Republic of the Congo and the Islamic Republic of Iran, they all have their own laws to regulate their internal practices. Even if these countries may have done many wrongs, countries which are not covered by these amendments may also have the same problems. Therefore, the current situation of these countries has nothing to do with the amendments in question. It is not necessary for Members to re-state the situation in these countries.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please sit down first as Mr CHAN Kam-lam has just raised a point of order. Members should understand that whether a Member has digressed from the subject is unrelated to whether other Members agree with him and whether they consider his speech unreasonable. These are two separate issues.

Mr CHAN Kam-lam may consider the remarks of some Members, possibly Mr Albert CHAN and Mr LEUNG Kwok-hung, unjustifiable, and they have failed to explain why certain countries have to be included in the amendments. However, when these two Members talk about the legal system of the countries in question, as well as how these countries confine people, I cannot immediately say that they are digressing from the subject because the amendments have mentioned the issue of trial and confinement. In view of this, I hope that Members can listen to them first and allow the Member to present his argument. In case you

think that their arguments are unsound, you are free to refute. Yet, if you raise it as a point of order, claiming that the Member concerned should not be allowed to continue with his speech, I think I must draw a line for such cases.

Mr LEUNG Kwok-hung, please continue with your speech, but do not excessively elaborate on the situation of countries which are irrelevant to the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): The Chairman's remarks are well made, and I hope more Members can return to the Chamber to listen to his remarks. Therefore, I request a headcount.

**CHAIRMAN** (in Cantonese): Clerk, is a quorum present? Please ring the bell to summon Members to the Chamber.

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

**CHAIRMAN** (in Cantonese): Committee now resumes. Mr LEUNG Kwok-hung, please speak on the details of the Bill and the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): Get it. First of all, thank you, Chairman. I will continue to speak on my understanding of this amendment, and I hope Members will support this amendment.

I talked about North Korea just now. The North Koreans have notorious records of kidnapping, through their intelligence units overseas, people they like or dislike to their country. Which people do they like? Ms CHOI Eun-hee, whom I mentioned just now, is not included, because she was not imprisoned; she was only kidnapped to North Korea and forced to live there. However, for a Hong Kong Legislative Council Member like me, if I travel to Panmunjom, South Korea as a tourist, I may be kidnapped at Panmunjom by North Koreans who cross the border, because I have participated in numerous activities around the world protesting against the North Korean government's repression of its people,

particularly in terms of child abuse and famine. There is actually such a possibility. This is my first point.

Second, many Members may not understand, if I am taken away by the police today at this place, all people in Hong Kong will know about it; if I am taken away by someone when I walk outside the Legislative Council Complex to smoke, people will soon know that a Member called LEUNG Kwok-hung is legally detained by the police on certain grounds. Moreover, if the police really intend to detain me, they can only detain me for 48 hours, and must subsequently hand me over to the Court for prosecution.

Therefore, there are no such problems in Hong Kong, that is, no one will lose his freedom without trial. In fact, based on the definition made in Hong Kong, "imprisonment" means that the person has been handed over to be managed by the prison. This is certainly a problem I am greatly concerned about, because I probably have to be lawfully imprisoned several days or dozens of days later, so that I can run for the election of Legislative Council Member. That is a separate issue. The problem is that such a scenario does exist. I will indeed be left helpless and hopeless, as I would be deprived of the proper rights which I can otherwise enjoy in Hong Kong. In Hong Kong, without the Court's approval, I cannot be handed over to the law-enforcement institution for long-term imprisonment, or to place me in a prison-like place.

The problem lies here. If I — I had better take me as an example and do not get others involved, so that I would not be accused of deviating from the subject. If I travel to Panmunjom or South Korea as a tourist one day ..... In fact, I once travelled with Ms Miriam LAU and other Members to South Korea for a visit, and when she enquired whether I would tour Panmunjom, I said no, because that was too dangerous. In case I am kidnapped to North Korea at the border or other places in South Korea, it is highly possible that no one will know about it. Since the Court will not know it, and I have no lawyer, I will be imprisoned in a broad sense. I may even have a prisoner number, but no one will know my whereabouts.

What is the problem raised just now? It is the problem relating to 酷刑 (huk9 jing4) (torture) — "酷" should be pronounced "huk6", same as the "酷" in "酷熱" (huk9 jit6) (broiling), right?

**CHAIRMAN** (in Cantonese): Does this have anything to do with the amendment?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes. They torture me, saying resentfully: "You are such an evildoer, 'Long Hair', for daring to filibuster. We have monitored you for a long time, and saw you once on television in Macao. People like you should not be a Member at all. You must tender your resignation as a Member and stop speaking. Now we in the Democratic People's Republic of Korea call the shots; we in the Worker's Party of Korea (WPK) call the shots." Having been tortured or frightened, I can only call Mr Albert CHAN and tell him .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, debating on this amendment should be a bit different from writing fantasy fictions. You need not tell the details of the plot, and you only need to put forward your point of view.

**MR LEUNG KWOK-HUNG** (in Cantonese): It is because you asked me whether this has anything to do with the amendment. This plot is very important, because it may happen to me. I take North Korea as an example, but it may actually happen on the Mainland, only that I do not want to humiliate our Motherland, right?

If I am forced to relinquish my seat under torture, that is, I can only choose to relinquish my seat under involuntary circumstances, I will not encounter this situation when I travel to other countries, including South Korea. Therefore, Mr Albert CHAN does have his reasons to add North Korea (the Democratic People's Republic of Korea) while excluding South Korea (the Republic of Korea). He is not being unfounded. If he simply suggests the addition of "Korea", I frankly find it unacceptable and unreasonable, because it might be the case in the Park Chung-hee era, but today, the Republic of Korea is not like this.

Therefore, if you listen carefully, you will understand that the Member concerned is not considering his own interests. Since Mr WONG Kwok-kin and I once visited South Korea together, what should we do if he were kidnapped? I am actually being sincere and earnest. We are racking our brains trying to

consider whether a Member of this Council may, when travelling to another jurisdiction, encounter special circumstances not to be encountered in a normal society and tender his resignation involuntarily. In that case, should he be exempted? I think he should in any event, and this is not our imagination.

Chairman, this is simple. The Member may choose to tender his resignation because he has been tortured or threatened, or he is uncertain when he can be freed. There may be numerous reasons for his resignation. I would like to remind the Administration that the purpose of the legislation is not to disqualify such a Member from standing for a by-election, but to disqualify Members who initiated the "five geographical constituencies referendum" in 2010. As such, exemption should naturally be granted. In other words, if the purpose of the legislation in response to a certain matter is to prevent someone from abusing the procedures, or to prevent the wasting of public money, the legislative purpose should be to punish those who choose to resign and stand for a by-election.

However, he resigns involuntarily under the circumstances I talked about just now. For example, if I visit Panmunjom during an official visit or a tour overseas, and someone suddenly stormed me, threaten me with an axe and kidnap me, such event is unimaginable in this jurisdiction of ours. It turns out that the security units are controlled by the WPK, which can in turn direct the security units to do anything; the security units override the prosecuting units, which in turn control the courts. Such a situation is unimaginable. Therefore, I am expounding on this situation in detail, because I have some knowledge about the two Koreas. When I was a kid, I liked reading books on the Korean War, such as the deeds of HUANG Jiguang, a hero of the people.

Under such circumstances, I think that Members from the Democratic Alliance for the Betterment and Progress of Hong Kong and the Hong Kong Federation of Trade Unions should refrain from wearing tinted glass and casually complaining to the Chairman that my speech is irrelevant. What I am saying is actually words of wisdom. This should be our legislative purpose. We should not, for no purpose at all, let our legislation affect people who are not supposed to be affected. Let me repeat that .....

**CHAIRMAN** (in Cantonese): Please do not repeat. *(Laughter)*

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... First, it aims to prevent the misuse of public money. Travelling to South Korea at public expense may constitute the misuse of public money, but in case of a purposeful overseas visit, like the aforesaid visit to Panmunjom in remembrance of the Korean War, it is a purposeful activity. My purpose is not to waste public money by abusing the procedures to trigger a by-election, I visit Panmunjom with a mentality that is common to all. However, I suddenly fall into a trap.

I can say that most Members absolutely do not know much about North Korea, and therefore they do not even know who "CHOI Eun-hye" is — I am sorry, but it should be "CHOI Eun-hee" instead of "CHOI Eun-hye". Therefore, my words are well based. I hope people listening to this debate can tell whether one is knowledgeable and logical. People who are knowledgeable and logical behave different from those who are ignorant and illogical. For this reason, the North Koreans kidnap other people, because they are ignorant and illogical.

Chairman, I am about to finish my speech, and I will not be repetitive, because I have taken a "not to be repetitive" pill today. The pill is already in my stomach, and my stomach will ache once I repeat what I have said, because that pill has some special ingredients. Therefore, I hope Members who stood up just now to accuse Mr LEUNG of making irrelevant speech would reconsider whether my remarks are right or not, and whether it is justifiable to make such exemptions. You are sitting here for a purpose. You are not supposed to be standing or crouching, or watching Stephen CHOW movies, eating ice creams and writing calligraphy; you are here to engage in legislative business. When you find that the amendments put forward by your political rivals are reasonable, you should .....

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

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

**DR PAN PEY-CHYOU** (in Cantonese): What other Members are doing as mentioned by Mr LEUNG Kwok-hung is not related to the subject.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I am making an appeal.

**CHAIRMAN** (in Cantonese): Mr LEUNG is only using rhetorical skills. However, Mr LEUNG, you are already repeating, and I am afraid your stomach will be aching. *(Laughter)*

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, I am indeed feeling a bit painful. You are right. That "repetition worm" is working to make me feel painful. I will not be repetitive. I only hope all those who accuse me of being irrelevant would consider whether my remarks are justified or not. You may be supportive or otherwise, but you should not always complain to the Chairman that I digress from the subject. If you have not been listening to my lecture, please be seated.

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

**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): Committee now resumes. Does any other Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, first of all, I thank Members for paying their due respect to the Chamber, and no Member will watch serial drama or do anything unrelated to Council business again. This is a rare situation in the history of the Legislative Council. Thirty Members of the

pro-establishment camp are staying here with docility to handle a motion. Filibuster has brought respect to the Legislative Council. This is an achievement after all.

Chairman, regarding my numerous amendments, I believe many of the 29 Members who are present have never looked at the wordings of my amendments. Chairman, my amendment No. 628 ..... Chairman, I have not repeated anything. I am reading it out for the first time. Please do not say that I am repeating and that it is irrelevant. This is 100%, absolutely relevant because this is the content of the amendment, and it is also the first time that I have read it out.

My amendment No. 628 is as follows: By adding (2B) after (2A) of section 39(2). (2A) is: "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 added (2B) after the provision of (2A).

(2B) is: "If not less than 2 Members of any geographical constituency or the District Council (second) functional constituency resign from office as Members within the same day because they have been confined without trial over 1 month by the Government of the People's Republic of China, and any of them is released within 1 month after his resignation, subsection (2A) does not apply to him." This is amendment No. 628. Later, I will introduce the provisions in the previous 627 amendments.

I believe not too many Members in this Council have read amendment No. 629. Amendment No. 629 is: By adding "(2B) If not less than 2 Members of any geographical constituency or the District Council (second) functional constituency resign from office as Members within the same day because they have been confined without trial over 1 month by the Government of the Republic of Cuba, and any of them is released within 1 month after his resignation, subsection (2A) does not apply to him.".

Regarding the Republic of Cuba, last week I already explained to you its special political, economic and historical .....



**CHAIRMAN** (in Cantonese): Mr CHAN, you said you are not repeating yourself. In that case, can you specify which amendment you were referring to when you mentioned the Republic of Cuba last week?

**MR ALBERT CHAN** (in Cantonese): Last week I only made a general introduction of Cuba and did not talk about .....

**CHAIRMAN** (in Cantonese): Which amendment were you referring to at that time?

**MR ALBERT CHAN** (in Cantonese): When I talked about the Republic of Cuba, I had in my mind a general description, because the following provisions are possibly related, because they focus on the two Members of the District Council functional constituency. Therefore, I can say that it is partially but not totally related to this provision.

**CHAIRMAN** (in Cantonese): As Members know, and I have also reminded you, at this stage Members should debate on the original provisions or the amendments. So, Mr CHAN, when you talk about the Republic of Cuba, it should be related to one of your amendments.

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

**CHAIRMAN** (in Cantonese): You said you had not been repetitive. Then I would like to know, do you remember which amendment you talked about last time?

**MR ALBERT CHAN** (in Cantonese): Chairman, thank you. I think your memory is absolutely better than mine. Moreover, today I am in a terrible state. I have taken some medicine. I feel dizzy, my voice has turned hoarse, and I start

having difficulty to speak. Nevertheless, I will try to explain as briefly as possible.

Chairman, that is right. The general information on Cuba which I mentioned last time is related to No. 629, but not all of it is related to this provision. If the Chairman permits, I will add some information very briefly and concisely in relation to No. 629.

Chairman, the next one is No. 630. This amendment is: By adding "(2B) If not less than 2 Members of any geographical constituency or the District Council (second) functional constituency ....."

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

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

**DR PAN PEY-CHYOU** (in Cantonese): All of us have got at hand a copy of the relevant amendments distributed by the Council. Actually it will do if we read it ourselves. I do not understand the purpose does it serve for Mr Albert CHAN to read them aloud.

**CHAIRMAN** (in Cantonese): Last time I said that during the course of debate at this stage, since some Members had mentioned the contents of their amendments when they spoke earlier, I would not forbid Members to mention the contents of their amendments in their speeches.

However, Mr Albert CHAN, Dr PAN Pey-chyou is right. Since the contents of the amendments have been provided to Members in written form, please use your speaking time to explain the amendments. There is no need to read aloud the original text.

**MR ALBERT CHAN** (in Cantonese): Chairman, it is exactly my intention to proceed to another amendment after I have finished reading aloud this provision. I wish to explain them together, because last time when I talked about Cuba and

South Korea, I did not specify which provision and which amendments I was referring to. Some Members might not be able to grasp the information. Members of the public were simply at a loss. When I mentioned Cuba and South Korea, they might not understand very well how the provision actually .....

**CHAIRMAN** (in Cantonese): Which amendment of yours is about South Korea?

**MR ALBERT CHAN** (in Cantonese): Not South Korea, it is the Democratic People's Republic of Korea. Chairman, as I have said earlier, I am absolutely out of condition today. I would like to go back to No. 630, since a lot of people are not very clear about the contents of my amendments. They only said that our provisions are frivolous. How possibly will issues which involve the whole country be frivolous or meaningless? No. 630 is — I will not read out the whole sentence, otherwise you will say that I am repeating again — I just want to point out "because they have been confined without trial over 1 month by the Government of the Democratic People's Republic of Korea ....." I am not going to repeat the rest.

Chairman, next, I would like to talk about the Republic of the Sudan. Chairman, since several hundred amendments of mine concern some 10 different countries, I wish to introduce the various countries first. I do not want to repeat the information of these countries when I speak on two Members, three Members and four Members later. Otherwise, Members of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), especially those of the Hong Kong Federation of Trade Unions who have become most valiant lately, will stand up immediately and say right away that it has nothing to do with the amendments. It does not matter whether they have heard about it or looked into it before. Chairman, why does the Republic of the Sudan .....

**CHAIRMAN** (in Cantonese): Which amendment are you talking about now?

**MR ALBERT CHAN** (in Cantonese): As I said just now, Chairman, from No. 600-odd to No. 1000 ....., 1230 ....., no, No, 1180 ....., no, sorry,

Chairman. Since there are so many amendments, when you suddenly ask me ..... up to No. 1122. These several hundred amendments are about 15 countries. Chairman, if I remember rightly, the Republic of the Sudan is one of these 15 countries, like the Republic of Cuba and the Democratic People's Republic of Korea, which I have introduced earlier.

Now I would just like to speak on the Republic of the Sudan, which is mentioned dozens of times from No. 628 to No. 1122. I just want to make a general introduction. As regards the individual specific provisions, if the figures listed are related to Members, I will talk about the importance of these figures later, and I will not repeat the information on the Republic of the Sudan, which I am going to introduce in a short while. Chairman, as you have emphasized time and again, we should not keep repeating ourselves, should not speak on irrelevant information, and should not make people feel that we are stalling. Hence, regarding the way I organize the several hundred amendments of mine, I will first introduce the information on the 15 countries, and then if the Chairman permits, I will talk about the rationale behind the different sets of figures. I hope the Chairman will understand my approach and way of thinking.

Chairman, the Republic of the Sudan is a bit different from the two countries mentioned earlier. It is because the chaotic war situation in the Republic of the Sudan is very special. South Sudan became independent through a referendum in 2011. I am not going to expound on the population and information of the Republic of the Sudan, or else some Members will say again that my speech is irrelevant to the amendments. What is so unique about the Republic of the Sudan which made me particularly pick it out among the numerous countries? It is because the Republic of the Sudan is now basically suffering from the turmoil of war. In the turmoil of war, some outsiders have been arrested unreasonably, and in many places which connect to the Sudan border, a state of emergency has been declared. As you all know very well, if a place has entered into a state of emergency, it must be extremely chaotic with a lack of control, and it will definitely pose danger to everyone's life and safety. There has been a situation where more than 10 000 people, who gathered at Kosti at the south of Khartoum, the capital, were requested to leave Sudan within a week. This reflects the seriousness of the state of emergency. If anyone (including Hong Kong people), especially Legislative Council Members in Hong Kong, has the chance to go to this place, if he is lucky, he will not die for

triggering a mine, and he will escape from mines and the turmoil of war, because the situation in the Republic of the Sudan .....

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

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

**DR PAN PEY-CHYOU** (in Cantonese): What Mr Albert CHAN said about triggering mines or being expelled from the border is irrelevant to confinement without trial.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, just now I was saying, if you are lucky enough not to be blown up to death by the mines, in such a chaotic situation, there will be the chance of being confined. That is what I wanted to say just now. That means if you are lucky ..... actually being confined is already something unfortunate. Yet if you go to the Republic of the Sudan, and you are not gunned down or blown up to death by the mines amid the turmoil of war, there will be the chance ..... as I have said earlier, the Republic of the Sudan is in a state of emergency. There may be different armed groups or mercenaries taking control in each area. Many places are in a state of anarchy or under the control of warlords.

Regarding the constitution, the Republic of the Sudan is a melting pot of different races and cultures, but basically, it implements the federal system. The President is the highest representative and also the commander-in-chief of the army. He has great power, which is even greater than that of the Chief Executive, Chairman. He holds the highest ruling power in the legislature, judiciary and executive authorities. Maybe the DAB's fellows will like the people in such organizations .....

**CHAIRMAN** (in Cantonese): Please explain promptly how it has anything to do with your amendments.

**MR ALBERT CHAN** (in Cantonese): This is really dictatorship and absolute authority, giving rise to abuse of power in the judiciary and .....

(Mr LEUNG Kwok-hung rose)

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

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

**MR LEUNG KWOK-HUNG** (in Cantonese): A point of order. Can we use phone in the Legislative Council Chamber?

**CHAIRMAN** (in Cantonese): Will Members please do not answer phone calls in the Chamber.

**MR LEUNG KWOK-HUNG** (in Cantonese): My report is over. Thank you, Chairman.

**MR ALBERT CHAN** (in Cantonese): Chairman, as I have said earlier, the situations of confinement without trial have emerged due to the system, turmoil of war and regional problems. If Members go there, they will have the chance of being confined; after being confined, they will resign for various kinds of reasons. There is a definite causal relationship.

Many people may not understand the seriousness of the issue because the Republic of the Sudan is far away from us. Suppression by the army happens all the time. Some years ago, over 2 million people had fled from their homes. As shown by the report of Amnesty International, homicide in the Republic of the

Sudan is common and serious. Regrettably, many of the weapons are made in China.

Chairman, regarding the situation where Members are detained in such places, I do not want to make any pointless political conjecture. It is because our great mother country has made considerable investment in the Republic of the Sudan; and the two countries have a very close relationship. "Long Hair" had better not go to the Republic of the Sudan. He is even afraid of North Korea. In the Republic of the Sudan, there are more chances of having some extra political missions executed.

Besides, I have something to add. Chairman, concerning the problems of the Republic of the Sudan raised by the United Nations, there is a series of proposals, which include enhancement of protection and fight for peace. I am not going to repeat and read out these points. Otherwise I will be accused of stalling for time again. I only want to point out that this series of criticisms and proposals made by the United Nations have fully reflected the chaos, lack of protection and serious flaws in the rule of law in the Republic of the Sudan. Therefore, whichever place "Long Hair" wishes to travel, he had better not go to the Republic of the Sudan.

**CHAIRMAN** (in Cantonese): It is now almost 4.15 pm. The meeting will suspend for 15 minutes.

4.14 pm

Meeting suspended.

4.31 pm

Committee then resumed.

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

**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): Committee now resumes. Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): I speak on the amendments proposed by Mr Albert CHAN. Following the Chairman's teachings, I will not read out the contents of the amendments again. Take a look at the documents, so that you will not say anything wrong when you stand up to speak later.

Actually, if Mr Albert CHAN wants to get our support, he really needs to make some efforts because his information is outdated. The Republic of the Sudan has already split into two. After the referendum in 2011, South Sudan declared to be an independent country. Hence, when you decide to support or oppose Mr Albert CHAN's amendment, you really have to pay attention to this point: does the amendment actually cover South Sudan, which has broken away from the Republic of the Sudan? This is a problem. When he comes back, I will have to consult him. Or else it will be terrible if I cast the wrong vote.

I remember a song I sang when I was a child. The Chairman has sung it too. That is, "Our friends are all over the world. Our song is heard everywhere". At that time, Chinese people would not encounter any problem in Africa because, firstly, it was very difficult for Chinese people to go there; and secondly, Chinese people were highly respected by the locals. Our mother country constructed the Tanzam Railway for them for free. When Chinese people went there, they would not .....



**CHAIRMAN** (in Cantonese): Mr LEUNG, how is your remark at the moment related to the amendments?

**MR LEUNG KWOK-HUNG** (in Cantonese): There would not be the situation where one is being persecuted and imprisoned for a month without trial in South Sudan. I hope you will understand that a new situation has arisen now. Following the rise in power of the People's Republic of China, many African countries have come to know the strength of China and feel what Chinese people have done there, including good and bad deeds.

I think one of Mr Albert CHAN's purposes in proposing the amendments is to point out that nowadays, if any Chinese or someone who looks like a Chinese goes to Africa or a chaotic place like Sudan, there is indeed the chance of having trapped in a situation which no one wants to see, that is, losing one's freedom involuntarily. Since there is a lack of rule of law while separation of powers is unclear, it is possible that the armed forces will collude with members of local tribes and impose imprisonment without trial.

First, let me talk about why there is such a chance of confinement without trial. Definitely it will not be a groundless talk, as I have taken a pill today. According to the report of the independent expert of the United Nations on the situation of human rights in Sudan — the name of the report is too long, I am not going to read it out. What is the report about? In paragraph 47 — if you are not watching a ball game or Stephen CHOW's movie on the Internet right now, and instead, you are browsing the United Nations' webpage, you will be able to read it instantly — what does the report say? Chairman, (I quote) "In addition to the generalized insecurity and continuing violence, South Sudan currently has very little capacity to dispense justice through the formal system."<sup>2</sup>

What is our topic of discussion today? That is, in a place called Sudan — I believe it should include South Sudan — a person may be confined without trial. This report points out that South Sudan has very little capacity to dispense justice through the formal system. What does it mean? This involves two elements, namely, law enforcement and administration of justice.

<sup>2</sup> <[http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-40\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-40_en.pdf)>

What does the report then say? It first talks about the administration of justice. (I quote) "Weaknesses in its law enforcement capacity and the acute shortage of qualified staff in the justice sector have fuelled impunity for crimes." This can be skipped because of "impunity". If there is "impunity", it has nothing to do with us. "Illegal, prolonged and arbitrary detentions continue to be a major concern." What does "illegal" mean? It means without trial or without appropriate arrest procedures, unlike the practice of our arresting officers who will state clearly the offender's rights: "You are not obliged to say anything unless you wish to do so, but whatever you say will be given as evidence in court." Unlike Hong Kong, they do not have rules which stipulate that if the law-enforcement agencies need to detain someone for more than 48 hours, they shall have to transfer that person to the Court or to the judiciary so as to ensure that the law-enforcement agencies will not abuse their power. This is a kind of check and balance.

The example which I have cited illustrates that if Members travel to Sudan or accept an invitation of a Chinese-funded organization to visit an oilfield or a mine in Sudan in which China has invested, there is really a chance that such a situation will arise. Right? Chairman, as I know, sometimes you will lead tours to Anhui or other provinces to explore investment opportunities. Some people told me that you were very nice and friendly. Yet being nice and friendly is of no use. If they want to detain you, they will detain you all the same. The problem is, Hong Kong people seldom have contacts with Sudan, but how do the Sudanese know how to distinguish whether you are a Chinese or a Hong Konger? Right? What they see is that the passport held by you reads "the People's Republic of China", but they do not see "the Special Administrative Region".

Thus in my view, as China, with more and more investment there, is an important stakeholder, its investment has aroused the discontent of the local people, especially the South Sudanese. As we know, South Sudan has become independent owing to its discontent with the despotic rule of the Republic of the Sudan, but it does not have any resources. Well, that is where the problem lies. Suppose one day, a Legislative Council Member, like me, accepts the invitation of a Chinese-funded organization to visit Sudan — I believe we do not need to wait too long for that to happen, because China is changing — after I arrive, I am abducted. It turns out that it ..... I have already explained a structural problem earlier. That is, according to the latest report of the United Nations on human rights, South Sudan's capacity in law enforcement and administration of justice is weak. It is incapable of working in compliance with formal regulations. That

will give rise to situations where people are unable to spell out whatever reasons they have, or tribal armed men abduct people for ransom. This is not made up by me. If you are not watching Stephen CHOW's movie right now and instead, you are watching Al Jazeera (television broadcaster), you will learn about a large number of kidnap cases in Sudan. Recently, a few citizens of our mother country have been abducted just for this reason.

I have lost my freedom there, and they can neither have enough talents nor sufficient systems to deal with the simplest problem, that is, to protect the rights to which someone who has lost his freedom should be entitled. Suppose, Chairman, I raise my hand and specify that I want to contact the embassy of the People's Republic of China. My abductors will even give me more punches: "Chinese? Trouble maker!" Then they will kick me harder. What can I do? Hence, in such a place, not only are we unable to count on the Hong Kong office in Africa — if there is any — for help. Even if we wish to rely on consular protection of the People's Republic of China, it may not work either.

Therefore, it leads to the question under our discussion today. That is, if a Member, for public, private or any other reasons, goes to a strange place, perhaps owing to a religious problem ..... as we know, one reason for the split of Sudan is religion. I believe not too many of you here have a religious belief, but the number is not small either. A lot of people believe in Christianity, such as Anglicanism or Catholicism. When a Muslim in Africa receives someone who is yellow-skinned from Asia, misunderstandings may arise ..... Chairman, sorry, my "worm" is hurting slightly. I wish to have a headcount to ease my "worm". My "worm" is hurting seriously now.

**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): Committee now resumes. Does any other Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, earlier, when I explained why Members in Hong Kong would have the chance of being sentenced to one month's imprisonment without trial, I have already explained in detail that it was owing to a religious problem, since there are religious conflicts in that place. People who do not believe in Islam may be regarded as deserving unfair treatment. Another problem is that they have an army called the Sudan People's Liberation Army, which has track records of violation of human rights. I have heard rumours that this liberation army committed acts of abduction for ransom and then laid charges such as "counter-revolution" or "stealing Sudan's national resources and oil" on the other party. As such behaviour was integrated with the political regime, being part of the revolutionary movement, the revolutionary political regime to which this liberation army belongs is downright lawless.

As a result, there is a big chance of having a kind of situation where our Members will have no way to reason things out upon arrival there. No matter whether it is owing to religion, the Sudanese's discontent with China's investment, or even for reasons of murder for robbery or abduction for ransom, it is all possible. Chairman, this is obviously not in line with the principles in formulating this piece of legislation. Our purpose is not to make people, who have helplessly and involuntarily lost their freedom out of their own free will due to other people's crime, unable to run in election. This is just simple reasoning. Therefore, I think .....

**MR PAUL TSE** (in Cantonese): Chairman, I have stated earlier the nature of the relevant amendments, particularly for amendments No. 628 to 1122. I have also specifically pointed out that in terms of wordings, these amendments are completely irrelevant to "unlawful detention", and this is not the essence of the amendment. In fact, I think these incidents may occur under tens of thousands of scenarios, yet the crux of the amendment is that Members resign from office as Members within the same day. This is an active action where Members resign from office out of their own accord. Hence, the mentioning of various possibilities of natural disasters and man-made disasters, and all kinds of incidents is indeed irrelevant to the essence of the amendment.

As complained by Mr Albert CHAN, Chairman, it seems that you have changed the enforcement standard and have become increasingly stringent.

Chairman, you also admit that you are going to do so. In fact, just like playing computer games, the first level is naturally very easy. However, as one reaches higher levels, the game will be more difficult to handle. Today, two Members in this Chamber have spoken numerous times. In fact, they have reached a very high level in the game, and the game will be over at any time. So, at this very moment, the Chairman absolutely has the power and definitely should act in strict compliance with the procedures. The speeches made now are all repetitions, which are completely irrelevant to the essence of the amendment. The focus of present discussion is about the resignation of two or more Members within the same day, yet the examples cited earlier may lead to thousands, tens of thousands or hundreds of millions of permutations with further elaboration, which is totally meaningless.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please focus on the content of the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I do not quite understand the remarks of Mr Paul TSE. Does he know? Has he listened to my speech?

**CHAIRMAN** (in Cantonese): Mr Paul TSE said that you should not digress from the subject.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have not digressed from the subject.

**CHAIRMAN** (in Cantonese): Please speak on the amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): He should be blamed for not listening carefully to my speech. For in certain places, it is possible that such incidents may happen, as stated in the reports on human rights issued by the United Nations. It may be possible that two, three, four or 10 Members may be

involved. You may refute by stating that certain legislation is in place ..... but ..... honestly, I have been very calm all along, yet the "worm" inside my stomach seems to hear Mr Paul TSE repeating his remarks. What a pity .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, Mr Paul TSE has raised a point of order, he considered that your earlier speech has digressed from the subject. Let me remind you now, since you have spoken many times, please keep close to the amendment under discussion when you speak again, and do not give too much information or describe too many scenarios unrelated to the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have explained the reasons why so many Members resign together. They are definitely forced to do so, at least I think so, yet you may disagree. One of the reasons is pressure. To put it simply, when a Member is kidnapped, he calls the Chairman and hopes that the Hong Kong Government will pay the ransom for his release. But since he cannot be released, he has to resign as he does not know whether he can return to Hong Kong. The Member concerned is not formally imprisoned, he is detained by the Sudan People's Liberation Army in the name of "counter revolutionary"; he is arrested for some "trump-up" charges. These incidents will definitely occur, will they not? While I am explaining why some incidents that are beyond his expectation would occur, he criticizes me for deviating from the subject. Of course, this indicates that he has never paid attention to my lecture, am I right? Do you know where Sudan is?

**CHAIRMAN** (in Cantonese): Mr LEUNG, please confine your speech to the amendment you intend to discuss.

**MR LEUNG KWOK-HUNG** (in Cantonese): I call on Mr Paul TSE to ..... Alright, Chairman, the question is actually very simple. It turns out that the worm inside my stomach will jolt when it hears people repeating their speeches. Let me say once again, Members who consider my argument ridiculous and detest me should give sound supporting reasons when they criticize me for deviating from the subject. They should tell me why the delegation of the Legislative Council will not be kidnapped while they visit Sudan, and why they

will not be mistreated as depicted by me, and why they will not be forced to resign for the sake of their lives, wives or career. You should not stand up and criticize me for deviating from the subject without even listening to me. I bet that if such incidents happen, many people here would fall to their knees immediately, and they would even be willing to do "sole-licking", let alone resigning from office as a Member. I think one should not be disqualified because of his cowardice, should they? Cowardice is a human nature. What a big deal it is to be coward just once?

(Mr IP Kwok-him raised his hand in indication)

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

**MR IP KWOK-HIM** (in Cantonese): It seems to me that he has strayed too far. Chairman, please rule.

**MR LEUNG KWOK-HUNG** (in Cantonese): Do you understand?

**CHAIRMAN** (in Cantonese): The problem at issue is whether Members agree with the views of Mr LEUNG Kwok-hung. I cannot decide whether he is completely digressing from the subject for the time being. Mr LEUNG, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): As such, I hope Members will consider this question in detail. They can then realize that I have been cautiously and patiently leading Members to think about the reasons for such concerns, from basic to advanced, and the need for the exemption. I make it possible that Members resigning involuntarily can still keep their seats, particularly when a large group of Members are involved. It is possible that the Legislative Council will be paralysed. It is indeed possible that we go abroad altogether, say, pay a visit to Sudan, am I right?

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

**MR LEUNG KWOK-HUNG** (in Cantonese): I cannot help it. I hope Members will not repeat themselves when they oppose my speech next time. Otherwise, it is shameful (*The buzzer sounded*) ..... just find some other excuses.

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

**MR ANDREW CHENG** (in Cantonese): Chairman, this is the first time I speak at the Committee stage, so I will try to express my views about the amendments, starting from amendment No. 1.

Chairman, regarding the Bill as a whole, the content of amendment No. 1 to No. 627 is about scenarios where a certain number of Members resign .....

**CHAIRMAN** (in Cantonese): Mr CHENG, are you discussing the amendments of Mr Albert CHAN?

**MR ANDREW CHENG** (in Cantonese): Yes, Chairman, I am talking about Mr Albert CHAN's amendments, No. 1 to No. 627. Pardon me, regarding Mr WONG Yuk-man's amendment, I need to spend some time considering them from the literary and textual approach. As for the 627 amendments proposed by Mr Albert CHAN, they are all related to different percentage of by-election costs to be shared by a different number of resigning Members so as to participate in the by-election.

Chairman, whether or not the Legislative Council (Amendment) Bill is a draconian law, I believe the public need to know more details. The assessment of the Bill depends on the views of the public on the "five geographical constituencies referendum"..... According to record, the Government claimed that \$126 million was spent in conducting the by-election of the Legislative Council in 2010, thus the public considered that the Legislative Council (Amendment) Bill should prevent certain Members from playing tricks by



prohibiting them from standing for a by-election within six months after their resignation. Since it is stipulated under the law that the by-election must be held within six months, this will in actuality prevent resigning Members from taking part in the following by-election.

The amendment of Mr Albert CHAN seeks to ..... If the Government considers that resigning Members seeking re-election are wasting public money .....

(Mr Albert CHAN stood up)

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

**MR ALBERT CHAN** (in Cantonese): I request 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): Mr Andrew CHENG, please continue.

**MR ANDREW CHENG** (in Cantonese): Chairman, I mention that the objective of this amendment is to require resigning Members to reimburse the administrative costs of the by-election so triggered, so that they will not be criticized for wasting public money. As such, the amendments set out the various percentage levels at intervals of 5% between 5% and 95% of the administrative costs of the by-election that the resigning Members are willing to pay. Certainly, the number of super-District Council Members resigning on the same day may vary from two to 34, who are elected by "N" number of Members returned by geographical constituency or the functional constituency of District Councils.

I would like to focus on presenting my views. Chairman, I would like to point out that I do not fully agree with this amendment, particularly on the part requiring the resigning Member to pay 95% of the administrative costs. Just think, take the \$126 million for last by-election as an example, 95% of the cost to be shared by five geographical constituencies will be some \$20 million for each constituency. If a Member is required to pay 95% of the \$20 million-odd administrative cost, he has to pay almost \$20 million. In addition to that costs, Members have to pay the election expenses. According to the past record, Members in the New Territories East and New Territories West have to pay over \$2.6 million. This amount will exert tremendous financial pressure on Members. Why should we be required to pay such expenses in exchange for the political rights that we are entitled to?

When we say that the legislation is draconian, basically we should not let any one, the Government in particular, to deprive any one of us, including a Legislative Council Member, of the right to stand for election. In this ridiculous legislature and under the prejudiced separate voting system, if Members are aggrieved by the passage of many draconian laws, they may resort to resignation to tell others that the Government is wrong. They hope to gain the recognition of the public by winning the by-election, so that they can return to the legislature with a view to change the wrong policy of the Government. For this reason, we consider the Bill under scrutiny a draconian law. Hence, this amendment — the agreement to pay 95% of the by-election costs in exchange for standing in the by-election — has deviated from the principle of "equal political rights for everyone".

"Equal political rights for everyone", this objective seems to be easily achievable in Hong Kong. Everyone at the age of 18 or above may vote in election if they have registered as voters. Today, 16 May, is the deadline for voter registration, and anyone reaching the age of 18 by mid-July may register. It seems that Hong Kong is performing quite well in this respect. Everyone has the right to vote and the right to stand for election, as stipulated under the Basic Law. However, regarding the present proposal, if resigning Members are required to sign a letter of guarantee to pay an agreed percentage of the administrative costs, ranging from 5% to 95%, borne by the Government, I think the principle behind this proposal is questionable. I will discuss with Members the different percentage levels one by one as far as possible.

As I have said, the payment level of 95% is inappropriate, for it is ridiculously high. Why would a Member be forced to resign by the Government? The Government should be held responsible in some measure. The Government must be pressing Members to pass certain policies or draconian laws which the Member considers undesirable. Supposing that the Government intends to construct all incinerators of the territory in New Territories East, and the seven incumbent Members of the Legislative Council representing the New Territories East constituency decide to resign together to exert pressure on the Government and prevent it from doing so. As for Members from other constituencies, like Members from the pro-establishment camp now listening to us in the Chamber, they will simply let this group of Members face the unfair policy. The seven Members will then resign, and they will agree to share all or 95% of the administrative costs of the election in order to be re-elected to the legislature. The main objective of their resignation is to find out whether the public are in support of their move.

The support of the public is indicated by voting. However, if a few Members have to share the costs in order to know whether the public are in support of their move, it will be inappropriate to set the percentage at such a high level. So, 95% is definitely too high. What about 5%? Chairman, you may consider 5% an appropriate level, for after all the Government has to incur additional cost for the by-election for no reason. Yet, this is a matter of principle. To use the cost of \$126 million for the last by-election as a base, if the level is set at 5%, the Member will have to pay about \$5 million. Chairman, I am not sure if my calculation is correct given my present state of mind ..... I have done the calculation using \$126 million as the base. If it is set at 10%, it will mean \$12 million, and if it is set at 5%, it will be around \$5 million. We are talking about \$5 million to \$6 million. On top of this \$6 million, the Member has to pay for his election expenses. In other words, he will have to pay close to \$10 million for the by-election. Hence, even though 5% is a small percentage, it may infringe on the entitled political rights of a person. Besides, it does not seem to be completely correct if a person has to use money to achieve the target of standing for election.

However, I understand the intention of the few Members concerned, particularly Mr Albert CHAN. He proposes such amendments to address the public aspiration that Members should also share part of the costs of the by-election. The public may think that Members are paid by public money and

they receive remuneration, so if they want to use resignation as a means to achieve certain purpose, say to find out how many people support their participation in the by-election, the Member should bear some cost.

I think there should be a benchmark for the cost. As I said, 95% is too much, whereas any level between 5% and a certain percentage may be worthy of consideration from the perspective of the public that public money should be well spent. If a public consultation is carried out on this proposal, many members of the public may consider 50% an acceptable level, for the public in general think that Members are getting high pay. Moreover, Chairman, when they are re-elected in the by-election, they will receive \$11 for each vote as reimbursement. So, the public will say, "You have succeeded in being re-elected in the by-election and will receive some money from the Government, so it is appropriate for you to pay".

Hence, if this has been included as part of the amendment, the Government should be requested to conduct studies and it cannot avoid conducting public consultation to identify ways to strike a balance. Since Members of each constituency will receive a reimbursement of \$11 for each vote, large constituency like the New Territories West will get a large amount for election expenses, but the election expenses they incurred will also be enormous. As such, a different percentage may have to be set for different constituencies, so that a certain number of Members will be willing to share the costs.

Among the levels of 10%, 15%, 20% to 50%, I think there is much room for identifying the level acceptable to the public, taking into account the reimbursement of \$11 per vote to be received by Members, the total administrative costs of the by-election and the number of Members resign. Chairman, the amendments cover scenarios of resignation from two to 34 Members. I can hardly imagine that not less than 34 Members, which means at least 35 Members or more than half of the 60 Members of this term or the 70 Members of the next term will resort to resignation in exchange for a by-election. They hope that by means of the by-election, they can tell the public that, "I resign because of certain draconian laws or improper policy, and we call on the Government to make changes." In that case, the right to stand for election of these resigning Members should not be deprived. In my view, as the number of Members resign and stand for by-election increase, the administrative costs incurred in the by-election will decrease. At the same time, this is an indicator

that the mistake made by the Government is serious. If the Government's mistake is serious, the Government should take up a larger share of the costs incurred in the by-election and pay by public money. In fact, resigning Members should not be requested to bear the cost.

However, if the Government says that it is not the case, for certain Members, perhaps one or two, are "stirring up trouble". I think they have to share a higher percentage, but regarding how to increase the percentage — my speaking time will soon run out, Chairman, I will speak again and I hope I can, by all means, convince Members of the various levels of percentage.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, before I speak, I want to seek your instruction on something important ..... Although we have already entered the Committee stage, and I am of course aware that we should debate on the details of the provisions, the Chief Executive-elect, LEUNG Chun-ying, has openly criticized Members of the Legislative Council for engaging in filibuster to prolong the scrutiny process. Given his public criticisms against filibuster, and I am one of the Members who have proposed amendments to the Bill, or for that matter, the greatest number of amendments to the Bill, I seek your discretion to allow me to respond briefly in, say, two or three minutes, to the concern shown by the Chief Executive-elect on the bill debated in the Council?

**CHAIRMAN** (in Cantonese): Mr CHAN, you have spoken more than a dozen times, and your total speaking time is already very long. Regarding the criticisms made by other people in the community against you, you have other channels to respond thereto outside the Council. As the Council is now in the Committee stage, please speak on the details of the provisions in accordance with the Rules of Procedure (RoP).

**MR ALBERT CHAN** (in Cantonese): Chairman, as I understand, you have the power to allow me to do so under the RoP. Although I know you would not accede to my request, I still want to make a brief explanation to the Chairman

because these are important comments of vital concern to the Council. Hence, I hope the Chairman can re-consider .....

**CHAIRMAN** (in Cantonese): Other channels are available for Members of the Legislative Council to express their opinions on different views in society. The Council is now in the Committee stage, Members please speak on the provisions and the amendments.

**MR ALBERT CHAN** (in Cantonese): Chairman, thank you very much. I respect your ruling.

Chairman, in my amendments ..... I want to briefly respond to Mr Paul TSE's criticisms just now about my amendments. I think his remarks have seriously distorted the facts and are misleading. Just now, Mr Paul TSE said — he has said so more than once; in fact, he made the same criticism last week — according to Mr Paul TSE's interpretation, several hundreds of my amendments, that is, items 628 to 1122, have only one focus. Of course, I respect the authority of Mr Paul TSE's legal expertise, and he is also the one Member who has spent relatively more time to study my amendments in greater detail. I have to thank him, he deserves my respect.

He criticized that my amendments only had one focus, *viz* the expression of "within the same day" under subsection (2B). The contents of the provisions are as follows: "If not less than" — regardless of how many Members and which constituencies they represent — "resign from office as Members within the same day because they have been confined without trial over 1 month by" a specific country, "and any of them is released within 1 month after his resignation, subsection (2A) does not apply to him."

I think Mr Paul TSE's view is biased. In fact, if only Mr Paul TSE is willing to study the contents carefully and ascertain the rationale behind my entire set of amendments, he would see that these amendments involve three key points.

The first key point relates to the number of Members, or which constituencies they represent. I only focus on Members of the geographical constituency and the District Council (second) functional constituency, rather

than other functional constituencies, because of the importance of their representativeness and credibility. Another key point is the number of Members.

The second key point, as correctly pointed out by Mr Paul TSE, is that they "resign from office as Members within the same day because they have been confined without trial over 1 month", with particular emphasis on the description that they "resign from office as Members within the same day". No matter two Members, three Members, or 34 Members or 35 Members resign, if they resign within the same day because they have been confined, by simple logic, the matter should not involve personal reasons of the Members themselves. This situation is different from the detention of several members of a political party for prostitution in Dongguan several years ago. The fact that many Members resign within the same day must involve some non-personal reasons, perhaps some political reasons.

The third key point lies with the expression that "any of them is released within 1 month after his resignation". My amendments involve these three key points. Mr Paul TSE criticized me for foul play, Chairman. If I had the intention, I could have changed the expression "1 month" to "10 days", "20 days" and "30 days". As a result, the number of amendments could increase by three times, with 2 000 or 3 000 amendments in this category alone.

I very much hope that Mr Paul TSE can listen carefully to my ensuing explanation in relation to the underlying spirit and importance of these amendments. I thank him for pointing out one of the important features. Given his dedication and professionalism in identifying some key points, I think I owe him an explanation.

Chairman, next, I want to share with Members another unique country, Zimbabwe. I think I need not go into too much detail about Zimbabwe because I believe this country is familiar to us all as a result of a previous incident involving the First Lady of Zimbabwe attacking a journalist in Hong Kong, which caused much controversy in town. The Hong Kong Government came under criticisms for handling the incident in the most undignified manner as it failed to uphold the rule of law. After attacking another person in broad daylight in a public place, the First Lady of Zimbabwe could walk free and unsanctioned by law. The Government's handling of the incident has caused shame to Hong Kong in the international community. As the victim in the incident was a senior

journalist with the *Sunday Times*, and the incident was personally witnessed by European tourists, Hong Kong was brought into disrepute ..... The Government's handling of the incident has brought Hong Kong into disrepute.

Chairman, of course, I did not choose Zimbabwe out of the many countries in the world merely because of one such incident perpetuated by one of its rich and powerful in Hong Kong. Chairman, I pinpoint this country because Zimbabwe has two characteristics, one of which is the deplorable and unreliable state of its judicial system. Of course, the constitutional system of Zimbabwe must have provided for the powers, functions as well as independence of its judicial system. However, in Zimbabwe, as in similar countries ruled by dictatorship, particularly those controlled by the militia, its judicial system has invariably become a governing tool of the Government. This phenomenon has gradually appeared in Hong Kong, and it is very saddening.

Judges in Zimbabwe are often compelled by the Government to rule in favour of its interests. Many Judges who had ruled against the Government's interests were arrested, or even forced to retire. In the absence of a relatively reliable and trustworthy system, or any safeguard for the right to an open trial, many political cases were decided without trial. Friends of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and the Hong Kong Federation of Trade Unions (FTU) please listen carefully, suspects can be confined without trial in that country.

Of course, as many countries and governments which are governed by a constitution, the Constitution of Zimbabwe provides that the police must release a suspect after 48 hours of his arrest if no prosecution is instituted. This requirement is similar to that in Hong Kong. However, judging by the outrageous acts of the First Lady of Zimbabwe in Hong Kong, it may, to a certain extent, reflect the governance of the country.

The Zimbabwe police often disregard law and order. Some of the arrested persons are not represented by lawyers, and may still be denied legal representation even after the said request has been made specifically. Regarding the duration of detention, unlike the period of one month stated in my amendments, it could be as long as several months, or even several years. Hence, the situation in Zimbabwe is extremely deplorable. My advice to "Long Hair" is that he should stay away from these countries, and be careful.



With years of totalitarian rule, there are often cases where local people and foreigners are suppressed and deprived of their rights. Let me briefly give a few examples ..... These examples are recent ones and I have not repeated them. On 16 February 2010, a tourist was arrested for taking pictures in tourist attractions; he was only released after being detained for several days. On 3 April 2010, a group of Christian doctors were providing free medical services to the people of Zimbabwe in the country's territory ..... The DAB is best at providing free medical services ..... It should be the FTU. The FTU is best at providing these medical services, that is, free Chinese medical services. They should not go to Zimbabwe to provide these services, or else they may be prosecuted.

I implore Members of the FTU to be careful .....

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

**MR ALBERT CHAN** (in Cantonese): Chairman, this group of Christian doctors administered vaccines locally to prevent AIDS. In fact, their act was sacred and beneficial to the local people, and they did not have any political motive. Except for canvassing votes, the FTU also has no political motive behind the provision of free medical services.

The Government of Zimbabwe .....

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

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

**DR PAN PEY-CHYOU** (in Cantonese): Point of order. Regarding Mr Albert CHAN's remarks about the FTU, as well as the provision of voluntary services by healthcare personnel locally, I cannot see any relationship between all these and his amendments.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, please do not digress from the subject.

**MR ALBERT CHAN** (in Cantonese): Thank you, Chairman, I just happen to think of something and hence, give a gentle reminder to Honourable Members. Chairman, there is no political motive behind my remarks, please do not construe it otherwise.

**CHAIRMAN** (in Cantonese): Mr CHAN, please do not digress from the subject.

**MR ALBERT CHAN** (in Cantonese): Thank you, Chairman, I will continue with my speech. As I have just said, I was not in tip-top condition today. I took some medicine for cold and influenza, and have been feeling dizzy all day.

As I just said, that group of Christians were arrested by Zimbabwe police on 3 April two years ago on the charge of providing medical services illegally. Chairman, in the same year ..... Not the same year, but recently ..... Recently, in April 2012 .....

**CHAIRMAN** (in Cantonese): Mr CHAN, what is the relationship between the example you are now giving and your amendment?

**MR ALBERT CHAN** (in Cantonese): Chairman, they are related because this example illustrates that people are subject to detention, even prolonged detention without prosecution in that country. Through this actual example, Members would know that if they went to these places, they might meet with the same situation themselves. Chairman, I am going to give a better example, not the one on 16 April 2010.

The example I am referring to now is similar to the several examples I just gave. The difference is that the case involved Chinese nationals, and it is possible that Hong Kong people might also get caught because the case was about eating protected animals. Four Chinese nationals were arrested for killing and

eating some endangered tortoises in Zimbabwe. They did not just eat four tortoises; they caught a total of ..... A total of 40 skeletons of tortoises were found.

Chairman, the case sounds absolutely horrifying, you see ..... Hong Kong people like eating these endangered and protected animals. Chairman, Members like to go to the Mainland to consume game meats. I think you are also aware of that, particularly in winter when many organizations would invite us to go to the Mainland to consume game meats. Sometimes, one may get into trouble for eating owls or other game meats. In Zimbabwe, it is illegal to eat this kind of protected animal.

Of course, given the friendly diplomatic relationship between Zimbabwe and China, these four persons arrested for eating protected animals were just deported eventually. But if "Long Hair" and I were arrested in Zimbabwe, we would definitely be treated less favourably.

Chairman, from these examples, we can see that (*The buzzer sounded*)  
.....

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I want to make an appeal before I speak. This appeal is very important. Just now, I was downstairs and saw some .....

(Mr Paul TSE raised his hand in indication)

**MR PAUL TSE** (in Cantonese): Chairman, digression.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please do not digress from the subject.

**MR LEUNG KWOK-HUNG** (in Cantonese): That is a digression, but a very important one. I hope those anti-filibuster "fans" would stop hitting the reporters ..... I saw that. I hope .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, if you want to express your views on matters which happen outside this Council, please consider using other channels.

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

**CHAIRMAN** (in Cantonese): Now, please speak in accordance with the Rules of Procedure.

**MR LEUNG KWOK-HUNG** (in Cantonese): I hope Members would not incite other people to hit the reporters.

Today, we are discussing a series of amendments proposed by Mr Albert CHAN for the purpose of protecting a large group or a considerable number of Members against the need to resign from office as Members if they have been confined without trial over one month in other jurisdictions which have a different judicial or law-enforcement system from Hong Kong. I hope exemption can be granted by the Government in this regard so that the Members concerned can have a way out.

As a matter of fact, these countries, for example, Zimbabwe as just mentioned by Mr Albert CHAN, share the same characteristics. Their parliaments or governments have long been subject to one-party rule, such that law enforcement and the judiciary are controlled by this party. Let us leave the legislature aside first because that is irrelevant. I am going to talk about another country, *viz* Vietnam as stated in Mr Albert CHAN's amendment No. 635. The situation with Vietnam is the same. We used to have a very friendly relationship with Vietnam. This question should not have happened given the amiable Sino-Vietnamese relation. Unfortunately, the two countries went to war in 1979, and in the South Sea .....

(Mr IP Kwok-him raised his hand in indication)

**MR IP KWOK-HIM** (in Cantonese): Chairman, point of order. I think Mr LEUNG is digressing from the subject.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, you have digressed from the subject. Please speak on this amendment. If you want to explain whether Vietnam should be included in the amendment you have just mentioned, please base your discussion on the amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): I understand. Chairman, that is a shrewd observation. I originally intended to say that if the situation was what it used to be, we need not discuss the matter here because Sino-Vietnamese friendship was so strong then that even if a Chinese tourist should stumble in the streets, some Vietnamese people would come to his assistance, dress up his wounds and escort him to the home of an overseas Chinese. But given the serious anti-Chinese sentiment now, there are hardly any Chinese people there. Hence, my explanation is that the amendment is necessary now. I support the amendment proposed by Mr Albert CHAN, and I am afraid ..... Chairman, you must understand .....

**CHAIRMAN** (in Cantonese): Please explain your viewpoint.

**MR LEUNG KWOK-HUNG** (in Cantonese): I will explain it to you. That is because we need to win over their support for our amendments. I must pay attention to the general principles, as well as the details; otherwise, we may lose their votes. I think your approach is correct. If some Members consider that we have digressed, you can then make a ruling. But, honestly, I am just trying to convince them on this matter. Given the amiable Sino-Vietnamese relation, they may consider the situation unlikely .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, please give pertinent justification.

**MR LEUNG KWOK-HUNG** (in Cantonese): I understand. Hence, this amendment is in fact highly necessary. Why? As we are aware, Vietnam is

undergoing reform. Even its Government and the ruling party pointed out that (and I quote), "The legal system of our country is being criticized by the people, and we will continue with our reform." That is what they said. Of course, we have no idea what is meant by the expression "continue with our reform". But we only need to focus on one thing, that is, Vietnam is now ruled by the Communist Party of Vietnam — perhaps that is not the correct name for it may have changed its name; I am not sure about it, so let us call it the Communist Party of Vietnam — which is the only ruling party of the country. What kind of system is practised by the Communist Party of Vietnam? Let me cite the United Nations Human Rights Committee, which said, "The Communist Party of Vietnam is the only ruling party in Vietnam ....."

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

**MR WONG KWOK-HING** (in Cantonese): Chairman, point of order. The system of government in Vietnam as just mentioned by Mr LEUNG is unrelated to the subject matter. I seek your ruling.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, report, I also wish to raise a point of order. Mr WONG Kwok-hing is writing Chinese calligraphy, and that is unrelated to the present agenda item. I am sure that what he has written is unrelated to this agenda item. I now file this report to you.

**CHAIRMAN** (in Cantonese): Mr LEUNG, the Rules of Procedure (RoP) specifically provides for the contents of speeches made by Members. You must now speak on the details of the relevant provisions or amendments, instead of providing some irrelevant information. If you want to continue speaking, please do not digress.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am citing a report. If Members consider it irrelevant after listening to the contents of the report, I will stop quoting immediately, OK? It said, .....

**CHAIRMAN** (in Cantonese): What is the relationship between this report and the provision now under discussion?

**MR LEUNG KWOK-HUNG** (in Cantonese): Because this country, Vietnam, is  
.....

(Mr Andrew CHENG raised his hand in indication)

**MR ANDREW CHENG** (in Cantonese): Just now, Mr LEUNG Kwok-hung mentioned the conduct of Mr WONG Kwok-hing and sought your ruling. While Members must speak on the amendments, the RoP also requires that Members inside the Chamber should only engage themselves in businesses connected with the Council meeting.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung has not specified which rule of the RoP that Member has contravened, and I do not think any Member has contravened a particular rule of the RoP. Mr Andrew CHENG, if you think Mr WONG Kwok-hing has contravened a particular rule of the RoP, please raise your point and I will consider.

**MR ANDREW CHENG** (in Cantonese): Chairman, I will look into the RoP again. But I want to seek your advice, that is, if Honourable colleagues sit here watching movies online or writing Chinese calligraphy, is that .....

**CHAIRMAN** (in Cantonese): We do not have Members watching movies online now.

**MR ANDREW CHENG** (in Cantonese): Chairman, what is the difference between watching movies online and writing Chinese calligraphy in the Chamber?

**CHAIRMAN** (in Cantonese): Mr CHENG, perhaps because you are going in and out of the Chamber, you have not heard all the rulings I made previously. I suggest that you remain seated in the Chamber.

I have made a ruling earlier in respect of viewing information online, and I have also stated my views in respect of writing Chinese calligraphy in the Chamber as well as the words to be written, and hence, I will not repeat. Therefore, I hope you can remain seated in the Chamber. If you think any Member has contravened any particular rule of the RoP, please raise your point and I will make a ruling. Mr LEUNG Kwok-hung, please continue with your speech.

**MR ANDREW CHENG** (in Cantonese): I understand. Nonetheless, Chairman, you need not remind me to stay in the Chamber. As a Member, I have the same right to go in and out of the Chamber as those Members .....

**CHAIRMAN** (in Cantonese): Mr CHENG, you are now speaking in contravention of the RoP. Mr LEUNG Kwok-hung, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, thank you. Behold, wise Chairman, the greater your power, the wiser you are.

Chairman, I want to explain to you, but what can I do if I was interrupted continuously? I was only reading the first sentence when I was stopped. I read out the passage to illustrate that the policies in Vietnam, both in respect of law enforcement and the judiciary, can result in Members of the Hong Kong Legislative Council being imprisoned there for one month without trial. If even this premise cannot be established, it means that Mr Albert CHAN is a "loser", and his proposed amendment is groundless. While so many people are against him, I support him. Of course, I have to point out that his amendment is "meaningful", rather than "meaningless" as many people here — such as writing Chinese calligraphy in big characters which are easy to read — Chairman, please make a ruling: if my statement here .....

(Ms Starry LEE raised her hand in indication)



**MS STARRY LEE** (in Cantonese): Point of order. Chairman, point of order, Mr LEUNG Kwok-hung has digressed from the subject, please rule.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please continue to explain your reasons for supporting Mr Albert CHAN's amendment, and do not digress.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes. My dear Honourable colleagues, if you went to Vietnam, your entire group could be caught, arrested by police officers or secret police officers controlled by the Communist Party of Vietnam, and confined for one month so that you were forced to resign, or else they would hit your legs and feet, just like the scene depicted in the movie Boat People, do you understand? I am concerned with your situation, particularly because so many of you have misbehaved, right?

Ladies and Gentlemen, including Mr WONG Kwok-hing, Ms Starry LEE and other Members who have stood up to interrupt me, I am now telling you about my argument. Firstly, you must understand that Vietnam is a country with only one ruling party, and what this ruling party is .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have already mentioned this point.

(Mr IP Kwok-him raised his hand in indication)

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

**MR IP KWOK-HIM** (in Cantonese): I think he is repeating and has digressed from the subject.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please do not repeat the things you have said.

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

(Mr Paul TSE raised his hand in indication)

**MR PAUL TSE** (in Cantonese): Sorry, Chairman, point of order. Chairman, I must repeat my point: How many warnings must you issue before enforcement?

**CHAIRMAN** (in Cantonese): My warnings are enforcement.

**MR PAUL TSE** (in Cantonese): Chairman, every time you enforce the rule, the Member speaking will speak on the subject briefly and then he will digress again. Then you give another warning and enforce the rule again, which is tantamount to repeating your warnings, and they will digress again ..... Chairman, is that the rule of this Council?

**CHAIRMAN** (in Cantonese): According to the RoP, if a Member persists in tedious repetition of his own or other Members' arguments, I should direct him to discontinue his speech. If that Member still persists in tedious repetitions, up to the point where I rule that his conduct is grossly disorderly, I must order him to leave the Chamber.

**MR PAUL TSE** (in Cantonese): Chairman, if we, the 36 Members now present in the Chamber, all agree — agree unanimously — that the speech is tediously repetitive, will your goodself make reference to the views of the 36 Members present and come up with a relatively fair ruling?

**CHAIRMAN** (in Cantonese): I have pointed out time and again that some Members have persisted in tedious repetitions. Regarding your so-called enforcement, I cannot see other ways to stop the Member concerned, apart from asking him to stop repeating his argument. I can only ask him to stop speaking. If I rule that his conduct is grossly disorderly, I can only order him to leave the

Chamber. Mr Paul TSE, I have already given you a clear explanation in this regard at the last meeting.

**MR PAUL TSE** (in Cantonese): Chairman, I am afraid that you have not made a relatively clear ruling as regards the number of warnings to be given to be considered suffice. Does it mean that you will only consider our views each time we raise our hands to state our views? If all Members in this Chamber raise hands now, will your goodself consider the views of the Members present?

**CHAIRMAN** (in Cantonese): Mr TSE, the ruling is made by me. In reply to your question last time, I had already stated that if any Member considered that the Member speaking had contravened the RoP, he could of course stand up to make a point of order. As regards whether I would consider your views, as I had also said last time, I would definitely make reference to and consider the views of Members, but I would make my own judgment. After I made the decision, please respect my judgment.

(Mr Andrew CHENG raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG, what is your point?

**MR ANDREW CHENG** (in Cantonese): Chairman, thanks for reminding me. I want to raise a point of order.

**CHAIRMAN** (in Cantonese): Please speak.

**MR ANDREW CHENG** (in Cantonese): Just now, you told me to look up the RoP. I saw an Honourable colleague reading a book. Under Rule 42 of the RoP, "During a meeting of the Council — Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business of the Council" .....

**CHAIRMAN** (in Cantonese): Which Member you saw reading a book?

**MR ANDREW CHENG** (in Cantonese): I saw Mr LAU Kong-wah holding a book; it looks like he is reading the *Book of Poetry* .....

**CHAIRMAN** (in Cantonese): Mr LAU Kong-wah, is the book you are reading directly related to the business of the Legislative Council?

**MR LAU KONG-WAH** (in Cantonese): Chairman, I am reading a book called *Democracy and Leadership*. I consider that the discussion, which is irrelevant to the subject, does not have any democratic credential at all .....

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, I am dealing with a point of order.

**MR LAU KONG-WAH** (in Cantonese): I think that the discussion, which is not only irrelevant, but also frivolous. It is nothing but filibustering and is not democratic at all. I therefore have to study the western system.

**CHAIRMAN** (in Cantonese): Is the book that you are reading connected with the business of the Council?

**MR LAU KONG-WAH** (in Cantonese): Yes, it is.

(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): A point of order. I saw Mr LAU Kong-wah take up another book, (*Laughter*) end of my report. I think credibility is very important. I saw he take up another book and credibility is all that matters. If you do not trust me, you may ask a security guard to take a look at his seat. He has two books.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please sit down.

**MR LAU KONG-WAH** (in Cantonese): Chairman, I like reading books. Since someone has adopted the filibustering tactic, I have prepared to stay up the whole night. I have brought five books and will read them alternatively. All of them are connected with the debate of this Council. Being a Member, I need to read these books.

**CHAIRMAN** (in Cantonese): Members should note that the books which they read during the Council meetings must be connected with the business of the Council.

(Mr Albert CHAN raised his hand in indication)

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

**MR ALBERT CHAN** (in Cantonese): Chairman, can Mr LAU Kong-wah show us if the book he has been reading is the one which he just mentioned? He has not shown us the book concerned, but just another one.

**CHAIRMAN** (in Cantonese): Mr LAU Kong-wah, are the books which you brought into this Chamber connected with the business of this Council?

**MR LAU KONG-WAH** (in Cantonese): Yes, you are right.

**MR ANDREW CHENG** (in Cantonese): How can the RoP, which is so solemn, be dealt with this way? The RoP clearly provides that "..... directly connected with the business of the Council".

Chairman, just now Mr LAU Kong-wah held up a book, while I cannot see it from this angle, Mr LEUNG Kwok-hung should be able to see it from his seat. Since so many colleagues have started the discussion on the RoP, we should strictly adhere to it. Besides, Chairman, I wonder if you really believe that the book which your former fellow party member is reading is connected with the business of the Council, as he claims to be?

**CHAIRMAN** (in Cantonese): If Mr CHENG thinks that the book which any Member is reading is not connected with the business of the Council, please provide a justification and I will rule on it. Or, if Mr CHENG knows that any Member is reading a book which is not directly connected with the business of the Council, please speak out.

**MR ANDREW CHENG** (in Cantonese): Chairman, a point of order. Regarding your decision, as I am 30 ft away from him, how can I see the name of the book that he is reading? However, since a Member has made a request, I think the Chairman should at least take a look at the book which Mr LAU Kong-wah has been reading to see if it is directly connected with the business of the Council. You have nonetheless passed the ball to other Members, which is inappropriate.

**CHAIRMAN** (in Cantonese): Members have actually turned the RoP into a fiasco. If Members has doubt about the book which any Member is reading, I will ask the Member concerned if his book is connected with the business of the Council. As a respect to his reply, I will not look at the book concerned. Mr CHENG, please be seated.

(Members tapped on the bench to mark the occasion)

**MR ANDREW CHENG** (in Cantonese): Chairman, with regard to your remarks ..... As Members are expressing views on the contents of speeches under the

RoP, I think that the RoP should be strictly enforced. While you can keep booing, I will simply adhere to my principle, and the Chairman will rule in his own way .....

**CHAIRMAN** (in Cantonese): Mr CHENG, please stop arguing with me over my ruling.

**MR ANDREW CHENG** (in Cantonese): ..... but if you pass the ball to me and ask me to give views .....

**CHAIRMAN** (in Cantonese): Mr CHENG, stop speaking and sit down.

**MR ANDREW CHENG** (in Cantonese): ..... how can I give you my views, Chairman? Am I right?

(Some people in the public gallery shouted and clapped their hands)

**CHAIRMAN** (in Cantonese): Mr CHENG, if you insist on debating with me about my ruling, I can only ask you to leave the Chamber.

**MR ANDREW CHENG** (in Cantonese): Then, can you ask Deputy Chairman to take the chair so that I can debate with you in your office and give you my views?

**CHAIRMAN** (in Cantonese): Mr CHENG, please sit down immediately. Mr LEUNG Kwok-hung, please continue with your speech.

**MR ANDREW CHENG** (in Cantonese): No, Chairman, I want to settle the issue.

**CHAIRMAN** (in Cantonese): Mr CHENG, I have settled the issue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Is it my turn now?

Chairman, I know what you have said is right. Generally speaking, Members are deemed to be honourable, which means that they are reliable .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, please stop discussing this issue.

**MR LEUNG KWOK-HUNG** (in Cantonese): The problem is many people doubted that I am not reliable and accused me of filibustering and digressing from the subject, and they asked you to rule on my speech.

**CHAIRMAN** (in Cantonese): If any Members query that you have digressed, I will rule on that, and I did.

**MR LEUNG KWOK-HUNG** (in Cantonese): I get it.

**CHAIRMAN** (in Cantonese): After making the ruling, I have reminded you time and again not to digress. Please continue and do not digress.

**MR LEUNG KWOK-HUNG** (in Cantonese): Please alert me if you notice that I am digressing, okay?

(Some people in the public gallery clapped their hands)

**CHAIRMAN** (in Cantonese): People in the public gallery should keep quiet. Otherwise, I will only ask you to leave the public gallery. Mr LEUNG Kwok-hung, please continue with your speech.



**MR LEUNG KWOK-HUNG** (in Cantonese): Just now I said that Hong Kong legislators (including incumbent and future legislators) may visit Vietnam. Vietnam has a very special system as its judicial and executive bodies are controlled by the ruling party. Under the control of the Vietnamese Government, Legislative Council Members who visit the place may be confined for more than one month without trial. I do not make this up. I hope Members will understand that it is no big deal to hear from others what you do not know.

According to the Constitution of Vietnam, the National Defense and Security Council established under the National Assembly is responsible for reviewing and supervising the national defense and security policies. It is entirely or mainly comprised of members from the Vietnamese Communist Party. Also, local government officials are mostly Communist Party members .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you are repeating the same viewpoint.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, please let me finish first. As all government bodies are controlled by the Vietnamese Communist Party, none of us can be exempted. I hope other Members will understand it is not a rare occasion that we will face unjust sentences.

In Hong Kong, I might be beaten up by a policeman who has misbehaved, but this is absolutely not a common phenomenon. TSANG Wai-hung will not order any policeman to beat me. If I wish to report the misconduct of that policeman, I can turn to the Complaints Against Police Office and the Independent Police Complaints Council. My interests will definitely be safeguarded.

However, under Vietnam's system, not only the central power (namely the executive, legislative and judicial power which we are familiar with) is controlled by the Vietnamese Communist Party, but also the local power. In other words, whether we are in Saigon or any other provinces, the result will be the same. Unlike what some people think, stay away from remote places and stay in Saigon and you will be safe. Let me tell you, this is not true. The entire system is actually controlled by the Vietnamese Communist Party from top down. If

people in the lower echelon make a mistake, those in the upper echelon will still be backing them.

Having said so much, I will now switch to another issue, and that is, why would we commit an offence? In Vietnam, there is a very weird offence. It would be an offence if a person disseminates views against the Vietnamese Communist, or criticizes the Constitution that the Vietnamese Communist Party is the ruling party. In Hong Kong, people just hurl abuse any time, just like them, who have been hurling abuse just now. They even dare challenge your ruling, Chairman, and ask if the 36 of them are more powerful than me. How they dare ask such a question?

(Mr IP Kwok-him raised his hand in indication)

**MR IP KWOK-HIM** (in Cantonese): The speech of the Member is still digressing from the subject. Chairman, just now you have already ruled that we should no longer debate on the political structure of Vietnam. I hope that you can make a ruling right now.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please let Members and I hear that you have not digressed.

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

**CHAIRMAN** (in Cantonese): Please let us hear that you have not digressed.

**MR LEUNG KWOK-HUNG** (in Cantonese): Okay, I get it. However, I do not feel painful today. I cannot feel the pain.

**CHAIRMAN** (in Cantonese): How does your speech relate to the amendment under discussion?

**MR LEUNG KWOK-HUNG** (in Cantonese): It is relevant. Chairman, I do not want to insult Members' wisdom. When one speaks to seek other people's consent, his speech should: first, be structured; second, cover different levels, and third, cover different angles .....

**CHAIRMAN** (in Cantonese): Please stop expressing views.

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... so as to solicit support. Otherwise, we should better adopt the Mainland's approach of voting immediately after reading out the amendments. I am now explaining to this Council that it is not a unique case of confinement without trial. Instead, this may happen to you, whether you are in Saigon, at the border or in Nha Trang. If I am not stating the seriousness of the problem, what do you think I am saying?

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

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

(Mr Albert CHAN stood up)

**MR ALBERT CHAN** (in Cantonese): Chairman, a point of order.

In his speech, Mr LEUNG Kwok-hung mentioned two points. He pointed out that the speech should "first, be structured", and then he said it should "cover different levels". I want to ask, is the "structure" he mentioned in the first point the same as the "levels" mentioned in the second point. If they are the same, will the Chairman rule that Mr LEUNG Kwok-hung is repeating himself?

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, please do not raise some frivolous questions, just let Mr LEUNG Kwok-hung continue with his speech.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, the "levels" and "structure" which I mentioned are different. In other words, "levels" and "structure" have different meanings.

**CHAIRMAN** (in Cantonese): Members should avoid using "cocktail language" in speaking.

**MR LEUNG KWOK-HUNG** (in Cantonese): Sorry, thank you for your advice. I will follow the Chairman's instructions.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Okay. I think that Members should consider one point. If Hong Kong people ..... I have just done some research and found that many Hong Kong people visit Vietnam every year, or go to Vietnam via Thailand. Vietnam has already become one of the tourist destinations being developed by our tourist industry. Our colleagues may also go there .....

(Mr Paul TSE raised his hand in indication)

**MR PAUL TSE** (in Cantonese): Chairman, according to Rule 41(1) of the RoP, Mr LEUNG has digressed.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please come to the point quickly and avoid giving too much information which is not directly connected with this amendment. You have spoken a number of times, and your speeches are lengthy.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I get it. Be true to your conscience, somebody is listening. I think such kind of lawyer is really too bad.

**CHAIRMAN** (in Cantonese): Mr LEUNG, please do not digress from the subject.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I am now telling you that my first sentence will "come to the point right away". I have "come to the point right away". In fact, Hong Kong legislators now have more opportunities to visit the Socialist Republic of Vietnam because .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have mentioned this point a number of times. Please do not repeat the argument previously raised.

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

**CHAIRMAN** (in Cantonese): You have reached a state where tedious repetitions of your own arguments have been made. If you think what you are going to say is just repetition of these arguments, I suggest you to discontinue your speech and explore other arguments.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, according to the statistics provided by the United Nations Commission on Human Rights, since 2011, a total of 2 534 people have been illegally detained in the Socialist Republic of Vietnam, which is confinement without trial as we have said. Although not many of those confined are Hong Kong people, I hope Members will understand that the 2 000-odd detainees will further increase with the rising inbound tourists in Vietnam. This amendment does not target at people who are confined in Vietnam because of a difference in system, but Members have been forcibly confined and thus worry that they will not be able to return to Hong Kong to serve Hong Kong people and must resign. In conclusion, I should support Mr Albert CHAN's amendment. Thank you, Chairman. Did I repeat?

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

**MR ANDREW CHENG** (in Cantonese): Chairman, I want to follow up on my first speech given earlier and continue to express my views on Mr Albert CHAN's proposed amendments No. 1 to 627.

Just now, I mentioned what should be the percentage of the amount of administrative costs of the by-election that Members agreed jointly to reimburse. I have stated right at the beginning that 95% is inappropriate, and the percentage should be capped at 20%. Why should it be 20%? Because based on the \$126 million administrative costs incurred in the last by-election held in 2010, 20% would be equivalent to some \$20 million. To the candidates, this \$20-odd million is indeed a huge sum of money. And yet, I will still try to convince Hong Kong people. If a Member resigns to seek electors' agreement on his resignation, and agrees to pay a certain price in return for people's acceptance of his belief in re-election upon resignation .....

Although I use 20% as the cap, I actually think that, honestly speaking, it is best not to pay a single dollar. But since there is such an amendment, which tries to stop Hong Kong people from thinking that these "trouble-making" Members are not paying a price ....., After all, every Member has an inherent right to stand for election and the right to vote. The Government must be held responsible for causing the resignation of Members.

Therefore, Chairman, I think that 20% should be used. When two Members of any geographical constituencies, or two Members of any functional constituencies, or one Member of any geographical constituencies and one Member of any functional constituencies resign, I think that the percentage should be 20%. Take the abovementioned \$126 million as an example and calculate on the basis of 20%, each Member will have to share about \$10 million, which is indeed a huge sum of money. And yet, Hong Kong people might think that Legislative Council Members receive monthly remuneration, and they should therefore pay a price for their resignation. I nonetheless hold that all Members would be willing to bear the administrative costs of the by-election as the Government did. Chairman, if N to three Members or more and more Members resign because of the differences in logics and beliefs ....., both members of the public and the Government should react less and less strongly to the resignation of these "trouble-making" Members. This is because if many Members resign at one time, it would mean that some policies or laws have outraged the Member or

Members concerned. I would therefore interpret N as a number between two and 20.

(Mr Albert CHAN requested a headcount)

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

(While the summoning bell was ringing, Mr Albert CHAN spoke in a loud voice)

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

**CHAIRMAN** (in Cantonese): Committee now resumes. Mr Andrew CHENG, please continue with your speech.

**MR ANDREW CHENG** (in Cantonese): Chairman, just now I said that the starting point would be 20%, which is a barely acceptable percentage. It is hoped that people would understand that Members also need to pay a price for resigning to stand for the by-election. And yet, the approach of jointly reimbursing the administrative costs of by-election should only apply to the resignation of two to 20 Members at the same time.

In case 21 or more Members resign ..... There will be 70 Members in the following term of the Legislative Council. If more than 20 out of 70 Members resign at the same time, I do not think that they should jointly reimburse the administrative costs as proposed in the amendment, in exchange for their inherent political right to stand for the by-election.

In my opinion, the resignation of an additional Member should result in a 1% decrease in the amount of administrative costs of the by-election to be borne by the Members concerned. In other words, if more Members resign, the percentage of administrative costs to be reimbursed will be lowered. If three Members resign at the same time, for instance, I think the amount of by-election costs to be jointly borne should be 19%. Based on the \$126 million incurred in

the last by-election, the amount to be jointly borne by these three Members would be 19% of the administrative costs, and each of them will pay less than \$10 million, which is nonetheless pretty close to \$10 million.

If four Members stand for the by-election after resignation, I think that they should share 18% of the administrative costs. A rough calculation shows that if 18% of the \$126 million is to be shared among four Members, each will have to pay about \$6 million. My arithmetic is pretty poor and my calculation may be wrong. Worse still, given my present condition ..... I guess the answer should be around this amount. On top of this \$6 million, each Member will also have to bear the by-election expenses, which will add up to nearly \$10 million. If the candidate is standing for the by-election in New Territories East, the expenses will be around \$8 million, which is indeed a huge amount.

As the number of resigning Members increases, the percentage of the administrative costs to be jointly reimbursed should decrease: the rate of contribution would be 17% for the resignation of five Members; 16% for six Members; 15% for seven Members, and so on and so forth.

Chairman, there are seven Members in New Territories East, eight in New Territories West and six on Hong Kong Island. As I have said earlier, if seven Members of the same geographical constituency resign at the same time, it would be very shocking. Each will have to share about \$3 million to \$4 million for challenging the Government's unjust policies or laws.

If eight Members resign, I think they will only have to bear 14% of the costs, 13% for the resignation of nine Members and 12% for the resignation of 10 Members. Chairman, the resignation of as many as 10 Members will account for one seventh of the future Council. The resignation of one seventh of Legislative Council Members will cause significant effect. However, the Government should be held responsible for this.

If 11 Members resign, they will have to bear 11% of the costs, and then the rate of contribution is 10% for 12 Members; 9% for 13 Members; 8% for 14 Members, 7% for 15 Members, 6% for 16 Members, 5% for 17 Members, 4% for 18 Members, 3% for 19 Members and 2% for 20 Members. In other words, if more than 21 Members resign, they can stand for the by-election without bearing any administrative costs. Chairman, I suggest that the contribution rate should



range from 2% to 20%. This is different from the contribution rate as proposed by Mr Albert CHAN, which can be as high as 95% but diminishes by 5% in each of the following amendment.

I want to reiterate that this is an inherent human right, and such political right should not be deprived of. Certainly, Members resign to express their dissatisfaction about certain government policies or draconian laws, and they solicit electors' support of their return to this Council through by-elections. I therefore think that 2% is ..... If 20 Members resign, they will have to jointly bear 2% of the costs ..... 10% of \$126 million is roughly \$12 million, whereas 1% is \$1.2 million and 2% is \$2.4 million. If \$2.4 million is to be shared among 20 people, each will bear about \$100,000.

If 20 Members resign, each of them will have to pay the Government \$100,000 as administrative costs of the by-election. And yet, many people may feel uncomfortable about this sum of money. Why are they required to pay this sum of money? If 20 members resign at the same time, the Government should have made some big mistakes. And yet, given that members of the public either do not have accurate information or do not know much about Members' resignation to stand for the by-election, I would like to elaborate on the amendment concerning the sharing of the administrative cost, so that electors or Hong Kong people to have a good understanding of what is going on.

Should the resigning Members jointly bear the Government's administrative costs of the by-election? As I have stated in this table, when more Members resign, there will be lower rate of contribution to be borne jointly by Members. I want to reiterate that while I agree with most of the present amendments, I have told Mr Albert CHAN in private that for this amendment, which requires one Member to pay for 95% of the administrative costs of the by-election, that is, nearly \$100 million ..... Like the previous resignation *en masse*, each of the five Members had to bear about \$20 million. It is inhuman, unfair and injustice to require Members to share government expenses. I therefore oppose the 95% contribution rate, and I even consider the contribution rate of 21% inappropriate. I can only tolerate a contribution rate of 20% so as to ensure that the Government will perform its responsibility in the implementation of policies, whereas Members can stand for by-election after resignation.

**CHAIRMAN** (in Cantonese): The meeting will now suspend for one hour for Members to have dinner.

6.32 pm

Meeting suspended.

7.44 pm

Committee then resumed.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, it seems that we still need one Member or two more Members.

**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): Mr Albert CHAN, do you wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, members of the public have given me some medicine and I express my sincere gratitude to them. Perhaps when I spoke earlier, they learnt that I was not feeling well.

Chairman, regarding the situation of different countries, I have just talked about the situation of some countries. Now, I am now going to share with

Honourable colleagues the situation in Iran. Iran is different from other countries and it has a special system and religious background. Therefore, I believe Members in this Chamber and many Hong Kong people may not understand the operation of its government.

The constitution and laws in Iran state that a respondent should be presumed innocent, and there should be fair trials. As in the case of Hong Kong and other civilized societies, a respondent in Iran also has to right to hire a lawyer, and he has the right to appeal after he has been convicted. Based on the above information, we cannot find any reasons why "Hulk" has chosen to include Iran among the 15 countries. However, there are situations of imprisonment or unjust verdicts resulting from unreasonable trials; if Members happen to get such treatment ..... Iran's court structure is very special, there are courts of peace in addition to public courts. Public courts generally hear civil cases, and there are civil courts and special civil courts, as well as first class criminal courts and second class criminal courts. Iran's court structure is really special because there are independent courts of peace and ordinary courts. A more special point is that Iran also has revolutionary courts. The name seems to remind us of China during the Cultural Revolution. The family members of some Members present may have experienced these sufferings, and Hong Kong people should be well aware of that.

Iran's revolutionary courts are special in the problems they handle — I hope Members would not encounter these problems in the future — the definitions are special and we must be very cautious. Iran's revolutionary courts mainly handle issues that endanger national security and the Islamic Revolution. We have to understand what the Islamic Revolution is all about. We may not know very clearly the Islamic beliefs and principles, and may easily violate them, in particular, the relationship between men and women. Members in Hong Kong are open and civilized and we respect women, and female Members in Hong Kong are also civilized and westernized. If our daily contacts or conducts are considered to impose hazards or insults to the religious belief, or considered to endanger social security — considered but not ruled — the case will be handled by a revolutionary court.

It is not enough just to talk about the courts, because a person will only be convicted after his case has been brought to the court, and the court will not adopt general trial procedures. It is also expressly specified in Iran's constitution —

this provision is better — in Hong Kong a person can be detained for 48 hours, whereas in Iran, the constitution stipulates that any person being arrested must be prosecuted within 24 hours; and that person must be released if he is not prosecuted. That provision should not be too bad because the person arrested can be released after being detained for 24 hours. Hence, the situation I mention, that is, a person being imprisoned for one month without prosecution should not happen, according to the provision of the constitution. Many countries, especially our great Motherland, have sacred provisions in their constitution, but the actual situation is not the same.

That is also the case in Iran. Information shows that — Members should be very careful when they travel to Iran — the Iranian Government seldom observes the provision. The same situation also happens in our great Motherland, where the provision in the constitution have rarely been observed. In Iran, there is a situation, a frequent situation — we have to watch out and do not say that is none of our concern. Owing to differences in cultural, moral standards and conducts, a person committing certain acts in Iran will be imprisoned. "Long Hair" is an expert, he can tell us later which acts will violate the provisions. I will leave some stories to be told by "Long Hair", I cannot be the only one speaking.

There are examples in Iran about persons being imprisoned without trials. They are often imprisoned not for weeks but for months and even years. In the most serious cases, the imprisoned persons cannot contact other people including their family members and lawyers.

Speaking of imprisonment, we can certainly get someone released by certain means. The most special situation in Iran is that a very high bail can be paid. In Iran, a person who owns properties but lacks cash can mortgage the properties. The problem is that he may never have a chance to get back the properties after the mortgage. This .....

(Mr IP Kwok-him raised his hand in indication)

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, I think the Member has digressed from the subject.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, please avoid providing too much information that is unrelated to your amendment.

**MR ALBERT CHAN** (in Cantonese): Chairman, Mr IP Kwok-him certainly considers that irrelevant. But, if a Member is detained and he eventually decides to resign, the series of relationships are related to the amendment. If he is detained without a trial but he cannot pay the bail ..... some richer Members can definitely "buy" freedom with the bail, but for some poorer Members like "Long Hair", we cannot .....

**CHAIRMAN** (in Cantonese): Mr CHAN, the detailed information you have provided is not directly related to this amendment.

**MR ALBERT CHAN** (in Cantonese): Chairman, I would like to give another figure for Honourable colleagues' reference. In Iran, 25% of the imprisonment periods are longer than a few months. This information is for Honourable colleagues' reference, it is new piece of information and it is not a repetition.

The process of trials is special as there is no jury in Iran. The characteristics of a revolutionary court — this subject is rather special and some Members may be interested — the judge of a revolutionary court concurrently plays the role of a prosecutor; hence the judge and the prosecutor is the same person. The biggest problem is that, if a person is tried in a revolutionary court, he is often sentenced to a long-term imprisonment. We must be careful about the allegation .....

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

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

**MR ALBERT CHAN** (in Cantonese): ..... counter-revolutionary ..... sorry  
.....

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, Mr Albert CHAN has explained in detail Iran's judicial system but that is irrelevant to confinement without trial.

**CHAIRMAN** (in Cantonese): You should wait until he has finished speaking before determining whether it is relevant or not.

**MR ALBERT CHAN** (in Cantonese): Chairman, this is the last part. I do not regard a trial in a revolutionary court as a formal trial. Any Member who have legal knowledge — I hope Members from the FTU also have legal knowledge — know that it is impossible for a judge to be concurrently a prosecutor. I absolutely do not believe that Members would consider this a formal trial.

Hence, in a revolutionary court ..... if a Member is prosecuted in Iran and the charges include counter-revolutionary behaviour, moral corruption, and collusion with foreign forces — our great Motherland likes to charge people with "collusion with foreign forces" most — he will be sentenced to a long-term imprisonment and his status as a Legislative Council Member will be ..... the two or three Members being confined together may be forced to resign, or, fearing that they may not be able to continue to serve the public in the community, they may decide to resign for the interest of the electors, which is a sensible and reasonable decision.

I have some other examples but I believe Members may not want to listen. There are examples about some recent cases. A few persons ..... there are detailed information about how these persons have been unreasonably or illegally detained and they have eventually been released with government assistance. Such cases had happened ..... my worry is based on facts and legal arguments. There were similar cases in the past years, especially these few years. Surely, I am not pointless and I have not proposed these amendments for the sake of filibustering. I hope Members would understand that.

Chairman, I have something to add. Mr Andrew CHENG did not attend the last meeting. He does not concur with my argument that a resigning Member had to bear 95% of the expenses as stated in the amendment. Chairman, the reasons I have given are simple and I do not intend to repeat them. The most important reason is that, assuming that the authorities will not allow the Member to stand for election again even if he is willing to bear 95% of the expenses, this will highlight how harsh and absurd the system and the laws are. The most serious criticism about the "five geographical constituencies referendum" is that public money had been wasted. Assuming a Member is willing to pay a total sum of \$100 million — the relevant expenses are some \$160 million, and even 95% amount to some \$140 million. If a resigning Member is willing to pay the expenses but the authorities do not allow him to stand for election, this definitely deprives him of his political power, and this is not a financial reason.

Chairman, I have simply added this point above. Thank you.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, Mr Albert CHAN has just talked about Iran but he has not addressed the crux of the problem, and that is why Dr PAN Pey-chyou does not understand him. Let me explain this point further. Iran is an Islamic Republic upholding Fundamentalist beliefs, and it is different from some moderate or secular Islamic country. For example, when we travel to Indonesia or Jakarta, we all think that their laws are similar to those in Hong Kong, and we will not violate the laws there if we act in compliance with Hong Kong laws. Let me give an example .....

**CHAIRMAN** (in Cantonese): Please do not spend too much time talking about the situations in other places. Now that you are talking about Iran, please focus your discussion on Iran.

**MR LEUNG KWOK-HUNG** (in Cantonese): I only made this remark because Dr PAN does not understand. I am not sure if he has been to Iran. Islam is

divided into different sects such as Sunni and Shiite, and Iran is one of the relatively small number of Shiite countries in the Islamic world. The countries in this sect are hostile to foreign countries and foreigners, especially when it is found that the acts, expressions or clothing of foreigners; that is, their words and deeds, would endanger the Islamic Republic established after the 1979 Islamic Revolution. A fairly important difference is that local people are completely apathetic.

(Ms Starry LEE raised her hand in indication)

**MS STARRY LEE** (in Cantonese): A point of order. I have observed that Mr LEUNG Kwok-hung is repeating Mr Albert CHAN's arguments and both of them have talked about the situations in Iran. Please rule.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I have not, the information on Sunni and Shiite sects has not been mentioned .....

**CHAIRMAN** (in Cantonese): Mr LEUNG is talking about Iran and he is supplementing Mr Albert CHAN's introduction on Iran just now. Mr LEUNG, please proceed quickly and let Members hear that the information you provide is relevant to this amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): Alright, this is definitely relevant to the subject. Chairman, I believe you have been to Jakarta and we generally think that the place is similar to Hong Kong. However, if your acts in Declan are in line with the laws of Hong Kong, you may be rebuffed, and the scenario mentioned in Mr Albert CHAN's amendment will thus appear — imprisonment for one month without trial. Iran's revolutionary regime attaches considerable importance to the purity of Islam, and Islamic doctrines are taken as its constitutional basis. I would like to give an example. In Jakarta, it is not a problem if a woman does not wear a veil. As we can see, many domestic helpers in Hong Kong have got used to not wearing a veil. Even Indonesians have a habit of not wearing a veil and they think that a woman may or may not wear a veil.



Nevertheless, the situation in Iran is different. If you are a foreigner who has not worn a veil, the local people may sometimes tolerate your behaviour, and they will just ask if you have a veil or not. If you do not have a veil, they will ask you to buy one or give you one. There is another characteristic that Ms Starry LEE is not aware of, the country has a troop known as the Revolutionary Guard Corps, which is unique worldwide. The Revolutionary Guard Corps is under the direct command of a religious leader and Iran's Parliament is divided into two parts. One part is made up of elected .....

**CHAIRMAN** (in Cantonese): What is the relationship between the information you are giving and the Bill?

**MR LEUNG KWOK-HUNG** (in Cantonese): There is a relationship because the Revolutionary Guard Corps are lawless. Chairman, when you are walking on the street in Hong Kong, you will not be arrested or beaten up by people who claim to be members of the Revolutionary Guard Corps, and you will not be sentenced to imprisonment because they have the power above the criminal law in Hong Kong, right? Some Honourable colleagues do not know that.

Under Iran's system, the President has a four-year term and he can be elected by universal suffrage for two terms — regardless of whether that is genuine universal suffrage or not. Nonetheless, a religious leader is the life-long head of state above the President. The Revolutionary Guard Corps and the President are under the control of this life-long leader; Ms Starry LEE does not understand this point. Ordinary people think that this is not a problem and they just have to behave themselves in that country. Honestly speaking, how will we understand clearly the Shiite doctrines or the clothing or taboo arising out of the Shiite doctrine?

This is a very serious issue. When the life-long head of state directly commands the Revolutionary Guard Corps, he has the power to bypass the President elected under the constitution and issue orders, as well as formulate other commandments apart from the laws. This is fairly dangerous but that is roughly the situation in Iran.

Putting it simply, if a delegation of Legislative Council Members visits the place, certainly they are invited by the President. They are representing a region — the Special Administrative Region of the People's Republic of China — at the invitation of a country. Yet, the religious leader may not be pleased with us, or the Revolutionary Guard Corps directly controlled by the religious leader may not be pleased with us. They not only have another kind of enforcement power, their paramount position also originated from the sacred Shiite doctrines of Islam, which empowered them to implement the commandments. We can never understand that.

In fact, Mr Albert CHAN has just given many examples but he has not stated his points very clearly. After a person has been arrested in Iran, his case must be heard by the Court within 24 hours. But, I hope you would understand, have you ever heard that a lawyer can only enter the Court after the judge has granted approval? That is the case in Iran. When a judgment is made in court, the lawyer is sometimes asked to leave and he cannot listen to the judgment. Such things really happened there. On this point, if people or Members in Hong Kong travel to Iran in a delegation, and some of them or some people like me who like to make mischief have carelessly violated the Shiite doctrines, the whole delegation will become law breakers, as in the case they have violated the laws in Hong Kong. They will not bother about whether you ..... you have violated the laws .....

(Some Members spoke in their seat)

**CHAIRMAN** (in Cantonese): Would Members please do not speak in your seat.

**MR LEUNG KWOK-HUNG** (in Cantonese): We do not necessarily have to travel to Iran by plane as we can also travel there by train. Those who know geography well understand that travellers to Persia do not need to pass .....

**CHAIRMAN** (in Cantonese): Would Members please do not talk to one another. Mr LEUNG Kwok-hung, please face Chairman when you speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): Excuse me, Chairman. I have heard him say air tickets, actually we can travel by train. This country is Ancient Persia.

If the whole court is being manipulated, we have sufficient reasons to believe that, if Legislative Council Members travel there in a delegation, so long as one Member is as naughty as me and deliberately commits certain acts which violate the Shiite doctrines, other Members in the delegation will also be arrested. Our destiny is not determined under the normal law enforcement and judicial systems, based on the constitution. Who will make the decision? The Revolutionary Guard Corps and its leader will make the decision. A more terrible thing is that, the abuse of solitary confinement under the Iran's prison system is unacceptable to international human rights organizations. What is solitary confinement? A person is confined in a room 24 hours and he is not allowed to talk to other people. I may be placed in solitary confinement a few days later. Under immense pressure, it is difficult for these Legislative Council Members to think of ways to leave Iran on their own.

Just now, Mr Albert CHAN has mentioned that Iran will give you a way out; you will be released as long as you admit your mistakes or pay the bail. That is another thing; if Members do not do so, they will have to resign first because their interests cannot be protected. Under secular laws, Islam must .....

**MS STARRY LEE** (in Cantonese): Chairman, a point of order. I have listened very carefully to what Mr LEUNG Kwok-hung has been saying. He kept giving lots of examples and talking about assumptions and possible scenarios, which are not new arguments. He and Mr Albert CHAN have expounded on the situation in Iran, including the composition of its government, its judicial system, and the local customs and culture. Chairman, please give a ruling for I think that assumptions are not new arguments.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I simply think that making assumptions involves drawing reference from what had happened in the past to infer what will happen in the future. This is not an assumption.

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have talked too much about the situations in Iran. Please focus quickly on this amendment.

**MR ANDREW CHENG** (in Cantonese): Chairman, is there the lack of quorum? Please do a headcount.

**MR LEUNG KWOK-HUNG** (in Cantonese): Let me buy an air ticket to Iran first.

**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): Committee now resumes. Mr LEUNG Kwok-hung, please continue but do not talk about anything that is irrelevant to the amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): Thank you, Chairman. As I have just said, solitary confinement will make many people feel helpless and the penalty is too severe. This Bill being discussed today has its legislative intent, and the Secretary has already gone to great lengths to explain. What is the purpose? First, public funds should not be wasted because the Secretary thinks that a by-election is a waste of public funds; second, the resigning Members rather than other people should bear the responsibilities.

Let us think about this: when Members go to a place ..... their purpose is not to resign or "stir up trouble" as the common saying goes; they do not go there to resign so that they can stand for election again ..... they may go there to visit or study Persian culture but their purpose is not to resign from their seats. They do that involuntarily and they do not know that they will violate the Sunni doctrine, causing .....

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Excuse me?

**CHAIRMAN** (in Cantonese): You are repeating what you have just said. Please be concise.

**MR LEUNG KWOK-HUNG** (in Cantonese): Alright. They cannot decide on their own whether they will resign or not. On the contrary, they only have two reasons for resigning. The first reason is that they have been confined without trial and they think that they cannot return to Hong Kong to perform their duties; therefore, they resign to show that they are accountable to the voters. Yet, if they are released, I think they should be exempted under the law so that they can participate in a by-election. I think that even Members in favour of the passage of this Bill do not actually think so.

The second reason is that they casually resign because they are under great pressure in that place. For example, some people may tell them, "as you are Legislative Council Members, you may go back if you resign" .....

(Ms Starry LEE raised her hand in indication)

**MS STARRY LEE** (in Cantonese): Chairman, a point of order. Mr LEUNG Kwok-hung has repeated his arguments many times — he has made his point that some Members may be forced to resign for unknown reasons. Please make a ruling because we have already discussed this Bill for more than 42 hours and the public funds wasted have amounted to more than \$3.36 million. Members who have not taken part have already .....

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

**MS STARRY LEE** (in Cantonese): ..... been absent for 30 hours, I hope you .....

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... this point of order and .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok hung, please sit down. Ms Starry LEE is raising a point of order.

**MS STARRY LEE** (in Cantonese): ..... would make a fair ruling, Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): She has raised an irrelevant point of order. She said that public funds were wasted. Is she the one wasting public funds?

**CHAIRMAN** (in Cantonese): Mr LEUNG, please sit down when a Member is raising a point of order. Ms Starry LEE, please continue to speak on your point of order.

**MS STARRY LEE** (in Cantonese): Chairman, I hope you would make a ruling. I have listened very carefully to Mr LEUNG Kwok-hung's elaboration on his viewpoints and I think that he has made his point absolutely clear — some Members are forced to stay in Iran for various reasons, and they cannot fulfil their duties as Members or they are forced to resign. He has repeated his arguments many times. We have already examined this Bill for more than 40 hours while some Members have not taken part in this meeting for more than 30 hours. If Chairman still makes such a lenient ruling, I worry that this situation will keep repeating.

**MR ALBERT CHAN** (in Cantonese): Chairman, a point of order. The last part of Ms Starry LEE's remark is unrelated to a point of order.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, Ms Starry LEE is saying that Mr LEUNG Kwok-hung is repeating the arguments you have already made.

Mr LEUNG Kwok-hung, as I have noticed, when you and Mr Albert CHAN mention certain countries in the amendment, you have focused on the judicial system or political environment of these countries, where foreigners will easily be sentenced to imprisonment without trial. The many examples that you have given are repetitions of this argument. Mr LEUNG Kwok-hung, please continue with your speech and do not repeat the same argument anymore.

**MR LEUNG KWOK-HUNG** (in Cantonese): Thank you, Chairman. Zimbabwe is a country ruled by a Marxist political party while Iran is a country where the heads of state are always fundamentalists .....

**CHAIRMAN** (in Cantonese): You have made your point that confinement without trial occurred in these two countries, and that is enough.

**MR LEUNG KWOK-HUNG** (in Cantonese): Ms Starry LEE has not heard what I have just said. I should give another reason, that is, Members are forced to resign by the Islamic Revolutionary Guard Corps and the heads of state. I have not made this point a while ago.

**MS STARRY LEE** (in Cantonese): Chairman, he has just given another example to prove that the problems he mentions may emerge. I do not think a new argument has been raised though many examples have been given or different examples have been repeatedly given.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, you have made many assumptions when you speak. With your rich imagination, you can still think of many more assumptions but you are just demonstrating the same point by various means. Please do not make similar assumptions anymore.

**MR LEUNG KWOK-HUNG** (in Cantonese): Thank you, Chairman. I just want to say that we only have one purpose in moving this amendment — why is

the world separated into different countries? Chairman, you may not understand that; let me give an example .....

**CHAIRMAN** (in Cantonese): You are giving an example again.

**MR LEUNG KWOK-HUNG** (in Cantonese): That is not true, I am not giving the same example. Please give me three seconds. If there is a Sunni or Shiite believer, he will certainly support Iran's practice. Our society is simply not diversified enough, so the world is separated into different countries. If there is one-party dictatorship under Marxism, people have a choice. I must give an explanation and we should not just say that there is an authoritarian regime anyway .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you have spent quite some time talking about the Sunni and Shiite branches. By the way, the word "什" (sam6) in the Chinese name "什葉派" should be pronounced as "十"(sap6).

**MR LEUNG KWOK-HUNG** (in Cantonese): I would like to explain from different angles so that Members having different political or religious beliefs will have a choice. Chairman, I will not bother you anymore. It does not matter if you think that I am repeating myself. Anyway, I have just started to feel pain and I will sit down first to heal the pain.

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

**MR ANDREW CHENG** (in Cantonese): Chairman, regarding Mr Albert CHAN's response to my view, I am still considering how I should present my views in respect of his proposed amendments. Therefore, I would like to switch to another subject, trying at this juncture, to convince Members to support another set of amendments proposed by him. A total of 17 amendments are involved, from No. 1183 to 1199. These amendments respectively deal with terminal hepatocellular carcinoma, terminal malignant breast neoplasm, terminal prostate cancer, terminal lung cancer, terminal stomach cancer, terminal nasopharyngeal



cancer, terminal lymphoma, terminal skin cancer, terminal esophagus cancer, terminal colorectal cancer, terminal cervical cancer, terminal ovarian cancer, terminal pancreatic cancer, terminal brain cancer, terminal testicular cancer, terminal leukaemia and terminal bone cancer.

I hear some members of the public laugh in this Chamber. Frankly, one can hardly laugh when speaking of contracting cancer. Then why does Mr Albert CHAN propose amendments in connection with these 17 types of cancer? It is because these types of cancer are indeed among the major killer diseases in Hong Kong. Yet, it is true that in this world, there are actually many cases in which patients suffering from terminal cancer found that the cancer cells in their bodies suddenly disappear. I believe I have to make strenuous effort in order to convince all Members.

In fact, Members in this Chamber also work very hard, just like tonight, we even have to work through the night. In general, doctors are of the view that the risk of contracting cirrhosis and hepatocellular carcinoma will double if a person continues to work after 1 am in the early morning. We are indeed burning our lives out every day, but it is really possible that there are cases of misdiagnoses of cancer. In case any Member learns, all out of the blue, that he has certain terminal cancer, as mentioned by me just now, and immediately resigns from office as a Legislative Council Member, then according to these amendments, if any Member who resigns from office because he suffers from certain terminal cancer, that is one of the 17 cancers I have just mentioned, and if it is verified within one month after his resignation takes effect by a registered medical practitioner that he does not suffer from that terminal cancer (that is, one of the 17 types of cancers mentioned above), he will not be denied the chance of returning to the Legislative Council.

Chairman, I try hard to convince Members what are the chances and possibilities that the cancer cells in a Member's body would disappear suddenly within one month, a very short period of time indeed, after that Member's resignation takes effect? I know Mr Albert CHAN will provide many real cases of misdiagnosis, as well as cases in which the cancer cells suddenly disappear because of the patients' optimistic attitudes towards life. However, Chairman, as a Catholic, I have to convince Members that there are a host of miracles in Catholicism. Nowadays, besides Catholics, many non-Catholics and even a Nobel Laureate in Medicine also consider that some miracles are credible and effective.

Therefore, Chairman, I am going to spend some time sharing with other Members some miracles that Catholics presently believe in. If, unfortunately, you get cancer, I suggest that you should, apart from converting to some other religion, go to Lourdes, one of the places you can go to. Lourdes is located near the mountain ranges separating France and Spain or about 500 km to the west of Marseilles .....

**CHAIRMAN** (in Cantonese): Mr CHENG, how is the information you now present relevant to your support or otherwise of the amendments?

**MR ANDREW CHENG** (in Cantonese): Chairman, I am trying hard to convince Members. In the amendment, it is specified that the resigned Legislative Council Member is verified within one month after his resignation takes effect by a registered medical practitioner that he does not suffer from terminal cancer, this sounds impossible. Many Members will even question why they should render support, as this situation is totally unlikely, or it should not be possible.

Therefore, I want to convince everyone as far as I can. As I am not a doctor, I do not want to base my argument on rapid cures for cancer; instead, I wish to share with Members my personal understanding and faith. As each one of us stands the chance of suffering from cancer and may have to resign from office as Legislative Council Members, if this amendment is negated because I fail to convince you, we may not be able to return to the Legislative Council upon our resignation from office. That is why I want to convince you and it is relevant to the issue.

Regarding miracles, among the cases I will later present, even a Nobel Laureate in Medicine had visited the place in person. That is the place where the apparitions of Our Lady of Lourdes took place, a place where water comes out from a spring, a place where countless cancer patients have been cured; they are completely cured in just an hour or two. If you believe in this miracle, you should support the amendments. Hence, if someday we are so unfortunate as to suffer from cancer, we can go to Lourdes, in the hope of getting cured through prayers and cleansing. I think these matters are relevant to the amendments.

Chairman, if you allow me to continue with my speech, I want to talk about, as a matter of fact .....

(Mr IP Kwok-him raised his hand in indication)

**MR IP KWOK-HIM** (in Cantonese): Chairman, a point of order. I find Mr Andrew CHENG sounds like preaching rather than debating. I hope Chairman can .....

**CHAIRMAN** (in Cantonese): As Mr Andrew CHENG has said, the information that he is going to present is relevant to the amendments. I will let him continue and see if the information is truly relevant.

**MR ANDREW CHENG** (in Cantonese): Chairman, I hope Members would understand, I also know that we wish to have the legislation enacted expeditiously. Nevertheless, as I had made it clear last week, though several Members pointed out just now that they did not want to filibuster, but I am sorry, I do want to filibuster, only that in filibustering, I still wish to say something that are relevant to the amendments.

Within one month after a Legislative Council Member has resigned, he may turn from a cancer patient to a person without cancer, and this change must involve either misdiagnoses or wonders, that is, the miracles that I believe in. Hence, I wish to point out, regarding the apparitions of Our Lady of Lourdes, in this present world, anyone who is knowledgeable, no matter he believes in Christianity or not, cannot deny the validity of incidents that happened in Lourdes, so long as he adopts a sincere and objective stance. Thus, I hope that you can be a bit more patient as this may be helpful to us. We are indeed laden with too much grievances. Listen to me, try to understand how Our Lady saves mankind, and how patients are cured upon washing themselves in Lourdes. If you believe, you may cast your vote of support for the amendments.

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

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, a point of order. Mr Andrew CHENG has spent a tremendous amount of time recounting miracles that happened in Lourdes. We are not uninterested in these miracles, just that I find them irrelevant to the main subject now under discussion, that is, they are not related to the amendments concerning a person found not suffering from cancer within a month after he is diagnosed with terminal cancer. This is only one of the many possibilities.

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG has just explained that he wanted to provide some information to illustrate that the situation mentioned in the amendment is not unlikely to happen or the possibility rate is very low. We should allow Mr Andrew CHENG to give more details before deciding whether what he says is relevant.

I want to reiterate, although Members may not agree to what another Member has said, and even consider the speech ridiculous, it does not constitute any contravention of the Rules of Procedure (RoP). When a Member speaks in the Chamber, other Members will very often find his speech ridiculous, but it is clearly stipulated in the RoP that .....

(People in the public gallery made some noises)

**CHAIRMAN** (in Cantonese): People in the public gallery, do not violate the discipline in this Chamber again.

If what a Member says is irrelevant to the amendment or if a Member repeats his argument, he has contravened the RoP. As I had said in my earlier reply to Mr Paul TSE's enquiry, it is sometimes necessary to allow a Member to speak for some time or even finish his speech before I can decide whether his speech is relevant to the issues in question. To immediately stop a Member from speaking is by no means a reasonable way of enforcing the RoP.

Dr PAN Pey-chyou, do you still have any other questions?

**DR PAN PEY-CHYOU** (in Cantonese): Thank you, Chairman. Actually, I am considering two points. First, Mr Andrew CHENG has already spoken many

times. According to your former ruling, for those Members who have spoken more time, you will be more stringent .....

**CHAIRMAN** (in Cantonese): You are right. Mr Andrew CHENG has spoken for the third time. Should he speak again, I will remind him not to give too much information which is not directly related to the amendments.

Mr Andrew CHENG, please continue with your speech.

**MR ANDREW CHENG** (in Cantonese): Chairman, I want to emphasize that this is the third time I speak, and I am speaking on the second category of amendments. Hence, I will still speak on other categories of amendments. I would also like to thank Chairman for allowing me to present my views from such a viewpoint.

In recent years, many scholars visited Lourdes to study cases of patients getting cured suddenly and the various phenomena which are beyond medical explanation. They compared among themselves their observations. Moreover, a photographer, who went to Lourdes for shooting real-life situations of patients, did witness how patients get cured in a very short time. Chairman, up to now, there are already over 4 000 books on this subject.

The miracles in Lourdes occurred in 1858. As at 1958, a century later, over 4 million people had paid pilgrimage to Lourdes and were cured. Up to 1977, more than 4 million people from 95 countries had paid pilgrimage to that place. In recent years, over 50 000 people have visited Lourdes every year and 5 000 doctors have been there every year on average. Some of them were to accompany their patients to visit Lourdes while some joined the cancer organizations from different countries. There are also a huge number of patients suffering from terminal cancer, that is, the 17 types of terminal cancers I have just mentioned. On 15 October 1949, according to the local register of the patient clinic, as many as 25 000 doctors had applied to take part in observing patients' conditions. It was only the number recorded as at 1949.

Regarding the apparitions of Our Lady of Lourdes, the most important point is how do patients get cured? It was said that when Our Lady appeared in

front of a little child, she asked that child to dig a hole in the ground. From that moment on, spring water keep coming out from the hole. At first, a thousand or some hundred gallons of water surged out each year; and now, thousands or even ten thousands gallons of spring water still keep surging out every year .....

**CHAIRMAN** (in Cantonese): Mr CHENG, on mentioning such details, you are digressing from the subject.

**MR ANDREW CHENG** (in Cantonese): Chairman, such background information can let us know how the spring water associated with the apparition of Our Lady of Lourdes heals cancer patients.

**CHAIRMAN** (in Cantonese): You only have to tell the effects.

**MR ANDREW CHENG** (in Cantonese): Yes, Chairman. As I have just mentioned, Dr CARREL, a Nobel Laureate in Medicine, was once an atheist, but later he turned out to be the principal witness of the miraculous healing by Our Lady of Lourdes. Among the several cases that he had mentioned, the first one was about Marie BAILLY, a lady from Lyon, France. She was suffering from terminal lung cancer. A few days before she headed for Lourdes, she had been suffering with various complications. Her condition was deteriorating .....

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

**MR WONG KWOK-HING** (in Cantonese): Chairman, I have a point of order. Mr Andrew CHENG has cited another example just now, and this example is of the same nature as the previous one. Will you please make a ruling to stop him from giving examples repeatedly?

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG, please be concise.

**MR ANDREW CHENG** (in Cantonese): Chairman, sometimes, it is difficult to be concise in giving examples as illustration. On the contrary, I hope that Members will not disturb me but allow me to present these examples. In fact, sharing may be good for Members. Instead of listening to scenarios in Iran and Congo, Members may be relieved from the boredom as they listen to some miracles. This may be good for Members.

Chairman, there was a lady suffering from terminal cancer. Her condition deteriorated and her doctor refused to operate on her. When she heard about the apparition of Our Lady of Lourdes, she followed Doctor CARREL to Lourdes, even though she did not initially believe in the great power of the apparition of Our Lady. To get the full picture of the incident, I hope Members would understand the condition of Marie BAILLY. At that time, the pulse rate of Marie BAILLY had reached 160 per minute and her respiratory rate had reached 90 per minute. Apart from a swelling abdomen and acute pain, she was also in a very critical condition. But still, she insisted to go to Lourdes under the guidance of a doctor. As I said earlier, Lourdes is in the mountain area. When they arrived, Doctor CARREL said jokingly that if the girl could be cured, he would believe in all miracles and he might as well be a priest.

This lady .....

**CHAIRMAN** (in Cantonese): Mr CHENG, you do not need to go into the details of the story.

**MR ANDREW CHENG** (in Cantonese): I am going to explain her recovery.

Alright, the lady was put into a pool filled with spring water and the attendant washed her abdomen with the spring water. When she got out of the pool, she still looked pale and her abdomen was still swelling, and she was half-unconscious. She was then moved to the cave by others. Doctor CARREL suddenly noticed that the colour of the patient's face started to change. He thought tacitly that it might be illusion .....

**CHAIRMAN** (in Cantonese): Mr CHENG, in what way is these details related to the argument you are going to put forth?

**MR ANDREW CHENG** (in Cantonese): These miracles are amazing. I wish to tell Members that extraordinary things happen within minutes. Many miracles occur in just a minute. Hence, it will only take a short time for terminal cancer .....

**MR PAUL TSE** (in Cantonese): Chairman, at first, I intended to let Mr Andrew CHENG finish what he wants to say, yet I notice that the main focus of the amendment is resignation under section 14 of the Ordinance. We are naturally interested in miracles, but the problem is Members suffering from cancer do not necessarily have to resign under section 14 of the Ordinance. In fact, they will not be disqualified as a Member under any provision. Certainly, we know about the provision under Article 79 of the Basic Law, but this is utterly not the issue now under discussion. Miracles are interesting, yet this is utterly not the purpose of these amendments. I do not quite understand why Mr Andrew CHENG has to make such a speech, unless he means to save the many souls here in this Chamber. However, being a catholic myself, I do not need to listen to his speech about miracles. If he intends to spread the religious theology to other Members, this may not be the most desirable occasion. Chairman, the most important point is that the speech should be relevant to the subject.

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG, please confine your speech on the subject as far as possible.

**MR ANDREW CHENG** (in Cantonese): I do not have much time left for this time slot. As a catholic, I definitely respect the remarks made by Mr Paul TSE just now, but I disagree with him. I am going to explain the scenario where a Member resigns upon learning that he has cancer and, after going to Lourdes and using the spring water to watch his abdomen or lung, he is cured; and if he is not allowed to stand for the by-election after his return, I think it is very unreasonable. Hence, I would like to persuade Members to support Mr Albert CHAN's amendment if they consider that a possibility. Sometimes, miracles are



needed for the sudden change of a person, say the curing of cancer. So, Chairman, after I have used this 15-minute slot, I wish to share the recovery of Marie later.

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

(People in the public gallery made some noises again)

**CHAIRMAN** (in Cantonese): Let me remind people in the public gallery not to clap their hands and not to yell nosily.

**MR ALBERT CHAN** (in Cantonese): Chairman, Mr Andrew CHENG and I also carry the cross. However, I must admit that I had never thought of the possibility of miracles when I drafted these amendments. Mr Andrew CHENG has enlightened me. Regarding Our Lady of Lourdes, if my memory has not failed me, similar incidents had also happened in Spain. Will Mr Andrew CHENG verify this? Last Christmas, I went to Spain and visited the location where the miracle of the apparition of Our Lady of Lourdes took place. In fact, it is a semi miracle that our amendments could have developed to the present stage. I hope this miracle will continue, so that our amendments will eventually be passed. I also hope that a miracle will happen to the royalists, so that they will support my amendment in the end.

Chairman, I recall I said earlier that I would provide several thousands of figures, but since the Chairman advised me not to read out the figures one by one, the whole pile of documents is rendered useless. I have spent a lot of time to consolidate the information on the costs to be paid by resigning Members and the election expenses incurred with a view to use the information to convince the public. I have received some emails earlier. According to these emails, when I read aloud the contents of the amendment earlier, Members from the royalist camp grew impatient and requested me to stop reading, and the Chairman eventually ruled that I needed not read aloud the amendments again. However, I have received a message from a member of the public, asking me to convey to the Chairman that many people do not know how to access to the Internet and they have to listen to our debates on television and the radio. They point out that if I

do not read out or explain the provisions in detail, they can in no way understand the specific details of my amendments. Some members of the public consider that disallowing me to read aloud the contents of the provisions will deprive them of their right to access to information. I only want the Chairman to know about such comments. Some of them said that they had immediately called the Complaints Division to express their dissatisfaction and anger.

Chairman, I would like to put forth a few sets of figures, but I will not give the 6 000-odd figures I gathered initially as I proposed last time. I will not spend too much time on those figures, for the Chairman has already given his ruling about this. However, there are several sets of figures which Members must examine carefully, because only in this way will Members understand the underlying meaning and the value of the amendments I proposed. Moreover, after listening to certain figures, Members may come to realize that we should indeed allow resigning Members to stand for election again under such circumstances.

Chairman, take amendment No. 77 among the many amendments I proposed as an example, it is about the resignation of more than six Members of any geographical constituency or more than four Members of the District Council (second) functional constituency and the agreement to reimburse 95% of the administrative costs. According to this amendment, each Member of the geographical constituency must pay more than \$3.9 million, whereas the Member from the District Council (second) functional constituency must pay an astronomical amount of more than \$30 million. Another piece of important information is that if resigning Members take up 95% of the administrative costs, the remaining costs to be borne by each elector and paid by public money through the Government will only be \$2.23, so the public expenses incurred will be meagre.

I will not list out the figures respectively for the reimbursement levels of 95%, 90% and 85%, and so on. However, I will put forth another set of figures. If resigning Members have to reimburse 50% of the administrative costs, each resigning Member from the geographical constituency will have to pay \$2 million, whereas the Member from the District Council (second) functional constituency will have to pay \$15 million, and the expense to be borne by each elector will be \$22.33. Another set of figures is on the lowest reimbursement level of 5%. I think no Member will support this. If resigning Members have

to pay for 5% of the administrative costs, the amount to be shared by Members from the geographical constituency will naturally be much less, which will only be \$200,000, whereas the expense to be borne by each elector will be \$42. In other words, the expense to be borne by each elector will increase from \$2-odd to \$40-odd as the reimbursement percentage of resigning Members is lowered from 95% to 5%. It is a matter of value judgment whether Members consider this reasonable. Certainly, each Member will have their own argument for supporting or opposing the amendment, yet I think the aforementioned figures will somehow be helpful to Members when they make the decision.

Earlier, I have explained the situation about amendment No. 77, 86 and 95. Chairman, I have sped up a lot. Instead of speaking on each of the amendments, I have briefed Members on 100 amendments in just a short while. I have jumped from amendment No. 77 to No. 95. If I go on at this pace, I think Members from the royalist camp should give a big clap.

Moreover, amendments No. 115 to 133 — I have made another big leap — are about the resignation of more than eight Members of any geographical constituency or more than four Members of the District Council (second) functional constituency. If these Members have to reimburse 95% of the administrative costs, and if there are more than eight resigning Members, which may be nine Members, from any geographical constituency, each Member will have to pay \$4 million. As for Members from functional constituencies, I will not talk about it, for it will involve an astronomical amount and the chance of implementation is slim. However, the expense incurred by each elector will be as low as \$2.23, which is the amount to be paid by public money. I think this level of reimbursement may not necessarily be impracticable. If Members really want to resign and get re-elected, they should undertake this amount for expenses.

If Members are to reimburse 50% of the administrative costs, nine Members from the geographical constituencies will have to share some \$2.1 million each, and the average expense to be borne by each elector and paid by public money will be \$22. Regarding amendment No. 133, when nine Members from geographical constituencies have to reimburse 5% of the administrative costs, each Member will only have to pay \$216,000, and each elector will have to pay \$42.43.

I will now come to amendment No. 143 to 152 — Chairman, it is really fast, I have already handled one-tenth of thousand-odd amendments I proposed.

Amendment No. 143 is about the resignation of more than nine Members, which is 10 Members ..... Suppose there are 10 Members resigning, each of them will have to pay \$4 million-odd, and each elector will have to pay \$2-odd. For amendment No. 143, if .....

**CHAIRMAN** (in Cantonese): Are you referring to No. 134?

**MR ALBERT CHAN** (in Cantonese): Sorry, I meant to say amendment No. 134 earlier. I will then go to No. 143. Since I do not want to explain the cases from 95%, 90% and 85% one by one, I will now skip from amendment No. 134 to No. 143. Under amendment No. 143, resigning Members have to reimburse 50% of the administrative costs, which will cost them some \$2.3 million, and each elector has to pay \$22.33. I will now skip to amendment No. 152 where the resigning Members have to reimburse 5% of the administrative costs, which means each of the 10 Members from geographical constituencies will have to pay \$230,000 and each elector will have to take up \$42.43.

Chairman, I will now go to amendment No. 153. In view of the present progress, I may be able to explain the thousand-odd amendments by 12 o'clock. However, I have to tell Members that the explanation of the remaining amendments would not be completed so quickly. Due to the ruling made by the Chairman earlier, I am not allowed to explain the 600-odd amendments one by one. In order to help Members understand the amendments, I have to divide the amendments into several groups for elucidation. Now, I have come to amendment No. 153. It is about the resignation of more than 11 Members from geographical constituencies, supposing that there are 12 of them, who agree to reimburse 95% of the administrative costs. In that case, each Member will have to pay \$3,648,000 and each elector will have to pay \$2-odd.

Now, I will jump to amendment No. 162, which proposes the resigning Members to reimburse 50% of the administrative costs. Under this scenario, each resigning Member will have to take up an average share of \$1.9 million and each elector will have to pay \$22-odd. Then, I will go to amendment No. 171, which proposes the reimbursement of 5% of the administrative costs. In this case, each candidate will have to undertake \$192,000, whereas the costs paid by each elector will increase to \$42. In general, a lower reimbursement percentage

means smaller financial commitment on the part of each candidate, that is, the resigning Members, but greater public expenses. This logic is straightforward and clear.

Chairman, I have been speaking very fast. I will now go to amendment No. 210. I hope Members will stop criticizing us for filibustering merely for the sake of filibustering. There is definitely no such case. I hope Members will spend a little time to understand these figures. If they decide not to support the amendments after they have tried to understand the case, I will surely give full respect to their decision, for this is the fundamental rights of all Members. However, please give me a chance to explain to enhance the understanding of Members. As I told Dr Samson TAM earlier, this is a good opportunity to learn from each other and exchange views. Perhaps Members have never ever thought of these proposals. Had the consultation about the Bill been done properly, and had the Government adopted an open attitude like me during the course of consultation and taken into account the numerous possibilities, and then put forth the proposals to the public for reference, I would not have to propose these amendments to stimulate the thinking of Members and examine the possibilities available. In the formulation of public policies, there are endless possibilities.

Under amendment No. 210, when more than 13 Members, say 14 Members of any geographical constituencies resign, and they are required to reimburse 95% of the administrative costs, each Member will have to pay \$4.4 million-odd, and each elector will have to pay \$2.23. Now, I come to amendment No. 219, where the 14 resigning Members are required to reimburse 50% of the administrative costs, the average amount to be paid by each Member will be around \$2.32 million, and the cost to be paid by each elector will be \$22-odd. For amendment No. 228, where resigning Members have to reimburse 5% of the administrative costs, each of them will have to pay \$232,000 on average, and the amount to be paid by each elector will be \$42-odd.

I will now come to amendment No. 248, which is about the resignation of more than 15 Members, say 16 Members, of any geographical constituency. Each Member will have to pay some \$4.3 million and each elector will have to pay around \$2. For amendment No. 257, where resigning Members have to reimburse 50% of the administrative costs, each Member will have to pay \$2.29 million and each elector will have to pay around \$22. Now, I will go to amendment No. 266, which means I have explained more than 20% of all my

amendments. The amendment is about reimbursing 5% of the administrative costs, where each Member has to pay \$229,000 and each elector has to pay more than \$42.

Chairman, I have already come to amendment No. 266, and I will share with Members other information later. Thank you.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I finally figure it out that remarks on the same theme will be regarded as repetition. So, I will now speak on other themes. I will not repeat the issues related to Iran to avoid conveying a false impression to Members.

In fact, at this point, I would like to give my regards to Mr WONG Yuk-man, for he is not in the Chamber today. Why would I say so? I am not trying to find something to say. Indeed, I would like to refute the argument of Mr WONG Yuk-man. I have been waiting for him for a long time, but he cannot come back, so I have no alternative but to — he has not yet come back, there is some difference between "cannot come back" and "has not yet come back". Actually, I am targeting amendments No. 6 to 9 proposed by Mr WONG Yuk-man to clause 1 of the Bill, as well as the wordings of the original text.

Chairman, according to Article 17 of the Basic Law, "Laws enacted by the legislature of the Hong Kong Special Administrative Region must be reported to the Standing Committee of the National People's Congress for the record. The reporting for record shall not affect the entry into force of such laws." So the amendments to this Ordinance must be seen and recorded by the members of the Standing Committee of the National People's Congress (NPCSC) (who are leaders of a powerful nation).

Come to think about it. A majority of them, as far as I know, do not think in Cantonese but in Putonghua, and they will naturally read the provisions we submitted in Putonghua, am I right? Let me cite an example. President HU Jintao or Premier WEN Jiabao, who think in Putonghua or Mandarin, will certainly read aloud when they see the content of the amendment. However, to these leaders of the State, Mr WONG Yuk-man's amendments No. 6, 7 and 9, as

well as the original text (the one which does not include the amended wording of Mr WONG) are hardly readable. I mean it will be very difficult to read out these amendments in Putonghua. Besides, the intonation is simply flat, causing this provision to sound powerless and dull.

I will first talk about the original text. What is the wording of the original text? It reads "自第5屆立法會的任期於2012年開始之時起實施" (comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012). I find it difficult to read aloud even in Cantonese. My Putonghua is poor, but I will try. Now, I will first use Cantonese .....

**MR PAUL TSE** (in Cantonese): Chairman, we are now discussing legal provisions but not poetry. Moreover, as we adopt the "biliterate and trilingual" approach in Hong Kong, the texts of the provisions are the same, and the only difference is the pronunciation. As such, I hope Mr LEUNG Kwok-hung will not give ridiculous, redundant and irrelevant remarks.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, your remarks about the officials of the Central Authorities and how they read aloud the provisions in Putonghua are irrelevant to the amendments. Please stop talking about this. Besides, some of the basic information you gave is incorrect. You said earlier that the legislation must be reported to the NPCSC for record, and then you mentioned President HU Jintao or Premier WEN Jiabao, yet they definitely are not members of the NPCSC. You should not confuse the insignificant information. If you are going to discuss amendments No. 6 to 9, you should express your views about the appropriateness for proposing such amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, you are so right. However, I know that one of the provisions in the constitution of China has laid down four fundamental principles, stating that the People's Republic of China is under the leadership of the Communist Party of China, so the documents concerned will be submitted to the leaders of the Communist Party of China for perusal. Since the Chairman edifies me that my information is incorrect, I think even if HU Jintao and WEN Jiabao .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, as pointed out by Mr Paul TSE just now and reminded by me, you should not dwell on how these provisions are read aloud by Mainland officials, for this is irrelevant to the provisions now under scrutiny. Please discharge your duties as a Member of the Committee of the whole council properly by scrutinizing the details of the provisions.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, thank you, Chairman.

Since Mr WONG Yuk-man mentioned the issue on pronunciation when he gave the reasons for proposing the amendments, my remarks are made in response to his. As he mentioned the issue on pronunciation earlier, I naturally have to respond to his views in staging my objection to his amendments. Am I right? He is not here today, though it seems unfair to him to mention this point, yet he did talk about this issue.

**CHAIRMAN** (in Cantonese): If Mr WONG Yuk-man has mentioned that his amendments were related to pronunciation, you may respond to his views.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, Mr WONG Yuk-man has mentioned this. I recall him describing the provisions as "tongue-twisters". Yet, the provision as amended by him is also difficult to read out in Putonghua. Just now, when I read out the provision in Cantonese, I am almost out of breath. If we read it out in Putonghua ..... If my pronunciation is incorrect, will the Chairman please correct me. When I read "之時起實施" (comes into operation on) and then "之時起實施(*in Putonghua*)", you would not know what I am saying, maybe due to my poor Putonghua.

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

**DR PAN PEY-CHYOU** (in Cantonese): A point of order. Mr LEUNG Kwok-hung continues to mention the leaders of the State, through impersonation and imagination. May I know how these are related to the amendments now under scrutiny? I think he has deviated from the subject.



**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please speak on the amendments.

**MR LEUNG KWOK-HUNG** (in Cantonese): I understand. Just think, if the leaders of the State find the provisions difficult to read aloud, how difficult it would be for average members of the public .....

**CHAIRMAN** (in Cantonese): You do not need to guess how leaders of the State will read aloud these provisions.

**MR LEUNG KWOK-HUNG** (in Cantonese): Alright, I will not be concerned about the leaders of the State. I only oppose the views expressed by Mr WONG Yuk-man in his speech about his amendment. It turns out that the provision is difficult to read aloud. I am only refuting his argument, right?

Perhaps I should listen to the Chairman and stop talking about pronunciation. In the search engine Google, if you search the Chinese phrase "之時起實施" (comes into operation on), you will get about 700 000 entries in the result. If you enter the Chinese phrase "之時開始實施" (comes into operation on), there will be 2 million entries in the result. The ratio is roughly 200:7, which is 100:14, or 14%. If we search for the meaning of the former Chinese phrase "之時起實施", which is difficult to articulate, we will see the demerit of this phrase from the popular website. In other words, I think it is much better to change this Chinese phrase into "之時開始實施".

What does that mean? In the context of language usage, or from the perspective of popularity — at the start, I talked about the principles on translation and language usage, namely "faithfulness, expressiveness and elegance". Why does he not use the phrase which is more popular? How come Mr WONG Yuk-man's amendment deviate more and more from the subject? Why does he use a phrase which is less common? Amendment No. 6 as proposed by Mr WONG Yuk-man has not addressed the problem, but made it worse.

Regarding amendment No. 7, which deals with the phrase "開始時實施" (comes into operation on the commencement of), if we give a second thought to

the overall amendments proposed by Yuk-man, we will notice that he has failed to achieve the target of providing a clearer semantic meaning, and has on the contrary caused confusion.

Therefore, I hope Members will not support the amendments of Mr WONG Yuk-man. Mr WONG Yuk-man's amendment No. 8 is even more ridiculous. Chairman, amendment No. 8 is more ridiculous. There is a chance that the meaning of the original text will be twisted completely, which may even trigger a constitutional crisis. Members may query how come the situation will be so serious. Let me explain it to you.

According to the amendment of Mr WONG Yuk-man, he has changed the Chinese phrase "自第5屆立法會的任期於2012年開始之時起實施" (comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012) into "從第5屆立法會的任期於....." (on the commencement of the term of office of the fifth term of office of the Legislative Council) (*Laughter*) Sorry, there is something wrong with my throat ..... "於" sorry, Chairman, "於2012年開始時同時實施" (on the commencement of ..... in 2012).

Brother "Yuk-man" — Mr WONG Yuk-man probably thinks that the Chinese word "起" (to begin, starting from) share the same meaning with the word "同時" (at the same time). He probably thinks so, for I have heard him say so and he has quoted a lot of reference. However, they are completely different. When Prof Yuk-man, that is Mr WONG Yuk-man, uses "同時" to substitute "起", he should first understand the meaning of the word "起" in this sentence. No more empty talk, go and check it up in the dictionary.

In page 5 762 to 5 763 of the abridged edition of 《漢語大詞典》 (*Hanyu Da Cidian*) — I do not know whether the Library of the Legislative Council has a copy of this dictionary — there are 41 meanings for the word "起". Chairman, there are 41 meanings. So, I will read them out. Regrettably, Mr WONG Yuk-man is not here today. It would be nice if he could listen to my remarks and have exchanges with me. How should we understand the meanings of the word "起"? What is the meaning for the word "起". I will read them out slowly:

The first meaning is "起立" (to rise up), "站立" (to stand up).

The second meaning is "豎立" (to erect), "豎起" (to put up).

The third meaning, which many people have not thought of, is "扶持" (to support or help).

The fourth meaning is "凸出" (to protrude).

The fifth meaning is "起床" (to get out of bed).

The sixth meaning is "治癒" (getting cured), in the idiom "傷疲盡起", which means "all the injuries and the fatigue have been cured". In my football commentary, I also use this idiom. Some people asked me, "'Long Hair', why do you use the idiom '傷疲盡起'?" They asked such a question for they do not know that the word "起" carries the meaning of "治癒" (getting cured) and "有起色" (showing signs of recovery). Since the word describes the condition of recovery, it is used in the phrase "有起色".

The seventh meaning is "啟發" (to inspire).

I will omit the eighth meaning, for it is not related to the amendment.

The ninth meaning is "發酵" (fermentation).

The tenth meaning is related in some measure, it is "上漲" (to increase).

The eleventh meaning is more related, that is "興起" (to spring up).

The twelve meaning is "興旺" (to thrive) .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, Mr WONG Yuk-man has already explained these in detail in his speeches.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I understand what you mean .....

**CHAIRMAN** (in Cantonese): So you need not repeat.

**MR LEUNG KWOK-HUNG** (in Cantonese): He is quoting from another dictionary, not the one I am using now, and you may as well draw a comparison. He has not given the meanings. He has just talked about it briefly.

**CHAIRMAN** (in Cantonese): You only need to point out the meaning which you consider is related.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I wish I can follow your instruction and continue with my speech, but I think a headcount is needed, for it seems that 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): Mr LEUNG Kwok-hung, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, upon hearing your advice, I decide not to read out those meanings.

Sorry about that. Chairman, after hearing your advice, I think you have a point, for it is unnecessary to read out all the 41 meanings. So, I will not read out all those meanings. I do not know how Mr WONG Yuk-man interprets the word "起" in this provision, and how he chooses the suitable meaning among the 41 explanations.

According to my superficial knowledge, I think the word "起" should mean "開始" (to start), "開端" (the beginning), "源起" (the source) and "起因" (the

cause) in this provision. I read out these words for they are some of the meanings among the 41 explanations. Since I am not going to read out all 41 meanings, please allow me to explain the meaning of these four words.

The meanings of these four words are based on 《漢語大詞典》 (*Hanyu Da Cidian*). I am not speaking nonsense. However, Yukman (the buzzer sounded) ..... Excuse me, I will continue when I speak later.

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

**MR ANDREW CHENG** (in Cantonese): Chairman, I hope that you will allow me to continue with my speech. I just talked about how the miracles of the apparition of Our Lady of Lourdes cure patients and there are not many paragraphs left to finish. On this point, I want to convince Members that there are actually many cases where patients were cured within a very short period of time after being diagnosed with terminal cancer. And yet, after learning these cases, many people failed to understand why they are so. There is one case which was witnessed by a doctor, who is a Nobel Laureate in Medicine, and was recorded in writing in his brilliant diary. I just want to highlight what happened to the main character Marie after bathing in the spring water of Our Lady of Lourdes for a few minutes. Therefore, Chairman, my speech will not be too long and I hope that you will allow me to tell Members about this case.

The doctor said the situation of Marie had improved. It was 2.40 at that time. Marie's breathing had obviously slowed down and colour had returned to her face, with brightness in her eyes too. At 2.55, just 15 minutes later, suddenly .....

**MR CHAN KAM-LAM** (in Cantonese): Chairman, I think there is no need for Mr Andrew CHENG to repeat the miracle because after tonight's preaching, we all believe in what he said, (*Laughter*) and there is no need for him to repeat.

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG was not repeating just now. And yet, Mr CHENG, you should not give a too detailed account of the story.

**MR ANDREW CHENG** (in Cantonese): I get it, Chairman. I have two simple points to make in response. I am so glad that Mr CHAN Kam-lam has, on behalf of other Members, indicated their belief in the case. Secondly, Chairman, I am genuinely not repeating. I just want to stress that this case was found in the book written by a Nobel Laureate in Medicine, which described how, within a very short period of time, a dying patient with terminal cancer .....

**CHAIRMAN** (in Cantonese): Mr CHENG, this sentence is a repetition.

**MR ANDREW CHENG** (in Cantonese): ..... fully recovered. Chairman, if they have not accused me of repeating time and again, I would not have to explain this point. This is the case, Chairman.

At 2.55, the blanket covering Marie's distended abdomen suddenly flattened out, which means that the tumor had gone. It seems that in just a few minutes, the woman in front of Dr CARREL had fully recovered. Dr CARREL then asked how she felt, and she said, "I am still weak, but I feel I am cured." At 3.10, her hands, ears and nose were no longer like ice and her breathing rate had slowed down to about 40 times per minute. Her heartbeat also became more regular, though still reaching 140. The nurse gave her a cup of milk and she sipped a few times. She then began to sit up and make facial expressions to people around her.

Chairman, though it is less than an hour from 2.40 to 3.20, this patient had fully recovered with the spring water of Our Lady of Lourdes. Dr CARREL, who was extremely fascinated, wrote in his diary that, "Such inexplicable phenomenon are stunning! Are my clinical examinations unreliable, or have I lost my ability of diagnosis? Or, instead of being a fault of my own, this is actually attributable to the emergence of groundbreaking new facts? I think that extensive and thorough research is warranted." He considered that everyone in this world should examine and trace the real-life cases where people who worship Our Lady of Lourdes recovered from their illnesses.

Therefore, Chairman, I hope Members would understand the miracle which I have just described. I will certainly feel very pleased if you really believe in it. If not, however, when a Member has to resign from office after being diagnosed

with cancer, it would be inappropriate to deprive him of a chance to return to this Council should he miraculously recover later on.

Chairman, in fact, there are many cases about Our Lady of Lourdes. I guess you will probably not allow me to read the 10-odd cases on these dozens of pages one by one. And yet, I do want to read out another simple case concerning bowel cancer.

**MS STARRY LEE** (in Cantonese): Just now, I have listened attentively to Mr Andrew CHENG's speech and he has already shared with us three miracles. Before he went on to the third miracle, he said that it was the last miracle and he had given the reasons. But, Chairman, I think that you should rule on this as he is going to talk about another miracle.

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG, you need not give any more examples. It is enough.

**MR ANDREW CHENG** (in Cantonese): Chairman, miracle is one way of curing patients with terminal cancers. If Members feel happy, I can share this pile of information with you. But if you do not want to hear any more examples, I will respect your decision.

Chairman, regarding this topic, I will continue to give examples from previous literature to illustrate how cancer patients recovered within a very short time. Let me cite another case that may happen. It is about a Japanese surgeon, Dr Kazue TAKAYANAGI, who promoted the treatment of terminal cancers using the laughter therapy for better immunity. Chairman, with regard to this therapy, I just want to give one case. Dr TAKAYANAGI is a renowned pediatric surgeon in Japan .....

(Mr CHAN Hak-kan stood up)

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

**MR CHAN HAK-KAN** (in Cantonese): Chairman, Mr Andrew CHENG said that there are different ways of treating cancers. I believe we are now debating on this Bill, and it should not be a medical discussion. Thus, there is no need for us to learn about how different cancers can be treated. Chairman, please rule on that.

**CHAIRMAN** (in Cantonese): Mr Andrew CHENG, if you want to illustrate that terminal cancers can genuinely be cured within a very short time, you can quote some simple examples and need not go into the details of each case.

**MR ANDREW CHENG** (in Cantonese): Chairman, I get it. But I do hope Members would understand that I may not have too many good examples. These cases are real-life tear-jerking stories. Being a Member, in order to ensure that this amendment can get its way through, I must exert my greatest effort to convince Members, even until my gums bleed. Apart from miracles, I have also cited a renowned Japanese doctor as an example, telling Members how he teaches people to treat cancers by laughing. I will do my best. So, if Members do not want to see me standing here filibustering, you had better not rise to interrupt my speech.

(Dr PAN Pey-chyou stood up)

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

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, I believe there are various ways of treating cancers. But I am not convinced that a detailed description of the treatment methods can facilitate our discussion today. Therefore, he has digressed from the subject.

**CHAIRMAN** (in Cantonese): I will continue to listen to Mr Andrew CHENG's speech before deciding whether or not he has digressed from the subject.



**MR ANDREW CHENG** (in Cantonese): Chairman, I do not think that I have digressed. I have selected a few real-life stories about terminal cancers to convince colleagues that, if any Member is diagnosed with cancer in the future and is subsequently cured by using these few types of treatment methods, there is no reason for us to prohibit him from standing for re-election or by-election. The reason is as simple as this, Chairman. What is more, according to the RoP, I do not think that I have repeated my arguments. Just now I mentioned how miracles cure cancer, and now I am talking about how the laughter therapy for better immunity is used to treat terminal cancers. Which part is a repetition?

**CHAIRMAN** (in Cantonese): The Member actually asked how your speech is relevant to the amendment, he is not accusing you of repetition. You will stray from the subject if you spend too much time on the details of various examples. So, please spend no more time on the details of those cases.

(Mr Paul TSE raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr Paul TSE, what is your point?

**MR PAUL TSE** (in Cantonese): Chairman, I think you have responded to the point which I intend to oppose.

**MR ANDREW CHENG** (in Cantonese): Chairman, I will try to be concise, but I really want to share the stories with Members and convince them.

**CHAIRMAN** (in Cantonese): Mr CHENG, as you have pointed out, you wish to convince Members with your examples. However, the present argument is the possibility for someone who was diagnosed with cancer to be confirmed as fully recovered within one month. Since I have not heard any Member querying this point, there is no need to argue too much about this. In that case, please omit some of the details when you give examples.

**MR ANDREW CHENG** (in Cantonese): Chairman, thank you so much for your advice. Noting that only Members A, B and C have spoken on this amendment and no other Members have expressed any views thereafter, I have no idea if they are convinced or have queries. Worse still, I have yet to state my case. Chairman, before I state my case, Members should not know what I am going to say. I will get to my point as soon as possible, Chairman, okay?

For terminal cancers, Dr TAKAYANAGI thought that laughter can improve one's immune system and reactivate the natural killer cells, which can kill large amount of cancer cells. If we laugh for 10 minutes every day, we can relieve pain for two hours. There is a case where a doctor who has been diagnosed with cancer asked Dr TAKAYANAGI to teach him how to laugh to improve his immune system. Dr TAKAYANAGI taught him to laugh five times a day and be touched five times a day. If .....

(Mr Paul TSE stood up)

**MR ANDREW CHENG** (in Cantonese): ..... if a person can laugh, his immune system will definitely be improved.

**CHAIRMAN** (in Cantonese): Mr CHENG, please hold on. Mr Paul TSE, do you want to raise a point of order?

**MR PAUL TSE** (in Cantonese): Chairman, I have a point of order which is also related to Rule 41(1) of the RoP. Chairman, our amendment is about the resignation of Members in accordance with section 14 of the Legislative Council Ordinance, and the crux of the issue is resignation. Mr Andrew CHENG's remarks on miracles or curing cancers with laughter are therefore irrelevant. This is because if a Member does not resign, the relevant provision will not be invoked. Therefore, I fail to see how the miracles or treatment processes which he shared with us have any relevance to the provision concerned. Chairman, in this connection, I hope that you will strictly enforce the rules and make a ruling.

**CHAIRMAN** (in Cantonese): The relevant provision will only be invoked in the case of a resignation of any Member. However, this set of amendments

proposed by Mr Albert CHAN involves a special scenario where a particular Member resigns after being diagnosed with terminal cancer, but is subsequently diagnosed to have recovered from cancer shortly within one month. They therefore propose that the resigning Members' right to stand for re-election should not be deprived of. Mr Andrew CHENG wanted to illustrate the possibility of this scenario and its probability of occurrence. Nonetheless, Mr CHENG, after hearing other Members' views, would you please try to be concise when citing examples and avoid mentioning too much detail.

**MR ANDREW CHENG** (in Cantonese): Chairman, in fact, I have prepared eight to 10 pages of information and have now come to the last two pages. I really want to finish them quickly, but you keep interrupting my speech so that sometimes I have to repeat the previous sentences. I do not want to do so as well.

After that doctor was diagnosed with advanced bowel cancer, he asked Dr TAKAYANAGI, who promoted the use of laughter to improve one's immune system, how to treat his cancer with laughter when he could not even laugh.

**CHAIRMAN** (in Cantonese): Mr CHENG, this is actually irrelevant to the provision under discussion. You only need to cite an example where cancer disappears within a very short time, as you have claimed earlier.

**MR ANDREW CHENG** (in Cantonese): No, I just want to highlight one point. Even that doctor cast doubt on Dr TAKAYANAGI's laughter therapy in curing cancer ..... The fact that he was also diagnosed with cancer explains why I have chosen this particular example. Some Members may query that these examples do not exist and cannot possibly be found, I therefore cite the case of the doctor, who did not believe .....

**CHAIRMAN** (in Cantonese): You only need to state directly the result.

**MR ANDREW CHENG** (in Cantonese): No, Chairman, I will be quick. I think that the processes involved are also worth considering. So, he went for a walk

in the forest, but he could not laugh. However, after breathing in some fresh air ..... when he insisted .....

**CHAIRMAN** (in Cantonese): Mr CHENG, this is irrelevant to the provision under discussion.

**MR ANDREW CHENG** (in Cantonese): Fine, then, Chairman, I will not talk about it.

Next, the third type. For the third type, perhaps Members have heard of it. I have a real-life case about a cancer patient. After she knew that she has cancer ..... Her South African husband likes sailing very much. He has left aside his work .....

**MR CHAN KAM-LAM** (in Cantonese): Right at the beginning of his speech, Mr Andrew CHENG said very clearly, "Chairman, I will only give one example in this regard." He is nonetheless going to talk about another example. Therefore, I think that he is repeating.

**CHAIRMAN** (in Cantonese): Mr CHENG is going to cite give first example of another scenario, and the case which he just stated is an example of the previous scenario. Mr Andrew CHENG, please be concise.

(Ms Starry LEE rose to her feet)

**MS STARRY LEE** (in Cantonese): Chairman, a point of order. May I ask how many scenarios you would allow Mr CHENG to mention?

**CHAIRMAN** (in Cantonese): Ms Starry LEE, I cannot hear clearly what you said.

**MS STARRY LEE** (in Cantonese): Chairman, Mr Andrew CHENG has quoted three examples of miracles and an example for different scenarios. I guess there are numerous cases or examples where cancers can be cured within a short time.

Chairman, I have a point of order. How many scenarios would you allow Mr CHENG to state before you think that they are repetitive? Up to this moment, this Council has discussed this motion for 42 hours and 19 Members have been absent for more than 28 hours. Chairman, I hope you can rule on this by strictly enforcing the RoP.

**CHAIRMAN** (in Cantonese): I cannot tell exactly how many examples can be given before I think that they are irrelevant to this topic. And yet, Mr CHENG, I hope you will understand that the longer you speak, the lesser I will be tolerate on you. I may not allow you to repeat or state different scenarios as examples, so please take note of this.

**MR ANDREW CHENG** (in Cantonese): Thank you, Chairman. Now is the third type. I want to share with Members .....

**CHAIRMAN** (in Cantonese): Mr CHENG, how many types are you going to mention?

**MR ANDREW CHENG** (in Cantonese): In these 15 minutes, I am going to mention four types; now I am going to speak on the third type. I am not sure if I can finish them for the remaining time. Yet, this type is really worth commending because out of love, this man had sailed 29 000 miles, hoping that his wife could recover from cancer.

This man likes sailing very much. His wife has terminal pancreatic cancer, which is barely curable. To enable his wife to travel around the world, he left aside his work, sold out all his properties, and devoted all his efforts, money and strength just to accompany his wife in the last few months of her life. He had abandoned everything and his original lifestyle for his beloved wife.

I guess Members may be aware, in just two months' time before they have even finished travelling around the world .....

**CHAIRMAN** (in Cantonese): Mr CHENG, as you said, Members should be aware of this, so you need not go on. Please switch to the next type.

**MR ANDREW CHENG** (in Cantonese): So, two months later, when they sailed back, the cancer had gone ....., Chairman, sorry, let me sip a mouthful of water first.

Chairman, the last type was found in Taiwan. A middle-aged woman has adopted over 50 problem girls in 12 years. During the first five years of these 12 years, she was diagnosed with cancer. After that, her family asked her to stop adopting problem girls. How could she manage to take care of these problem girls given her condition?

However, she insisted to do so, thinking that she could lead these girls back to the right way. After she was diagnosed with cancer, her doctor advised her to take more rest. Surprisingly, her cancer had not spread in those few years. With the encouragement of these problem girls, it seems that the cancer cells had been "touched" and disappeared. Since she was diagnosed with terminal cancer, she still insisted on taking care of the 50 problem girls whom she adopted and influenced, and in just six months' time, the cancer had gone.

Chairman, I think these four types are convincing and Mr Albert CHAN's amendments are worthy of our support.

**CHAIRMAN** (in Cantonese): Mr CHENG, I wonder if there are cases where cancer cells grow when a person is forced to hear something which he does not want to hear.

**MR ANDREW CHENG** (in Cantonese): Chairman, I will surf the Internet to see if there are such cases.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, regarding the situation of resigning from office due to serious illness or some other problems, we have in fact seen that happened recently with our Directors of Bureaux. Had they heard of the miracles and cases cited by Mr Andrew CHENG sooner, they might have recovered even faster. I also wish them early recovery. No matter it is miracle or laughter, it can be a viable option. If members of the public know of any examples about barefoot doctors, I think friends of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) and the Hong Kong Federation of Trade Unions (FTU) would be even more willing to listen.

**MS STARRY LEE** (in Cantonese): Point of order, Mr Albert CHAN has digressed.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has not digressed. A Member cannot possibly speak about the contents of the provisions in each sentence of his speech right from the onset. If a point is raised after listening to a few sentences of the Member's speech, and state that his remarks are unrelated to the provisions, he cannot go on speaking. This will only prolong the meeting time even longer.

**MR ALBERT CHAN** (in Cantonese): Chairman, I just .....

**CHAIRMAN** (in Cantonese): I have already said, Members should only make a judgment on whether the Member speaking has digressed after listening to his explanation of his reasons. Mr Albert CHAN, please continue.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am just turning to the Democratic Republic of the Congo. But before that, I must appeal to members of the public whether they know why JIANG Zemin suddenly recovered. I think Members of the DAB and FTU must want to know, but I do not know whether it would be classified as national secrets.

Chairman, I want to talk about the Democratic Republic of the Congo now. Speaking of Congo, people will naturally associate it with Tarzan and King Kong. But when it comes to the loss of civilian lives caused by political strife and internal turmoil, there is nothing romantic or interesting about it. A total of 250 000 people had lost their homes as a result of the internal war of Congo a few years ago. A large amount of weapons and ammunition have entered Congo, and the country .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you have already mentioned many countries, and have talked a lot about the history and political situation of each country. What you want to illustrate is that, if a Member of the Hong Kong Legislative Council goes to the countries you mentioned, one realistic possibility is that he may be confined without trial causing his resignation. When you mention other countries from now on, please concentrate on the reasons why you think such a realistic possibility exists in those countries, and you need not provide a huge amount of historical, geographical or political information about those countries.

**MR ALBERT CHAN** (in Cantonese): Yes, Chairman. In fact, I have not mentioned too much background information. I did not even quote all these information, concerning the population, location, and so on. I mainly want to talk about the internal strife, which is in fact related to the hypothetical situation of Members being detained unreasonably in the country. If I do not describe the confusing state, the violation of the constitution or special military factors in the country, Members may neither understand nor identify with the amendment to include this country in the legislation.

If Members may recall, when the relevant question was discussed last time, Mr Paul TSE said that he would identify with the situation in the Philippines, but not other countries. While each Member may have different understanding, feelings or analysis on individual countries, not every Member can understand the latest situation of the dozen or so countries in my proposed amendments. Of course, if Members still do not accept the amendments after my explanation, that is their decision. However, as the proposer of these amendments, I think I am duty-bound to provide them with some basic information, which I think is very important. Chairman, I hope you can understand the great pains I have gone



through, and I am still making my utmost effort to lobby for the support of at least some Members. It would be most important for the public to understand clearly that the amendments I proposed are neither frivolous nor meaningless.

I must respond to the many accusations that my amendments are all meaningless and frivolous. If I cannot explain clearly the special circumstances of each country in my proposed amendments, it may create the impression that my amendments are ill-founded and hence, the misunderstanding that my amendments are frivolous. As a matter of fact, Chairman, you should notice that whenever I spoke, my explanation did not last more than 15 minutes. And in each of my speech, I have not engaged in long-winded repetitions over a particular country. Firstly, my speeches do not involve repetitions; and secondly, they always focus on the possibility that Members may be subject to illegal detention or administrative detention in those countries. Hence, I call on Members to bear with me slightly, and each Member should at least try to better understand the latest situation of other countries, right?

I want to go back to the special problems with Congo. Just now, I talked about the suffering of war, as well as the local situation where children are conscripted extensively into the army to participate in combat and armed killings. When it comes to the special situation of Congo, I think Members who visit the country should be particularly cautious about the aggravated situation of violent assault on women locally. In some cases, women who have been assaulted in a particular area might be used by the local leaders as .....

**MR WONG KWOK-HING** (in Cantonese): Chairman, I have listened carefully to the ruling you just made that the Member speaking should no longer repeat the political and economic situation, and so on, of the relevant countries. After you have ruled, I notice that the Member speaking has treated your ruling as rubbish. He did not heed your ruling, but keep on repeating those contents.

**CHAIRMAN** (in Cantonese): Mr WONG, I am listening. Mr Albert CHAN, please do not provide excessive information about those countries, which are unrelated to the provisions under discussion.

**MR ALBERT CHAN** (in Cantonese): Chairman, I think the information is relevant because some of our Members are women, and it is of utmost importance to safeguard women's rights and protect them.

**CHAIRMAN** (in Cantonese): Please speak on confinement without trial and resignation.

**MR ALBERT CHAN** (in Cantonese): Yes, I understand. Chairman, I want to talk about the judicial system, as well as the arrest and prosecution procedures, which are definitely related to the probable arrest of Members and then confinement without prosecution or undergoing the judicial process. If Members go to these places, such as for sightseeing or business purpose, they may get involved in these situations. Basic protection has been provided under the Constitution of Congo; I will not repeat because such protection is similar to that in other places in terms of provisions. However, there is a set of very special bail rules in the Democratic Republic of the Congo. Under these rules, people who are poor or without money will basically not get bail. Hence, if unfortunately, Members were confined in the Democratic Republic of the Congo and did not have enough cash to post bail, they were basically deprived of such right even though the right to bail existed. Hence, the situation is quite special. Moreover, it is not uncommon to have no prosecution instituted even more than one week after arrest. In the Democratic Republic of the Congo, this situation is rather common and happens frequently.

Regarding the police handling of persons under arrest, the detention period can often go beyond six months or more. Though in Congo, there is a similar mechanism for persons under arrest to apply for legal aid, I think Hong Kong people cannot possibly get assistance there.

Besides, there is a special situation in Congo which is similar to that in some backward countries, and that is rampant corruption. Members would understand that when there is rampant corruption — we may recall that the situation was the same in Hong Kong in the 1950s and 1960s when a person might be treated unfairly if he did not pay bribes — both local people and tourists would be suppressed without reason or wilfully arrested by soldiers (in addition to police officers) in Congo. Please note carefully that I am referring to willful

arrest. "Willful arrest" means there is basically neither legal nor institutional monitoring. On the other hand, the immigration authorities often arrest all kinds of persons so that they can demand bribes through such arrests. Hence, this situation is common.

Regarding arrest without reason, the security forces are also involved, apart from the police. Both the security forces and military police are responsible for internal security. As regards the basic division of labour, while the military is given the high-sounding responsibility of maintaining regional safety, there is also the "Republican Guard" which is responsible for protecting the President and government buildings. Hence, if Members go near .....

**MR WONG KWOK-HING** (in Cantonese): Chairman, point of order. The Member speaking is now talking about the army and law-enforcement officers in a particular country, which are unrelated to his proposed amendment.

**CHAIRMAN** (in Cantonese): I will continue to listen to Mr Albert CHAN before I decide whether he has digressed.

**MR ALBERT CHAN** (in Cantonese): Chairman, those are definitely related ..... I really find some Members very strange. They do not understand those systems. When they go to those places, and because they are not aware of the duties of the "Republican Guard", they may, on account of lack of understanding ..... Even though Members may consider themselves to be "the boss" who can bully their way around everywhere — very much like what has just happened outside the Chamber. Just now, a group of people from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) went outside the Ante-chamber and acted so freely as if they were in their own homes, having sweet soups. I hope the Secretariat will look into this matter in future.

**CHAIRMAN** (in Cantonese): Mr CHAN, please focus on the provisions under debate now.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am describing their mentality .....

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, point of order. He just talked about a group of people. How did he know that those people belonged to the DAB? I also saw that group of people. I think they do not belong to the DAB (*Laughter*). How can such "ugly" people belong to the DAB? Honestly, he should retract his statement .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, sit down immediately.

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... I do not recognize them as belonging to the DAB .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, if you use this excuse to waste the time of the Council, I will not allow you to remain in the Chamber. Mr LEUNG, please do not waste the time of the Council any further.

(Mr LEUNG Kwok-hung sat down)

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, when you speak, please only provide information which is related to your amendment.

**MR ALBERT CHAN** (in Cantonese): I understand, Chairman. First of all, I must apologize for straying from the subject slightly just now because I find it difficult to control myself in face of Mr WONG Kwok-hing's challenge. Chairman, I have been very tolerant tonight. Moreover, I have spoken in a focused and rational manner. Even Dr Samson TAM said that he appreciated my efforts in introducing so many countries and their special problems in such a restrained manner.

Going back to the "Republican Guard" — I hope friends of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) would not

confuse this "Guard" with the Red Guards and hence, become so tense — going back to their duties ..... If Members go to a place, they should understand its special situation, as well as the different duties undertaken by different groups. Members should not practise "Big-Hong Kong-ism" or "Big-China-ism" and disregard the local situation in other countries. Tourists get into trouble or are arrested in other places mostly because they do not understand the local condition, the operation of their systems, and so on. Using their subjective judgment, they ignore or disregard everything. As a result, they get into trouble. I call on Members who visit other places not to run into such problems; otherwise, if they were arrested, their office as Members of the Legislative Council might ..... In that case, they may be forced to resign. Members like to point to their nose, saying they are "Honourable Members", thinking that they are "the boss". If they go to Congo, .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you are digressing now.

**MR ALBERT CHAN** (in Cantonese): OK, I get it. Chairman, I will return to my theme now.

I want to point out that cases of detention or imprisonment without trial do exist, and there are many different types of cases. But I will not read them out in detail, or else Members will say that I am wasting time. The acts concerned in many cases can result in arrest under millions of reasons. But I will not read them out, or else some Members will say that I am wasting time.

Chairman, there are many cases. According to investigations conducted by various monitoring bodies previously, many cases involved specific records of information such as the name of the person under arrest, the date, the time, and so on. In some cases, the arrested persons would disappear without trial. Members can guess what would happen after the arrested persons went missing, that is, their bodies could not be found. According to some persons who had been released after arrest, they were tortured — I must get the Cantonese pronunciation of the term "酷刑" (huk6 jing4) (torture) correct, or else the Chairman will make fun of me. Chairman, they were tortured, my Cantonese pronunciation is not immaculate — and subject to all kinds of cruel treatment. In many cases, the arrested persons were killed.

Hence, if Members must resign because they were detained in those places for over one month; yet, they were released subsequently, it would be nothing short of a miracle as described by Mr Andrew CHENG, or at least a "half miracle".

Besides, concerning the intelligence agency in Congo, apart from the army or the guards I just mentioned, there is another problem which is the suppression of human rights by the intelligence agency. The intelligence agency in Congo is a very special organization. Members should pay special attention to it because this intelligence agency can arrest any person on political grounds. Some British filmmakers ..... Chairman, many people in Hong Kong are involved in film-making, and it is unsurprising that some may shoot their films in Congo. Nonetheless, no Member here is involved in film-making. All in all, regardless of the purpose of visit, such as making films, reporting news, taking photographs, sight-seeing, and so on, it is possible that people will be detained without trial in Congo.

Chairman, I still have many examples which illustrate that this problem is particularly serious in some special areas within the territory of Congo. Hence (*The buzzer sounded*) .....

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, having heard Mr Albert CHAN's speech, I think he might not have explained the situation of the Democratic Republic of the Congo thoroughly. Congo is a very new country and its human rights situation has been improving. Let me cite a very simple example .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, when Mr Albert CHAN spoke just now, I have already reminded him repeatedly that he should only mention the situation of trial, confinement, resignation, and so on, in those countries, which are directly related to his amendments.

**MR ALBERT CHAN** (in Cantonese): Dr PAN Pey-chyou is asleep.

**MR LEUNG KWOK-HUNG** (in Cantonese): It is a matter of life and death. Is he really asleep?

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, when other Members are speaking, you can only rise on a point of order or to seek clarification.

Mr LEUNG Kwok-hung, just now, I was saying that my reminder to Mr Albert CHAN was likewise applicable to you. Hence, even though you may be an erudite and multi-talented person with vast knowledge about Congo, you should only talk about matters directly related to this amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I only refute the statements just made by Mr Albert CHAN because I think his statements verge on over-generalization.

**CHAIRMAN** (in Cantonese): If you want to respond to Mr Albert CHAN, please state clearly which of his amendments you are referring to.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, according to Mr Albert CHAN, the human rights situation in Congo is appalling. I am going to quote from a report of the United Nations Human Rights Council on Congo<sup>3</sup>. Mr Albert CHAN considered that .....

**CHAIRMAN** (in Cantonese): Is the said report related to this amendment?

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes. It is up to you to decide, OK?

---

<sup>3</sup> <[http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CD/A\\_HRC\\_WG6\\_6\\_COD\\_1\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CD/A_HRC_WG6_6_COD_1_E.pdf)>

**CHAIRMAN** (in Cantonese): Please quote from the said report.

**MR LEUNG KWOK-HUNG** (in Cantonese): OK, and it is up to you to decide. Some information about the human rights situation in Congo is set out in the report. Chapter 8 of the report is about "Priorities, Initiatives and Commitments", that is, matters in relation to the implementation of basic human rights. I am now quoting from paragraph 125 of the report which reads, "The Government is taking action in the following areas in an effort to promote human rights effectively". It then goes on to list out a number of items as follows: first, "Combating corruption and impunity"; second, "Establishing the National Human Rights Commission"; third, this point is clearly related, that is, "Building new prisons, reforming the prison system and safeguarding prisoners' rights"; fourth, "Introducing human rights courses at all ..... levels of the education system and ....." — don't worry, I will not read out any unrelated words or expressions — "..... public administration, the police force, the armed forces, security services"; fifth, "Increasing budget allocations for ....." — I will leave out the unrelated parts — "..... the justice system and human rights"; sixth, "Reforming the justice system, the police force, the armed forces, security services, and public administration". The above information shows exactly that the information quoted by Mr Albert CHAN may not necessarily be correct. Even if it is correct, the situation in Congo may be changing. Hence, I think those Members who stood up just now might have a point when they said Mr Albert CHAN's remarks might not necessarily be correct.

Besides, .....

**CHAIRMAN** (in Cantonese): Please point out as soon as possible the relationship between the information you are now referring to and the said amendment.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, Mr Albert CHAN wrote into his amendments a dozen or so countries and places, with the suggestion that if Members of the Hong Kong Legislative Council were confined without trial over one month in those places and then resigned, they should be exempted. My understanding is correct, right? Then, which countries he has



selected to be included in the amendments? He has not listed out many countries in one amendment; instead, he wrote into each amendment one country of his selection. I am now speaking specifically about the amendment on Congo.

He sought Members' support for his amendment. If a particular Member resigned because he was imprisoned without trial over one month in Congo and was then released, he should be granted exemption so that he could stand in the by-election. Is that what it means? Yes. He arbitrarily took the view that such incidents could happen easily in Congo. But after I read this human rights report, I think the situation in Congo is actually improving rapidly. In other words, it might not be appropriate for him to include Congo in one of his amendments. I hope other Members will not support this amendment after listening to my speech. Exemptions should not be granted without good reasons, right? Not all situations stated in the amendments are valid for exemption. I hope the Chairman can understand that Congo ..... I will not say too much because you have already warned me to say no more. Congo is a newly formed republic. Even though KABILA's son won the election, he almost died. Congo is changing constantly.

Besides, the heading of Chapter 9 of the report is "Expectations of the Democratic Republic of the Congo in Terms of Capacity-building and Requests for Technical Assistance". But the chapter is not about farming and rice growing. Instead, it refers to Congo's requests for technical assistance in order to protect human rights. Let us look at para 126 which reads, "The Democratic Republic of the Congo requests support for appropriate technical assistance from the international community, particularly the United Nations Human Rights Integrated Office in the Democratic Republic of the Congo, to build its human rights capacity in the following areas". This sentence is clear evidence that the Congolese Government has, as just mentioned by Mr Albert CHAN, made a direct request to the United Nations Human Rights Council.

Chairman, you said that my speech should be directly related to this amendment. In that case, I will not read out the first point. What is the second point? It is as follows, "Establishment of a government-run victim and witness protection programme". Would you not say that it is a major reform initiative? It is about protecting the victims! If Members went to Congo and unfortunately, as mentioned by Mr Albert CHAN, were arrested without reason, confined over one month without trial, resigned, released, came back to Hong Kong and wanted

to stand in the by-election — this situation is in fact unlikely because that country has already made clear its stance for the "[E]stablishment of a government-run victim and witness protection programme". Apart from the victims, witnesses would also be protected. What he just said was only one side of the story, which is something still open to discussion, or at least, not completely beyond doubt.

I manage to find evidence in the United Nations Human Rights Council report to suggest that Mr Albert CHAN's statements might not be correct. Insofar as trial is concerned, the next point is exactly as follows, "Organization of seminars for judges and other law enforcement personnel" to safeguard human rights. Of course, it is not about the organization of tea parties, but the organization of seminars for safeguarding human rights. The judges are responsible for the adjudication of cases, while law-enforcement officers include lawyers, prosecutors, the police, security forces and secret police. They are all law-enforcement and judicial officers. Congo has already requested the international community to provide funding assistance to undertake the relevant work, in the hope of improving the situation. Hence, when Mr Albert CHAN told us to find a country where a Member might be confined without trial such that he must give up election, and that the said Member should be granted exemption, I am afraid that this might not apply absolutely in the case of Congo.

The point about "[P]reparation and distribution of information materials about human rights in national and local languages" is unrelated to the amendment. There is also another example, and I will continue to quote as follows, "Organization of human rights training seminars for members of the armed forces, police force, security services and district agents". Let us leave aside the district agents because they may not relate directly to the point raised by Mr Albert CHAN.

Come to think of it, the armed forces have the power to control people's life and death, the police force is the major department for arresting criminals, and the security services even operate without any transparency. These three departments are the most important components of the state machinery, but this country wants to improve these machinery components and even requests international community for funding and monitoring. Hence, Mr Albert CHAN's point is actually quite ordinary and nothing spectacular. This time, I agree that his point may not be appropriate .....

**CHAIRMAN** (in Cantonese): Are you saying that all points made by Mr Albert CHAN so far are inappropriate?

**MR LEUNG KWOK-HUNG** (in Cantonese): No, no, I cannot remember everything he said previously. I am only referring to his speech about Congo. As you know, I am a person who, as the Chinese saying goes, "side with the truth but not your cronies" because if a person side with his cronies, it will only result in calamity. Although we are close friends, I cannot stay silent if he has said something wrong. Therefore, as you can see, I am the fairest person and will speak out whenever I see something wrong.

I will skip the next point about education through television shows. The next point is as follows, "Support in compensating victims of serious human rights violations and in providing comprehensive care for victims of sexual violence". I will skip the next point also. Undoubtedly, "victims of serious human rights violations" would include those foreigners described by Mr Albert CHAN, who were arrested without knowing the reason, and did not receive any trial. I will say no more because I will get scolded if I repeat.

This .....

(Mr IP Wai-ming stood up)

**MR IP WAI-MING** (in Cantonese): Chairman, it is just that I have been sitting so long that my waist hurts, and I want to stand up for a while. *(Laughter)*

**MR LEUNG KWOK-HUNG** (in Cantonese): Then you might as well go out .....

**CHAIRMAN** (in Cantonese): You can stroll around outside the Chamber.

**MR LEUNG KWOK-HUNG** (in Cantonese): Sorry, Mr IP Wai-ming.

**CHAIRMAN** (in Cantonese): Please be patient for a little longer. We are going to have another break soon.

Mr LEUNG, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, these persons, particularly foreigners, are definitely included in relation to "compensating victims of serious human rights violations". If they lodge a complaint to the United Nations Human Rights Council, they will definitely be given assistance.

The point about "[S]upport in setting up a fund for the promotion and protection of human rights and in administering the support fund for victims ....." can barely be said to be unrelated.

There is another example as follows, "Support for the refurbishment and construction of prisons and custodial facilities for minors in order to ensure the existence of humane conditions". This point is related to what Mr Albert CHAN has said. He said that this regime was tyrannical and when prisoners were locked up behind bars, nobody knew what would happen to them. But that is not the case. As the phrase "refurbishment and construction of prisons and custodial facilities for minors" is unrelated to the subject matter, I will say no more, but what follows is the expression: "in order to ensure the existence of humane conditions". Given this specific reference to "the existence of humane conditions", how come the situation as described by Mr Albert CHAN, that is, Members might be ill-treated, tortured, locked up indefinitely before returning to Hong Kong, or even die in a foreign country or in prison, be true? Hence, the things he said are different from what I see in reality.

There is another point which I want to read out — that is almost the end. According to the report, Congo has an important initiative as follows: "Continuing to advocate the repeal of the death penalty" — this point is unrelated to us because we are not discussing death penalty; "measures for putting an end to the use of child soldiers" is also unrelated. The most important point is about "the criminalization of torture". Mr CHAN always get the Cantonese pronunciation of the term "torture" wrong — it should be "酷刑 (huk6 jing4)", rather than "浩刑 (hou6 jing4)". Given the specific reference to "the criminalization of torture", it means that torture of criminals is prohibited.

Moreover, there is the reference to "the development of a specific legal framework for the protection of human rights defenders and witnesses". Is that not some "total" protection? Congo wants to train a group of talents, such that it is possible to criminalize torture and develop a framework to protect the whistleblowers — like I just blew the whistle on other Members just now — against sanction.

The Democratic Republic of the Congo is such a young republic. Notwithstanding its shady history with the existence of rampant torture and child soldiers — I have not talked about the problem of child soldiers because that is unrelated to this Council — Mr Albert CHAN should not make a hasty comparison between a well-known autocratic country devoid of democracy for several decades and the newly established Congo. As Congo has already made an open request for funding at the world conference of the United Nations Human Rights Council to improve its human rights situation, we can see that this country is completely different from the other examples he quoted, say, for example, the Philippines. The human rights situation of the Philippines has not improved over the past few decades, and it has been condemned all along.

Chairman, actually, I am only speaking impartially without any regard to affinity. I will lecture anybody who says anything wrong. That is who I am. Hence, I hope Mr Albert CHAN can speak more convincingly from now on. If I have misunderstood him, he can respond later on. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): It is time for Members to take a short break. The meeting will suspend for about 45 minutes.

10.28 pm

Meeting suspended.

11.15 pm

Committee then resumed.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, I request 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): Committee now resumes.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, I have just listened to the remarks made by three Members on some of the amendments. Some of the amendments moved by Mr Albert CHAN and Mr LEUNG Kwok-hung are about Members suffering from cancer and Members resigning because of imprisonment without trial, and so on. I must speak out and express my views.

I think this is really a historic day in Hong Kong because we have witnessed that the decision of the vast majority of Hong Kong people has been inhibited and abused by the minority. Most people feel helpless when they learnt about what is happening here through the broadcasts by this Council and television reports. By means of a continuous filibuster, three Members have tried, by every possible means, to reject a proposal supported by the majority of the public. However, Members now present in this Council have tried hard to hold on, and how they feel are only known to themselves. In the past two days, numerous people and those we know have sent their best wishes and cheered us up. Tonight, many people in the neighbourhood and many others from trade unions have sent us late-night snacks, desserts and nourishing drinks, which have warmed our hearts. Therefore, I wish to take this opportunity to thank the public for their support. Although we feel helpless here and we can do nothing about it, we know that millions of people outside this Council are standing by our side.

Our discussion on the Legislative Council (Amendment) Bill 2012 actually originated from the man-made "five geographical constituencies referendum" two years ago. Nearly \$130 million were spent on the by-election and this amount was sufficient for the construction of over 400 public rental housing flats. After the by-election, there were strong voices in the community expressing dissatisfaction with some irresponsible Members who stirred up trouble .....

**CHAIRMAN** (in Cantonese): Dr PAN Pey-chyou, even though you have not spoken many times, I would like to remind you that, at the Committee stage Members shall not discuss the principles of the Bill, they should only discuss the details of the provisions and the amendments. I have repeatedly reminded other Members to note this point when they spoke. If some arguments should be raised during the Second Reading debate, please do not make these points at this stage.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, I understand what you mean but I want to point out, at this stage, some Members may not focus on discussing the details as you have mentioned. As the remarks that I am making cannot be made at another stage, I hope Chairman would allow me to finish speaking.

**CHAIRMAN** (in Cantonese): Members may have a lot to say but the Rules of Procedure (RoP) clearly specifies that Members shall not discuss the principles of the Bill but only its details at the Committee stage. So, you must focus on the details of the Bill.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, when should I speak if I wish to express my impression of this debate?

**CHAIRMAN** (in Cantonese): At the Committee stage, Members shall discuss the details of the original provisions and the amendments, for reference by Members when they vote later.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, what would happen if this Bill unfortunately cannot be read the Third time?

**CHAIRMAN** (in Cantonese): Dr PAN, I have just said that every Member may have a lot to say, but if the arguments should not be made at the Committee stage, I will not, in accordance with the RoP, allow Members to speak.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, I believe I must accept your ruling but I really wish to state some points. I have repeatedly pondered in the past two to three weeks, and I originally intended to wait until the Third Reading to express my views. Under the present circumstances, I would like to strive to speak at this stage.

I certainly will not express my views if you disallow me to do so.

**CHAIRMAN** (in Cantonese): Dr PAN, I have already told you the provision of the RoP. If you wish to continue to speak, please abide by the RoP.

**DR PAN PEY-CHYOU** (in Cantonese): In that case, I will not speak anymore.

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

**MR LEE CHEUK-YAN** (in Cantonese): A point of order. I wish to move an adjournment motion under Rule 40(2) of the RoP. I have just heard Dr PAN Pey-chyou say that he feels helpless and he can do nothing about it. Since he feels helpless and he can do nothing about it ..... Chairman, you know that I have objected to this kind of trap fighting, fatigue bombing and overnight meetings at the outset.

Do we now have an opportunity to allow Members to cool off and discuss an adjournment motion? I think that we are now ..... Chairman, you have just mentioned that you will determine if the meeting will be continuously held



depending on the physical strength of Members. I have noticed that all Members are already very tired. Since we are all very tired ..... Ms Miriam LAU is shaking her head; I am not sure but she should be even more tired because she is going on a hunger strike.

In that case, Chairman, is it time for the meeting to be adjourned? You said that you would decide depending on the physical strength of Members; how do you know their physical strength before they speak out? Chairman, I think that a new situation has arisen — you definitely need to take the new situation into account — the new situation is that this meeting may be held overnight. At present, all Members appeared tired and a Member has just said that he felt helpless and he could not do anything about it. Hence, is it time for us to "stop and think"? Mr CHIM Pui-chung has also stated that he will leave at 12 am. Should we consider if it is now the right time for the meeting to be adjourned?

The second thing is that, Chairman, I have heard — I am not sure if it is true — that the Secretariat has received some so-called bomb threats. I am not saying that is anything special but I wonder why these problems have arisen. We really do not want to see these problems emerge in Hong Kong. Should we all cool off and stop engaging in a war of attrition and fatigue bombing? Chairman, it is an unjust act to exhaust Members who speak. As we all know, many Members will not speak but they will criticize Members expressing their views when they find that they have violated the RoP, and they will question why Chairman has not ruled them out of order. That is their role but it is pointless for them to play around this way. Why should we end up like this? Is it an appropriate time for this meeting to be adjourned?

Chairman, I think we really need to cool off and examine the Bill. Dr PAN Pey-Chyou has just said that many people are supportive and there is a consensus. In fact, people have not reached a consensus and the Government has just forcibly taken action. On all occasions, the Government has forcibly taken actions when there are sufficient votes. That always happen and public opinion is completely ignored .....

**CHAIRMAN** (in Cantonese): Mr LEE, if you want to move an adjournment motion, please focus your remarks on this motion that you have asked to move.

**MR LEE CHEUK-YAN** (in Cantonese): That is right and I am now going to move ..... Dr PAN Pey-chyou has just mentioned that people outside are very supportive, why do I have another reason to adjourn this meeting? The whole incident is highly controversial and the public have controversial views. In that case, why can we not cool off and adjourn this meeting? That is another reason.

If there are serious controversies in the community and there are many people outside making noises and attacking the pro-establishment camp; why should there be so much antagonism in the community? Is that another reason for the meeting to be adjourned? Or, should we cool off and consider if the action should be forcibly taken? Should the Government cool off and consider if the action should be forcibly taken? In particular, the Government wants a "seamless handover", and the passage of the "five 'corpses' and 14 bureaux", no it should be "five Secretaries of Departments and 14 Directors of Bureaux" proposal. If the Government wants the passage of the "five Secretaries of Departments and 14 Directors of Bureaux" proposal and a "seamless handover", why should this matter get in the way?

As I have just remarked, Chairman, people are antagonistic ..... can we cool off because of that .....

**CHAIRMAN** (in Cantonese): Mr LEE, you are repeating this argument.

**MR LEE CHEUK-YAN** (in Cantonese): Yes. I have just made a few points: the first point is about an overnight meeting, the second point is about antagonism in the community and the third point is about a "seamless handover". Should the so-called senseless and meaningless motion not get in the way?

Chairman, the three reasons above are the major reasons. But, you have turned down Mr Alan LEONG's request for an adjournment motion this afternoon. Is this another new opportune moment?

The fourth reason is that, I have seen that Mr WONG Ting-kwong seemed to have dozed off ..... (*Laughter*) I have clearly seen him close his eyes and it appeared that he is really tired, (*Laughter*) ..... is this the fourth reason?

Why should this antagonism prevail? Is it because Members ..... Mr WONG Ting-kwong is so agitated, which reflected that his physical strength is not very good .....

**CHAIRMAN** (in Cantonese): Have you finished giving your reasons?

**MR LEE CHEUK-YAN** (in Cantonese): I have given four reasons and I hope they can be considered by Chairman. It is really unjust for an overnight meeting to be held. We originally did not want to make this point but the situation has become so very unjust; thus, I cannot allow the majority Members to bully the minority, and I will not let these Members attack other Members through fatigue bombing.

Excuse me, Chairman, it seems that you have become an accomplice; it is extremely unjust for you to agree that this meeting should be held overnight. I really hope that you would withdraw the decision on an overnight meeting, and I hope that you would really consider the new situations and the physical strength of Members.

**CHAIRMAN** (in Cantonese): To consider whether I can approve of Mr LEE Cheuk-yan's request to move an adjournment motion, I now suspend the meeting.

**DR MARGARET NG** (in Cantonese): Can I ask Chairman to clarify one point before this meeting is suspended? I have just seen the news broadcast which mentioned that Chairman will ..... if the meeting continues, you may suspend the meeting to handle some urgent business when necessary. For example, there will be no meeting on Saturday, so as to deal with the views expressed by many groups on the proposed government restructuring.

Chairman, though we boycott this item, we will not miss these moments in the Legislative Council Building. Chairman, can you tell us what time you plan to suspend the meeting to deal with other business of this Council?

**CHAIRMAN** (in Cantonese): Under the Basic Law, Chairman shall decide on the time of meetings.

As we all know, we have flexibly adjusted the Council meeting arrangement from last week onwards — we will not have meetings in the afternoon of Friday to enable the House Committee and Finance Committee meetings to be held. This arrangement is made because we need to consider other urgent business of the Legislative Council besides deciding when the Council meeting would be suspended and resumed.

I have also listened to the views of various parties and the Secretariat, and I know that more than one committee have arranged for meetings to be held this Saturday, and it is hard to change the time of meetings. Thus, I have just told the media that, as it is difficult to reschedule some meetings and if this Council meeting will continue for a few days, I must consider suspending the Council meeting if necessary, so that the meetings of other committees can be held.

**DR MARGARET NG** (in Cantonese): Chairman, I certainly respect your ruling. There is an item related to the Finance Committee. There is an item in the agenda of this Council meeting this Wednesday on a resolution related to legal aid. This resolution should be handled urgently with a view to obtaining the Finance Committee's funding approval. Does Chairman have the power to allow this resolution to be handled earlier? If Chairman does not have the unilateral power, will you please ask the authorities to consider handling this item earlier?

**CHAIRMAN** (in Cantonese): Members can express their views on the agenda arrangements outside the meeting and we will seriously consider their views. I now suspend the meeting.

**MR ALAN LEONG** (in Cantonese): I have just noticed that Mr LEE Cheuk-yan moved an adjournment motion under Rule 40(4) of the RoP. Chairman has also said that he needs time to consider whether he will accept Mr LEE Cheuk-yan's motion. When Chairman makes the consideration and gives his ruling later, I hope that he would particularly discuss the provision in the second line of Rule 40(4): "Thereupon the Chairman shall propose the question on that motion."

Now that Mr LEE Cheuk-yan has moved the motion, does it mean that Chairman shall propose the question on that motion?

**CHAIRMAN** (in Cantonese): I now suspend the meeting.

11.37 pm

Meeting suspended.

12.07 am on 17 May 2012

Committee then resumed.

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

Before I suspended the meeting, Mr Alan LEONG talked about his understanding of Rule 40(4) of the Rules of Procedure (RoP), and I would like to respond to his remarks first. When Ms Audrey EU moved the first adjournment motion under Rule 40(4), I have already told Members that Rules 40(1), (2) and (3) of the RoP provide for a motion to adjourn the debate on the question in the Council, and Rule 40(3) clearly specifies that, when a motion that the debate be adjourned has been negatived, no further motion that the debate be adjourned shall be moved during that debate. In other words, a Member can only move one adjournment motion during a debate.

However, there is no such restriction under Rule 40(4) when the Council is in committee. Even so, Members should understand, if we interpret Rule 40(4) as an adjournment motion that Members may move at any time, and that the Chairman shall propose the question on that motion, the result can be ridiculous. If a Member has moved an adjournment motion but the motion is eventually voted down after a debate, another Member can immediately move the same motion, and the Chairman cannot stop that.

We have looked up similar situations in other legislative bodies and we found that the House of Commons in the United Kingdom has similar restriction

as that of Rule 40(3) of the RoP. When a Member of Parliament has moved an adjournment motion, the Speaker of the House of Commons has the power to determine not to propose the question on that motion, or to immediately put the question, that is, immediately proceeding to vote without having a debate.

When I handled the adjournment motion moved by Ms Audrey EU last time, I had already told Members that, according to my understanding of Rule 40(4), a Member could move an adjournment motion more than once in the Committee stage, but Chairman must consider if approval would be given. In considering whether approval should be given, the main factor of consideration is whether new circumstances have emerged in the period between the last debate and voting on that motion and the proposing of the same motion by a Member once again, resulting in Members having formed different views on an adjournment motion.

Mr Alan LEONG requested at 2.30 pm yesterday to move an adjournment motion. My judgment was that, even though Mr Alan LEONG said that there were new developments in the past week, I believe it did not affect the views of Members on the provisions and amendments of the Bill, and it did not affect the views of Members who had different views on an adjournment motion. Thus, I have not given leave for Mr Alan LEONG to move an adjournment motion.

This is my understanding of Rule 40(4) and it is the only reasonable explanation. Based on this explanation, when I just considered whether I should allow Mr LEE Cheuk-yan to similarly move an adjournment motion, I think the development of the situation does not necessitate another debate on the adjournment motion and voting by Members. Thus, I cannot allow Mr LEE Cheuk-yan to move an adjournment motion.

Committee now continues to examine the Legislative Council (Amendment) Bill 2012.

Does any Member wish to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): I am sorry, Chairman, I intended to debate on an adjournment motion when I pressed the button, I will not speak now.

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

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I wanted to move an adjournment motion because I cannot tolerate the present situation. I also find it unreasonable for a meeting to be held this way. Of course, Members of the pro-establishment camp try hard to safeguard the regime, but there is a problem with the system. The Council system is unfair because half of the Legislative Council Members are returned from functional constituencies. So, the saying that with the so-called "consensus", community consent, the Government introduced into the Council ..... this Council is fundamentally deformed because the royalists always have the upper hand at voting .....

**CHAIRMAN** (in Cantonese): Mr LEE Cheuk-yan, please stop.

**MR LEE CHEUK-YAN** (in Cantonese): ..... in that case, Chairman, I would like to explain .....

**CHAIRMAN** (in Cantonese): Mr LEE, just now I stopped Dr PAN Pey-chyou from expressing his personal views. I also hope that you would observe the RoP when you speak.

**MR LEE CHEUK-YAN** (in Cantonese): ..... that is why I have to speak out. They outnumber us; this is a ploy to tire us out, which makes me sad.

Chairman, I would like to express my views on one of the amendments about the addition of subsection (2B): "If not less than 2 Members of any geographical constituency or the District Council (second) functional constituency resign from office as Members within the same day because they have been confined without trial over 1 month by the Government of the People's Republic of China, and any of them is released within 1 month after his resignation, subsection (2A) does not apply to him". Chairman, obviously, this amendment reveals a phenomenon: Members should support this amendment if this phenomenon or fact is established. What is the basis of this amendment?

The basis is whether Members believe that a person will be confined without trial for more than one month by the Government of the People's Republic of China? If Members believe this is the case, they should support the amendment. If they do not believe, they can refrain from giving support. Yet, I certainly believe that this will happen and highly likely will happen. Why? It is sad to see that while we are gravely concerned about the rule of law, rule of law is still not established in China.

Recently, there is an obvious example, I wonder if Honourable colleagues have heard about the news — some Honourable colleagues may not pay much attention to news in China — have you heard of CHEN Guangcheng? Who is CHEN Guangcheng? Some say that CHEN Guangcheng is a blind lawyer, and he has clarified that he is a self-learnt barefoot lawyer and he has not formally practiced. Chairman, we appreciate CHEN Guangcheng, being blind, he is bold enough to defend people's rights. He opposes China's one child policy, and he had been imprisoned for four years and three months due to his efforts to defend people's rights. We all know that and some people may say that he had been imprisoned without a formal trial. What happened afterwards? He was put under house arrest and was illegally confined. This is outrageous. How he was illegally confined .....

(Mr IP Kwok-him raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr IP Kwok-him, do you have a point of order?

**MR IP KWOK-HIM** (in Cantonese): A point of order. The present amendment is related to Legislative Council Members; CHEN Guangcheng is not a Member according to my understanding.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I cannot hear what he said.

**CHAIRMAN** (in Cantonese): Mr LEE Cheuk-yan, as this amendment is related to .....



**MR LEE CHEUK-YAN** (in Cantonese): He just said that CHEN is not a Member.

**CHAIRMAN** (in Cantonese): Mr LEE, this Bill is about resignation of Legislative Council Members and this amendment is related to resigning Members.

**MR LEE CHEUK-YAN** (in Cantonese): I know, Chairman, I just wish to ask if there is any chance for a resigning Member to be illegally confined after he has returned to the Mainland. Is there any chance that he may be confined without trial? We can see from the CHEN Guangcheng incident that there is such a chance. Since there is a chance, we should support this amendment. Chairman, there is certainly a relation; if there is no relation as Mr IP Kwok-him has just said — he really needs to understand afresh China's legal system and the current situation of China under the rule of law. I am saying that there is no rule of law in China, thus a resigning Member may be confined without trial after he has returned to the Mainland. I certainly will not, and Chairman, may say ..... Mr IP Kwok-him may say that it will certainly not happen to Mr LEE Cheuk-yan because he does not have a Home Visit Permit to go to the Mainland. He may say so.

**MR IP KWOK-HIM** (in Cantonese): Chairman, I hope you would make a ruling. He should not be the one to answer my question. Please rule.

**CHAIRMAN** (in Cantonese): I cannot determine if Mr LEE Cheuk-yan's remarks have digressed from the subject. As he has said, he is explaining why he thinks this amendment is related to the People's Republic of China.

**MR LEE CHEUK-YAN** (in Cantonese): Thank you, Chairman. I just want to prove one thing: we should consider if there is any possibility for a resigning Member or any Member to get into trouble after their return to the Mainland. Why is it likely that a Member will get into trouble? It is because there is no rule of law in China. CHEN Guangcheng is not guilty but he had been imprisoned and later, he has been illegally confined for three years, which is a

long period of time. Members should be aware of the absurdity of the three-year illegal confinement. Do Members think that it is very likely for resigning Members to return to the Mainland? How absurd is the situation? During the three-year illegal confinement, the Government had spent tens of millions of dollars from the stability maintenance funds to lock him up. The Mainland has spent so much money on stability maintenance, funds has been allocated to national and national and public security officers to keep one person under surveillance. If CHEN Guangcheng is treated this way, resigning Members who return to the Mainland may be treated the same. Chairman, I must mention resigning Members. If such a large amount of stability maintenance funds has been spent to monitor CHEN Guangcheng, a large amount of stability maintenance funds will also be spent to monitor resigning Members who return to the Mainland.

Moreover, not only CHEN Guangcheng had been confined, his wife and daughter had also been affected. Public security officers followed his daughter to school — I am not sure if they are public security officers, because at present, public security work on the Mainland has been outsourced — the Labour Party certainly opposes outsourcing, and we must go to the Mainland to express our opposition. On the Mainland, the work of public security has been outsourced, thus we do not know who take up the posts of security officers. The security officers monitored them and escorted his daughter to school. Chairman, though I do not want to say so, I really have to remind Members to be careful. To a certain extent, a resigning Member has to face with a rogue regime. Since a blind human rights activist can be treated that way, resigning Members who return to the Mainland can also be so treated. Hence, Members should really be careful.

Chairman, CHEN Guangcheng has not committed any crime and he has already served his prison term; yet his whole family has been illegally confined. Chairman, the lawlessness of the incident has run amok. A resigning Member will get into serious trouble if he returns to the Mainland to visit CHEN Guangcheng. As soon as he enters the village, he will be beaten up and driven away. It will be even worse if he is not beaten up, because he may be arrested. As stated in this amendment, he may be confined without trial if he returns to the Mainland to visit CHEN Guangcheng. This is highly likely. Chairman, let us consider how "Batman" was treated; he was driven away. How would a resigning Member be treated differently? If a resigning Member returns to the

Mainland to visit CHEN Guangcheng, he will definitely get into trouble. I am quite sure about that.

Chairman, this is the way a blind human rights activist has been treated under this regime, and eventually CHEN Guangcheng can no longer stay in China. Given this regime, I am not sure if the Secretary will continue to serve the Hong Kong Special Administrative Region Government of the People's Republic of China. The HKSAR is under the People's Republic of China. If this situation prevails, such lawlessness is hardly acceptable.

Chairman, it is the last resort of CHEN Guangcheng to go into the Embassy of the United States as he could go nowhere. It is most ridiculous that the Embassy even negotiated with China over the safety and freedom of CHEN Guangcheng. That is really a face-losing situation .....

**CHAIRMAN** (in Cantonese): Mr LEE, I think your story is irrelevant to the provision being examined.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, this is a wonderful story, right?

(Some people in the public gallery laughed loudly and clapped their hands)

**CHAIRMAN** (in Cantonese): People in the public gallery, please keep quiet.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, what I want to say is that if CHEN Guangcheng, a blind human rights activist is treated this way by the Central Authorities, and even the United States Government helps him and negotiates with China about his release, I really feel ..... well, as a Chinese, I am really filled with pain.

**CHAIRMAN** (in Cantonese): Mr LEE, your remarks have digressed from the subject.

**MR LEE CHEUK-YAN** (in Cantonese): I am sighing with deep feeling. That is the situation of rule of law in China at present. If that is the case, do resigning Members think that they will not be confined for more than one month without formal trial? There is such a possibility.

Therefore, Chairman, after the CHEN Guangcheng incident, Members should reconsider this amendment. Chairman, there are other examples. Besides CHEN Guangcheng, HUANG Qi is another example. This is a case about a missing person. How has he become missing? HUANG Qi is the founder of Skynet, one day before the 11th June 4 anniversary, he .....

**CHAIRMAN** (in Cantonese): Mr LEE, what is the relationship between the examples you are now giving and the amendment being examined?

**MR LEE CHEUK-YAN** (in Cantonese): The common basis is that the Central Authorities are lawless in our view, and I am going to give another example to prove my statement. If we have one more example to prove the lawlessness of the Central Authorities ..... concerning a resigned Member .....

(Some people in the public gallery clapped hands)

**CHAIRMAN** (in Cantonese): Mr LEE, please hold on. People in the public gallery, I will ask you to leave if you continue to make noise. Please observe the rules.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I really want to prove this point ..... I am going to talk about what happened to him. He was arrested one day before the 11th June 4 anniversary, and he was later imprisoned for five years. There is one other event which is closely related to what I am saying now. What happened to him?

On 10 June 2008 — he had assisted in the disaster relief in Sichuan before and he exposed the "tofu-dreg" construction works in Sichuan on the Internet. That is his background. As we may recall, people were infuriated about these

"tofu-dreg" construction works after the Sichuan earthquake. What happened after he exposed the "tofu-dreg" construction works? On 10 June 2008, he was taken away in a vehicle, and six days later on 16 June, his arrest was announced.

Chairman, what can happen in China? A possible scenario in China is that, you may live in peace, and then suddenly one day — the rights defending movement has come up with a new term: "made missing". This term "made missing" is closely related to the subject that we are discussing today. A person who has been "made missing" is that he has suddenly been taken to an unknown place, and he has not been arrested in accordance with any legal procedure. We should remember that, at the time of the Jasmine revolution, many people in China responded and strolled in the square carrying Jasmine flowers. Many human rights activists had been "made missing" at that time. The term "made missing" and the amendment that we are discussing today are about the same things. Illegal confinement without trial is just the same as being "made missing". During the Jasmine revolution, people were just strolling; they did not get involved in a revolution. The Jasmine revolution in North Africa is a genuine revolution; in China, it is just strolling with a jasmine flower. Yet, human rights activists were "made missing", Chairman, you are aware of that. They were "made missing", which is tantamount to confinement without trial, an issue we are now discussing.

Let me go back to the case of HUANG Qi. He is the initiator of Skynet, he was "made missing" and subsequently arrested. I also want to add another point: he had been confined for three years before he was convicted in a trial. How about the three-year confinement? We do not understand the rule of law in China. How can a person who has not been prosecuted be confined for three years? We do not think there is the rule of law. If we consider that the rule of law does not exist and this is sheer lawlessness, we must amend the Bill, because any person who goes to the Mainland can be "made missing".

Chairman, I want to say that the Hong Kong Alliance in Support of Patriotic Democratic Movements of China and people's organizations have jointly issued a "red travel .....

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

**MR LEE CHEUK-YAN** (in Cantonese): ..... "travel alert", this is a relevant point. What are travel alerts? Travel alerts are highly consistent with the remarks that I have just made. Travel alerts tell Hong Kong people returning to the Mainland that in many places, many people who are "made missing" have been confined — the largest number of such incidents happened in Beijing. Members must be most careful when they travel to Beijing because this place is most dangerous. This is a travel alert, Chairman.

This amendment is an alert, reminding Members returning to the Mainland that they may be confined for their political views and ideologies though they have not done anything wrong. If a Member may be confined, we should absolutely support this amendment. This amendment safeguards that, upon his release after the one-month confinement .....

Chairman, there is a problem, will he be released after one month? To be honest, that is not uncertain; if he is released, the amendment will at least enables him to stand for election — he has resigned but he can stand for election after his release. Will he be released after one month? Honestly speaking, we are not sure about that. If he is released and he has not been "made missing" for a long time like HUANG Qi, he will at least have a chance after his release .....

Chairman, I am going to make one last point. There has recently been a crisis of legalizing the act of people being "made missing". What are the reasons? As the criminal law will be amended, I urge the deputies to the National People's Congress to express their views later. The amendments have been endorsed by the National People's Congress. What is the new amendment? As endorsed by the National People's Congress, if a person is "made missing" because of national security reasons, it is not necessary to notify his family members. That is really bad because people have often been "made missing" .....

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

**MR LEE CHEUK-YAN** (in Cantonese): ..... right, I would like to tell resigning Members, your family members may not know if you have been "made missing". The law has regressed. Chairman, this point is relevant to the

motion. We may feel relieved if we know that the rule of law in China is advancing forward, but if the law is regressing, we must support this amendment. If a Member is illegally confined after his return to the Mainland, he will at least have a chance to stand for election upon his release after being confined for one month.

Hence, we support this amendment. I may oppose some other amendments later but I support this amendment.

Thank you, Chairman.

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

**MS CYD HO** (in Cantonese): First of all, Chairman, please allow me to spend one minute explaining why I have returned to this Chamber and participated in the deliberation process. I understand that this is irrelevant to the amendment but please allow me to spend some time giving an explanation.

After the Second Reading debate of this Bill has been resumed and our opposition has failed to take effect, a group of pro-democratic Members thought that we should not participate in this unfair and unjust process. Just like what we did last year, we had withdrawn from the Bills Committee on this Bill because we knew that the structure of this Council did not allow us to "drop" this Bill, no matter how strong our justifications were. That is why we had chosen to withdraw. I know that some people agree and some others disagree with our action, and we hope people would become more understanding.

Chairman, you announced yesterday that the meeting would be held around the clock — to be honest — I strongly oppose this idea. This Council should be a forum for Members to engage in reasonable discussions unhurriedly. It should be a civilized place. If we do not act in a civilized way, we may as well fight with our fists.

(Mr WONG Yuk-man stood up)

**MR WONG YUK-MAN** (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): Ms Cyd HO, please continue.

**MS CYD HO** (in Cantonese): Chairman, just now, I mentioned that you announced yesterday that the meeting would be held overnight. I am strongly against this decision because this Council should be a forum for civilized discussions, but the debate has now become a battle to consume one's physical strength, which is rather inhumane. I also cannot accept the fact that the majority in this Council are bullying the minority; thus I must come back so that this unfair confrontation will become a bit fairer. But, I know many people have spontaneously gathered outside .....

(Mr IP Kwok-him raised his hand in indication)

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

**MR IP KWOK-HIM** (in Cantonese): A point of order.

**CHAIRMAN** (in Cantonese): Mr IP would like to raise a point of order. Ms Cyd HO, please hold on.

**MR IP KWOK-HIM** (in Cantonese): I am not sure if the Member speaking is challenging your decision about the meeting arrangement. If so, she should not be allowed to speak. Thank you, Chairman.



**CHAIRMAN** (in Cantonese): Ms Cyd HO, please speak on the provisions according to the Rules of Procedure.

**MS CYD HO** (in Cantonese): Fine, Chairman, I will quickly finish explaining why I have come back to attend this meeting.

I know many people have spontaneously gathered outside to boost our morale in this confrontation between "eggs" and "high walls". This is not just an issue for this Council, it also concerns the interests of Hong Kong people.

Chairman, I will now start discussing the amendment to the provision. I have missed a few days' debate but I have listened very carefully outside the Chamber. I will now discuss Mr WONG Yuk-man's amendment to clause 1(1) of the Bill, that is, amendment No. 1. The original text is: "本條例可引稱為《2012年立法會(修訂)條例》(This Ordinance may be cited as the Legislative Council (Amendment) Ordinance 2012). Mr WONG Yuk-man proposes to delete "為" and substitute "作" in the Chinese text. In the past few days ..... last week, I learnt that WONG Yuk-man was rather persistent about these Chinese words. I understand that the Chinese texts of the local laws are not very fluent, and the Chinese provisions are in fact English expressions presented in Chinese. However, we can do nothing about that because the Chinese language itself is not very explicit and unequivocal in logic, as well as cause and effect. Chinese is a poetic language, but poetic language can be ambiguous.

Recently ..... it is nice to have Law Draftsman present in this Chamber. Sometimes, the wordings used by the Law Draftsman have a romantic and illusory sense, but such wordings have been rejected by us, and we ask them to draft local laws in a way that is practical, clear, simple and easily understandable. The abovementioned principles, which include using short sentences with a simple structure; having not more than six subparagraphs under a provision; not using archaic words; and using modern language as far as practicable, are stated in the Guide on Drafting Legislation compiled by the Department of Justice.

Let me talk about difference between "為" (become, turn into, be) and "作" (act as, be, become). WONG Yuk-man may have found out when these two words first appeared, and whether the words "為" or "作" are archaic words. The word "作" is used in many articles written a very long time ago. For example, we found in poems — I will not cite many poems and I will focus on

the principles — Members should be quite familiar with the verse "萬里悲秋常作客" (Autumn sorrow ten thousand miles from home, always a traveller<sup>4</sup>) in the poem of Du Fu. However, the word "為" has also appeared in some ancient articles, it is really hard to ascertain which of these two words is more ancient.

However, these two words are used in different ways. What is the difference? The word "為" has a more practical meaning. Apart from "為" and "作", we also have the word "做" (to work, make). It would be more desirable to discuss these three words at the same time. The word "做" has the most practical usage as in the following examples: to make a table, to make a chair and to make a jacket; but the word "做" is colloquial Cantonese. Another possible way to amend this provision is ..... if colloquial Cantonese can be used so that the provisions are understandable to everyone, the provision in the Chinese text can be rephrased as "本條例可'叫做'《2012年立法會(修訂)條例》" (This Ordinance may be 'called' the Legislative Council (Amendment) Ordinance 2012). Yet, I do not think the legislation will be written this way because colloquial Cantonese has so far not been unacceptable .....

**CHAIRMAN** (in Cantonese): Ms Cyd HO, this is fundamentally a question of usage of different words. I must point out, concerning the word "做"(zou6) in your example "叫做", it is different from the word "造" (zou6) (to make) in the examples you have just given — to make a table and to make a jacket. This word has been wrongly used.

**MS CYD HO** (in Cantonese): Chairman, I know that you are interested in the precise usage of words, and you will become less sleepy. Now, I am going to talk about the words "為" and "作".

**CHAIRMAN** (in Cantonese): If you are going to discuss how ancient the words "為" and "作" are, Mr WONG Yuk-man has already quoted the usage of "作" in Pre-Qin writings when he spoke. The Tang poem you quoted was written many centuries later.

---

<sup>4</sup> Climbing to a High Place, *The Selected Poems of Du Fu* by Burton Watson.

**MS CYD HO** (in Cantonese): That is true, Chairman, and I believe Mr WONG Yuk-man may not be able to find out in which ancient book these two words first appeared. I am afraid we have to check if these words appeared in bronze inscriptions and inscriptions on turtle shells or bones.

Nevertheless, we can find some examples in contemporary usage, which indicates that more abstract nouns are used immediately after "作". Examples include the words "作祟" (make mischief, cause trouble) and "為非作歹" (to do evil, commit crimes). It is quite interesting that "為" and "作" appear simultaneously in the idiom "為非作歹" I just mentioned. While "非" (wrong) is a concept, "歹" (evil, crimes) is more substantive. Hence, though "作" in "作想" (to consider) and "作祟" are more abstract, it carries a substantive meaning when used in other contexts.

Language is actually changing with the times; we may accept what is wrong as right as we get used to it, and sometimes, some words may slowly share the same meanings. There are some other examples .....

**MR PAUL TSE** (in Cantonese): Chairman, I am sorry, I have to interrupt.

A point of order. Under Rule 45(1) of the Rules of Procedure is about the conduct of a Member who "persists in irrelevance or tedious repetition of his own or other Members' arguments", Chairman has just made it very clear that Mr WONG Yuk-man has made a detailed elaboration on the choice of words by citing the writings from the pre-Qin period to the contemporary age. If Ms Cyd HO is just discussing part of the remarks made by Mr WONG Yuk-man, leaving aside the words wrongly used, her remarks should constitute "irrelevance or tedious repetition".

**MS CYD HO** (in Cantonese): Chairman, I want to know whether Mr WONG Yuk-man has discussed if the Chinese expression "與民為敵" (make an enemy of people) and "與民作敵" (make an enemy of people) have the same meanings. I will later .....

**CHAIRMAN** (in Cantonese): Ms HO, I believe it is not really relevant to the amendment under discussion if Members keep presenting various meanings and examples of the words "為" and "作". I have already pointed this out when Mr WONG Yuk-man spoke. Please express your views on whether "為" in the amendment should be deleted and replaced with "作".

**MS CYD HO** (in Cantonese): Okay. Thank you, Chairman.

Next, I want to point out, nowadays, "為" and "作" share the same meanings in many areas. Of course, there are still differences between the abstract and specific meanings. For instance, in the term "作戰" (at war), "戰" (war) is abstract; whereas in the expression "為奴為婢" (being slaves and servant-girls), though people of the lowest social strata are mentioned, the word "為" can still be used. Actually, for many terms and phrases, "為" and "作" can be used interchangeably, as in "為非作歹" mentioned earlier.

Since these two words can be used interchangeably, why do I still oppose Mr WONG Yuk-man's proposed amendment? First, there is no need to make any amendment if the two words have the same meanings. It is also stated in the Guide on Drafting Legislation compiled by the Department of Justice that, if two words have the same meanings and a certain word has all along been used in the legislation, amendments should be avoided as far as practicable. For example, in drafting the English version of the laws, it is correct to use the words "on" and "upon". According to the Guide on Drafting Legislation compiled by the Department of Justice, if "on" can be used, "upon" should not be used. In other words, words that have all along been used should not be changed. In the present case, since only one word in this provision will be amended, and the amendment is only made to this provision but not to all other laws, it is particularly undesirable.

Mr WONG Yuk-man can consider making reference to the Legislation Publication Ordinance which was only passed four to five months ago. The Legislation Publication Ordinance contains provisions on the words to be used in drafting legislation. There are some general principles, for example, words and expressions in singular should be used instead of plural, and words and expressions importing the masculine gender include the feminine.

Mr WONG Yuk-man can propose general and overall amendments to the provision instead of proposing amendments to provisions one by one. Inconsistency may arise if the word "作" is used in this ordinance while the word "為" is used in other ordinances. This practice is undesirable.

An important element of the spirit of the rule of law is that the texts of the laws must be clear and easily understandable, and there should not be any grey area, so that ordinary people can understand the laws without the help of lawyers. It would be better if the use of words in the draft legislation can always adhere to the consistency principle.

Chairman, there is another point about the use of words. Sometimes, the Department of Justice insists on using a certain word when two words are equally correct. For example, the Chinese expression "提出訴訟" (initiation of proceedings) has recently been discussed. We think that the words "提出" (take) should be used but they insist that the words "提起" (initiation) should be used. Yet, they have not explained to us the reasons and they have just told us that the words "提起" are more accurate than the words "提出" according to some legal dictionaries that they have referred to.

Concerning the words "為" and "作", if the Law Draftsman, Mr Eamonn MORAN, can give a lecture to us later, I hope that he would teach us why ..... will he oppose or support Mr WONG Yuk-man's amendment? Will he encourage Members to support his amendment? If he thinks that amendments are not necessary, can he explain to us why he insists on using "為" rather than "作"? Thank you, Chairman.

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

**MR WONG YUK-MAN** (in Cantonese): Chairman, although it is your birthday today, we have to stay up the whole night for the meeting. As I am the culprit, I must apologize to you. For this, there is no need to filibuster and a few words would be enough.

On 12 May, I talked about my amendment No. 6, which is one of the amendments to clause 1(2). It 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). I proposed to delete the word "起" (to rise, go up or begin). It is good to have Law Draftsman Mr MORAN present at the meeting now. I wonder what kind of attitude or mentality you guys in the law Drafting Division of the Department of Justice have adopted when drafting the Chinese version of the laws. Although you are all English experts, Chinese is also our official language. The purpose of seeking refinements and weighing each word is to pursue accuracy. I really want to hear from you, if possible, how come the Chinese standard of the people whom you employ is even lower than that of secondary students. I was explaining the meaning of the word "起" when the meeting was cancelled last time, and my speech was therefore aborted.

**CHAIRMAN** (in Cantonese): You have spoken a lot on the word "起" last time.

**MR WONG YUK-MAN** (in Cantonese): Not so much if you can recall. Chairman, I am going to write it down. I know that you are very smart and your memory is as good as me, I have therefore marked on my script at which point I stopped on 12 May. I do not like telling lies, especially in front of you, am I right?

Last time, I explained that the word "起" means begin, start, origin, produce and happen. Besides, it also means to act, which I have yet to elaborate. I will try to avoid wasting any more time for fear of being accused of quoting the classics. And yet, there are meanings which I must talk about. For example, the word "起" means insurgence and rise in rebellion. I remember that when we promoted "five geographical constituencies referendum" and "uprising of the people", we were considered to have made unpardonable sins as if we had stirred up riots. Today, whenever the guy called LIU Meng-xiong writes about the "five geographical constituencies referendum", he would mention the "uprising of the people", accusing us of causing chaos and organizing reforms and riots in Hong Kong. Am I right? Thus, the word "起" also means insurgence and rise in rebellion.

As the Chairman is pretty learned, you should have read JIA Yi's 《過秦論》 (*Guo Qin Lun*), it states "並起而亡秦族" (..... rose up with him, they

destroyed the Qin clan<sup>5</sup>) At that time, various heroes rose in uprising and the Qin clan was destroyed in the end. There is a great deal of similar examples, but I am afraid Members will accuse me of procrastinating. On the other hand, the word "起" also carries a pretty important meaning of protruding. In 《誠意伯劉文成公文集》 (*Cheng Yi Bo Liu Wen Cheng Gong Wen Ji*), LIU Bowen (aka LIU Ji) of the Ming Dynasty wrote "四面峭壁拔起"<sup>6</sup> (the cliffs protruding) The word "起" here does not have the general meaning of to rise or to go up, but it means protruding. Besides, there is also another meaning which is often found in headlines of newspapers, but only those with quality Chinese editors. Very often, when we read about reports on rape case in newspapers, such as *Wenwei Po*, *Ta Kung Pao* or Chinese newspapers published on the Mainland or Taiwan, they will not use "一宗" (one case) , Chairman, am I right? Instead, they usually use "一起" (one case), "一起"強姦案件 (one rape case) .....

**CHAIRMAN** (in Cantonese): Mr WONG, you should focus on explaining why the word "起" is not used properly in this provision.

**MR WONG YUK-MAN** (in Cantonese): I am explaining right now. I must state the different meanings of the word in the first place. Of course, you may think that I am being repetitive. My repetitious speech merely seeks to remind Members how ridiculous the Chinese law drafting is. If I tell you all the meanings of this word, you will be very cautious when using it in the future, right? You should not belittle the word "起" and must stay alert in using every single word. This is law, Chairman, am I right? I must therefore give an account of it.

**CHAIRMAN** (in Cantonese): You should focus on discussing the usage of the word "起" in this provision.

---

<sup>5</sup> Page 48 of <[http://miami.uni-muenster.de/servlets/DerivateServlet/Derivate-2582/diss\\_sanft/diss\\_sanft.pdf](http://miami.uni-muenster.de/servlets/DerivateServlet/Derivate-2582/diss_sanft/diss_sanft.pdf)>

<sup>6</sup> <<http://chr.lib.cuhk.edu.hk/Detail.aspx?id=2878&source=%E4%B8%AD%E5%9C%8B%E5%8F%A4%E7%B1%8D%E7%9B%AE%E9%8C%84&order=4>>

**MR WONG YUK-MAN** (in Cantonese): Never mind. I just want to tell you that not everyone is as smart as you. Some Members, after listening to me, are at a loss, right? Only you have paid attention to my speech and listened so attentively up to this moment. Others are at a loss, not knowing what I am saying, right?

Regarding this provision, Members should take a look at amendment No. 7 "由開始之時起" (on the commencement of), the word "起" indeed carries another meaning. What is it? It means begin. This is repetitious, right? Law Draftsman Mr MORAN, have you paid attention to what I am saying, is this repetitious? In "開始之時起實施", the word "始" (to begin, origin) actually has the same meaning as "起". Why did you still include the word "起" in this sentence? The reason why I have dwelled at great length the meaning of the word "起" is to tell you that the Chinese version is poorly written and this should not be tolerated. The word "起" can actually be used elsewhere. People who are well-versed with Chinese usage should know how a person places a word in a sentence reflects his language competence. If you do not know all the meanings of a word, you may use it wrongly, Chairman, right? What is so bad about telling Members the different meanings of the word "起" and its particular meaning in this provision? Now that people other than Members understand what it means, right? Is the word "起" redundant in "開始之時起實施"? Some people said that this is common sense. No, this is not. If we do not dwell at great length, how can you notice that? Therefore, the word "起" should be deleted from this provision. If the word "起" is used properly in other provisions and can accurately reflect the meaning of the entire sentence, we will certainly not delete it. For this provision, it is actually so simple that everyone can easily understand.

Furthermore, all my proposed CSAs are textual amendments and there is one which I particular find it an eyesore. Amendment No. 9 is concerned with clause 1(2). Let me read it out once again and I guess you will not say that I am repetitive, right? We need to consider the entire provision by putting back the word, 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.) In this provision, I propose to substitute the term "實施" (to implement) with "實行" (to put into practice). Why do I need to substitute "實施" with "實行", Chairman? Let us look at the term "實行", it means ..... Literally, the term means to take practical action. Regarding the term "實行", perhaps I can quote an example.



In modern Chinese, you may find that the use of this term is pretty common. However, while many people think that the language that we are using is modern Chinese, it is not indeed and many words are archaic. Even the Cantonese in use is mostly archaic Chinese. I have a book called 《粵謳》 (*Folk Song of Guangdong*) in hand, there are many archaic Chinese. Therefore, you ..... Another archaic Chinese is Minnan dialect. That is why reading ancient poems or verses in either Minnan dialect or Cantonese will give better rhyming.

**CHAIRMAN** (in Cantonese): Mr WONG, you have strayed from the subject.

**MR WONG YUK-MAN** (in Cantonese): Going back to the term "實行". In 《韓非子·說疑篇》 (*Hanfeizi · Shuoyi*) "文言多、實行寡、而不當法者不敢誣情以談說 (Talkative but impractical and law-breaking men dare not falsify facts and thereby embellish their discussions<sup>7</sup>).

Furthermore, in 《風俗通義·過譽·江夏太守河內趙仲讓》 (*Fengsu Tongyi · Guoyu · Administrator of Jiangxia, Henei, ZHAO Zhingrang*), there is a description "其俗士大夫本矜好大言，而少實行" (Scholars used to be talkative but rarely take real action). Here, the term "實行" means to put into practice, or act to implement theories, agendas, policies and plans. The meaning of "實行" in this case is to take action to implement theories, policies and plans.

Therefore, in 《柳暗花明》 (*Liu An Hua Ming*), OUYANG Shan wrote that "If he chooses either one the options and put it into practice, his unemployment problem should have been resolved". It means acting to implement theories, agendas, policies and plans. Since I have also said that the term "實施" will be replaced by "實行", I must therefore talk about the difference between "施行" (to carry out or execute) and "實行".

Chairman, "施行" is ..... I guess that many people do not know the difference between "施行" and "實行". Perhaps Members should listen carefully if you are not sleepy, and do not think this is tedious repetition because whenever I talk about .....

<sup>7</sup> <<http://www2.iath.virginia.edu/saxon/servlet/SaxonServlet?source=xwomen/texts/hanfei.xml&style=xwomen/xsl/dynaxml.xsl&chunk.id=d2.44&toc.id=d2.44&doc.lang=bilingual>>

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, a point of order, Dr PAN Pey-chyou has fallen asleep.

(There were cheers from the public gallery)

**CHAIRMAN** (in Cantonese): I have stated time and again that people are not allowed to shout in the public gallery, this is my last warning. If people in the public gallery make any noise again, I have to ask you all to leave and disallow you to observe the meeting. So, please observe the rules.

Mr WONG Yuk-man, please continue with your speech.

**MR WONG YUK-MAN** (in Cantonese): Okay, I will continue, Chairman.

Just now I have briefly explained the term "實行", which can actually be elaborated at a greater length. However, I am afraid that the Chairman will stop me. I do not feel like being stopped.

As for "施行", first of all, it means "行動" (to act, take action). What is the key of "施行" and "行動"? The action part of the term "施行" is slightly different from acting to implement plans or agendas. While "施行" also contains the meaning of "實行" and "執行" (to put in force and perform), it is slightly different from "實行". For example, in 《荀子·性惡篇》(*Xunzi · Human Dispositions are Detestable*), we have "坐而言之，起而可設，張而可施行" (those who sit and talk can prove that their speech is doable<sup>8</sup>). The term "施行" in this case means put in force.

Furthermore, I guess that Chairman should have read 《諸葛亮·出師表》(*ZHUGE Liang · Memorial on Dispatching the Army*), in which we have "愚以為宮中之事，事無大小，悉以咨之，然後施行" (In My Humbler's opinion, the affairs of the Imperial Court, whether important or not, should all be sent to consult those people, and then put in force.<sup>9</sup>) In ZHUGE Liang's *Memorial on Dispatching the Army*, there is a sentence telling the Emperor who the loyalists

<sup>8</sup> <<http://www.airitilibrary.com/searchdetail.aspx?DocIDs=U0001-1006201115571600>>

<sup>9</sup> <[Lhttp://www.chinahistoryforum.com/index.php?/topic/2764-zhuge-liangs-expedition-petition/](http://www.chinahistoryforum.com/index.php?/topic/2764-zhuge-liangs-expedition-petition/)>

are. In "宮中之事，事無大小，悉以咨之"，the word "咨" means to consult, or to put something in force after seeking others advice or opinion. The term "施行" in this case is slightly different from the abovementioned "實行"，which means that one must put something in force according to the advice of the person whom you have turned to. It is therefore slightly different from the abovementioned "實行"，which means taking action to implement theories, policies or plans. Their meanings are slightly different.

Another term is "進行" (to carry out), we can therefore see that Chinese is pretty interesting. There are "實行"，"施行" and also "進行" ..... it contains the meaning of to proceed. In 《木棉花》 (*Kapok*) written by YANG Shuo, there is a paragraph (I quote) "假使醫生剛才操起刀子，還不曾施行完畢割治的手術，你就希望全身的疽瘡一齊即時痊癒，這當然是不可能的事。" (If the doctor has just taken up his scalpel and has yet to finish performing the excision operation, how can you expect the gangrene sores all over your body to be healed up all at once. This is certainly impossible.) The term "施行" here has a very clear meaning and needs no explanation for this is Vernacular Chinese.

Besides, it also means "傳佈" (to spread). You can take a look at 《東觀漢記·馮異傳》 (*Dong Guan Han Ji · Feng Yi Zhuan*) "..... 百姓失望。今專命方面，施行恩德" (..... to the disappointment of the people. Now they do not follow instructions but act as wishes and spread mercy). The term "施行" in this case is different from the abovementioned "進行"，"執行" and "實行"。It means the spreading of mercy or to spread mercy. (*The buzzer sounded*) ..... Thank you, Chairman.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, just now I opposed Mr WONG Yuk-man's amendment No. 7.

Earlier, Mr WONG Yuk-man talked about the word "起"。Can you find it, Chairman?

**CHAIRMAN** (in Cantonese): Please go on.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am repeating the last ..... No, not repeating, I am just continuing to raise my opposition to Prof WONG Yuk-man's proposed amendment.

His amendment No. 6 has failed to resolve the problem as the word "起" has various meanings. Mr WONG Yuk-man ..... I am just giving an example ..... It has been quite some time when I gave an example and you suspended the meeting to deal with the issue raised by Mr LEE Cheuk-yan.

Where did I stop? I was discussing whether it is reasonable for Mr WONG Yuk-man to substitute "起" (to rise, go up or begin) with "同時" (at the same time). Although Mr WONG Yuk-man spoke eloquently on the meanings of the word "起", he has failed to address the question as to whether "同時" and "起" are interchangeable. In other words, is it possible to substitute "起" with "同時"?

What is the meaning of "同時"? Some of them ..... what do they mean? The first meaning of "同時" is "同時代" — meaning of the same era or at the same time. Instead of creating the meaning by myself, I have looked it up from the website of *Han Dian* and page 1 490 of *Hanyu Da Cidian*.

For example, in chapter two of 《韋護》 (*Wei Hu*<sup>10</sup>) written by DING Ling, "兩人同時對望了一下，都瞭解那意義。" (The two of them looked at each other at the same time, and they knew what it means.) In this case, the term definitely does not mean "of the same era" but "at the same time", right? Two persons cannot possibly look at each other if they are not in the same generation. The usage here is very clear and should be interpreted as "at the same time".

It can also be interpreted as "of the same era", right? In 《莊子》 (*Zhuangzi*), we have "今夫此人，以為與己同時而生，同鄉而處者，以為夫絕俗過世之士焉；是專無主正。" (Here now is this man judging of us, his contemporaries, and living in the same neighbourhood as himself, that we consider ourselves scholars who have abjured all vulgar ways and risen above the

<sup>10</sup> <<http://searchworks.stanford.edu/view/6699375>>

world. He is entirely without the thought of submitting to the rule of what is right.<sup>11)</sup> Zhuangzi's work is certainly more abstract, and is definitely different from that of DING Ling, which reads "The two of them looked at each other at the same time, and they knew what it means." In fact, the meaning of "同時代" in *Zhuangzi* is "of the same era".

Therefore, the term "同時" used by "Yuk-man" — Prof WONG Yuk-man — can ..... only have one meaning in the law with a precise meaning. This is nonetheless a serious deficiency.

In fact, such a deficiency can be found in the works of two renowned contemporary Chinese essayists, as the term "同時" is prone to give rise to ambiguity. What was Mr LU Xun's interpretation in 《朝花夕拾·藤野先生》 (*Dawn Blossoms Picked at Dusk · Mr FUJINO*<sup>12)</sup>? "我拿下來打開看時，很吃了一驚，同時也感到一種不安和感激。" (When I took it down and opened it, I was stunned, and felt annoyed and grateful at the same time). Apparently, in this case, Mr LU Xun and DING Ling have used the same interpretation. Both refer to two persons existing in the same space and at the same time, which is pretty clear.

However, if you look carefully at 《藝海拾貝·知識之網》 (*Yi Hai Shi Bei · Knowledge Network*) written by Mr QIN Mu — Chairman, I think you have also read his books as he is a renowned essayist, what did he say? He said (I quote): "意大利的達·芬奇，不但是畫家，同時也是自然科學家。" (DA VINCI of Italy is not only a painter, but a natural scientist at the same time.) This is again another interpretation. It does not mean two persons looking at each other or present at a particular time and space, but "一個人同時", meaning that a person is X and Y at the same time. Perhaps Mr WONG Yuk-man thought that this is the meaning of "同時", so he proposed to substitute "起" with "同時".

Chairman, "同時" and "起" have completely different meanings. Very simply, just imagine using the meaning of "起" to interpret the provision, "本條例自第5屆立法會的任期於2012年開始之時實施" ("This Ordinance

<sup>11</sup> <<http://ctext.org/zhuangzi/robber-zhi>>

<sup>12</sup> <<http://www.yizitong.com/china/baike.php?o=%E5%90%8C%E6%97%B6&l=3>>

comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012") ..... Sorry, I need to drink some water.

(Mr WONG Yuk-man stood up)

**MR WONG YUK-MAN** (in Cantonese): Please do the 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): Mr LEUNG Kwok-hung, please continue with your speech.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, just now I highlighted Mr WONG Yuk-man's wrong interpretation of the term "同時", which has led him to use it to replace another term. I have used the essays written by Mr LU Xun and Mr QIN Mu as examples.

In fact, "同時" and "起" have completely different meanings — I stopped right here when he requested for a headcount — If the meaning of "起" is used to interpret the amended provision proposed by Mr WONG Yuk-man, then "自第5屆立法會的任期於2012年開始之時起實施" can be interpreted as "第5屆立法會的任期於2012年開始之時開始實施". The term "開始" (commencement) will appear twice. However, if we use "同時" to substitute "起", it will become "第5屆立法會的任期於2012年開始之時同時實施", which can also be interpreted as "第5屆立法會的任期於2012年開始之時同一時候實施" or "自第5屆立法會的任期於2012年開始之時那時實施".

Chairman, on the face of it, there is no problem with these four interpretations. However, if we think carefully, there is a logical problem. If we say (I quote) "自第5屆立法會的任期於2012年開始之時起實施", it means

that the Ordinance will come into operation at 0:00:00 on 1 October 2012 sharp, until this draconian law — I mean this Ordinance, which is not draconian — is abolished.

What if it is amended in the way as Mr WONG Yuk-man has proposed? He proposed to revise the provision as "自第5屆立法會的任期於2012年開始之時同時實施". We can be sure of one thing — "Yuk-man" has been caught though he said he would not station here — at 0:00:00 on 1 October 2012, the Ordinance will definitely be put into operation upon the commencement of the next-term Legislative Council. However, if we do not specify that 0:00:01 on 1 October 2012 (that is, the first second when the fifth term of office of the Legislative Council commences) is not the same moment as the Ordinance comes into operation — this is tedious repetition with the presence of two similar terms — will the Ordinance still come into operation? There is the problem of ambiguity caused by the co-existence of two words with identical meaning. As Members may be aware, negative and negative equal positive whereas positive and positive definitely equal positive. Hence, I cannot say that Mr WONG Yuk-man's amendment is frivolous, but it is incorrect. Am I right? The question therefore lies in its incorrectness, but not being frivolous. There is a difference between frivolous and incorrect. This mistake will cause an ordinance to give rise to ambiguity and has two interpretations in court, which is unacceptable.

Since Law Draftsman Mr MORAN has just returned, I want to seek his advice. Although Mr WONG Yuk-man has kept explaining his amendment, he has failed to convince me that the word "起" should be substituted by "同時". This is because the proposed substitution cannot give full play to the function which the word "起" is supposed to perform. In legal provisions, we often come across phrases like "or above" or "or below". Although Mr WONG Yuk-man is proficient in Chinese, he is not precise enough. As Members may be aware, Chinese words are subject to various interpretations.

Chairman, given the mistake made by Mr WONG Yuk-man, I opine that Members of this Council — including you, but you cannot express any view — should not let it through. Being a Member of the Legislative Council, even if the scrutiny process requires us to stay up late or has fallen on our birthday, we must strive to thoroughly eliminate the possibility of having any word carrying two meanings, an approach which is considered to be smart.

Chairman, why do I have to do so? Thanks to you for reminding me to focus on the provisions alone in the previous debates, I have taken heed of your advice and reviewed if I have done anything for the Legislative Council. I found that Mr WONG Yuk-man's amendment has really given rise to a problem in the time of implementation in respect of laws to be drafted in the future.

Chairman, I feel pretty emotional. If you have not given me such advice, I would not have thought so much and have so much to say. Nor would I find out that Mr WONG Yuk-man has genuinely made mistakes. I always asked him questions about the Chinese language, and now I notice that a person with high language proficiency does not mean that he can draft good legislation. Legislation requires precision in words and a good logical sense.

Chairman, as today is your birthday, I would like to send you a few words and please do not stop me: "The Master standing by a stream, said, it passes on just like this, not ceasing day or night".<sup>13</sup> While we are watching water passing under the bridge, time flies too. Never mind, a gentleman should constantly strive for self-perfection. I would like to send you this verse for your self-encouragement: "A gentleman should constantly strive for self-perfection". Thank you, Chairman.

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

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I speak in relation to an amendment proposed by Mr Albert CHAN.

Regarding this amendment proposed by Mr Albert CHAN, I consider the amendment *per se* highly questionable, and I can understand neither his logic nor his rationale. He proposed that, "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." Of course, he then put forth many different combinations, but regarding the provision I just read out, "2 Members" are mentioned, that is, if two Members resign together, they can stand in the by-election if they pay 95% of the administrative costs. That is what he meant.

Regarding the administrative costs to be reimbursed, how much would these two Members need to pay? According to the Government, the expenditure for each territory-wide geographical constituencies election is \$120 million. Calculated on the basis of \$120 million, each of these two Members would need to share about \$50 million ..... \$60 million ..... It should be \$50 million for each Member because 95% of \$120 million is \$100 million, and \$100 million shared by two Members is \$50 million each. If each Member can pay \$50 million, it means ..... What he meant is that if these two Members agree to pay \$50 million each, they can resign and stand for the by-election. In that case, it means that the right to stand for election can be bought by money.

The basic stance of the Labour Party towards the entire Bill is that the legislation is an evil law. Why is it an evil law? That is because it prohibits Members from standing in a by-election to be held within six months after the resignation. This evil law deprives the right of members of the public to vote and the right to stand for election. Hence, in principle, we have said all along that it is groundless for the Government to present this evil law and force us to pass the same. This evil law is pointless and meaningless. Chairman, we all know that this is the fundamental problem with the legislation *per se*. That is our stance.

If this Bill is flawed with this problem, as considered from our stance, what is the ensuing problem? The ensuing problem is that \$50 million is enough to deprive a person's right to vote and the right to stand for election, or in other words, if a Member is willing to pay \$50 million, he is not subject to the restriction imposed by this evil law because with a payment of \$50 million, he can reclaim the right to vote and the right to stand for election. That is the logic. If these rights can be reclaimed with a payment of \$50 million, Chairman, a serious problem would result — I do not understand Mr Albert CHAN's logic on this point — if the right to stand for election can be bought back with a payment of \$50 million, does it mean that this right is tradable? Is this an out-and-out transaction? Is the right to stand for election tradable?

Chairman, that is a question of principle. If the right to stand for election is tradable as suggested by the amendment, it would be terrible. If "money is almighty", Members with the financial means can do whatever they want; they can resign and then stand in the by-election. For instance, the Labour Party does not have money — everyone knows that we have no strong financial backing. Then we cannot resign and then stand in the by-election. But for those Members with strong financial backing, they can resign and then stand in the by-election. What kind of logic is it?

If this logic is extended, the situation will be even more terrible as Hong Kong becomes a plutocratic regime where money can do everything. As a matter of fact, plutocracy is now under criticism all over the world. Chairman, all over the world ..... As Members know, the cost of a campaign for the President of the United States is astronomical, which allows interest groups to secure deferred interests through donations to presidential candidates. That phenomenon has already come under criticism in the United States because it allows interest groups to become highly influential. Chairman, you would know the term "lobbyists". "Lobby" means corridor. So what do lobbyists do in the corridor? They "lobby" for support from members of the parliament on a particular legislation. For example, George BUSH is known notably for being lobbied to support the oil companies.

Hence, Chairman, plutocracy would emerge under the circumstances. In other words, money would be involved in all motions of the Legislative Council, and the rich can lobby for Members' support on certain motions. Should Hong Kong become a plutocratic regime, the same situation would happen and "money is almighty".

In fact, to a certain extent now ..... When debating on a previous motion in relation to Hong Kong's constitutional development, plutocracy, and so on, I had also talked about an undesirable phenomenon, that is, to a certain extent, our elections are not held on the basis of "one person, one vote" because the functional constituencies (FCs) are elected by "one dollar, one vote". What is meant by "one dollar, one vote"? It means that if a person has millions of dollars, he will have millions of votes. Candidates who have money to spend can get elected unfairly just because they are wealthy, and a Member can be elected by as few as 100-odd electors. In that case, that Member, that particular Member, is elected by "one dollar, one vote" as I just said. A person with

\$1 million will have 1 million votes which carry equal weighting as the votes of ordinary members of the public. That is highly unfair.

Such unfairness is triggered by the amendment *per se*. How so? The FCs are made up of wealthy people. In fact, if 100 wealthy people cast their votes for the same FC candidate, that candidate can be elected as a Member of the Legislative Council. Why do I say so? In fact, the same logic applies. I am not saying that 100 wealthy people can actually elect one Member, or that those wealthy people take up a particular number of seats. Instead, it is about wealthy people can actually buy back their right to stand for election. That is the biggest problem. It will be disastrous if wealthy people can buy back their right to stand for election because such a right can be bought by money. Considering the logic behind this amendment, I am worried that Mr Albert CHAN might have fallen prey to the Government's logic.

Chairman, how so? By the logic of this amendment, a Member can stand in the by-election by paying the administrative costs. When I say Mr CHAN might have fallen prey to the Government's logic, it is exactly what happened with regard to the "five geographical constituencies referendum". At that time, the Government held that it was a waste of public money if Members resigned with the intention to stand for the by-election, Chairman, I absolutely, absolutely oppose this logic because by this logic, or the Secretary's explanation then — Secretary Raymond TAM was not the Secretary then, it was Secretary Stephen LAM — the then Secretary, Stephen LAM, often said that it was a waste of public money, a waste of public money and a waste of public money. How could he say that the holding of a by-election for the Council was a waste of public money? If this logic held, it might give rise to the situation as described in this amendment: Fearing that you would say that by-election is a waste of public money, I then suggest sharing the public expenditure.

Hence, I think Members must never accept the Government's logic that it is a waste of public money. There are 60 Members of the Legislative Council, and it is the Government's constitutional duty to hold a by-election when a vacancy arises. The Government's constitutional duties would include ..... Given that it is a constitutional duty, there is nothing wrong for the Government to spend public money to fulfil what is required by its constitutional duty. In fact, the Government has many constitutional duties, and almost everything is related to its constitutional duties. Chairman, for instance, in future ..... or in the past, let us

not talk about the future for the time being, the Chief Executive Elections held in the past also incurred public expenditure, and the "small circle elections" were likewise a waste of public money because members of the public were simply not allowed to vote in these elections. The system *per se* is "useless". The system *per se* is unfair, yet you still want to strengthen it. Are you not also using public money to strengthen this system?

Of course, we know that Secretary Raymond TAM can refute this point easily by saying that it is the Government's constitutional duty. No matter how much you dislike the Chief Executive Election and "small circle elections", and no matter how ugly and unfair you consider "small circle elections" are, the Secretary can easily refute this point by saying that, "It is the Government's constitutional duty and I must foot the bill. There is no way I can refuse to hold the elections because it is the Government's constitutional duty."

By the same token, Chairman, the 2012 elections will be held shortly; another round of elections will be held soon. Of course, we are dissatisfied that the FCs still exist. We have all along said that the FCs should be abolished. Yet the Secretary can also say that, "There is nothing I can do. I have the constitutional duty to hold the FC elections. From the legal perspective, the Government's current constitutional duty is to retain the FCs. Hence, I must use public money to fulfil this constitutional duty. I must foot the bill for holding the 2012 elections. That is the Government's constitutional duty. Hence, there is nothing I can do as this duty is inescapable." The Secretary can refute this way. Hence, Chairman, the question now is: Given that it is a constitutional duty, is that not the Government's duty, from a constitutional perspective, to pay the bill in full even if Members have resigned in such a way? That should be the proper action taken by the Government and it should act in accordance with law.

Hence, Chairman, I am gravely dissatisfied with one point. When people criticized the "resignation *en masse* of Members returned from give geographical constituencies as a referendum" as a waste of public money, they were in fact criticizing our constitution and the laws of Hong Kong. Why do the laws of Hong Kong allow Members of the Legislative Council to resign and then stand in the by-election? That is because it is wrong to disallow such action .....

**CHAIRMAN** (in Cantonese): Mr LEE, I think you are now speaking on the principles of the original bill, rather than the details of the provisions and the amendments.

**MR LEE CHEUK-YAN** (in Cantonese): No, I am talking about the details .....

**CHAIRMAN** (in Cantonese): Council is now in Committee, so please discuss the details of the provisions and the amendments.

**MR LEE CHEUK-YAN** (in Cantonese): Yes, Chairman, I am talking about the details. What I am actually talking about what is wrong with this amendment. The concept of payment as proposed in the amendment is wrong. It means accepting the Government's logic that it is a waste of public money.

Hence, Chairman, why do this point that I am explaining is related to the amendment? That is because if a constitutional duty is involved, the Government must take actions. In other words, the Government must hold a by-election even if two Members resign from office on the same day as described in this amendment, and even if one of them is a Member returned from the District Council (second) FC — as we all know, Members of the District Council (second) FC are elected by "one person, one vote", and even if one Member resigns, a territory-wide election will have to be conducted. If that is the case, the Government needs to foot the bill. Why? Because that is a constitutional requirement. Even if one Member resigns in future, the Government must still foot the bill.

However, with the present amendment, it is acceptable if a Member agrees to pay the administrative costs in the range of \$50 million. Chairman, it is the same with the ensuing amendments, which likewise proposed the payment of money, ranging from \$50 million to be paid by each Member — Chairman, as you are aware, there are many combinations, each with a different price tag. How much money should a Member pay to buy back his right to stand for election? I think there is no reason why a price tag should be put on this matter, regardless of whether it is 95% or lowered all the way to 5%. Is it more acceptable if it is 5%? Is it more acceptable if the amount is smaller? I do not

think so. I will also ask Mr Albert CHAN later how come it is more reasonable if the amount is smaller. Does he mean that 5% is reasonable? If it is a matter of principle that the Government should foot the bill, it should continue to do so. There is no reason why other people should share the costs; there is no reason why the Member who resigns with the intention of taking part in the by-election should share the costs. That is definitely unacceptable.

Hence, I am clueless about Mr Albert CHAN's intention in proposing these amendments, no matter the percentage is 95% or lowered to 5% — Chairman, sorry, as I have not listened to his earlier speeches, I wonder if you can recall whether he has indicated whether 5%, 10% or 30% is more acceptable? Regardless of the percentage, a fundamental issue is involved: Should the candidate in any election be required to pay the administrative costs? Chairman, a candidate standing for election must bear a heavy burden. Why? As we all know, a lot of costs are involved in an election campaign. If a Member resigns and then stands in the by-election, he would have to spend a lot of money on his election campaign, and it is ridiculous to require him to share the administrative costs. I really want Mr Albert CHAN to come back and explain his rationale for requiring the resigned Member to pay the costs — given that the said Member already needs to bear huge expenses for his election campaign.

Besides, Chairman, as you are aware, a Member who resigns from office and then stands in the by-election must face a lot of problems. If a Member resigns from office and then stands in the by-election, he must bear the costs of his election campaign, in addition to the expenditure incurred in winding up his Member's Office. A huge sum of expenditure would be involved. Given that he must bear these expenditures, he can easily get into debt. Under the circumstances, it is really unreasonable to say to him, "You must also bear this liability, and you must also pay the administrative costs to the Government."

Hence, I think Mr Albert CHAN owes Members an explanation as to which percentage he considers to be reasonable. Is it 10% or 5%? Or does he think ..... In one of his amendments, 95% is proposed. It seems that he is giving us a choice. What about his own preference? Regardless of whether the percentage is 95% or lowered all the way to 5%, it violates the fundamental principle that both the right to stand for election and the right to vote are basic rights of the people, and they should never be bought or sold with money. That is the fundamental principle.

Hence, Chairman, I want Members to consider whether the present amendment is just deplorable. Nonetheless, I must stress that — sorry, Chairman — I must point out that while this amendment is deplorable, the Bill itself is even more deplorable. This evil law should all the more be withdrawn. It would be perfect if the Government withdraws it now.

Thank you, Chairman.

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

**MS CYD HO** (in Cantonese): I know the amendments are grouped under six categories, and the only category of amendments which I agree to is about adding subsection (2B) after clause 39(2)(2A), that is, the lengthy stuff under amendment No. 628. The major part of the amendment that I concur with is that Members who "resign from office as Members within the same day because they have been confined without trial over one month by the Government of the People's Republic of China, and any of them is released within one month after his resignation, subsection (2A) does not apply to him". Actually, two conditions are involved, one being the "confinement without trial" and the other "release within one month", meaning that the Member concerned can stand in the by-election upon release. This is exactly the situation to be faced by Mr LEUNG Kwok-hung regarding the coming judicial review, that is, is it necessary for him to submit application for candidacy in person? If a person cannot submit his application due to confinement, will this constitute a breach of the Basic Law which safeguarded a person's right to stand for elections?

Chairman, the People's Republic of China ..... Though we are under "one country, two systems", we must have a clear understanding of the Mainland's legal system. As a matter of fact, the Mainland is very often in a lawless state. While the powers of the executive authorities, legislature and judiciary are combined as one, the law-enforcement departments can have their own interpretations of certain "statutes" and "orders" under various circumstances. This is different from Hong Kong as our law-enforcement departments ..... Certainly, law-enforcement departments in Hong Kong can claim that they act in accordance with laws to arrest the suspects, but the person under arrest can only be detained up to 48 hours; he must be released thereafter unless he is being

prosecuted immediately and transferred to court for hearing, as well as to decide if he can be released on bail. On the contrary, law-enforcement departments on the Mainland have their own "statutes" and "orders". When did I acquire such knowledge? That year, Mr James TO and I went to the Mainland to meet with representatives of the Legislative Affairs Commission of the Standing Committee of the National People's Congress (NPCSC) explaining to them why we did not accept the seeking of an interpretation of the relevant provisions of Article 24 of the Basic Law from the NPCSC. It was during that trip that I acquired such knowledge.

In fact, it is very common for a person to be confined over one month without trial on the Mainland, which is different from our practice of detaining a suspect for not more than 48 hours. To my understanding, administrative detentions are adopted on the Mainland. Administrative detention is similar to what I have just said, the law-enforcement department may arrest the suspect and confine him for a certain period of time. Meanwhile, the department can make their own decision whether the administrative detention order is to be re-executed. Therefore, some of the human rights activists on the Mainland had been detained for a prolonged period before trials actually commenced.

In the Mainland, people will also be subject to "investigations at the prescribed time and place". Legislative Council Members of Hong Kong have very low political status in Mainland China, and it is not surprising that they will be under "investigations at the prescribed time and place" or under administrative detention at any time. A Mainland official named ZHAO Ziyang had been under house arrest for as long as 16 years. Had Mr ZHAO Ziyang ever stood trial? No, never. Therefore, it is really nothing new for people to be wrongly arrested or confined without trial on the Mainland.

I believe the original intent of Mr Albert CHAN in proposing the amendment is that, if a Legislative Council Member is arrested on the Mainland for whatever reasons, fearing that he may no longer serve as a Member, he may resign from office so that other people from his political party can stand for the by-election to get a seat. This may be a reason for a Member to resign from office. However, Chairman, I wish to point out, apart from being arrested by mistake, Hong Kong people, in particular Legislative Council Members, tend to speak their mind freely and fearlessly for they consider the freedom of speech the most important of all. In fact, according to Article 35 of the Constitution of the



People's Republic of China (PRC), all Chinese nationals are entitled to the freedom of speech. It is a right we can enjoy under the Constitution. Being unaware of the danger, Hong Kong people presume that they are entitled to such a right and they speak rashly on the Mainland. However, it turns out that Article 105(2) of the Criminal Law of the PRC stipulates that inciting others to subvert the State power is an offence.

Actually, some lawyers on the Mainland ..... LI Fangping, HU Jia's defense lawyer, had stated his point of view while defending HU Jia on 18 March 2008. According to LI, Chinese nationals were entitled to the freedom of speech under Article 35 of the Constitution of the PRC, yet this was in conflict with the offence of "inciting others to subvert the State power" under Article 105(2) of the Criminal Law of the PRC. What was his justification then? He said that there was a lack of objective criteria for defining the meaning of "inciting others to subvert" under Article 105(2). For the same reason, we had exercised great prudence in enacting legislation to implement Article 23 of the Basic Law. We hoped to clearly define the terms "incite" and "subvert". In particular, with regard to "incite", could the speech of someone directly lead to the actions to be taken by others? We had detailed discussion at that time, hoping to avoid enacting the wrong legislation leading to wrongful arrest, and to safeguard the freedom of speech. Though Hong Kong was then under the rule of common law, and the relationship between obligations and rights, cause and effect were given much emphasis, our discussions had still ended in futile. In the absence of objective criteria on the Mainland, we will be even more easily convicted of inciting others to subvert the State power.

During trials, LI Fangping once said, for persons charged with the offence of inciting others to subvert the State power, the judiciary had the power of interpretation in most cases. Moreover, given the judicial procedures, the defendants have real difficulty in seeking to meet their defense lawyers. They are pitiful. According to LI Fangping, he could only formally meet HU Jia one month and eight days after he had taken over the case.

It is stated in the amendment that Members resign from office as Members within the same day because they have been confined without trial for one month can stand for election when they are released within one month after their resignation. This is really a wishful thinking, because for person in confinement, they have to wait for more than one month before they are allowed

to meet their lawyer, not to mention the short period of time that they disappear, not allow to make any contacts or "made missing" before they can contact their family members to engage a defense lawyer.

As a matter of fact, Chairman, if what a person says ..... in general, if what one says or writes will endanger the State, objectively speaking, the only possible condition is that what that person says or writes has disclosed State secrets. Otherwise, the normal criticisms and monitoring, that is, what we Legislative Council Members have been doing, will not and should not contravene the law. Yet, unfortunately, a truly patriotic person in Hong Kong who is believed to be of pure pedigree had been charged for leaking State secrets in his writing and had been sentenced to imprisonment on the Mainland. He is Mr CHING Cheong. Mr CHING had been put behind bars and confined for almost three years before he was allowed to leave. Thus, as I have said, it is pretty easy for anyone to be charged with such an offence on the Mainland.

During trials, apart from the fact that the defendant has to wait for a long time before he can meet his lawyer, the cross-examination procedures during trials are also very unreasonable. Take the HU Jia case as an example, during the pre-trial stage, he had been questioned for six to 14 hours, and at one time, the questioning lasted till three o'clock in the early morning ..... As for us, it is two o'clock now, almost three. After a 14-hour questioning, HU Jia could only sleep for two hours as he had to get up at six and he was not allowed to take a nap during day time.

(Mr IP Kwok-him raised his hand in indication)

**CHAIRMAN** (in Cantonese): Ms Cyd HO, please hold on. Mr IP Kwok-him, do you wish to raise a point of order?

**MR IP KWOK-HIM** (in Cantonese): I think Ms HO's speech has deviated from the subject.

**CHAIRMAN** (in Cantonese): Ms Cyd HO, how is your story related to the amendment in question?

**MS CYD HO** (in Cantonese): Chairman, this is not a story, because whether a defendant can find a lawyer and be given a fair trial are relevant to whether a wrongly accused person can be released within one month.

**CHAIRMAN** (in Cantonese): I think it is not necessary for you to go into such details.

**MS CYD HO** (in Cantonese): During the questioning, that person could only sleep for four hours. Chairman, the rest time that you have given us is almost the same. Each Member can only sleep for five hours every day, including the breaks. This is not fair.

**CHAIRMAN** (in Cantonese): Please speak on the details of the provision.

**MS CYD HO** (in Cantonese): Fine, Chairman. Do not think that only those having committed the offence of inciting others to subvert the State power will be confined for one month. Actually, sometimes even if one has won the lawsuit on the Mainland and claimed for compensation under the court's ruling, he may still be regarded as committing an offence. Of course, I am referring to Mr ZHAO Lianhai's case. According to the court's ruling, ZHAO won the case but he was later convicted of an offence of picking quarrels and provoking troubles when he sought compensation from Sanlu .....

(Ms Starry LEE raised her hand in indication)

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

**MS STARRY LEE** (in Cantonese): A point of order. I have listened attentively to Ms Cyd HO and found that the contents of her speech are very similar to that of Mr LEE Cheuk-yan, they both make the same point of argument. I hope Chairman will determine if it is a repeated argument.

**CHAIRMAN** (in Cantonese): Ms Cyd HO, your comment about the People's Republic of China has, in fact, been raised respectively by both Mr Albert CHAN and Mr LEE Cheuk-yan, and their arguments were similar to yours. According to the Rules of Procedure, a Member is not allowed to repeat his own or other Members' arguments. So please be concise and do not repeat yourself.

**MS CYD HO** (in Cantonese): Thank you Chairman for your advice. As we pan-democratic Members do not have valid Home Visit Permit, we need not worry. However, I must advise Members holding Home Visit Permits. They may feel safe today as they have no problem travelling to the Mainland and thus they have no worries. I have just cited earlier the example of Mr CHING Cheong. He has all along been patriotic, yet he still got into trouble on the Mainland. Another example is Mr LUO Fu. Mr LUO had been under house arrest in Beijing, he could only stay in the City of Beijing and could not go elsewhere. He had been under house arrest for a very long period of time. Therefore .....

**CHAIRMAN** (in Cantonese): How is the example that you gave related to the amendment under discussion right now?

**MS CYD HO** (in Cantonese): Chairman, what I want to say is even though a person has not committed any crimes ..... do not think that since you have not committed any crime, you need not worry that you will not be confined for over one month when you are on the Mainland.

**CHAIRMAN** (in Cantonese): Some Members have just pointed out that your argument had been repeatedly mentioned by other Members, so do not repeat again.

**MS CYD HO** (in Cantonese): Yes, Chairman. I believe my next argument has not been mentioned by anyone before. If it has already been mentioned, please tell me.

Next, I want to point out, although people like us who do not have Home Visit Permit cannot cross the Lo Wu Bridge, we should not consider that we would be safe. We may still stand the chance of being arrested by the Government of the People's Republic of China. Why? When we were considering the funding application for the high-speed rail project, we learnt that the terminal would be in West Kowloon. We then kept asking about the issue of cross-border enforcement as we were concerned that since Mainland immigration officers responsible for border control would actually come to the urban areas in Hong Kong, would they enforce laws in the territory of Hong Kong? At that time, we also questioned whether border checks would be conducted on the Mainland or after the trains had reached Hong Kong. Or would the border checks be performed on board the trains? Regrettably, Chairman, although we had spent a long time in processing the funding application of the high-speed rail project, the authorities had never given us any answer. Besides, we have the Hong Kong-Zhuhai-Macao Bridge now. The Hong Kong Zhuhai-Macao Bridge .....

(Mr WONG Yuk-man stood up)

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, do you have any question?

**MR WONG YUK-MAN** (in Cantonese): Dr PAN has been sleeping for quite some time, please wake him up.

**CHAIRMAN** (in Cantonese): This is not a point of order, please sit down.

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

**CHAIRMAN** (in Cantonese): Ms Cyd HO, please do not digress.

**MS CYD HO** (in Cantonese): Yes.

**MR WONG YUK-MAN** (in Cantonese): Chairman, please do a headcount. A quorum is not present.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, do you have any question?

**MS CYD HO** (in Cantonese): He requests a headcount.

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

(The clerk indicated the presence of a quorum after doing a headcount)

**CHAIRMAN** (in Cantonese): Ms Cyd HO, please continue with your speech.

**MS CYD HO** (in Cantonese): Yes. If we think that since we are in Hong Kong, we will not be confined for more than one month without formal trials under the purview of the Government of the People's Republic of China, this idea is impractical, because in future, with the commissioning of the high-speed rail to West Kowloon, if the issue of cross-border enforcement has yet to be clarified, the possibility of confinement will still exist. Hence, Chairman, first, I support this amendment and, second, I invite the Government to explain to us on other occasions how the issue of cross-border enforcement will be tackled. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Now it is time for Members to take a break. The meeting is now suspended and will be resumed 30 minutes later.

2.05 am

Meeting suspended.

2.35 am

Committee then resumed.

**CHAIRMAN** (in Cantonese): Meeting will now resume. Does any Member wish to speak? Mr Albert CHAN.

(Mr Albert CHAN stood up)

**MR ALBERT CHAN** (in Cantonese): Good morning, Chairman. Please do a headcount, thank you.

**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): Committee now resumes. Does any other Member wish to speak? Mr WONG Yuk-man.

**MR WONG YUK-MAN** (in Cantonese): Chairman, my previous speech on "施行"(to carry out or execute) has not finished yet. Among my amendments, amendment No. 9 proposes deleting "實施"(to implement) and substituting "實行" (to put into practice). Amendment No. 10 is similar. We can also change "實施" to "施行". Of course, that will depend on other Members' views. Just now I mentioned "施行" ..... I have already spoken on "實行". I will not repeat myself .....

**CHAIRMAN** (in Cantonese): You seem to have talked on "施行" as well.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I have not yet finished with "施行". You are really in good shape, which is awesome. In my amendment No. 10, "實施" is changed to "施行", whereas in my amendment No. 9, "實施" is changed to "實行". I will combine the discussion on the two amendments. Therefore, when I talk about "實施" and "實行", I will touch on "施行". Back

then, you did not correct me and let me get away with it. Actually that is not the case, because amendment No. 10 also concerns these things.

**CHAIRMAN** (in Cantonese): It has just come to my notice that amendment No. 10 also carries the term "施行".

**MR WONG YUK-MAN** (in Cantonese): Okay. We were talking about "施行". Just now at the end of my speech, I said it carries the meaning of "傳布" (to circulate, disseminate), and can also denote "處置" (to deal with). "處置" means ..... many people do not know why "施行" carries the meaning of "to deal with". I must make a rather specific illustration to bring out the meaning of such an alteration.

I wonder if the Chairman has read the book called 《醒世恒言》 (*Stories to Awaken the World*). In *Stories to Awaken the World*, one of the stories is "蔡瑞虹忍辱報仇" (Enduring Humiliation, CAI Ruihong Seeks Revenge) — in the past I loved reading literary sketches of the Qing Dynasty. They are very interesting, written with an apt mixture of the classical and vernacular styles, which can improve both our Chinese language and our writing skills — one of the paragraphs reads as follows, "眼見吳金即是陳小四，正是賊頭" (..... that WU Jin was none other than Little Four CHEN, ringleader of the gang) — listen carefully. It is "賊" (the gang) — "朱源道：'路途之間不可造次，且忍耐他到地方上施行，還要在他身上追究餘黨。'" (ZHU Yuan said, "We must not act rashly while we're still on the river. Let's put up with him for now and start the legal proceedings after I take up office. We also need to find the other thugs through him."<sup>14</sup>) Apart from the meaning of "to circulate" which I mentioned just now, "施行" in this context denotes "to deal with". "施行" here means "to deal with him".

Besides, "施行" can also mean "施展" (to give free play to, display). I have read a lot of books from the Mainland printed with simplified Chinese characters. Apart from you, this bunch of people here may have read a lot as

<sup>14</sup> *Stories to Awaken the World*, translated by YANG Shuhui and YANG Yunqin, University of Washington Press, 2009.



well, especially "Mr Elephant"<sup>15</sup>. Those writings are highly interesting. We often talk about "gross Europeanization" of Chinese, yet there is another kind of situation, which is "putting on a gross Communist style". I wonder if you are aware of it. The Chinese writings of the Communist Party, consisting of lengthy sentences without any pause, are terribly obscure and hard to understand.

Regarding the way Premier WEN Jiabao speaks, Mr WONG Kwok-hing resents it most, considering that his pace is slow and hypnotic. Premier WEN Jiabao speaks with a slow, hypnotic pace. Actually he speaks with clear breaks between sentences and phrases — my imitation of him is not good enough — it is only that the pauses between sentences and phrases are comparatively long. If the pauses are too long, Dr PAN will fall asleep. I am already much better than Premier WEN Jiabao. Even now when I am saying that he has fallen asleep, he still did not hear me. Chairman ..... he finally hears me .....

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please continue.

**MR WONG YUK-MAN** (in Cantonese): Sorry, you are all very sleepy. Thus, I am greatly impressed by the Chairman, who gave them the consent to conduct the meeting overnight. Conducting the meeting overnight seems to be a way to finish us off, but now I wonder who have been finished off. Are we going to conduct the meeting indefinitely? Chairman, for the sake of your health, you will have to give a wise ruling later. For us, it does not matter. Being the initiators, we will take the responsibilities for our own behaviour. Even if we collapse and need to call an ambulance, we have asked for the trouble ourselves. However, somehow I cannot bear to see the Honourable colleagues in such a miserable state. I am not taking pleasure in their misery .....

**CHAIRMAN** (in Cantonese): Mr WONG, please focus your speech on your amendments.

---

<sup>15</sup> "象哥" (Mr Elephant) is Mr WONG Ting-kwong's nickname.

**MR WONG YUK-MAN** (in Cantonese): I know. I seldom move away from our subject of discussion. Despite the lighting, I see every Member look pale. Chairman, in that case, I have become the bad guy, first initiating the filibuster and then requiring the meeting to be held overnight. Seeing them in such a state, I blame myself. Hence, I must say ..... especially when it is your birthday today. My sin is even bigger. That is why I gave you a birthday cake in celebration of your birthday earlier than they did.

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

**MR WONG YUK-MAN** (in Cantonese): Okay. I will go back to our topic of discussion now. I just want to keep them awake. Everyone is dozing off.

Just now I mentioned "施行". Now I would like to talk about a word which has put on the Communist style, that is, "落實" (to ascertain, carry out). You all like to use this word, do you not? What about "貫徹" (to carry through, implement) and "落實", are these the words that you like to say? In the colonial era, although the territory was ruled by foreigners, the official writings of the Hong Kong Government were better when compared with the present Government writings after the unification. That is weird. I have noticed such a phenomenon for a long time. Let me tell you, you can compare the Government's Chinese writings in the British Hong Kong era with the present ones under the rule of Chinese after reunification. Surprisingly, the Chinese level in the British colonial era was even better than the present level after our reunification with the mother country. How weird the situation is. For example, "實施" .....

(Mr IP Kwok-him raised his hand in indication)

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

**MR IP KWOK-HIM** (in Cantonese): May I ask, is the discussion about the word "落實" a digression from the provisions under our present discussion?

**CHAIRMAN** (in Cantonese): I did not hear your question clearly.

**MR IP KWOK-HIM** (in Cantonese): I would like to ask, as Mr WONG Yuk-man discussed the word "落實" just now, is that a digression from his subject of discussion?

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please focus on your amendments when you speak.

**MR WONG YUK-MAN** (in Cantonese): This is not an occasion of debate, and I do not know if this is a point of order. He accuses me of digressing, but now I am searching phrases and sentences and analysing passages and words with him. All along, it was related to my subject of discussion. How can I digress from the subject? I am not discussing with him about our principles, explaining why we object to the draconian law and present the amendments .....

**CHAIRMAN** (in Cantonese): Mr WONG, if the words on which you speak stray too far away from your amendments, that is digression.

**MR WONG YUK-MAN** (in Cantonese): I see.

**CHAIRMAN** (in Cantonese): Therefore, would you please explain how the language problem which you are talking about now is related to the present discussion on the amendments?

**MR WONG YUK-MAN** (in Cantonese): Now I shall speak on. As he has interrupted me in the middle of my speech, I cannot regain my breath.

**CHAIRMAN** (in Cantonese): If any Member thinks your speech has digressed from the subject, he may raise a point of order in this respect.

**MR WONG YUK-MAN** (in Cantonese): I now ..... Chairman, would you let me speak? I have heard you. I have heard their opinions as well. I now continue with my speech. I said that the use of words in the official documents of the Hong Kong Government in the colonial era was more meticulous. "實施" is "實施". "推行" (to carry out, introduce) is "推行". "落實" is a kind of function word which denotes something between "implement" and "shelve", and is rarely used. Using "落實" to replace "實現" (to realize, achieve), "實踐" (to put into practice) and "實行" is in the Communist style rather than being Europeanized. We often come across such sentences: "生產計劃要訂得切實可行" (Production plans formulated should be practicable), "我們也可以徹底實行國家和本地房地產市場調控政策" (We can also thoroughly implement the national and domestic real estate market adjustment policies) .....

**CHAIRMAN** (in Cantonese): Mr WONG, how do these words quoted by you have anything to do with the amendments under our current discussion?

**MR WONG YUK-MAN** (in Cantonese): All right. Now I have finished quoting. I hope you would give me some opinions. If Mr IP Kwok-him is so interested in the word "落實" which I have talked about, he can debate with me. Frankly speaking, regarding my proposal to replace "實施" with "實行" or replace "實施" with "施行", I mention the word "落實" so as to remind you not to use this word in the future. Do not keep using expressions like "to a considerable extent" and "to a certain extent" because they are meaningless.

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

**MR WONG YUK-MAN** (in Cantonese): Pardon?

**CHAIRMAN** (in Cantonese): You have digressed from the subject. Please go back to your amendments.

**MR WONG YUK-MAN** (in Cantonese): Okay, I understand. I have seldom been criticized by the Chairman for digressing from the subject. I will give more specific explanations on these two amendments in a while. I hope someone will refute me so that I can debate with him.

Besides, I would like to say that just now Mr LEUNG Kwok-hung said a lot things directed at my amendment No. 8. However, what did he actually say? I cannot explain it now, because I am going to start explaining amendment No. 8.

Amendment No. 8 is: in the Chinese text, by deleting "之時起" and substituting "時同時". The word "時" (time, times, hour, season, current) appears several times here, so I must make some explanation on "時".

This sentence is actually quite awkward ..... this kind of words or sentences ..... let us count how many Chinese characters there are in this sentence. "本條例自第5屆立法會的任期於2012年開始之時起實施" (This Ordinance comes into operation on the commencement of the term of office of the fifth term of office of the Legislative Council in 2012). How many characters are there? Without any pause, there are a total of 26 characters in this sentence. We substitute "之時起" with "時同時", so I must explain this word "時".

Why would there be a problem if "之時起" is used here? I delete the word "起" (to get up, rise, start from) because there is the word "始" (to start, origin, only then) before it. Hence, I hope the Chairman can get a clear idea of the preceding and following context. Do not, in the light of your present health condition ..... among all these people here, you are the most concentrated. The other people have already fallen asleep, wandering in their dreams.

Chairman, I would like you to tell Dr PAN, since he has been sleeping here, why not ask him to go upstairs to sleep? Is that okay?

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please continue.

**DR PAN PEY-CHYOU** (in Cantonese): Chairman, may I make a clarification? Mr WONG Yuk-man has repeatedly said that I have been sleeping here .....

**MR WONG YUK-MAN** (in Cantonese): I just care about you.

**DR PAN PEY-CHYOU** (in Cantonese): I would like to clarify that I have been relaxing with my eyes closed. This is not against the Rules of Procedure.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, please continue.

**MR WONG YUK-MAN** (in Cantonese): I thank Dr PAN for his clarification. I am just concerned about him, because I see him leaning over there rather uncomfortably .....

**CHAIRMAN** (in Cantonese): Mr WONG, please focus your speech on your amendments.

**MR WONG YUK-MAN** (in Cantonese): Many people may not know the actual meaning of "時". Let us look at how XU Shen explains "時" in 《說文解字》 (*Shuowen Jiezi*): the first explanation is "四時也"<sup>16</sup> (four seasons). "四時" means "四方各一時" (each of the four seasons). "時" can also mean "期" (a period of time). "四方各一時" is one of the meanings. That means the four seasons.

Besides, in 《左傳·桓公六年》 (*Zuo Zhuan · The Sixth Year of Duke Huan*), there is the expression "謂其三時不害" (they meant that in all the three seasons no harm was done to the cause of husbandry<sup>17</sup>). That is, "三時者，成歲之要時，又，天時不如地利" (the three seasons are important periods in the whole year, and opportunities of time vouchsafed by Heaven are not equal to

---

<sup>16</sup> "也" (ja5) is a modal particle used at the end of a sentence, expressing assertion and affirmation.  
See: <<http://ctext.org/dictionary.pl?if=en&id=30563>>

<sup>17</sup> Translated by James LEGGE.  
See: <<http://www2.iath.virginia.edu/saxon/servlet/SaxonServlet?source=xwomen/texts/chunqiu.xml&style=xwomen/xsl/dynaxml.xsl&chunk.id=d2.8&toc.depth=1&toc.id=0&doc.lang=bilingual>>

advantages of situation afforded by the Earth<sup>18</sup>). The word "時" here refers to the four seasons.

Its another meaning is "時辰" (a unit of time which is equal to two hours), which is a unit for measuring time. Let us look at the word "時" in 《韻會》 (*Yun Hui*): "時辰也" (a unit of time equal to two hours). Hence, "十二時也" (it refers to the 12 two-hour periods into which the day was traditionally divided). This is what "時辰" means. Besides, it can stand for "時間" (meaning time) and "時候" (meaning when), which refers to "time" in English. This is another meaning which it carries.

In 《莊子·內篇·養生主》 (*Zhuangzi · Inner Chapters · Nourishing the Lord of Life*), there is the line: "始臣之解牛之時，所見無非全牛者" (When I first began to cut up an ox, I saw nothing but the (entire) carcass<sup>19</sup>). Actually the Chairman will possibly interrupt me, because I want to render this sentence into vernacular Chinese and then explain what it means. The Chairman will possibly say that I have digressed from the subject. Thus, let me briefly say that "時" here refers to "時間" and "時候", the meaning which we usually adopt.

So, in 《送東陽馬生序》 (*Parting Advice to Ma Junze From Dongyang*) written by SONG Lian in the Ming Dynasty, one of the sentences reads, "自謂少時用心於學甚勞" (He said that he studied very hard when he was a young boy<sup>20</sup>). That means when I was young ..... here it means "時候" (the time when). "少年用心於學甚勞". That means he studied very hard, so he was tired out.

Besides, there is the meaning of "時尚" (fashion) or "時族" (trend). Hence, in HAN Yu's 《師說》 (*On the Teacher*), a prose which we read in secondary schools, there is the sentence, "李氏子蟠，年十七，好古文，六藝經傳皆通習之，不拘於時，學於余" (LI Pan, who is seventeen, is fond of ancient literature and is deeply versed in the six arts, the classics and chronicles.

<sup>18</sup> "天時不如地利": translated by James LEGGE in 《孟子·公孫丑下》 (*Mencius · Gong Sun Chou II*). See: <<http://ctext.org/mengzi/gong-sun-chou-ii>>

<sup>19</sup> Translated by James LEGGE.

See: <<http://ctext.org/zhuangzi/inner-chapters/zh?en=on>>

<sup>20</sup> Reference: <<http://sudamti.blog.163.com/blog/static/171086270201092582750850/>>

Not subject to the trend of the day, he has studied under me<sup>21</sup>). Here, the "時" in "不拘於時" means not being influenced by the trend or fashion. It is different from the meaning of "時間" or "時辰" mentioned just now.

Another meaning is "時機" (opportune moment), which means opportunity. It is also one of the denotations of the character "時". In 《梁惠王上》 (*Liang Hui Wang I*) of Mencius, there is "雞豚狗彘之畜，無失其時" (In keeping fowls, pigs, dogs, and swine, let not their times of breeding be neglected<sup>22</sup>). In LI Bai's 《行路難》 (*A Trying Journey*), it reads, "長風破浪會有時，直挂雲帆濟滄海" (I will mount a long wind some day and break the heavy waves. And set my cloudy sail straight and bridge the deep, deep sea<sup>23</sup>). Here, "時" refers to the opportune moment or opportunity.

Of course, the usage with which we are more familiar concerns the verb tenses, which refers to the end, or a short while, a moment, an instant, years, or time, so and so forth. Thus, in 《呂氏春秋》 (*Lu Shi Chun Qiu*), there is the saying "時不久留" (time does not stay). Here it refers to time. Sometimes it also refers to the prevailing circumstances and the political situation.

Besides, it denotes dynasties, generations or reigns. Hence, in TAO Yuanming's 《桃花源記》 (*Peach Blossom Spring*), there is the sentence, "自云：'先世避秦時亂'" (They told the fisherman that their ancestors had fled the chaos of the Qin Dynasty<sup>24</sup>). "時" in "避秦時" stands for an era. There is also a Chinese idiom which we often use, "時" .....

**CHAIRMAN** (in Cantonese): Mr WONG, I did not hear how these phrases and sentences which you are quoting right now is related to your change from "之時起" to "時同時" in the amendment.

<sup>21</sup> Translated by SHIH Shunliu. See: <<http://www.cuhk.edu.hk/rct/renditions/sample/b08.html>>

<sup>22</sup> Translated by James LEGGE.  
See: <<http://ctext.org/mengzi?searchu=%E6%A2%81%E6%83%A0%E7%8E%8B>>

<sup>23</sup> See: <<http://www.chinapage.com/libai/libai2e.html>>

<sup>24</sup> See: <[http://en.wikisource.org/wiki/The\\_Peach\\_Blossom\\_Spring](http://en.wikisource.org/wiki/The_Peach_Blossom_Spring)>



**MR WONG YUK-MAN** (in Cantonese): Of course they are related, Chairman.

**CHAIRMAN** (in Cantonese): Would you please point out what their relationship is?

**MR WONG YUK-MAN** (in Cantonese): Their relationship lies with "之時起" and "時同時". To understand "之時起", we need to look at the preceding and following context. After the alteration, it becomes "本條例自第5屆立法會的任期於2012年開始時同時實施" (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). Right?

**CHAIRMAN** (in Cantonese): How is it related to the words quoted by you just now?

**MR WONG YUK-MAN** (in Cantonese): Because there are two different meanings here. You see, the meaning of the first and the second "時" is different.

Therefore, I need to explain to you, one of the "時" stands for time, while the other one stands for ..... not the unit of time. It is about "when", that means "timing" in English. So there is a difference. Chairman, if you think these things we have said are still not about details of the Bill, (*The buzzer sounded*) ..... then I have no idea what is meant by details of the amendments.

**CHAIRMAN** (in Cantonese): Your speaking time is up. Does any other Member wish to speak?

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

I have been paying attention to you ..... Mr WONG Yuk-man said that he did not know what I was talking about. He is definitely more knowledgeable

than me. However, he has to understand that when a foolish man keeps pondering thousands of issues, he will at least understand one of them; yet when a wise man keeps pondering thousands of issues, he will at least overlook one of them. In fact, the argument he put forth earlier is irrational and he could only come to the conclusion that the two words are different ..... I actually agree that the meaning of the two words "時" are different, yet I think his amendment is redundant. You see, "great minds think alike". Am I right? You told him ..... Your view is indeed similar to mine, so how would you not understand me? You query the relationship involved, and I consider that they are indeed unrelated. Since we think alike, I may as well stop arguing with you, but point out the mistakes in the other amendments proposed by you.

Chairman, in earlier discussion about "實施" (to implement) and "實行" (to put into practice), he mentioned the word "落實" (to put into effect), which is indeed related to the present discussion. Despite all the talking, Mr WONG Yuk-man means to implement agendas, policies and whatever. According to the saying of the Communist Party, to put the policy into practical operation, that is "落到實處". Due to laziness, the phrase is often shortened to "落實". Am I right?

**CHAIRMAN** (in Cantonese): Mr LEUNG, which amendment are you discussing now?

**MR LEUNG KWOK-HUNG** (in Cantonese): I am discussing the word "實行" in amendment No. 10 and the word "施行" (to carry out or execute) in amendment No. 11. Both words cannot enhance the Mainland leaders' understanding of the provision. I would like to point out that we are under "one country" today. Some people in this Chamber keep lecturing us that it is not only about "two systems" but also the principle of "one country". Laws are put in place enabling us to monitor the governance of the Government, to empower them to appoint the Chief Executive according to the outcome of election, as well as the Secretaries of Departments and Directors of Bureaux, hence we should ensure that the leaders understand the provisions. Originally, I thought Mr WONG Yuk-man would amend the provision by using "落實", for it is the proper word to use, is it not? It means "to put into practical operation" the

various policies and measures. This word is more appropriate. But he has chosen the wrong word .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, as I said earlier, we should be discussing the details of the provisions at this stage, I think you need not explain the views of certain officials of the Central Government on this type of text or their habits. Besides, you have mixed up certain issues earlier. The power of appointing the Chief Executive and all principal officials is vested in the Central People's Government. However, according the Basic Law, the legislative power of the SAR is vested in this Council and we should follow the established practices now adopted by this Council and the SAR. As such, you should not associate the habits of officials of the Central Authorities with this type of text.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, you are right. However, I just want to tell Members that the principle of "one country" should also be taken into account in drafting laws. If only we can understand the legislation but not others ....., When it comes to appointment and who should be appointed, you are correct that the appointment is made under the Basic Law of Hong Kong, so what if the wordings in the Basic Law are difficult to articulate. We are now discussing law drafting, are we not? Chairman, if you think that it is unrelated to the subject, I will definitely listen and follow your instruction, and I dare not say .....

**CHAIRMAN** (in Cantonese): Please confine your discussion to the text of the existing provisions.

**MR LEUNG KWOK-HUNG** (in Cantonese): Alright. Since the desirable word "落實" is not used, we cannot let all people in the Greater China region understand the provision. In Taiwan, the word "實施" is used, and in older times, back in the days of Kuomintang, the word "實行" is used. As such, I would like to point out here that if the provision is amended according to Mr WONG Yuk-man's amendment No. 10, that is to substitute "之時起實施" (comes into operation on) with "之時起實行" (come into practice on), it will not make much difference, for the two words "實施" and "實行" do not have much difference. Whenever Mr WONG Yuk-man hears different views, he will say

that he does not know what it means. Yet, I understand this point clearly. As for "施", it means "to grant, bestow, hand out" or "to give" in the word "施捨" (give alms). In the word "實施", it means giving something to others, am I right? This is the case. An recipient is required in the action of "施捨", I give out to you. I may say "我'實行'施捨你" (I put into practice to give alms to you). Indeed the action of giving out ..... As the saying goes, it is better to give than to receive. I wonder if he deliberately wants to make the situation difficult. In fact, the provision means .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I think the remarks you have just made can in no way help to express your opinions about this amendment. Please reorganize your materials before you speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, "實施" and "實行" are different. "施" is transitive while "行" is intransitive. Am I right? Mr WONG Yuk-man misses the point that the individual preference is not a factor for consideration in the implementation of legislation. As in the case between you and me, no matter I like it or not, once you "implement" control, I will be "dead". Do you understand that? "施" and "行" are different. What is the meaning of "行"? It means that the action carried out does not require the acceptance of the other party. For instance, when I say "我現在實行洗澡", it means "I will put into practice bathing now", that is, I am going to bath now. Or when I say "I will 'put into practice' something now", no recipient is involved. Do you understand? When the word "實行" is used, it means the action will be taken no matter how.

Therefore, in this respect, Mr WONG Yuk-man does not understand that in the enactment of legislation, the acceptability of others need not be considered. When we decide to do so, we will impose it on others, yet the connotation of the word "實行" is different. It is only the difference in one character in the two words. I wonder why Mr WONG Yuk-man fails to understand my point. If the word is changed to "實行", it will mean implementation right away. In fact, I do not understand how a piece of legislation can be "實行"? I really hope that Mr WONG Yuk-man can return to this Chamber, so that I can seek his advice on how to "實行" this legislation?

Chairman, what is the actual meaning of "實行" in the context of this amendment? There is no explanation how this can be carried out? Is there a tangible way to do so? For instance, it is alright to say that we will "實行" a certain activity now. However, for legislation, we should use the word "實施", which is used in the context of expressing an abstract concept. This is the usage of the character "施". Why would Mr WONG Yuk-man propose such an amendment? By now, I still do not know why he would have made such a mistake. I have indeed put forth an extremely brilliant view, yet I still want to seek his advice. By the way, I know you are getting tired of hearing all these, so I will now turn to talk about amendment No. 11.

Amendment No. 11 is similar. He proposes substituting "之時起實施" (to come into operation on) with "之時起施行" (to carry out on). By the same token, the meaning of the provision is more difficult to explain when the word "施行" is used. The meaning is very clear by using the word "實施" is it not? As for the word "施行", in a broad sense, it means that when an action is taken, one must accept it. If so, what is the point of adding "行"? How about the meaning of the word "實施"? It carries a very precise meaning in the legal context. It means causing an incident to come into operation on a specific date. The word "施" carries the meaning of carrying out. As for the word "施行" proposed by Mr WONG Yuk-man, I really do not know what it means. I know the word "施捨" (to give alms), for "捨" means ..... What is the definition of "施捨"? It means one has to give up something and give it to others, and the action of "施捨" naturally requires the giving up of something. However, the word "施行" is poor Chinese. I do not know the origin of this word. Is it some kind of translation? I have searched this word on the Internet. This word is rarely used. In the Mainland sites, the word "施行" is rarely used, and the word "落實" is used more often. If we are to bring out the meaning of "實施" (to implement), we would rather not use the approach proposed by Mr WONG Yuk-man, for the word "實施" can rightly express this meaning. No matter the word "起" is deleted or not as he initially proposed, the word "實施" expresses clearly and precisely the meaning of implementing something in a specified period. This is indisputable that the action is targeted at everyone. The law is a universal light, like the sun, which should shine on all.

Mr WONG Yuk-man's approach of using the word "施行" is problematic. Does he mean to say that the legislation will affect everyone, or does he mean that the legislation is required to take action? I think that is not what he means.

The meaning of "施行" is that once the legislation is implemented, the objective effect is that everyone is subject to its regulation, the factor of transitive is not needed, such as "I do" or "I hit you". It is unnecessary. The approach proposed by Mr WONG Yuk-man is indeed an unworthy addition to the masterpiece. I wonder if this is an apt description, for it is not about "adding something to the masterpiece", for nothing is added. In fact, the original provision is better without the amendment. To put it bluntly, the amendment is superfluous and unnecessary. It is evident that there are deficiencies with both the words "實行" and "施行". For "實行" means doing something practical, whereas "施行" is an unexplainable word. Therefore, I cannot but criticize this amendment of Mr WONG Yuk-man again that it fails to put forth a clearer semantic meaning and only brings greater ambiguity.

This ambiguity will bring about diversity. This is undesirable that two or three interpretations are available for a legal provision, and we should definitely use the option with a single interpretation. So, even if you think up ..... Many people think this way. Chairman, you had been a teacher, I believe you know that students often think that using two characters to make a word will include both meanings. But this is not the case. If two characters of opposite meanings are put together to form a word, the word will be neither fish nor fowl. Mr WONG Yuk-man is poisoned by the fallacies of pronouncing the radical of a character when there is one and pronouncing the etymon when there is none, as well as the idea that the combination of the two meanings involved will bring out two meanings. However, when two opposite meanings are combined, it will be unexplainable. On the contrary, when two negative meanings are put together, it will bring out a positive meaning. This is a rhetoric approach frequently used in Chinese language. For instance, the words "不無" (not without) and "不無遺憾" (not without regret), and so on. This mistake of Mr WONG Yuk-man .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, I cannot give a ruling to the issues you mentioned.

**MR LEUNG KWOK-HUNG** (in Cantonese): What did you say?

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man and Mr Andrew CHENG are obviously doing filibuster, yet they have collected a lot of information and they cite quotes and reference from a variety of sources in their speeches. I can at most rule whether or not the information they read out is irrelevant or repetition. However, Mr LEUNG Kwok-hung, I do not know what you are talking about just now. I believe you yourself do not know as well, so I cannot give any ruling.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am going to provide some information, I thought ..... Chairman, don't be angry. I thought you do not allow citing quotation and reference, for when they did so, you said they were quoting similar semantic references .....

**CHAIRMAN** (in Cantonese): I believe if I ask you what you have just said, you cannot even tell.

**MR LEUNG KWOK-HUNG** (in Cantonese): I remember. According to "漢典" (Han Dian), the word "執行" (to carry out or execute) has the following meanings ..... I am going to explain the word "行". Mr WONG Yuk-man thought that "行" ..... it would work to combine the two words "施行" and "實行" together. I will quote an example. For "行" as stated under the entry "執行" in "漢典", it means "貫徹施行" (to carry out thoroughly) and "實際履行" (to perform in practice), which already carries the meaning of "承辦" (to undertake) or "經辦" (to be responsible for). Certainly, the legislation does not contain the meanings of "to undertake" or "being responsible for". Actually, Chairman, in respect of the reference for the word "執行", there was a usage in 《列女傳》 (*Lienu Zhuan*), written by 劉向 (LIU Xiang) of Han Dynasty, "黎莊夫人·執行不衰" (Madame LI Zhuang has undertaken to uphold chastity). I do not know whether she held the hands of the one she loved, but I think that the meaning of "執行" should be "貫徹施行" (to carry out thoroughly) and "實際履行" (to perform in practice).

Chairman, sorry, I do not know why the rules keep changing. When I tried to make quotations regarding amendments No. 11 to 41, you told me that it was unnecessary to read out those quotations. Yet when I do not do so, you

said, "'Long Hair', have you done your homework. Chairman, I have all along been a lazy student, however, if I know that the teacher is strict, I will do my homework. Later, when you really get impatient on hearing my speech and require me to quote from the classics, I will do so, for I know some of them and have written them down, (*The buzzer sounded*) ..... Thank you, Chairman.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, it is absolutely a wrong decision to hold overnight meeting to scrutinize this Bill. As we listen to the speeches of Mr WONG Yuk-man and those of "Long Hair", we are led to the realm where "White horse is not a horse". As our analytical power deteriorates with our slowness of thoughts and confusion, we get lost, not knowing whether Mr WONG Yuk-man's earlier arguments or "Long Hair's" arguments are correct; or is the Chairman's final ruling on "Long Hair" the most correct. Therefore, it is against .....

Chairman, if the meeting is to go on ..... I hope you will seriously consider suspending the meeting. In my view, if the meeting is to continue, it will wreck the spirit of the representative system and the lofty and holy significance and objectives of the legislature in carrying out debates on politics. I respect "Long Hair", and I understand .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please speak on the provision.

**MR ALBERT CHAN** (in Cantonese): Chairman, I hope you will reconsider invoking the Rules of Procedure — Rule 40 of the Rules of Procedure of the Legislative Council to suspend the meeting.

Chairman, in my following speech, I would like to draw Members' attention back to the specific amendments. For most of the Members in this Chamber are now day-dreaming. Mr WONG Ting-kwong has seemingly fallen asleep again.



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

**MR ALBERT CHAN** (in Cantonese): Thank you, Chairman. Sometimes, I worry about the health of Members. I agree with the view of Mr WONG Ting-kwong, for I also worry about my health, for I am suffering from hypertension. Actually, overnight meeting will affect my blood pressure. Chairman, it is indeed inhuman for the Legislative Council to hold overnight meeting, for many Members are not in good health. I think Mr LAU Kong-wah's health is the best among .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please focus on the amendment when you speak.

**MR ALBERT CHAN** (in Cantonese): Chairman, I do not need to introduce Algeria, for Algeria is the first among the many countries to establish a good relationship with our great mother country. When Algeria declared its independence in 1958, it was immediately recognized by the People's Republic of China. Over the past many years, the highest echelon of the State has visited there a number of times.

Why is Algeria included in the many countries? It is because of the mechanism adopted in Algeria. As in the constitution of other countries, its constitution stipulates the independent operation of the judiciary, and the requirement for trials to be carried out .....

**MR WONG KWOK-HING** (in Cantonese): Chairman, point of order. Mr Albert CHAN is making the same mistake of repetition which you have given a ruling earlier. He is now repeating the political and economic information of a country and deviating from the discussion of issues relating to the amendments.

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, Mr Albert CHAN has just started to talk about Algeria. I will pay attention to his speech, and if I consider he has provided too much unrelated information, I will stop him.

Mr Albert CHAN, please pay attention to this.

**MR ALBERT CHAN** (in Cantonese): Chairman, Members should learn something about the modes of thinking. As mentioned in the dialectic method, there is universality and uniqueness. When you understand an issue, you should understand its universality, as well as its uniqueness. In the context of the theory of dialectic materialism .....

**CHAIRMAN** (in Cantonese): Mr CHAN, please stop talking about philosophy and return to the relevant provisions and amendments.

**MR ALBERT CHAN** (in Cantonese): Chairman, I only want to ..... Chairman, I think you are quite familiar with the theory of dialectic materialism and the relevant dialectic thinking. Since many Members lack the training you have received, their thinking is unilateral. More often than not, they do not quite understand the remarks made by other Members. Hence, trainings in thinking are very important. I will now continue to talk about Algeria .....

**CHAIRMAN** (in Cantonese): Mr CHAN, I have to remind you that you should not mention information that is not directly related to your amendments.

**MR ALBERT CHAN** (in Cantonese): Chairman, it is definitely related. As I mentioned before, I have prepared a large pile of information for this purpose and it has now been abridged to less than one tenth of the original length. Hence, the information is basically related to the possibilities of arrest of certain Members and the possibilities that the Member will be detained without trial, which involves a series of causal relationship. If not because of the system, the laws or the actual situation I mentioned, the series of problems I mentioned earlier would not have arisen.

However, sometimes, Members may not necessarily agree with the causal relationship. As we often say, "Without democracy, there will be no justice." However, Members in this Chamber may not necessarily agree with that .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you have deviated from the subject.

**MR ALBERT CHAN** (in Cantonese): Yes, I understand, Chairman.

I will return to the constitution of Algeria. Surely, it is stipulated in the constitution that there should be fair trial and the accused should be presumed innocence. However, it is not often the case in implementation. This is ..... Certainly, I can explain in detail about the situation of actual implementation. However, I will give a brief description about the actual situation, that is arbitrary detention of members of the public is common.

Under the system in Algeria, the accused cannot be detained separately for more than 48 hours. There is explicit prohibition about this. The judiciary system of Algeria includes civil courts and high courts. Yet, one specific feature is the military court. The military court will not only handle cases related to national security, but also certain criminal cases. According to my understanding, it is a rather special arrangement in comparison with other systems. I have never been to Algeria, so I may not necessarily have grasped the specific situation there. Yet, according to the information available, the military court is a very special institution.

Chairman, I would talk about the actual situation about the judicial system. Some Members may be unreasonably detained due to various reasons when they visit those regions. Their freedom may be affected. This situation is relevant. The head of the judiciary in Algeria had been replaced, and in 2000 .....

**MR WONG KWOK-HING** (in Cantonese): Chairman, according to your earlier reminder, I have been listening to him for more than three minutes, and I found that he had not mentioned anything related to this amendment. Please rule.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, in what way is your present remark about the replacement of judicial head related to your amendment?

**MR ALBERT CHAN** (in Cantonese): Chairman, the replacement reveals the chaotic situation of the judicial system and the lack of reliability of the political system of the country.

**CHAIRMAN** (in Cantonese): How is this related to your amendment then?

**MR ALBERT CHAN** (in Cantonese): Chairman, the chaotic system will render the system unreliable, which will hinder the implementation of the constitution in formulating ..... executing ..... the proper mode. This will naturally result in arbitrary detention. This is the causal relationship I am talking about. In other words, if a sound court system is put in place, the problem of arbitrary detention of the public will not occur. These situations occur frequently .....

**CHAIRMAN** (in Cantonese): Since you have come to this conclusion, I think you do not need to quote other information to support their argument.

**MR ALBERT CHAN** (in Cantonese): Chairman, I have only used two lines to explain the situation just now, and Chairman, I have just drawn a conclusion about that.

Regarding the procedure of arrest, it is common for the police in Algeria to detain a person for dozens of days without putting forth any charge. More often than not, people are detained on the grounds of involving in terrorism or multi-national crimes.

Let me quote one example. I will not quote many examples lest Members criticize me for quoting examples repetitively. There is a person called Malik MEDJNOUNE, the pronunciation of his name is quite difficult, Chairman. He has been imprisoned for over 12 years without trial, from 1999 to 2011.

Another dissident in Algeria was arrested and lost his freedom for taking part in a sit-in of judicial staff. According to the information, Chairman, in the past 10 years, over 50 000 Algerian had been missing without a cause. It is suspected that most of them have been arrested by the Government. When cases of these missing persons are reported to the Government, the Government refuses to carry our investigation or boldly claims that they have been kidnapped by terrorists.

Chairman, the background information and specific situation have been pointed out in many reports on human rights, and the United Nations Human Rights Council has pointed out that violent assault of women are found in Algeria. Many experts have pointed out that human rights have been violated in this place under the judicial system and administrative system. There is a lack of protection for the freedom of the people, where arbitrary infringement of their freedom is common. Hence, my inclusion of Algeria among the many countries concerned is supported by facts.

So, when Members have the opportunity to visit this place, particularly when they are involved in certain activities, and if they have been detained unjustly by the authorities, the police in particular, they may need to resign. This is a possible scenario. I have given a brief description about the situation in Algeria.

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

**MR ANDREW CHENG** (in Cantonese): Chairman, I would like to respond to Mr Albert CHAN's comments on my earlier remarks, relating to his amendments No. 1 to No. 627. These amendments deal with the specific reimbursement rates for by-election expenses that a certain number of resigning Members agreed to pay jointly.

According to Mr Albert CHAN, he responded to my remarks because I was not in the Chamber at earlier time and I did not know clearly why they would set the reimbursement rate of the by-election expenses to as high as 95%. I am impressed by his words, and I have accordingly reconsidered my views towards certain amendments. Why does he set the reimbursement rate at 95%? If resigning Members are not allowed to participate in the by-election even though they accept such a high reimbursement rate, the injustice of this unjust system would be fully revealed.

In view of this point, my earlier views on the reimbursement of by-election expenses ranging from 2% to 20% ..... Chairman, I am willing to listen to Mr Albert CHAN ..... Regarding this amendment, I will present my views again,

and I hope they can understand why I still consider the 95% reimbursement rate unacceptable.

(Mr LEUNG Kwok-hung stood up)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, do you have any question?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, it is about doing 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): Mr Andrew CHENG, please continue.

**MR ANDREW CHENG** (in Cantonese): Chairman, I will continue to speak on the 95% reimbursement rate of the by-election administrative costs, as mentioned by Mr Albert CHAN earlier.

Although I am slightly convinced by Mr Albert CHAN's argument, I still consider the 95% reimbursement rate too high and unacceptable. The reason is that this is after all an inherited political right, and it is unfair to require Members to take up an extremely large part of the expenses incurred in by-election.

Take the \$126 million expenses incurred in 2010 as an example. If this amount is to be shared by five Members, each Member will have to pay more than \$20 million. Concerning the some \$20 million, the current monthly salary for Members is around \$70,000 to \$80,000. Even if the expense is to be repaid over three or four terms, the Member may not necessarily be able to ..... A

Member earns around \$960,000 per annum, less that \$1 million, which means \$3 million to \$4 million over the four-year term. In other words, a resigning Member seeking re-election will have to serve for five terms in order to reimburse the administrative costs incurred in the by-election. It is improper. After all, we should consider the various factors, such as salaries, payment of the administrative cost for by-election and the election expenses incurred by the candidate. I have not put forth this point when I spoke for the first time, for I have not thought about this before.

Hence, I think the amendment proposing a reimbursement rate of 95% absolutely unacceptable. However, which level is more appropriate? Chairman, when I first spoke on this subject, I said that Members should reimburse 2% of the administrative costs, the ceiling was that 20 Members had resigned *en masse*. When I first put forth this proposal, I did not feel quite comfortable about it. Since 20 Members will mean two seventh of the 70 Members in future, it is a significant proportion, particularly if the 20 Members are from geographical constituencies. In future, the Members from the two largest geographical constituencies, New Territories East and New Territories West, will add up to 18. In other words, 20 Members will exceed the total number of Members of the two largest geographical constituencies.

So I ..... Of course, my proposal of the a 2% reimbursement rate only serves as a relative and nominal undertaking of the by-election administrative costs, aiming to convey to the public that the resigning Members have shared the costs, though small in amount. Following this line of thought, when a significant number of Members resigned *en masse* in the legislature under the representative political system, and they are required to pay at least 2% of the administrative costs of the by-election. I think this is unreasonable.

Hence, Chairman, I will use 70 Members as a basis, and the rate is one seventh of all the Members. Though there are 70 Members in this legislature, 35 of them are not returned from geographical constituencies, and only 35 Members are from geographical constituencies, who will likely seek re-election after resignation. Under the existing legislature system in Hong Kong, only some Members, at most five, from super-District Council functional constituency will resign to seek re-election, so as to challenge certain draconian laws or undesirable policies.

I believe it is rightly because of this reason that the Government insists on the expeditious passage of the Bill by the legislature. Come to think about that, if one or two Members, or one Member from the super-District Council constituency, resign in future, the by-election of that functional constituency will trigger the by-election in five districts, which will be very similar to the so-called *de facto* referendum in overseas countries or the one they held last time.

For this reason, I take this number as the base. For the 35 Members returned by geographical election, the threshold for having to pay the administrative cost of the by-election is 10 or 11 Members. In other words, I propose that when more than 12 Members resign *en masse*, they are not required to reimburse the administration costs of the by-election.

Chairman, why do I set this threshold? It is because I use a reimbursement rate of 50% but not 95% as the cap. In fact, 50% reimbursement rate is a rather high percentage. Take the amount of \$126 million as an example. Half of the amount will be around \$10 million, which is an enormous amount. A Member does not have to serve for five terms, but only two to three terms, to earn that \$10 million. How many terms can one serve in a lifetime, two or three? How many ten-year do we have? As such, Chairman, I propose to cap the reimbursement level at 50%.

Regarding the number of Members who resign *en masse*, I adopt the proposal in this amendment by starting at the level of two Members. In other words, when two Members resign *en masse* and have to share 50% of the administrative cost, each of them will have to pay \$10 million; if three Members resign *en masse*, I deduct 5% from the 50% reimbursement rate. Chairman, why do I have to scale down the reimbursement rate by 5%? It is because I have accepted the original amendment from Mr Albert CHAN. I think that if I adhere to my initial idea of scaling down by 1% for each additional Member resign *en masse*, despite the large number of Members resign *en masse*, Members still have to share part of the cost. For this reason, I propose that when three Members resign *en masse*, they will be required to share 45% of the cost, which means each Member will have to pay around \$8 million to \$9 million. When four Members resign *en masse*, they will have to share 40% of the cost, which means each Member will have to pay \$23 million. The share to be paid by each Member will be decreasing. When five Members resign *en masse*, the reimbursement rate will be 35%. When six Members resign *en masse*, it will be 30%. When



seven Members resign *en masse*, it will be 25%. When eight Members resign *en masse*, it will be 20%.

Chairman, when eight Members resign *en masse*, the situation will be rather worrying. I think resignation *en masse* to this extent is rather shocking. In respect of the current two largest constituencies, there are eight Members in New Territories West, so they will have to take up one fifth of the expenses according to the rate mentioned earlier. In fact, I still consider it somehow inappropriate. However, since the amendment ..... As stated in my first speech, we have to convince the public to accept these amendment as far as possible, thus resigning Members have to bear part of the political cost. If nine Members resign *en masse*, the reimbursement rate will be 15%. For 10 Members, it will be 10%. In other words, if we use \$23 million for the calculation of expense, a Member will have to pay \$2.3 million at the reimbursement rate of 10%, and I think it is fairly reasonable for 10 Members to share the cost of \$2.3 million. Finally, if 11 Members resign *en masse*, the reimbursement rate will be 5%. Hence, Chairman, when 11 Members resign, it means that the Members of a geographical constituency or the super-District Council functional constituency are resigning on the same day. I suppose that the resignation involves a Member from the super-District Council functional constituency and nine to 10 Members from geographical constituencies. The situation is rather worrying then.

Chairman, on the whole, I am somehow worried about Mr Albert CHAN's amendments. No matter how, I will try to do something about the figures concerned ..... I think if the Government really requires Members to take up the cost concerned in future, it has to conduct more consultation.

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

**MR WONG YUK-MAN** (in Cantonese): Chairman, next, I am going to talk about ..... I will not speak in order now, anyway they have also not spoken in order. Although I have been speaking in order so far, I will now skip some amendments so that Members will not become too bored. In fact, I am getting a bit tired myself.

Regarding the amendments to clause 2 of the Bill, there are altogether five amendments in this group. I will now talk about the Chinese text of amendment No. 55. The Chinese text of the original provision reads as follows, "《立法會條例》(第542章)現予修訂，修訂方式列於第3條。" (The Legislative Council Ordinance (Cap. 542) is amended as set out in section 3.) Here, the meaning of the word "予" (to give, grant, bestow) is obscure, and it is used more or less as in the passive voice. In ancient Chinese writings, the most common meaning of "予" is "我" (I, me). "予" bears the borrowed meaning of "我", which is equivalent to the Chinese words of "余" and "吾". "予" has the borrowed meaning of "我". In 袁枚《祭妹文》(YUAN Mei's *Lament for My Younger Sister*), one sentence reads as follows — although I have quoted from this prose before, it was not the same sentence — "然而累汝至此者，未嘗非予之過也" (But after all, I could hardly avoid the blame for having brought you to this pass<sup>25</sup>). I also want to say to the Chairman: "But after all, I could hardly avoid the blame for having brought you to this pass." It is my fault that you are brought to such a miserable and tiring state because you, as Chairman, must stay on throughout the process. Hence, the word "予" has the borrowed meaning of "我". Hence, I quote this sentence from YUAN Mei's *Lament for My Younger Sister* because I feel indebted to you. Is that not so?

**CHAIRMAN** (in Cantonese): Mr WONG, the word "予" as you just explained is different from that used in the provision, both in terms of its meaning and explanation.

**MR WONG YUK-MAN** (in Cantonese): I know, and that is why I need to explain to you that the word is redundant here. My amendment seeks to delete this word because I want to draw Honourable colleagues' attention to the fact that this word should not be used casually. The Law Draftsman is not in the Chamber now. Actually, this word is commonly used in Chinese law drafting, as in the expression "予以修訂" (to be amended), but the Chinese text here reads "予修訂" without the word "以" (by means of, thereby, therefore, consider as, in order to), right? Chairman, don't you agree that the provision should be amended? Hence, I must clearly explain the many meanings of the word, so as

<sup>25</sup>

Translation taken from: <[http://blog.sina.com.cn/s/blog\\_6f58baf00102d5d5.html](http://blog.sina.com.cn/s/blog_6f58baf00102d5d5.html)>

to identify the most suitable meaning for this legislation. If the word is not used suitably, it should be deleted. I must therefore make a brief explanation, and it is not for the purpose of filibustering that I speak with extensive reference, as you have just said. That is not exactly the case because my action has some positive effect, right? It can be beneficial for members of the public who are watching television broadcast of this Council meeting to learn a Chinese lesson. They always use the wrong word, and Chinese History is no longer a compulsory subject in the Secondary curriculum now, right?

Besides, the word "予" is also used in terms such as "給予" (to give) and "授予" (to award, confer, give), as well as some commonly used idioms such as "欲先奪之，必先予之" ("When he is going to despoil another, he will first have made gifts to him."<sup>26</sup>). If I want to take advantage or big advantage from you, I must of course give you some benefits first. I give you some benefits or advantages first, so that I can take advantage of you, right? Another well-said expression is "生殺予奪" (Holding power over somebody's life and death<sup>27</sup>). Many of us who have no independent will are at the mercy of those in power regarding our life and death. If put nicely, these people are honest, reliable and chaste, but who would talk about loyalty nowadays, buddy? Hence, they must spend the night here, so as to pledge to the Western District that "You hold the power over my life and death". But there is nothing they can do really because when "Grandpa" blows the whistle, everyone has to kneel, right? Therefore, this concept has long existed since the ancient times. We are always at the mercy of those in power regarding our life and death. They are the ones who call the shots: If they want overnight time, our meeting will continue overnight; if they ask you not to have overnight meeting tomorrow, our meeting will end. The meaning of "給予" is well illustrated through the expressions "生殺予奪" and "欲先奪之，必先予之". Chairman, the word "予" also has the meanings of "to praise" and "to acclaim". In 《管子·宙合篇》 (*Guanzi • Zhou He*), there is a sentence which reads "主盛處賢，而自予雄也" (A ruler who considers himself to be prosperous and virtuous; he praises himself as a hero). Here, "予" means that the ruler considered himself to be marvellous. "予" also has the meanings of "buying" and "selling".

<sup>26</sup> <<http://ctext.org/dao-de-jing>>

<sup>27</sup> <<http://www.zdic.net/cd/ci/5/ZdicE7Zdic94Zdic9F93190.htm>>

Under Secretary, are you involved in the drafting of the Chinese text of this provision? The word "予" in this provision is superfluous, and the amended text of "現修訂" is already very clear. What function does the word "予" serve? Why is it here? That is because it is a translation from the English text. If the officers responsible for drafting the Chinese text of legislation cannot shed their English language mentality, and they just translate the English text into Chinese, our laws will never ..... As we all know, the two languages are quite different and they have different ways of expression, right? Hence, for officers responsible for law drafting, this can serve ..... This is a commonly used word, Chairman. We often see the word "予" in the Chinese text of legislation, right? This is a word in the passive voice.

I recall that Dr Margaret NG has previously written an article about the use of passive voice in the so-called Hong Kong Chinese. Today, one of our Honourable colleagues also used passive voice expressions such as "被規劃" (to be planned), "被告知" (to be told), and so on. All these are passive voice expressions. But in Chinese ..... Very often, the use of passive voice in Chinese would make the sentence structure clumsy and incomprehensible, right? Such passive voice expressions, for example, "余曾被警告" (I have been warned), and so on ..... Hence, "現予修訂" (is amended) in the provision is also a passive voice expression, and I suggest that it should be deleted.

Very often, it is evident from the contents, diction and sentence structure of these provisions that users of Chinese in Hong Kong, especially official documents, that is, the Administrative Officers (AOs), need to have some lessons on Chinese practical writing and official writing ..... Chairman, I think you may sometimes also receive Chinese letters with the wrong use of salutations and endings. What is the correct use of various salutations and endings such as "鈞安" (an ending for people in government and politics), "勛鑒" (a salutation for people with merit awards) and "鈞鑒" (a salutation for people in government and politics)? These expressions are mostly used haphazardly and incorrectly. Sometimes, I would receive letters from government departments, which are merely Chinese translation of the English version of the letters. Just like we always use the term "尊貴的議員" ("Honourable Members"), but how honourable are we? That is why I omit the honorific prefix "Hon" in my name card, right?

**CHAIRMAN** (in Cantonese): Mr WONG, you have digressed.

**MR WONG YUK-MAN** (in Cantonese): Yes, I know. Anyway, they are just remarks in passing, right? Starting from the use of "予" in the passive voice, I have pointed out the preference of passive voice expressions in official documents of the Government, including the Chinese text of legislation, official documents, circulars, reports, and so on. It is a common phenomenon. We have no other intention but to highlight the phenomenon with examples, so that Members will be inspired to write succinctly, even when writing brief notes. I would sometimes communicate with Chairman through brief notes which are simple, yet clear in meaning, right? In general, the use of Chinese is unrestricted in terms of form and grammar, while function words can also be expanded to form a prolific vocabulary. Yet, officials responsible for the drafting of Chinese official documents or Chinese text of legislation have made those jokes because they do not understand the characteristics of the Chinese language. These situations happen all the time, Chairman, just like this word "予" as in the expressions "現予修訂" (is amended), "現予修改" (is revised), "現予通告" (is informed), and so on. This sentence structure appears frequently, and strangely enough, nobody has ever told them about it. Why is there no training course provided for them ..... I mean all the AOs should receive training in Chinese practical writing and official writing. We used to have lessons in school on official writing — mind you, I am talking about "公文" (gung1 man4) (official writing) as in the term "文章" (man4 zoeng1) (articles), and not "民" (man4) as in the term "人民" (jan4 man4) (people). If these so-called official documents fail to convey the meanings clearly, and give rise to ambiguities and misunderstanding, and it subsequently affects the drafting of legislation, the consequence would be disastrous. Notwithstanding our bilingual system, English will prevail in the adjudication of court cases. Come to think of it, we sometimes notice that ..... If we check the online database of verdicts and judgments, we often find that the Chinese version is missing. In that case, how can the use of Chinese be promoted in courts?

I have proposed 74 amendments to the present Bill; some of them are grammatical corrections, while some suggest the deletion of unnecessary words. I hope that with these amendments, Members will understand that official documents should be written properly and the same mistakes should not prevail. These grammatical mistakes have come up frequently and repeatedly. Just like

some Members have criticized me for repeating my arguments, right? Sentences with uncertain meaning have come up repeatedly in our official documents and legal provisions, which will create dispute in court. In fact, passive voice expressions with the words "被" (a passive indicator meaning "by") and "予" can be corrected easily, and the question lies with the casual attitude adopted by government departments or our officials or the civil servants.

Just now, the Chairman has made corrections to our speeches frequently. Honestly, we have proposed more than 1 000 amendments for this filibustering war, and it will be nothing short of a miracle if we neither repeat our viewpoints nor talk about matters of principle when discussing the details of the provisions. Isn't that right, Chairman? My question is nothing like that from Mr WONG Kwok-hing when he said, "Chairman is crap?" Of course, Mr WONG Kwok-hing will never call you crap; how dare he call you crap? The Chairman is crap .....

**CHAIRMAN** (in Cantonese): Mr WONG, you have digressed.

**MR WONG YUK-MAN** (in Cantonese): Of course, he will never call you crap. Even though he studied Chinese and not English, he still talked this way because he was plagued by these official documents. Therefore, he should be thankful to me. I spend so much time on this filibustering war in the Legislative Council. I can also teach Chinese here and give Members some tips. Should Members find it somewhat useful, please do not thank me; but they can at least say that they are inspired, OK? Why did he say that Chairman was crap? People who are not in the picture may misunderstand Mr WONG Kwok-hing .....

Mr WONG Kwok-hing's remark that Chairman TSANG was crap has been crazily circulated all over the Internet. Hence, he should have apologized right away by saying that, "I am sorry, Chairman. I am not saying that you are crap. I am just asking whether this group of Members are crap, Chairman ....."

**CHAIRMAN** (in Cantonese): Mr WONG, you have digressed.

**MR WONG KWOK-HING** (in Cantonese): Point of order.

**MR WONG YUK-MAN** (in Cantonese): How nice to have some help in this filibustering war.

**MR WONG KWOK-HING** (in Cantonese): Chairman, Mr WONG Yuk-man's speech just now has basically nothing to do with the amendment under discussion.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, I have already pointed out that you have digressed from the subject. Please speak on the amendment under scrutiny now.

**MR WONG YUK-MAN** (in Cantonese): Chairman, it seems that what he said was also irrelevant, and the point he made was not a point of order.

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing has raised a point of order. He considered that the contents of your speech had digressed from the subject. That is a question related to the Rules of Procedure.

**MR WONG YUK-MAN** (in Cantonese): Honestly, Chairman, given what I said just now, he was merely trying to play smart by fault-finding, and what he said was meaningless. If you really want to challenge me, you can surely find a way to do so. But I think it is important to pay attention to the context and logic of the matter. For instance, in the past, some Members who proposed amendments in this Council would speak incoherently, and nobody could understand what they were talking about. Yet you put up with them. Now, I have proposed over 1 000 amendments, and I was merely giving a slightly detailed explanation on one of the amendments; yet you stop me. I never argue with you. But I cannot accept the remarks made by this old man that the Chairman was crap. The Chairman is my idol. How could he say that you are crap?

**CHAIRMAN** (in Cantonese): Mr WONG, please digress no more.

**MR WONG YUK-MAN** (in Cantonese): I was merely offering an explanation on his behalf. He was not saying that you were crap; it is just that his Chinese is not good. His Chinese is not good because he was plagued by these Chinese documents .....

**CHAIRMAN** (in Cantonese): Mr WONG, I have pointed out time and again that you have digressed from the subject. If you do not speak on the subject, I would have to discontinue your speech.

**MR WONG YUK-MAN** (in Cantonese): ..... I was talking about the use of passive voice, and "生殺予奪" (Holding power over somebody's life and death). It is almost the end of my speaking time, thank you, Chairman. Do Members consider that the word "予" in this provision should not be deleted? If Mr WONG Kwok-hing considers that amendment No. 55, that is, "刪去'《立法會條例》(第542章)現予修訂'而代以'現修訂《立法會條例》(第542章)'" (By deleting 'is amended' and substituting 'shall be amended') ..... I welcome any views from Members present. Honestly, we feel very hopeless, Chairman. Now that the Council is in the Committee stage with over 1 000 amendments to be dealt with, yet this group of Members neither read the documents, nor study the amendments, nor refute our viewpoints. As the saying goes, "The truth becomes clearer through debate." Instead, they resort to rising frequently on points of order to stall us and hold us back. Originally, I intended to slow down the tempo of my speech in this filibustering, yet when I heard these people speak, I could not help but feel hopeless. Isn't the Council supposed to be a forum for debate? Chairman, how come you are now debating with us? Of course, you are not debating with us; you are merely reminding us, right? Instead, you have stayed focused all along; you listened to every speech we made and read every amendment we proposed. But they do not read the amendments; they just raise their hands and interrupt our speeches. They should have read the amendments carefully and debated with us. They can say that the word "予" should not be deleted, right? They can give us their explanation, yet they do nothing of the sort, but raise their hands on points of order. What purpose does it serve?



Have they ever considered whether the bill would read more fluently with the amendments?

There is a book entitled 《清通與多姿》 (*Qing Tong Yu Duo Zi*) written by 黃維樑教授 (Prof WONG Wai-leung). I suggest that everyone should read this book. I do not know if the book is still in circulation now, or perhaps those interested can check it online. The title of the book is 《清通與多姿》, which is about writing Chinese in a "清通" (clear and concise) and "多姿" (colourful and eloquent) style (*The buzzer sounded*) .....

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

When Mr WONG Yuk-man spoke just now, he mentioned the way I enforced the Rules of Procedure (RoP). Other Members have also raised points of order when they spoke. Regarding this matter, Mr Paul TSE has also expressed his views earlier.

I wish to reiterate my point again. Mr WONG Yuk-man, you said just now that given you and Mr Albert CHAN had proposed over 1 000 amendments, how come other Members did not study them seriously and debate with the two of you on these amendments. Notwithstanding, Mr WONG Yuk-man has also stated openly on a number of occasions, as well as in this Chamber, that these amendments were proposed for the purpose of filibustering. At the start of the Committee stage, he declared that the filibustering war would begin.

When I ruled that these 1 300-odd amendments could be moved to the Bill, I had of course heard about the purpose of these two Members in moving these amendments. However, I still allowed these amendments to be moved, not because I wanted to create an opportunity for filibustering, but because I considered that I could find no reason to disallow the same in strict adherence to the RoP.

As pointed out by Mr Paul TSE, given that I had allowed these amendments to be moved because I considered them in compliance with the RoP, I must of course strictly abide by the RoP when conducting the meeting and managing the debate process. Hence, I will definitely prohibit any speeches not

allowed under the RoP. Moreover, in accordance with our practice, and as I have said time and again, when the same Member has spoken a number of times in this debate session, I will become more stringent in prohibiting repetitions and digression in his speeches as the number of times he speaks increases. I have already explained this point clearly to Members time and again.

Hence, Mr WONG Yuk-man, please do not query why I must enforce the RoP so stringently even though Members are allowed to speak, or why Members are not allowed to debate over the language or contents of your amendments. Being such a learned and multi-talented person, you may perhaps want to promote the knowledge of Chinese language through these amendments. However, that is not your primary purpose, as you have said so yourself. Hence, given the above reasons, and given the filibustering, I must also ensure that this so-called filibustering will proceed in accordance with the rules. Hence, I wish to remind Members that when they speak, they should neither digress from the subject nor persist in repetitions.

Does any Member wish to speak?

(Mr LEUNG Kwok-hung stood up)

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I wish to speak.

**CHAIRMAN** (in Cantonese): Please speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): I heard the Chairman's teaching, and I honestly feel from my heart that I was wrong. Hence, I hope to say sincerely that I understand the mistakes you said.

Now that we have done something wrong, what should we do? I want to express my feelings with a passage. What is that passage? "Our duty is to hold

ourselves responsible to the people. Every word, every act and every policy must conform to the people's interests, and if mistakes occur, they must be corrected — that is what being responsible to the people means."<sup>28</sup> .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, which amendment is related to the remarks you just made?

**MR LEUNG KWOK-HUNG** (in Cantonese): I am going into the subject .....

**CHAIRMAN** (in Cantonese): Which amendment or provision are you discussing now?

**MR LEUNG KWOK-HUNG** (in Cantonese): No, it is related to what you have said. You have spoken for so long .....

**CHAIRMAN** (in Cantonese): Mr LEUNG, you should not discuss with me the explanation I gave in relation to the RoP. You should discuss the provisions and the amendments. If you digress, I must discontinue your speech.

**MR LEUNG KWOK-HUNG** (in Cantonese): OK, thank you, Chairman. I thought your remarks are a subject. I want to express my feelings. Those words are in fact from Chairman MAO, taken from page 138 of 《毛澤東語錄》 (*Quotations from Chairman MAO Tse-tung*) .....

**CHAIRMAN** (in Cantonese): Please do not digress again.

**MR LEUNG KWOK-HUNG** (in Cantonese): OK, if words from Chairman MAO are not good enough, I must be in deep trouble.

---

<sup>28</sup> <<http://en.eywedu.net/maozedong/17.htm>>

I think whenever the same subject is discussed excessively, it will give rise to the wrong perception of repetitions. That is the wrong perception of human beings. Now, in order to avoid this wrong perception, I will move onto another subject, that is, cancer. In Mr Albert CHAN's amendment No. 1191, he changed the illness from "terminal hepatocellular carcinoma" to "terminal esophagus cancer". The illness terminal esophagus cancer ..... As you said, the subject of discussion is that a Member who suffered from cancer had resigned because he could find no cure for his illness. Yet within one month, that Member was cured without medication or after taking some magic drugs. Given that his illness had been cured, we should not deprive him of the opportunity to serve as a Member of the Legislative Council again. Is it possible that this situation occurs? I think it is possible.

Hence, Mr Albert CHAN's amendment is not unrealistic. It is meant to safeguard Honourable colleagues in this Chamber, or future colleagues; as I am not sure if I can be re-elected, shall we say, future Members of the Legislative Council? If a Member suffers from terminal esophagus cancer, can he serve as a Member again? I have my reasons for asking this question. Many people consider that cancer is a terminal disease, and it is a responsible act for a Member who suffers from cancer to resign. If he has resigned, why should he be allowed to come back? Is it possible that a Member who suffered from terminal illness can regain complete health within one month, so that he is fit to serve as a Member again? Is this something realistic?

(Ms Starry LEE raised her hand in indication)

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

**MS STARRY LEE** (in Cantonese): Regarding the point just mentioned by Mr LEUNG Kwok-hung, Mr Andrew CHENG has already illustrated the same point with three miracles, one big smile theory and two emotional therapies. I seek your ruling. This Council has already spent 49 hours on the discussion of this Bill. If some Members keep on repeating their arguments, there is no way this Council can get to finally vote on the Bill.

**MR LEUNG KWOK-HUNG** (in Cantonese): I know, I know.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): The point I am saying is that a quorum is lacking, please do a headcount.

(Some people in the public gallery laughed and clapped their hands)

**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): A quorum is present. Committee resumes now. Dr Philip WONG, what is your point?

**DR PHILIP WONG** (in Cantonese): Chairman, our deliberation of the Legislative Council (Amendment) Bill 2012 (the Bill) has entered the seventh day. After consulting the Secretariat, I learn that just for the Committee stage alone, we have spent a total of 33 hours and 30 minutes. Members proposing amendments to the Bill should have been given enough opportunities to speak on their amendments. What is more, they have spoken time and again on irrelevant points and have been repetitious.

Chairman, the legislature strives for efficiency. I think Members present at the meeting would agree with this and reckon that this joint debate should come to an end. While there is the procedure of closure motions in other legislatures, it is not provided in our Rules of Procedure (RoP). And yet, according to the RoP, the President or Chairman is still obliged to preside at a

meeting efficiently. Chairman, I therefore suggest you to immediately conclude this joint debate and put the various clauses and amendments to vote.

**CHAIRMAN** (in Cantonese): May I ask if any Member who has yet to speak at the Committee stage would like to speak on any provision or amendment?

Dr Philip WONG has raised a question. As a matter of fact, since the resumption of Second Reading debate on this Bill in this Council on 2 May and the commencement of the Committee stage on 3 May, we have spent more than 42 hours. As pointed out by Dr Philip WONG, the Committee of the whole Council has also spent more than 33 hours, during which mainly three to four Members spoke. According to the statistics of the Secretariat, Mr WONG Yuk-man spoke for 20 times, Mr Albert CHAN 28 times, and Mr LEUNG Kwok-hung 27 times. Their filibuster can be described as very successful.

The Secretariat has done a statistical analysis for me based on our records of proceedings: during the time when Members spoke, I drew their attention to the irrelevance of their remarks on over 75 occasions, and for many times, I also drew their attention to the tedious repetition of arguments in their speeches. Dr Philip WONG has requested that the debate be concluded immediately, saying that in other legislatures, there is a kind of motion known as "closure motion", that is, a motion moved by a member of the legislature to close a debate, so that voting can proceed at once.

I agree with certain Members that what is referred to as filibuster is not an uncommon political tactic in many other legislatures. In other words, the rules of procedure of other legislatures do make allowance for filibuster. However, when giving approval for the two Members to move 1 300 or so amendments, I also did extensive research, which indicates that while other legislatures do make allowance for filibuster, they also have in place a mechanism for bringing an end to filibuster, that is, a "closure motion" as mentioned by Dr Philip WONG a moment ago and some other means, including limiting the duration of a meeting.

Honourable Members, had I considered that granting approval to moving these 1 300 or so amendments would trigger a debate which was beyond my control and impossible to close, I would not possibly have granted approval to

them, the reason being that while I must protect the right of the minority in the legislature to express their views, or even protect the minority in striving for things from the Government through the ways permitted under the RoP, I am at the same time duty-bound to ensure the effective operation of the Legislative Council as an institution.

Therefore, if I have taken any action that has resulted in a debate which is impossible to close, I cannot possibly let that go on. Our RoP do not provide for what is known as a "closure motion" in the parliaments of other countries. However, I have carefully studied our RoP. Can the Committee stage last endlessly and indefinitely? I think the answer is negative. My permission for Members to speak more than once in the Committee stage is based on Rule 38 of the RoP. Members must note that Rule 38 of the RoP is a limiting provision. The Rule begins by providing that a Member may not speak more than once. However, there are exceptions, the first of which is speaking in the Committee stage. In the Committee stage, Members are not bound by the rule that a Member may only speak once. However, this does not mean that Members are given the right to speak for unlimited times. I wish to point out that this is not correct.

That Members are permitted to speak many times in the Committee stage, as I once explained in the past, is not intended to let Members cut a speech of unlimited length into 15-minute chunks for delivery. Rather, the purpose is to enable Members to have interactions, so as to clarify their respective views on the clauses concerned. However, as Members have already seen, can this debate of ours that has lasted for 33 hours and 30 minutes achieve this very purpose? I believe that any disinterested observers can see that the answer is negative. Therefore, I think our debate should now come to an end.

Does the RoP allow me to .....

(Dr Margaret NG stood up)

**DR MARGARET NG** (in Cantonese): Sorry for interrupting you, Chairman. I am aware that you may make an important ruling and we all understand that

according to the RoP, no Member shall express any views on nor challenge the President's or Chairman's ruling after it is made.

**CHAIRMAN** (in Cantonese): Please go on.

**DR MARGARET NG** (in Cantonese): Chairman, I therefore hope that you will not make the ruling now, perhaps you can first tell Members the kind of ruling you intend to make, so that Members ..... it seems to me that this is not expressly provided in the RoP. Rather, this is the conclusion drawn up by you after examining the principles of the entire set of the RoP. While such a conclusion may or may not be proper, it is after all an important and unprecedented decision.

Therefore, Chairman, I hope that before you formally make a ruling, there will be a short break for Members to think about it. And if Members have any views, they will be given an opportunity to raise them to you in private before a ruling is formally made.

**CHAIRMAN** (in Cantonese): I will first state my understanding of the RoP.

(Mr Albert CHAN stood up)

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

**MR ALBERT CHAN** (in Cantonese): Chairman, being the Member who has proposed most of the amendments, I hope that you will give me a little time to make some brief descriptions and raise some comments for your information.

Chairman, if you may recall, after proposing the amendments, I have informed you in my previous speeches how I am going to present my amendments. Chairman, you have, during the process, informed me specifically what can or cannot be done. I have followed your advice and have substantially



revised the style and approach of my amendments from giving clause by clause explanation .....

**CHAIRMAN** (in Cantonese): Please be concise.

**MR ALBERT CHAN** (in Cantonese): ..... to drawing a conclusion. Just now, I have speedily presented more than 200 amendments.

Chairman, I still have a lot more to say. If you can remember, my amendments have been grouped into various categories and as I have stated right at the beginning of my speech, I would explain them one by one. I have finished presenting the first category of amendments and will now move on to the second category. For the third, fourth and fifth categories, I have not started speaking on them, not to mention the chance to talk about the details.

Therefore, Chairman, if you are going to make a ruling to end the debate and discussion after drawing reference from overseas practices, I think this is absolutely unfair to me. This is because I have, at the outset, clearly outlined to you my lines of thought, and how I would present the information at the Committee stage. Chairman, I have strictly followed your requests and have presented my amendments by category. I have not violated any requirement. Chairman, among all Members who have spoken, I am the one who have digressed from the subject for the least times.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, I heard your views.

**MR ALBERT CHAN** (in Cantonese): Therefore, I hope that Chairman .....

**CHAIRMAN** (in Cantonese): Please be seated.

**MR ALBERT CHAN** (in Cantonese): ..... you should give me some time ..... You may specify the number of hours within which the discussion must end, this is a possible way, but you cannot abruptly abort the debate.

(Mr LEUNG Kwok-hung stood up)

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

**CHAIRMAN** (in Cantonese): In this Chamber, we ..... Mr LEUNG Kwok-hung, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, good morning, I am sorry that I cannot agree with you .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, I am not going to debate with Members on the RoP, please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, I just want to ask what your justifications are .....

**CHAIRMAN** (in Cantonese): Let me make it clear. I am about to give my justifications, please sit down. Mr LEUNG Kwok-hung, please be seated.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, because your decision is final and cannot be challenged.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please be seated.

(Mr Albert CHAN sat down)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please sit down.

Honourable Members, in this Chamber, we always carry out debates. Honourable Members, Mr Albert CHAN, as you may be aware, we are always running out of time when we try to present our views within the prescribed time limit. What I am saying is that, I will permit Members who will move the amendments and government officials to deliver their concluding remarks. But after that, I think the debate should come to an end.

Which rule of the RoP have I based on? As I said earlier, I do not think that our Council should operate without a closure procedure. This time, we have followed the established practice of conducting joint debate to deal with these 1 000-odd amendments to three clauses at the Committee stage.

Under our RoP, there are no express rules on the procedure for conducting a joint debate. Our existing practice, as I have mentioned, is to permit Members to speak many times. However, I am of the view that we should come up with an arrangement for closing such a debate. If the RoP do not provide for how a Committee stage debate can be ended, then Rule 92 of the RoP shall apply.

Rule 92 of the RoP provides that in any matter not provided for in these RoP, the practice and procedure to be followed in the Council shall be such as may be decided by the President, and the other provision of this RoP that the President may, if he thinks fit, be guided by the practice and procedure of other legislatures. As pointed out by Dr Philip WONG, in other legislatures, there is a kind of motion for immediately closing a debate and proceeding to voting.

However, we treat this practice as reference only, instead of following it. I am of the view that having undergone some 30 hours of debate, we have come to a point when we should bring an end to the debate. Therefore, I intend to end the debate after allowing the Members who will move the amendments and government officials to deliver their concluding remarks.

(Dr Margaret NG stood up again)

**DR MARGARET NG** (in Cantonese): Chairman, I notice that you have mentioned Rule 92. Rule 92 provides specifically that in any matter not provided for in these RoP, the practice and procedure to be followed in the Council shall be such as may be decided by the President.

Chairman, of course, this provision ..... May I ask the Chairman to clarify under what circumstances and on what criteria will this provision be applied? Chairman, certainly, you would not think that this Rule can be applied arbitrarily by the President as he wishes. What is more, any amendment to the RoP would be discussed by the Committee on Rules of Procedure (CRoP). Members' views will be solicited, and after going through a consensus procedure, the President will make the appropriate amendments in the light of Members' views. This has been our established practice. I certainly understand that the major duty of the President or Chairman is to preside over meetings to facilitate the discussion of Council business.

Of course, the President or Chairman would be given discretionary power, to which I have no objection. However, in the past, when the President or Chairman exercised his discretionary power to make elaboration on matters not provided for in the RoP or having ambiguities, and if the decisions might affect Members' future or existing rights, the President or Chairman will usually make advance notices and consider Members' views.

Chairman, unfortunately, not many Members attended today's meeting. Notwithstanding this, I believe different parties and affiliations should have arranged Members to stay in the Legislative Council Building. Chairman, will you allow some time for Members from various parties and affiliations to consider and discuss your interpretation of Rule 92. Chairman, as you have said earlier, dozens of hours have been spent on this debate. It will therefore make no significant difference if another one or half an hour is given for our discussion, after which we will come up with some advice for your consideration.

In my view, if Chairman also agrees, this is a more proper way to interpret and execute the precedent set in pursuant to Rule 92. Thank you, Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I have predicted that this day will come .....

**CHAIRMAN** (in Cantonese): Please put on your microphone.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I have predicted that this day will come and you have already made a prior deal with other Members. Did Dr Philip WONG make this proposal all of a sudden? That is a "small-scale meeting" and I do not have the privilege to have this "small-scale meeting" with you.

Chairman, I have also looked into the matter and actually, I would also like to know what the findings are. If you really base your decision on overseas practices which you have referred to, how come I have not heard of any legislature in which such ruling is to be made by the President? Instead, Members are responsible for proposing the relevant motion subject to certain restrictions, for example, a three-quarter or two-third .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, I do not intend to argue with you over this issue .....

**MR LEUNG KWOK-HUNG** (in Cantonese): No, no, Chairman, I am .....

**CHAIRMAN** (in Cantonese): You only need to express your views.

**MR LEUNG KWOK-HUNG** (in Cantonese): No. What is the provision under Rule 92? It states that, "In any matter not provided for in these Rules of Procedure". However, earlier, you said "any matter provided for" .....

**CHAIRMAN** (in Cantonese): Sorry, it should be "not provided for". As I have told Members, there are two matters which have not provided for. Firstly, it is .....

**MR LEUNG KWOK-HUNG** (in Cantonese): No, Chairman, the discussion has almost come to an end .....

**CHAIRMAN** (in Cantonese): ..... we have adopted the procedure of joint debate .....

**MR LEUNG KWOK-HUNG** (in Cantonese): .....Let me finish first.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, as what you said was wrong, I need to point out that .....

**MR LEUNG KWOK-HUNG** (in Cantonese): No.

**CHAIRMAN** (in Cantonese): ..... this is not provided for. Secondly, how the Committee stage should end is not provided for as well.

**MR LEUNG KWOK-HUNG** (in Cantonese): No, Chairman, you have every power in this world ..... Listen to me first as I have listened very attentively to what you said .....

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please sit down. I accept Dr Margaret NG's suggestion and suspend the meeting now. I will then invite Members to my office and I will explain my views to them.

The meeting is now suspended.

4.48 am

Meeting suspended.

9.00 am

Committee then resumed.

**CHAIRMAN** (in Cantonese): Honourable Members, good morning. Committee now resumes to continue the examination of the Legislative Council (Amendment) Bill 2012.

(Dr Margaret NG stood up)

**DR MARGARET NG** (in Cantonese): Chairman, a point of order. Before the meeting was suspended, you inclined to make a ruling. So, I requested you to hear Members' views before making the ruling and we then proceeded to discuss with you. In that case, is a ruling not been recorded?

**CHAIRMAN** (in Cantonese): Yes.

**DR MARGARET NG** (in Cantonese): Chairman, I raise this point because I am gravely concerned that your ruling would, as we have discussed just now, set a precedent under Rule 92. In other words, though the RoP has not provided for the so-called closure motion or guillotine motion, and the CRoP has had dispute over the issue, the precedent set by the President has enabled him to bypass the CRoP. I am gravely concerned about this, Chairman, and I would like to seek your elucidation. What is the present situation?

**CHAIRMAN** (in Cantonese): Thank you, Dr NG. This is precisely what I intend to do. In the small hours this morning, at 4:30 am, after Dr Philip WONG had requested me to make reference to the closure motions in the legislatures of other places, I said to Members that I intended to bring an end to the debate after allowing the Members who would move the amendments and government officials to deliver their concluding remarks. Subsequently, various Members sure enough expressed different views. At that time, I decided to suspend the meeting and hold discussions with Members of various sides, so as to identify the best solution. Having listened to the views of various sides, I decided that it was still necessary for me to end the debate. However, before bringing an end to it, I also heard the Members who would moved the amendments say that since they still had many points to raise, it would be impossible for them to finish them all, if they were permitted to speak only once for 15 minutes. I have now decided that upon the resumption of the meeting, I will invite the Members who will move the amendments and government officials to speak, and based on our rule regarding speaking time, a speaker may speak up to 15 minutes each time. However, I shall allow such speaking time to last all the way up to 12 noon. If the Members who will move the amendments think that they still have many points to raise, I hope that they can organize their information and adequately express their views during this period of time. If at 12 noon, or before 12 noon, no more Members or government officials indicate any wish to speak, we shall close the debate and proceed to the stage of voting on each amendment. Such is my decision.

(Mr Albert CHAN stood up)

**MR ALBERT CHAN** (in Cantonese): A point of order. Chairman, I understand the decision that you have made. However, according to the RoP of the Legislative Council, your decision is unprecedented, and according to my interpretation, it has upset the longstanding tradition established since the former Legislative Council to the present Legislative Council that the President of the Legislative Council should remain politically neutral. This is a political decision and your decision has brought the Legislative Council into disrepute .....



**CHAIRMAN** (in Cantonese): Mr Albert CHAN.

**MR ALBERT CHAN** (in Cantonese): ..... Worse still, Chairman, let me finish first .....

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, your remark is not in order. I am aware that you have already made a similar remark in public and I have also allowed you to express your view in this Chamber. Members should understand that you are not allowed to debate on what I have ruled in this Chamber. So, please discontinue your speech.

(Dr Margaret NG stood up)

**DR MARGARET NG** (in Cantonese): Chairman, I have no intention to argue with you. And yet, I have already raised my concern right at the beginning about setting a precedent and the CRoP. While the relevant rules should have been formulated by the CRoP, it has failed to do so due to disputes among Members.

As you have now made a ruling, does this ruling have the effect of a precedent, which enables the President to unprecedentedly introduce a closure arrangement or make a closure or guillotine rule without giving notice or consulting any Member? What is the position of the CRoP then? Chairman, I have raised this question earlier and I hope that you can make an elucidation.

**CHAIRMAN** (in Cantonese): A precedent occurs only in a specific context. Regarding this so-called precedent, I may exercise the power vested in the President under Rule 92 of the RoP because the RoP do not provide for the manner in which a joint debate in the Committee stage should be conducted and how the Committee stage may be ended.

Since the RoP do not provide for these matters, in accordance with Rule 92, the President has the responsibility to make a decision on how to conduct a joint debate and how to close such a debate.

If any new decisions on such issues are made following discussions in the future, and the relevant provisions in the RoP are passed by the whole Council, then everybody will of course act in accordance with the decision of the whole Council.

**MR ALBERT CHAN** (in Cantonese): Chairman, I seek your elucidation. Chairman, I want you to clarify your explanation. If you can still recall, I remember that in the years of the former Legislative Council, there was no restriction on speaking time. Back then, Mr Martin LEE could speak for one or two hours at one time. Afterwards, as the speeches made by Members had become excessively long, the former Legislative Council imposed restrictions on the speaking time of Members, subject to the decision of the Committee.

**CHAIRMAN** (in Cantonese): I am aware of all these, you need not go into the details.

**MR ALBERT CHAN** (in Cantonese): Chairman, the question just raised by Dr Margaret NG was of vital importance because it was related to the setting of a precedent. So far, I mean, since the establishment of the Legislative Council, never, Chairman ..... Never had the President or Chairman exercised his discretion according to his personal interpretation to stop Members from raising questions and speaking; this is something which had never happened before. Hence, this is unprecedented.

Of course, you made your ruling on the basis of Rule 92. According to you, the President shall have the right to decide on the procedure not provided for in the RoP. Nonetheless, this is something which has never happened throughout the history and tradition of the Legislative Council. Chairman, in the past, Members were allowed to speak repeatedly .....

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, I heard your views.

**MR ALBERT CHAN** (in Cantonese): ..... and continuously. The President or Chairman would only stop a Member speaking in excess of the time specified under the RoP. Hence, your ruling has in fact breached Rule 38 ..... Chairman, would you reconsider your ruling so that you will not make a political decision that will bring the Legislative Council into disrepute?

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, in fact I have already explained to you just now outside this Chamber that I do not think this decision of mine has breached Rule 38 or any other Rules of the RoP. I have also explained to you clearly what is meant by this so-called precedent.

I reiterate that I will not debate with Members on my ruling in this Chamber.

**DR MARGARET NG** (in Cantonese): Chairman, I do not seek to debate with you, but to make a request. Chairman, you just said that should any new Rule be made by the CRoP in future, you would of course act according to the new Rule. Yet, Chairman, if no Rule is made by the CRoP, your ruling today has effectively set a precedent on closure or guillotine.

Chairman, I also note that you have made reference to the practices in other jurisdictions. Will the Chairman please provide us with information on the cases you have made reference to ..... Because as far as I know, the Secretary General and the Legal Adviser have advised you on rulings made by Speakers of other legislatures in respect of matters not provided for in the rules of order.

Chairman, would you please provide us with a written explanation about what those matters are and what rulings have actually been made, so that we can follow up in the CRoP.

**CHAIRMAN** (in Cantonese): I understand Members' concern about my ruling. As suggested by Dr Margaret NG, I will provide detailed information and explanation in writing to Members, and for the consideration of the CRoP in future discussion.

**MR ALBERT CHAN** (in Cantonese): Chairman, thank you for providing us with a written explanation later. But as we must proceed with the meeting in accordance with your ruling from now on, I hope that before we proceed with the meeting, can you tell us, since you have already made a ruling, and you said you have made reference to overseas legislatures in making the ruling, and given that different practices are adopted in overseas legislatures with some requiring the relevant motion be passed by votes from 60% to 75% of the Members, which countries and legislatures you have made reference to?

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, as I have said already, I will not discuss my ruling with Members here. I will put the relevant .....

**MR ALBERT CHAN** (in Cantonese): I seek an elucidation and a brief description.

**CHAIRMAN** (in Cantonese): I will put the relevant information .....

**MR ALBERT CHAN** (in Cantonese): As a responsible Speaker, you should, before making a ruling, make known to us all the basis on which you made the said ruling.

**CHAIRMAN** (in Cantonese): That is not my practice. I will not discuss my ruling with Members in this Chamber. We will now proceed with the final three hours of the Committee stage of the Bill. Mr Alan LEONG.

**MR ALAN LEONG** (in Cantonese): Chairman, I note that just now, you mentioned that you would provide a written explanation to Members of this Council on how you came to this decision in accordance with Rule 92. For the sake of enabling you to better understand my concern, I would like to point out specifically, in preparing the written explanation, can you also explain to us with particular reference to the first sentence of Rule 92, *viz.* "In any matter not provided for in these Rules of Procedure", what is your understanding of the word "matter"?

**CHAIRMAN** (in Cantonese): Yes. I will now invite Members who will move the amendments and government officials to give their concluding remarks in the Committee stage.

Mr Albert CHAN, do you wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, this is .....

(Mr Andrew CHENG raised his hand in indication)

**MR ANDREW CHENG** (in Cantonese): Can other Members also speak? That is, can other Members also speak before they make their closing remarks, or before 12 noon? According to my understanding, that seems to be the consensus we have reached just now, is that right?

**CHAIRMAN** (in Cantonese): I have asked repeatedly those Members who were present at the meeting just now, and the consensus was to allow Members who will move the amendments to speak. Mr Andrew CHENG, do you request to speak? I think I have the discretion to allow you to speak. We have set the time limit at 12 noon, but priority would of course be given to Members who will move the amendments.

Mr Albert CHAN.

**MR ALBERT CHAN** (in Cantonese): Chairman, this is the darkest day in the history of this Council and it is also the most tragic day, because the ruling made by the Chairman just now has completely destroyed the political neutrality that should be upheld by all the speakers of parliaments in the world .....

**CHAIRMAN** (in Cantonese): Mr CHAN, you have repeated what you said earlier. You should now make a concluding speech on the Committee stage.

**MR ALBERT CHAN** (in Cantonese): Chairman, this is because my remarks .....

**CHAIRMAN** (in Cantonese): Please do not criticize my ruling anymore.

**MR ALBERT CHAN** (in Cantonese): Chairman, it is because all my remarks and the content of the speech I am going to make have all been affected by your shameful ruling. And it has deprived me of my rights and freedom, so my speech and what I am going to say are all related to your ruling.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, I cannot allow you to continue speaking not because, as Mr CHIM Pui-chung said, you are scolding me but because you are violating the RoP. This is because in this session of the meeting you should only make conclusive remarks on the clauses of the Bill and the amendments to it.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am making a concluding speech.

**CHAIRMAN** (in Cantonese): You should focus on the clauses of the Bill and your amendments.

**MR ALBERT CHAN** (in Cantonese): Chairman, a concluding speech can be made to express the feelings of Members. You may check the concluding speeches made in the past and the scope of Members' speeches. Often when Members speak in conclusion, they will talk about the amendments to the Bill as a whole, including the heated debate among Members and the views of Members on the issues raised. Chairman, this is the tradition of this parliamentary assembly.

**CHAIRMAN** (in Cantonese): That is right. But what you said just now does not fall into this scope.

**MR ALBERT CHAN** (in Cantonese): Chairman, this is only your impression. But for me, the ruling made by the Chairman is part of my concluding speech. It is because of the speeches I have made during these past few days and the some 1 000 amendments proposed by me that the Chairman made a ruling which has historical significance since it violates the order, violates the principles and violates .....

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, if you continue talking about this, I will have to forbid you from talking .....

**MR ALBERT CHAN** (in Cantonese): ..... No, I am explaining it to you. Chairman, why do the spirit and principles of a concluding speech .....

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, I have already warned you that you cannot mention such contents again.

**MR ALBERT CHAN** (in Cantonese): All right, Chairman, I will begin a formal discussion on the scope of my amendments.

Chairman, about the scope of the amendments proposed by Members, one amendment is about the case of a resignation *en masse* by 35 Members. There are many reasons leading to a resignation *en masse* by 35 Members and the

election costs so incurred are shared by these Members pro rata. One of these reasons could well be that the parliamentary tradition has been destroyed. When the values of this parliamentary assembly as well as the core values of Hong Kong people are destroyed, there is a chance that the resignation of 35 Members will be triggered — as a matter of fact I am considering resignation, too, Chairman. So this is a real-life situation. When the spirit of a parliamentary assembly is destroyed and when the values of democracy, especially those related to the right to freedom of speech are exploited, it can well be said that a democratic assembly is completely destroyed.

If Members still remember it, when I spoke right at the beginning, I quoted from *On Liberty* by John Stuart MILL. In the British Parliament, the arrangement that enables the opposition party Members to criticize and raise queries on the Government, in particular, is basically a safeguard of the Members' right to query the Government. It is the most important thing because if Members do not have the right to query the Government, the Government will in essence become a dictatorship where no opposition voice is allowed. So the right of Members to question the Government is part and parcel of the existence of any parliamentary assembly. It is the most important thing of all that Members can speak by virtue of their right to speak as endowed by the RoP. It follows that if any person, irrespective of the supreme position he may hold or whatever political motive he may have in mind, if he disregards personal circumstances and deprives Members of their right to speak, it can be said that he has committed a heinous crime. This is definitely not allowed, and it should never be tolerated.

I would think that the Legislative Council (Amendment) Bill 2012 should give Members a chance to secure the mandate of the people through the act of resignation and maybe reimbursement of part of the election costs. The people's mandate is the most important and sacred part of representative government. This is because for whatever decision a Member may make, or any voting inclination that he may have, he should first obtain the mandate of the people. Without this mandate, a Member should not have the right to speak in an assembly because he is a representative of the people. How can he claim to represent the people if he does not have their mandate? He cannot just point at his nose and conduct one or two opinion polls and claim that he is a representative of the people. If you want to get the mandate of the people, you have got to do it through the ballots cast by the people. When a Member can be



so returned to the assembly, it is because he has undergone the procedure of obtaining the people's mandate, a procedure which is sacred. So the means is by the votes a Member gets.

When there is a problem of some magnitude, especially when the tradition of democracy is undermined, Members can resign first and then stand in an election again. This is because they are dissatisfied with the ruling, which for example, has deprived Members of their right to speak in the assembly. So Members want to show their discontent with such a vital issue by resigning from office. This is to show that they cannot accept this ruling which is a violation of the democratic tradition. And the purpose is to get the people's mandate afresh.

Therefore, this is a procedure which is proper and necessary. It is because many people have said that when I make this decision, I have the support of the people. Am I only pointing my finger at my nose and no more than that? During the past 15 years this Council has been twisted beyond recognition. Sixty percent of the Members are popularly elected, but the other 40%, that is, 14 Members, do not have any votes. But they can manipulate this Council. This is really a tragedy, not only for this Council, but for Hong Kong as well. It is also ugly, is it not? When this ugliness becomes perpetual and when the voice of the people is constantly twisted and when the will of the people is constantly suppressed by Members backed by a small number of votes and who control this Council, unless you go for a revolution, or civil disobedience, there is no option at all. Unless there is a civil disobedience movement similar to those championed by GANDHI, Martin Luther KING or even Aung San Suu Kyi, there is no way this shameful government and this shameful ruling clique will accede to the people's demands. However, when things develop to such a state that the votes of the people or the gaining of the people's mandate by the resignation of Members from office are required, it is only a most proper course of action. Many Members have often raised the criticism that this is a waste of money. So among the amendments proposed by me, some 600 have taken into account different possibilities in political development. But I have never thought that one of the possibilities is a political scenario that may be induced by these numerous amendments proposed by me.

Why is it that polling by the people is so important? It is very difficult to write into the law everything that may happen, right? How can you anticipate

that the tradition in this Council can be shattered all of a sudden and a ruling is made to stop Members from speaking? This has never happened before. So in terms of the institution concerned, it is absolutely impossible to list every provision in law, for example, we cannot say that if a top official is involved in a rape case, or in corruption or someone in the top echelons taking advantages involving private jets, luxury yachts, and so on, then Members should be allowed to resign from office. It is very difficult to list every case or scope of activities concerned. The only thing we can do is by making use of the number of persons because the number of persons can more or less indicate the gravity of the problem or the impact of that problem on society as well as the rights of the citizens.

Among my large number of amendments, a great many are related to the arrangements concerning the resignation of Members from office. But it seems that Members from the opposition do not have much interest in responding to and discussing these amendments. As I said when I condemned those Members who oppose this amendment, they are the majority of this Council but they are returned to it by a small number of votes. This kind of control by the privileged class is exactly the ugly thing about this Council. This kind of control by the privileged class is exactly the cause of anger among the people of Hong Kong. This kind of control by the privileged class is exactly what leads to collusion between business and the Government and the transfer of benefits. This kind of control by the privileged class is exactly the cause of this constant deprivation of the general masses of their rights.

Chairman, I will speak again later. It is because of the time constraint that I cannot reorganize the contents which I have prepared to speak. Chairman, among my many amendments, I have only had the chance to talk about one third of them. Of these amendments from me, apart from those which propose that Members who have resigned can stand in a by-election and that after a Member is released after being imprisoned by a country can also stand in an election, a number of groups of amendments have not yet been discussed. One is on the expiry date, another is on the requirement concerning the number of days before a by-election in which a Member who has resigned is prohibited from becoming a candidate. Yet another is about diseases such as cancer. Mr Andrew CHENG has talked about some miracles. But I have not had the chance to talk about each type of cancer one by one. The last group of amendments is about a certain

specified number of Members from a GC or DC (second) FC who tender resignations. The amendments by the Government, that is, amendments No. 1200 and 1232, are not applicable to these Members. Therefore, I still have four or five groups of amendments which I have not had the chance to explain or talk to Members in detail.

Chairman, this is the first time in the history of this Council that when a Member has proposed some amendments but, due to a ruling by the Chairman and the time constraint that he is unable to introduce the amendments to the Council. This has never happened before and so it must be put on record. The fact that I cannot explain the amendments proposed by me before putting them to the vote is entirely due to the wrong decision of the Chairman, and it is not my fault.

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

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I rise to reiterate that the Government opposes the 74 amendments proposed by Mr WONG Yuk-man to the Legislative Council (Amendment) Bill 2012 (the Bill). The 74 amendments proposed by Mr WONG Yuk-man to the various clauses seek to change the drafting style of the Bill. We have carefully studied the 74 amendments proposed by Mr WONG Yuk-man with the Law Draftsman of the Department of Justice, and come to the conclusion that these amendments will not bring any improvement to the text of the Bill. Instead, they will give rise to inconsistency between the Bill and other Ordinances in general in terms of wording and result in confusion. Therefore, we object to these amendments.

The Government also opposes the 1 232 amendments proposed by Mr Albert CHAN. In the debate earlier on, I have already stated the reasons for our opposition to Mr Albert CHAN's amendments. In addition, the amendments proposed by Mr Albert CHAN to clause 3 are groundless. They will just hinder our dealing effectively with the by-election arising from Members' resignation.

For all these reasons, I implore Members once again to vote against the amendments proposed by Mr WONG Yuk-man and Mr Albert CHAN, but vote for the amendments proposed by the Government. I so submit.

**MR WONG YUK-MAN** (in Cantonese): I have proposed 74 amendments but during these past few days in the Committee stage, I could only talk about my views on 10 of them.

In the past few years of my work in the Legislative Council, I have set many records. I would think it is something that no one has done before, and probably no one will do so again. Chairman, you have also set a record, that is, you have violated the parliamentary tradition in Hong Kong blatantly and deprived Members of their freedom of speech. The kind of history which I have made may probably not repeat. But the history you have made has set the worst example in the politics of democracy in Hong Kong.

When I talked about the word "予"(jyu5) in the amendments today, I explained the meaning of that word. Of course, the Secretary did not agree. He said that he had studied it carefully. But he did not debate with me. I corrected the wording he used and deleted those verbose expressions and function words with no substantive meaning. But he said it was wrong and raised objection. He had us completely to his mercy. The most paradoxical thing about this expression of "having someone completely to one's mercy" is that it seems to be referring to something else, and it is about the fact that most of the people in this Council are lackeys of the communists and they are allowing themselves to the mercy of the communists. And after saying that, the Chairman held me completely to his mercy while he is held completely to the mercy of someone behind his back.

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

**MR WONG YUK-MAN** (in Cantonese): As the saying goes, this is a case of a chaste woman losing her chastity in old age, which is worse off than an old prostitute who abandons her trade. Chairman, my amendments .....

**CHAIRMAN** (in Cantonese): Mr WONG, under the RoP, at this stage you should speak on the clauses and your amendments. Please do not stray from the question.

**MR WONG YUK-MAN** (in Cantonese): Chairman, according to your new arrangement, before 12.00 noon, that is, this so-called adjustment in Council procedure, our speeches are restricted. It would be pointless for me to speak on these scores of amendments again, right? So, as I told you this morning, I do not wish to speak during these three hours at all. But even if I do not speak, you would still close the debate. Right? So Chairman, I am forced to speak. When there are 1 306 amendments and each person speaks some 20 times, this is called repetition. If a debate and a voting were to be conducted for each amendment, then at least I would have to speak some 70 times, right? What more can I say? I do not wish to argue with you. You want a joint debate and a Member is allowed to repeat in his speeches. Now you want me to speak, but what should I speak on? When I want to speak on a certain part of an amendment, I will not have time to speak on the other parts. There are 74 amendments, so how should I speak on amendment No. 63 or No. 62? This is outrageous. Why can this Council behave in such a hypocritical manner? Why should I become hypocritical like you? Why should I not make use of the time to condemn people like you and also condemn you? Right?

**CHAIRMAN** (in Cantonese): Mr WONG, you must speak in accordance with the RoP.

**MR WONG YUK-MAN** (in Cantonese): As the saying goes, for a chaste woman to lose her chastity in old age is worse off than an old prostitute who abandons her trade. In this Council, we can see many cases of a chaste woman losing her chastity in old age. But we cannot see any case of an old prostitute abandoning her trade.

**CHAIRMAN** (in Cantonese): Mr WONG, you are not speaking on the relevant clauses and your amendments.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I hope ..... unless there are other Members who speak on this matter, if I want to name these people and if this makes some people unhappy that they rise and speak, then they should do so. I can tell you, it will take three days to start voting from this moment. Members, the voting will take three days or 40 hours. I will continue with my filibustering here and you should be doing the headcounts continuously. I will fight with you till my last breath.

So I think you may as well cancel this part and, as Secretary Raymond TAM did when he spoke for less than one minute earlier. When the Secretary formulates a piece of legislation of such importance and which violates our political rights and deprives us of our right to stand in elections, in his response to Members' amendments, he spent only one minute on it. What a shame!

Obviously, now is time when the Hong Kong communists are ruling Hong Kong and we should not deceive ourselves about this. As members of the opposition, we should be psychologically prepared for that. The most unfortunate ones are the people of Hong Kong and how pathetic it is for those politicians who do not have free will. For us, at least we still have a tiny bit of dignity in us. Chairman, I know that you have been very patient with me. Right? I have spoken for five minutes and 39 seconds.

**CHAIRMAN** (in Cantonese): Mr WONG, I have to remind you again that if you continue to stray from the question, I will have to stop you from speaking.

**MR WONG YUK-MAN** (in Cantonese): I have explained to you that even though I have proposed such a large number of amendments, I can only talk about 10 of them. How can I possibly talk about my opinion on the other 64 amendments in such a short time, that is, compressing all I want to speak within the time limit imposed by you? I can only ..... I cannot talk about my opinion on the other 60 amendments and explain to Members or the public, is much to my regret. Chairman, you should give me some room to talk about my personal feelings.

**CHAIRMAN** (in Cantonese): Mr WONG, you have used a few minutes to talk about your feelings. Please now speak on the clauses and the amendments.

**MR WONG YUK-MAN** (in Cantonese): Chairman, as I have just said, I cannot possibly talk about my opinion and the other amendments in this Chamber during the remaining time because in such an atmosphere like this ..... The Chairman has blatantly and unabashedly, I would not say for now that he is wallowing in the mire with the communists but at least he, a bird of the same feather, is acting in collusion with these people and interferes with the freedom of speech of Members of this Council and those popularly elected Members. I feel most sad .....

**CHAIRMAN** (in Cantonese): Mr WONG, as I have reminded you many times but to no effect, I can only warn you now that if you stray from the question again, I will have to stop you from speaking. It is your choice as to how you wish to use the speaking time in this session. But in any case, you should speak in accordance with the RoP.

**MR WONG YUK-MAN** (in Cantonese): The RoP exists in name only. Chairman, you did not make your ruling in accordance with the RoP earlier, right?

**CHAIRMAN** (in Cantonese): Mr WONG, I have to stop you from speaking because I have reminded you many times but you still stray from the question. Please sit down.

(A hubbub in the public gallery)

**CHAIRMAN** (in Cantonese): Those in the public gallery please keep quiet.

(Security guards had those members of the public causing the hubbub escorted out of the Chamber)

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

**MR ANDREW CHENG** (in Cantonese): Chairman, it is with a heavy heart that I hope you will, by all means, not stop me from speaking. Nevertheless, I wish to explain to you beforehand that I will select the expiry date amended by the Government as mentioned in the third category of amendments proposed by Mr Albert CHAN to express how I feel, as well as my original intent regarding those amendments proposed by Mr Albert CHAN.

The expiry date amended by the Government means that a Bill will be governed by a "sunset clause" after its passage into law. In other words, even though the Bill has been passed, it will still be repealed on its expiry date.

Hence, we have conducted so many hours of debate in the hope that this piece of legislation will disappear. Because of its evilness and the absurdity of this Council, as well as the helplessness and frustration felt by Members as a result of the interpretation of the RoP by the Chairman just now, I have to use the "sunset clause" to express how I feel in the remaining 15 minutes. Hence, I hope the Chairman will not think that I have strayed from the question. I have to do some interpretation and use my last 15 minutes to state my indignation.

There are altogether 43 amendments to the "sunset clause" covering each month during the period between 6 October 2012 and 6 April 2016. I only support the first amendment to provide for the expiry of this clause on 6 October 2012 and oppose all of the other amendments because the later the clause expires, the more unwise. It is my original intent to bring forward the expiry date with a view to repealing this "draconian law" to prevent it from becoming a law of Hong Kong.

Chairman, it has been more than a decade after the reunification since I have been a Legislative Council Member. As I mentioned last time, the extreme frustration I originally felt has intensified at this moment today; the powerlessness I originally felt has become even stronger at this moment today. The Council ought to speak for the people and fight for the right and interest of the vast majority public. Why am I calling this piece of legislation a "draconian law"? Why am I saying that the earlier the expiry date the better? Today, regarding the issues concerning the RoP, the Chairman just convened a meeting described by him as "tougher than the Council meeting" in the meeting room with



various leftist, middle-of-the-road and rightist political parties because of the need to ensure the neutral operation of the RoP by all means. I believe it is very difficult for the Chairman .....

**CHAIRMAN** (in Cantonese): Mr CHENG, you must not make use of the question under discussion to comment on my ruling in your speech.

**MR ANDREW CHENG** (in Cantonese): Chairman, I already pointed out from the outset that I would definitely make use of the question under discussion to give vent to my pent-up feelings. Nonetheless, I will continue to discuss this amendment in respect of the expiry date. Chairman, as our discussion can only last until 12 noon, I would like to make a request. Can I have your indulgence for the next 15 minutes? I will stop after finishing this 15-minute speech. I will ..... continue with this amendment in respect of the expiry date .....

**CHAIRMAN** (in Cantonese): You must speak in accordance with the RoP at all times.

**MR ANDREW CHENG** (in Cantonese): ..... I did not make use of the question under discussion to introduce irrelevance just now because I have explained clearly my wish that the earlier the expiry date the better, or else the RoP will be seen completely destroyed — Members want to resign and be re-elected to this Council by making use of the people's ballots to manifest the absurdity of this Council. This is the reason. In your opinion, I am making use of the question under discussion to introduce irrelevance, but in my opinion, they are related. The right and wrong has been distorted. It has been more than a decade since I felt the ugliness of this Council.

There have been constant complaints from many Members just now that we filibustering Members have "hijacked" them and compelled them in a high-handed manner to listen to speeches delivered by filibustering Members as if putting them in jail. If they were really in jail, they had already been there for more than a decade. During the separate voting, Members directly elected by the majority will be "hijacked" by you Members elected by the minority .....

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

**MR ANDREW CHENG** (in Cantonese): Fine, Chairman, back to the question, I hope to make use of the remaining 10 minutes to talk about the expiry date.

In my opinion, the earlier the expiry date of this "sunset clause" is set, there will be more room for the future Council or the Council of the next term, as well as Members elected on 9 September. If the newly elected Members are filled with indignation and wish to resign in the hope of using voters' ballots to be re-elected to the Legislative Council to tell other Members or the Government that they have done something wrong, this is an essential step.

Hence, in my opinion, other expiry dates, including 6 November 2012, 6 December 2012, 6 April 2016, and so on, ought not to be prescribed. Chairman, I have mentioned repeatedly that this is a "draconian law". In any case, this "sunset clause" falls under the third category of Mr Albert CHAN's amendments.

Chairman, I have never spoken on the sixth category. According to these amendments, if not less than a specified number of Members of any GC or Members of the DC (second) FC resign, the Government's amendments will not apply to them. In fact, Mr Albert CHAN has given much thought to these amendments for he is not referring to one Member or more than 34 Members because, honestly, 35 directly-elected GC Members will become one of the components of the new-term Legislative Council.

In fact, the impact will be very strong should 34 directly-elected GC Members resign *en masse*. But, honestly, Members are sharply divided under the proportional representation system. Various political parties and groupings, as well as 35 directly-elected GC Members, will each have their own supporters. As a result, the 35 seats will definitely be distributed properly among the most radical, the most moderate and the centre. Honestly, I do not entirely approve of these amendments. Since this Council as a whole has already got an undemocratic separate voting system, and this Council has a lot of original sins, the entire Bill should preferably not be passed. Should it be passed, the "sunset clause" in the amendments I mentioned just now, that is, from No. 1123 to No. 1165, should be adopted to render the Bill lapse as early as possible.

Chairman, I have no intention to argue with you repeatedly in this Chamber. As you reminded me earlier, will their risk of cancer be raised should Members be compelled to sit here to listen to speeches they do not entirely enjoy? I will certainly look into this matter if I have the time, but I hope colleagues can spend one minute or two listening to my last concluding remark.

At this stage of the Bill, Members staging either a filibuster or sit-in are convinced that they are doing something for Hong Kong according to their conscience. But, according to my own judgment, this Bill represents a major retrogression in democratization. In particular, it prevents elected Members from standing in elections again through resignation to demonstrate their discontent with the Government's "draconian law".

Chairman, this Bill underlines the disharmony in the pan-democratic camp, and the pro-establishment camp gives me the same impression of disharmony, too. Society is once again divided. I hope the winners will not laugh at us scornfully. On the other hand, I believe the losers and the defeated will not give up easily. Chairman, even though it is not very difficult to accept that we should not give up easily, it is not at all easy to accept it either. Excuse me, Chairman, I am not speaking fluently due to insufficient sleep. I will not take up too much of Members' time. I only have this piece of advice for the Council: If we really hope to genuinely work for the well-being of Hong Kong people, to protect public interest, and to take forward democratization, I hope this Bill, even if passed, can be repealed by a "sunset clause", which will render it lapse. This is my personal wish.

Chairman, although I got agitated on several occasions when delivering my speeches and made you very unhappy, there will invariably be some moments when human beings get angry. I hope Members can demonstrate their real virtues and make a real confession to speak out the truth rather than concealing their conscience to support a law not conducive to the democratization of Hong Kong. Certainly, some Members may think that this Bill should most preferably be passed as early as possible, or else a lot of public money will be wasted. I will not repeat my opinion on this point of view anymore. Nevertheless, the democratization in the future can bear witness to whether or not we are now being cooked like a frog in warm water as we are curbed gradually as a result of the constitutional reform package, the proposal on the future election of the Chief Executive, and this by-election proposal.

Chairman, the pan-democratic camp — I am one of its members — feels sad about this. After putting up with us for tens of hours, I hope colleagues of the pro-establishment camp can treat themselves as witnesses of the progress of democracy in this Council. Filibustering is one of the essential skills in democracy. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, do you wish to speak again?

**MR ALBERT CHAN** (in Cantonese): On hearing your ruling on the speech of Mr WONG Yuk-man in this Chamber, I sneered. In fact, I do not know whether it is a sneer or ridicule. It may be a dreary laugh. I really feel dreary. After listening to Mr Andrew CHENG's speech, I even think that it is most difficult to ask a lackey to fight for his rights.

Chairman, I would like to take this opportunity to thank the staff, the executive committee of the People Power, volunteers and netizens for assisting me to draft these 1 000-odd amendments because I could not have completed the drafting of these 1 000-odd amendments by myself alone. Unlike big political parties, we do not have a research team. These amendments are a kind of collective creation, reflecting the dedication and wisdom of Hong Kong people, especially the younger generation. My wholehearted gratitude goes to them. Apart from these amendments, information for my speeches on each and every amendment is also provided by many volunteers, the executive committee of the People Power, supporters and online friends over the past three weeks. A lot of such information and views are provided by friends overseas. My speeches can be regarded as a creation by people worldwide. Unfortunately, more than 90% of the information provided by them cannot be read out by me in this Chamber for I do not have the opportunity to do so. As I said earlier, originally we had prepared information for speeches lasting for 500 hours on the basis of our time constraints, but finally we were forced to shorten it to 100 hours. What I am talking about is an individual Member's speaking time rather than the time needed by this Council. Our speaking time has been compressed to less than one tenth of the original. I would like to extend my deep gratitude to those friends who have offered assistance and advice to us. Much of the information provided by them is detailed and authoritative. Meanwhile, I have to express deep regret that

relevant information and views cannot be read out on their behalf in this Chamber. This can be regarded as another tragedy.

I believe no amendment or issue could have attracted so much public participation in the history of Hong Kong. A new record has been set in this aspect. In the past, when many controversial Bills were submitted to this Council, members of the public at the most expressed their anger through marches and protests, including protest against the legislation on Article 23. No incident in which the public joined hands and pooled their wisdom to prevent the passage of a draconian law by their concerted efforts has ever happened in our history. But it remains unknown as to whether a similar opportunity will arise in the future because the clutches of political manipulation has firmly grasped this Chamber. This is a terrible and heartrending development as this Chamber should be a venue for us to speak freely, a venue for the people's representatives to voice public opinions on their behalf. But now, it has turned into a tool subject to manipulation.

I have reiterated that this Council is the last bastion of democracy in Hong Kong. But this bastion has been destroyed, ruined and annihilated. It may have even become an arsenal for smothering democracy.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, I feel very sad.

**CHAIRMAN** (in Cantonese): Please make use of your time to make concluding remarks.

**MR ALBERT CHAN** (in Cantonese): Chairman, I am making a concluding speech. I feel very sad for I cannot speak on my amendments anymore. If you disallow me to express even my sadness, you had better expel me from the Chamber, Chairman.

**CHAIRMAN** (in Cantonese): You have expressed this viewpoint earlier.

**MR WONG YUK-MAN** (in Cantonese): No. If they proceed to vote after you have been expelled, will it not be a "sure win" for them?

**MR ALBERT CHAN** (in Cantonese): This is the first time I express my sadness. Chairman, last time I expressed my anger. To Members of the royalist party, there may be no difference between sadness and anger.

Chairman, the resignation of Members due to suffering from various types of cancer is an important part of my amendments. Mr Andrew CHENG briefly discussed these amendments just now. He spoke on these amendments at a pace faster than mine, maybe because he was aware that I would not have the chance to speak again. I found it interesting and felt gratified because he talked about miracles rather than details of these 10-odd types of cancer. This may be the will of God because I have not discussed with him the content of his speech.

To implement democracy in Hong Kong, I think we may have to rely on God because only with the will of God can we contend with the CPC. Perhaps, we have to rely on the power of God in order to deal a death blow to the CPC or local communists in Hong Kong and prevent them from controlling the people. I have not raised this point in my amendments. If I had discussed it with Mr Andrew CHENG so that some religious thought and philosophy could be added to my amendments, the result might be different. When "Yuk-man" dealt with these amendments a few days ago, he said long prayers for several nights and subsequently things went smoothly. We suffer this setback today perhaps due to the fact that "Yuk-man" did not pray last night.

In my amendments, one important proposal is to add a sunset clause. Neither Hong Kong people nor many Members of the democratic camp know how to make use of sunset clauses. In order to fight against a draconian law, we can, apart from voting against it in a routine manner, propose amendments to minimize the damage that may be done it. Certainly, to propose a large number of amendments with the purpose of impeding the passage of the Bill is another tactic. However, given the ruling of Chairman now, there may not be any opportunity to use this tactic again in future.

As for sunset clauses, we can include a sunset clause in a Bill under scrutiny to prescribe the date on which the Bill will expire after being enacted into law. When a piece of legislation has been enacted, the effective date of the legislation will be promulgated by following a mechanism. Given that no legislation will have a retrospective period, the Government has to provide adequate notice before enacting a piece of legislation so that the parties concerned will be able to take full precautions against the impact of the legislation. As a retrospective period is barred ..... not necessarily barred, but this is supposed to be the case, so, the Government will usually specify the commencement date of a piece of legislation according to a mechanism when enacting legislation.

Though in the face of a draconian law, some Members may think that the relevant bill should be supported and implemented due to some reasons. But at the same time, they are worried that the mechanism and arrangement in the Bill may deprive the people of their rights. Under such circumstance, Members may add a sunset clause specifying the exact date on which the law will expire when the Bill is under scrutiny so that the draconian law will expire in due time. An important part of my amendments is to add a sunset clause, in which several dates between 6 October 2012 to 6 April 2016 are provided as choices to Members on which the law will expire.

Why should so many dates be provided? In order to protect the people from being deprived of their rights, the closer the expiry date of the law to its commencement date the better. For example, the first date I propose is 6 October 2012. Under such circumstance, even though the Bill is passed, this law, which will deprive people of their right to elect and be elected, will soon expire on 6 October 2012 if my amendment is also passed.

Of course, the farther away the expiry date, the longer the period in which the people will be deprived of their rights. However, some people have to support this Bill for they have to execute the instruction of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region. They also have to enforce the CPC's order in political manipulation. However, you can ensure that the Bill will in one year, two or three years ..... after three or four years, elections in the territory may be manipulated by the CPC and no candidate of the opposition camp, regardless of who they are, will win in the election. If so, the problem that some Members will participate in a by-election after resignation from office is no longer significant because what concerns the CPC most is that the election results are predictable. If all

elections are just like the functional constituency election which is under the full control of the CPC, the replacement mechanism or the participation in a by-election by Members who have resigned will no longer be an important issue. As the CPC will control all elections and manipulate the election results, will they refrain from resorting to vote rigging, vote buying and assigning triad members to assault journalists? When they have in their possession plenty of resources and unlimited powers, their manipulation tactics will not be limited to offering snake feasts, vegetarian meals and moon cakes as well as organizing sightseeing tours for the people. Moreover, threats and intimidation will breed. Therefore, the addition of a sunset clause can at least minimize the relevant impact, manipulation, or the extent of deprivation of the people's rights.

Unfortunately, I do not have the opportunity to explain the dates one by one because different justifications may be involved for each date. I have been completely deprived of the right to explain the importance of the dates one by one. Many netizens have provided insightful and unique observations on these dates. It is regrettable that I cannot read out these thought-provoking articles in which challenges against the Bill are raised. Although some articles are in fact very brief, yet I do not have the time to sort them out.

Once again I express my regret, sadness and grief for it is a dark day. In fact, the future looks more and more dismal to me. Many netizens and supporters have sent short messages to us through facebook and WhatsApp in order to encourage us and cheer us up. However, on seeing the political development in Hong Kong, this Chamber and the faces of those royalists, I feel very sad. This is the saddest day in my political career. This is also the darkest day in the history of Hong Kong.*(The buzzer sounded)*

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

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I have nothing to add.



**MR WONG YUK-MAN** (in Cantonese): What else to say? He has got nothing to say, has he not? Stand up? What am I going to say?

Today is 17 May, and it is also the Chairman's birthday. On the second anniversary of the "five geographical constituencies referendum", this Council will pass the Bill which would deprive us of the rights to stand for election. Chairman, next, I am going to make use of the time — in a situation like this — to see if there are any grey areas. Please listen patiently as my speech will last for two hours. I have thought it over and I will continue to speak.

Let me discuss Mr Albert CHAN's amendments relating to a by-election held after Members' resignation. The Government seeks to prevent Members who have resigned from standing for re-election. In his amendments, Mr Albert CHAN has given examples on resignation because of illness, being taken into custody or jailed. Before that, he also mentioned the significance of *de facto* referendum and re-election triggered by Members' resignation. In fact, he did not say much in his speech. He mainly cited many examples and was considered by the Chairman as giving too many examples.

In these past few days during the debate in the Committee stage ..... when the Chairman made a ruling to end the debate, he cited some statistics, that the total number of hours spent on the debate was 33; the minimum times of speeches delivered by Mr Albert CHAN, Mr LEUNG Kwok-hung and I was 20 and the maximum was 28. The Chairman also added that the "filibustering has been very successful". Therefore, it was time for him to "call it a day".

Chairman, I love a poem very much and hope that you can spare me some indulgence so that I can read it out. It is a poem written by *Lu You* (陸游) entitled *A Letter of Condolence to Zhang Caishu when passing by Guangan* (《過廣安弔張才叔諫議》): "春風匹馬過孤城，欲弔先賢涕已傾。許國肺肝知激烈，照人眉宇尚崢嶸。中原成敗寧非數，後世忠邪自有評。歎息知人真未易，流芳遺臭盡書生。" (In the spring breeze, I rode a horse alone past an isolated city. Wanting to trace the footsteps of past sages, I shed tears even before I started doing so. This heart of the Xu State once knew strong emotions and his striking brows are still very awe-inspiring. I would rather not survey who won the land of the Middle Kingdom and who was righteous and evil will be judged by posterity. I lament that it is really not easy to know people truly and those who were admired or were infamous in history were all literatus.)

Reviewing history, the holding of a by-election after a resignation by Members of Parliament has been practised in the United Kingdom for more than two decades. Chairman, the earliest was in 1848, and the last occasion was relatively well-known in 2008. In June 2008, David DAVIS, the then Home Secretary of the Conservative Shadow Cabinet in the United Kingdom, resigned to stand for by-election in protest of the Labour Party which relied on its parliamentary majority to hijack the public opinion and pass the sensitive Counter Terrorism Act 2008. Several provisions of the Act were controversial, particularly a section regarding "42-day detention without charge".

When discussing the Act in 2006, two years preceding 2008, 14-day detention was lengthened to 28-day after the "90-day detention" clause was negated. However, in early 2008, the Labour Party Prime Minister, with what he called 72% public support, put forward a "42-day detention" proposal. On 11 June, the House of Commons passed the proposal by 315 to 306. DAVIS resigned on 12 June to stand for by-election, appealing to the public opinion. His election platform was only a very famous line "David DAVIS for Freedom Campaign".

Can you guess how much money was spent on conducting the by-election? It was £80,000. Some considered it a waste of money — the by-election in Hong Kong was more costly — the ruling Labour Party, dismissing it as a farce, did not take part in it. At the end, according to an opinion poll, 57% supported the re-election after resignation, 32% opposed it and 69% considered it cause worthy. The re-election was held on 10 July, in which DAVIS won with 71.6% of the votes. As a result, on 13 October 2008, the House of Lords, in answering the aspirations of the public, deleted the "42-day detention" clause when the bill was under deliberation. The objective of the resignation and re-election was eventually achieved.

We initiated the "five geographical constituencies referendum" in the year before last with a single platform of "fighting for dual universal suffrage in 2012" in hope that this aspiration could be expressed by "one person, one vote". If the pro-establishment camp had stood for election, the public opinion of whether to agree or disagree would be clearly manifested. But they flinched; it was a significant issue ..... of course, apart from them, the Democratic Party also did the same.

This was an example in 2008 in the United Kingdom. Earlier in the 19th Century Britain ..... Some people in this Chamber have been emphasizing that we have the common law and British parliamentary traditions. But at this particular moment, on 17 May 2012, these traditions are scrapped by Mr Jasper TSANG of the DAB. I wish I could resign for a re-election, but this Bill will certainly be passed by this Council. After my resignation, I will not be able to run in an election again.

It will be impossible for me to repeal this draconian law by participating in a by-election after resignation even if I run in the Legislative Council Election in September this year and win a seat. As a Member of the minority camp, Mr Albert CHAN kept saying that he felt sad. We do not feel sad indeed. However, it is lamentable that there is no room for self-redress in the laws and institutions of Hong Kong. We said that we have to fight for democracy. Democratic politics should be implemented in a gradual and orderly manner and dual universal suffrage will be implemented in Hong Kong one day. However, the tradition which can barely uphold the parliamentary dignity is subject to majority tyranny, not only the majority tyranny of this Council, Chairman, a pair of visible hands outside this Council — the interference by the CPC ..... in the past, many political figures opined that we could uphold such parliamentary dignity and tradition even in the absence of a truly universal suffrage, thereby enabling divergent views in this Council to agitate each other. Unfortunately, this pair of visible hands, in addition to the so-called democrats who would act in a passive manner and flinch on occasions, as well as the majority of Members of the pro-establishment camp who have resorted to majority tyranny which is their innate character .....

Certainly, the powers possessed by a person must be subject to limits. When a person or an institution is given a task, he will also be given power for performing the duty. However, this power must be subject to certain limits. Chairman, you are elected by us as the speaker in this Chamber to enforce the RoP in order to maintain the order of this Council and make decisions on the motions proposed by Members by your wisdom. You can enter this Council because you are also elected by the people. But today is your birthday and you are turning 65. I would not say that you truly believe your judgment is not based on any political considerations. Your judgment makes my opinion on a person whom I highly respected in the past ..... I have never regarded you as my opponent though someone mentions "my respectable opponent". As you are the

speaker of this Council, my respect or esteem to you is based on the fact that I have known you for almost 20 years, or more than 20 years .....

**CHAIRMAN** (in Cantonese): Mr WONG, if I do not stop you, Mr CHIM Pui-chung will say that I will not stop Members from speaking when they are flattering me. Regardless of whether you are scolding me or delivering a passionate speech, I have to point out that you have strayed from the question. Please speak on the relevant amendments.

**MR WONG YUK-MAN** (in Cantonese): "I lament that it is really not easy to know people truly and those who were admired or were infamous in history were all literatus." Standing for by-election after resignation has been practised for 250 years. Just now, Mr Albert CHAN talked about the so-called prayers. I am a Christian and we often pray. I will pray before attending meetings here or before bedtime. Speaking of the so-called Christianity, I remember an incident. On 29 August 1848, leaders of various sectors in the City of London, on behalf of Lionel de ROTHSCHILD, met with the Prime Minister in his residence at 10 Downing Street. The reason is most simple: In 1847, ROTHSCHILD ran in an election in the City of London constituency on behalf of the Liberal Party and was elected to the British House of Commons. Though he was the richest man in the United Kingdom, he was a Jew. Moreover, when a Member of Parliament took his seat, he had to swear on the Old Testament of the *Bible* with the words "upon the true faith of a Christian". So, he was unable to swear in. The Prime Minister, Lord John RUSSELL, who was the leader of the Liberal Party and also famous for being an enlightened person, proposed an exemption bill to resolve this deadlock. Although the bill was passed in the House of Commons, it was defeated in the prejudiced House of Lords which sought to protect their privileges. The purpose of the meeting was to discuss their counter-measures. It was recorded in the minutes of meeting that ..... due to the time constraint, I have cited this example to illustrate that an oath can be taken without reference to the *Bible*. This had been a tradition which was overturned by his resignation and standing in a re-election.

In fact, concerning the examples of exemption cited by Mr Albert CHAN in respect of Members' participation in a by-election after resignation, I have prepared a lot of information for me to go into the details. They had discussed

at length before I spoke. But what I am going to say is totally different from theirs. I will not allow the Chairman to stop me on the ground that I am talking about principles rather than details. I will discuss the details as well. Chairman, we have spent a lot of time and some people consider this a farce, nonsensical and frivolous. However, we have got a lot of enlightenment in the process of collecting information (*The buzzer sounded*) ..... one of which is that .....

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

**MR WONG YUK-MAN** (in Cantonese): ..... you have even refused to give us an opportunity to protect the minority, an opportunity which allows us to substitute a fallacy with the truth.

**MS CYD HO** (in Cantonese): Chairman, this is my last speech in the debate on the resumption of Second Reading. Just now, life and death, and the beginning and the end, were discussed and now, I will comment on Nos. 1183 to 1199 of the amendments proposed by Mr Albert CHAN.

However, Chairman, I am not going to talk about each type of terminal cancer. Here, I wish to talk about how a political figure should face life and death in a political setting. I do not agree with this amendment because I do not approve of Members poking fun at their own life and death and health, and using them as political chips of bargaining to influence the affairs of this Council, so as to secure the exemption to run in elections again after resignation. Life is solemn and so is death. In places with civilized behaviour and culture, people know how to respect life, respect death, value the beginning of life and would not end lives for no good reason. In places with culture, everything has a beginning and an end. However, war is very absurd and devoid of dignity and respect. In times of war, society is only a sullied and beastly killing field. Unfortunately, our legislature has also turned into a killing field.

Chairman, you adjusted the meeting time and decided to hold an overnight meeting. For this reason, Members on both sides need even greater stamina to pull through all this. Several hours ago, the Chairman invoked the power under

Rule 92 of the RoP to close the debate and a rather gory description of this in English is "a Guillotine-style closure". The legislature should be a place for civilized behaviour and there is no need to resort to the violence of the majority all the time or use fists to resolve issues. If debates are not to be conducted, the legislature will become unnecessary. However, now, this form of close-quarter combat by holding a meeting overnight makes it necessary for all Members to endure the torture of Guantanamo-style mental bombardment. In fact, this has deviated greatly from civilized behaviour and the parliamentary culture is being destroyed gradually. This is another kind of torture.

What kind of people know best how to destroy culture? Of course, people who know nothing about culture would destroy it, but people who do not really know about culture but think that they do would also sometimes destroy culture unwittingly. However, the greatest destructive power actually comes from people who have a deep understanding of culture and have the power to control it. They are the most capable of destroying established rules and institutions. Similarly, the RoP of the legislature is most vulnerable to destruction by people well-versed in these rules. They are the most capable of exploiting the loopholes to destroy the system and the rules of the legislature and know best how to do so.

When the legislature has become a killing field, life and death defies logic. In that event, why rejoice over being alive and why grieve over death? Why do we have to care about whether or not Members who stop working because of terminal cancer are exempted or not? In fact, from the first day that life begins, each person is moving gradually towards death. Each day, when we devote all our effort to doing our best in each matter within our duty, devoting all our mental and physical efforts to matters related to our families, country and the world, all of us are burning part of our lives and moving slowly towards death. However, so long as the efforts made by you are meaningful and you have done what you consider necessary, even if you are moving towards death, this is still dignified. In contrast, even if one leads a secure and affluent life devoid of purpose, one is just like a living organism that is being reared. Given such a state of life, what joy is there in life? Therefore, Mr Albert CHAN does not have to worry about other Members and propose this amendment. If a Member falls ill and uses his own health as a bargaining chip to influence the affairs of the Council, even if the illness is subsequently confirmed to be a misdiagnosis or he runs in an election after recovery, I am afraid no one would vote for him again.

In fact, the most deadly and incurable illness with the highest death rate is the "concerning-oneself-with-the-country-and-its-people disease". With education comes the awareness of problems. When people become concerned about society and their country, this kind of heavy-heartedness is like a piece of lead weighing inside them and their hearts feel heavier and heavier. This is the price of caring about their country and it is also a deadly and incurable illness. Now, sheer might is prevailing in Hong Kong, so even speeches that comply with the RoP are banned and even normal channels of expression are blocked, in view of this, may I ask how friends concerned about Hong Kong can help not feeling depressed? That piece of lead weighing on the heart and the heavy-heartedness are the most deadly and incurable disease.

Although there is a time to be born and a time to die, taking office or being a recluse is up to me. In this absurd and illogical time, we should face death in all honesty. And we should neither shy away nor cover up when we have to sacrifice part of our lives. In fact, the more we cover up, the more scared we would be. Therefore, on issues that we normally do not want to face or consider taboo, in fact, we should not be afraid of expressing them, translating them into action or revealing them to the public, so that everyone knows how you make good use of each day of your life. Setting such an example can actually dispel the fear among the public. There is this book called *Tuesday with Morrie* which recounts how a person whose life was coming to an end met his students every Tuesday to recount his past experience and teach his students by word and by deed his wisdom of life and his open-minded and optimistic transcendence over life and death.

Each day, Members are burning part of their life and in fact, they can also face life optimistically. Members should strive to perform their duties in the Council well and although such tormenting work may kill our health and even change our body shape, Members can still abide by their noble virtues and show the public how political figures dedicate themselves mentally and physically to going through every leg of their lives and making full use of each day in the legislature.

A novel written by Tolstoy, *Three Deaths*, tells how the first character, a girl in a poor family, died painfully in a gloomy and poor family because of the lack of money to seek medical treatment; how the second character, a woman in a well-to-do family, died. Death makes no class distinction and everyone is equal

before death, so she also had to bear the pain of having to leave behind her worldly bonds. The third story of death is the most dignified one. It tells how a hundred-year old tree toppled in the majestic style of a king. Before this tree fell down, it had borne countless flowers and fruit and served its purpose of propagating life.

Similarly, Members of the legislature, in burning their lives, defend our core values. If they can attain their goal, they will be like the flower petals that melt into spring earth to protect the blossoms in turn. In that event, what does it matter if they fall down? Therefore, there is no need for Mr Albert CHAN to feel worried about other people. These amendments are really unnecessary for Members who are dedicated to their work and making contribution without selfish calculations.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, in my concluding speech I have to explain clearly to the people of Hong Kong the whole process and my original intent of proposing these amendments. I also wish to examine the result of the developments.

The reason why this Bill is proposed by the Government is the "five geographical constituencies referendum". The aim of conducting this "five geographical constituencies referendum" is to enable the people of Hong Kong to make a decision on the constitutional development of Hong Kong by giving their mandate. If Members still recall it, about two years ago, we had to make an important decision regarding the constitutional development of Hong Kong and an obvious issue under dispute was the abolition or otherwise of functional constituencies. At that time five Members resigned from office and the issues raised were the abolition of functional constituencies in 2012 and implementation of universal suffrage including elections of all Members of the Legislative Council and the Chief Executive. However, with the control exercised by the royalists and the Hong Kong communists, there were attempts to suppress and smear by the media and when added to this the defection of some people from the democratic camp, the situation was like we were being stabbed on the back. As



a result, the five geographical constituencies referendum on the issue of universal suffrage in 2012 resulted in a lack of contention in the election.

This "five geographical constituencies referendum" is an important link, because the aspiration is to return the power to the people so that they can decide on their political future. This is something feared most by and unacceptable to any communist regime or dictatorship. It is because once the people have the power to make decisions, the influence of the privileged class will disappear. When the influence of the privileged class in exerting control on politics is reduced, their interest obtainable from policy formulation and other financial gains are bound to be affected. If the people are given the chance to vote now, they will certainly oppose the listing of The Link REIT. If they have the chance to make decisions, they will never want to suspend the production of Home Ownership Scheme flats by means of the so-called "SUN's nine strokes". If all the people have the chance to make decisions, there will be no chance for the merger of the two railway corporations and the two power companies will not be able to do whatever they want.

Therefore, the direction for political development is to return power to the people. For those groups of vested interest, especially the privileged class in control of the political framework, they will certainly put up a strong resistance. I want all the people of Hong Kong to know clearly that these groups of vested interest now control the media, including TV stations and quite a number of newspapers. These TV licences are held by some of the richest people in Hong Kong. And those tycoons who treated the Chief Executive to jaunts control many newspapers. So if we were to challenge the political set-up under the control of the rich and powerful, we would certainly be suppressed. In the past few years, Mr WONG Yuk-man and I have been smeared and suppressed constantly.

However, we still believe firmly and we want the people of Hong Kong to know that the people should have the power to make decisions. We therefore oppose strongly this Bill formulated by the Government after the "five geographical constituencies referendum". It is because the Bill deprives the people of their right to stand in elections, the right to be elected and the right to make nominations. We must firmly oppose this Bill. In the march held on

1 July last year, not only did we take part but we also stayed with the protesters until very late into the night. Through our taking part in the march .....

(Mr WONG Yuk-man raised his hand in indication)

**MR WONG YUK-MAN** (in Cantonese): A quorum is lacking. Please ask them to come in and hear the speech.

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

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

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

**MR ALBERT CHAN** (in Cantonese): Chairman, I was talking about the 1 July march last year. It was because we insisted on voicing our discontent with the replacement mechanism proposal and that it was not acceptable to us, and because it deprived the people of their rights to stand for elections and be elected, so the People Power and the thousands of protesters stayed on until the last moment. We insisted on marching to Government House to show our anger and discontent with the Chief Executive direct. But we were obstructed by the police for no justifiable reason. The police had never closed the Queen's Road Central to block people in processions. According to the approval given, the road was still part of the route of the procession. When I marched together with the crowd, I was sprayed in the eyes with pepper spray by the police at point-blank range and beaten up until I fell onto the ground. The bruises in my chest were clearly visible, as also shown in the photos. But we did not back off. We were then arrested and prosecuted. Mr WONG Yuk-man and I both had

three charges and we will appear in Court next month for the hearing. We have not backed off and we will hold on, the reason is .....

(Mr CHAN Kam-lam raised his hand in indication)

**CHAIRMAN** (in Cantonese): Mr CHAN Kam-lam, what is your point?

**MR CHAN KAM-LAM** (in Cantonese): Chairman, point of order. His speech has deviated from the amendments.

**CHAIRMAN** (in Cantonese): I permit the Member proposing the amendments to make a concluding speech. Mr Albert CHAN has been only trying to explain the reasons why he proposes these amendments. Moreover, since we have fixed the time for this debate to come to a close and as we are having the concluding debate for this session, we should allow Members to express their opinions on the amendments in their entirety. So, Mr Albert CHAN, you may continue.

**MR ALBERT CHAN** (in Cantonese): Chairman, why do we persevere? Because we have not abandoned the dream of fighting for democracy. Chairman, we have the conviction that with the support of the people, one day, Hong Kong will attain the goal of democracy.

Chairman, if Members can still recall, from the signing of the Sino-British Joint Declaration to the promulgation of the Basic Law, for more than a decade, be it the British Government or the Government in Beijing — including DENG Xiaoping — all had kept pledging that Hong Kong people would attain the goal of universal and democratic elections in a gradual and orderly manner.

**CHAIRMAN** (in Cantonese): Mr CHAN, please focus your speech on your amendments as quickly as possible.

**MR ALBERT CHAN** (in Cantonese): Chairman, this is relevant to the amendments. Since my amendments are intended to defend the public's political rights, after prosecution had been instituted against us on 1 July last year, at that time, I already gave an advance notice — if the Chairman remembers this — I already gave an advance notice that I would propose over 1 000 amendments. After the Government had introduced the original Bill on the replacement mechanism, I submitted some 700 amendments. I had already done so at that time. Subsequently, after the 1 July rally, in view of the public outcry and the four statements issued by the Bar Association, the Government made drastic changes and tabled the present Legislative Council (Amendment) Bill 2012. Therefore, this is relevant to the series of issues raised by me just now, and this is also a summary of my amendments as I wish to take this opportunity to give the public an account and explanation. Perhaps what I am saying now is the "Swan Song" in which I give a last description of the Bill.

On the last occasion, when the Government announced the Bill on the replacement mechanism, I already made it clear that I would propose over 1 000 amendments. When the Government withdrew the previous Bill on the replacement proposal and replaced it with the present Bill, I also said that I would propose amendments. Therefore, eventually, I proposed 1 300 amendments with the aim of defending the rights of the public. However, ironically, Chairman, if you look at the historical development described by me just now, the aim of the *de facto* referendum of the five geographical constituencies is to return the political power to the people and campaign for the rights of the public. However, the outcome is that the Government seeks to further restrict the political rights of the public and deprive them of their political rights by way of legislation. Therefore, if the public look at the developments now, from the Sino-British Joint Declaration, through the promulgation of the Basic Law, to the return of sovereignty, we had been continually promised democracy and a better tomorrow but in reality, we are being continually deprived of our political rights, and our freedoms including our freedom of speech are shrinking continually. Even more ironically, my original intention or aim in proposing the amendments is to protect the political rights of the public, but it is really ironical that what I got in return is a new ruling of the Chairman that deprives Members of the right to speak.

Therefore, you can see two actions, one being the *de facto* referendum of the five geographical constituencies, and the other being resigning and running in

the by-election. My personal losses amount to as much as several million dollars, including the loss of income and other expenses incurred. I was even subjected to smearing, oppression and betrayal. What the public got in return is this Legislative Council (Amendment) Bill 2012 that strips the public of their political rights. In order to defend the public and defend the political rights of the public from being exploited, we have proposed more than 1 000 amendments but what we have got in return is the further tightening of the RoP. This is obviously a matter of the entire political climate, that is, more than a decade after the reunification, under the baton of the CPC and after the gradual consolidation of the power structure of "Hong Kong communists", retrogression has occurred, so this is unacceptable and has obviously violated a number of pledges made some time ago.

I call on the Hong Kong public to revisit this piece of history, look at the past developments and ask themselves how they want Hong Kong to become. Some time ago, there was this line in a television drama, that "Hong Kong is dying". Now, one may have to say "Hong Kong is dead" — this is particularly so with the passage of this Bill, with the tightening of the RoP and with the deprivation of the freedom of speech today. If the people of Hong Kong still accept and put up with this quietly, and still hold their past attitude in dealing with such matters — they have always been like this — this is so with regard to The Link REIT, the fare increases of the MTR, the hefty tariff hikes made by the two power companies; they are accustomed to all these. Do the Hong Kong public actually think that this society ..... what kind of society and what kind of Government do you want? Do they still find the continual deprivations, the continual tightening, the continual lying and the continual deceptions acceptable? Where are Hong Kong people heading to? What kind of life do they want to lead and what kind of Government do they want?

Therefore, I hope that through the debate today and by dint of the hideous faces in the Chamber today, the hideous side of this system can be fully exposed, so that Hong Kong people can have the opportunity to look at the reality clearly. If you remain in your slumber and comatose state, your rights will only be eroded and exploited continually, and your life would only get even more miserable. It is not just about yourselves, you also have to think about your next generation. I will turn 60 soon and Yuk-man is 60 years old this year. We are not doing this for ourselves.

**CHAIRMAN** (in Cantonese): Is Mr WONG Yuk-man present?

**MR PAUL TSE** (in Cantonese): Chairman, I will be as concise as possible because I do not wish to take up other Members' speaking time. I wish to explain my voting intention with regard to the amendments, for the record.

Chairman, I have divided these 1 300 or so amendments into seven groups. The first group consists of amendments to the wording. In my speech earlier on, I used Mr WONG Yuk-man's name and certain colours in making an analogy but I have no intention whatsoever of offending anyone. If Mr WONG Yuk-man feels offended, I tender my apology here. I only wanted to explain that sometimes, the amendments to wording are inconsequential.

On this group of amendments, in theory, I would agree with several items therein, for example, Nos. 6 and 7 of the amendments which seek to delete the word "之" and "起" respectively because in terms of the flow of the text, the Chinese version would read better after amendment.

However, we also have to consider several other factors. First, would it not have been better to propose these amendments in the discussions of the Bills Committee and for the Government's consideration? If the Government insistently refuses to make amendments, unless the amendments are really material, there is no need to propose too many amendments to the wording at the Committee stage. I believe this should be the appropriate course of action.

Second, many of the amendments therein are repetitive and, just as Mr WONG Yuk-man said, obviously proposed for the sake of filibustering. I do not support this kind of amendments.

Chairman, the second group of amendments consists of Nos. 1 to 627 of the amendments proposed by Mr Albert CHAN. Some Honourable colleagues voiced the criticism that if the cost is reimbursed and Members can then be exempted from the restrictions and take part in the by-election, it seems this is at odds with the correct principle. However, what I would take into consideration is what kind of mischief the introduction of this Bill targets at. Apart from the waste of public funds, there are two other problems that need to be addressed. First, the Government points out that between a Member's resignation and the

by-election, the constituents will be deprived of the service of the Member as their representative. Second, such moves of "playing games", including conspiring to "play games" and frequently and continually "playing games", may cause the public to lose confidence in or respect for the electoral process and system, so this problem would lead to intangible losses that cannot be measured in monetary terms. Since the losses incurred by such resignation and by-election do not just involve money but also two other kinds of losses, I am afraid I cannot support this group of amendments because it is necessary to put in place appropriate restrictions, that one cannot be exempted merely on account of having reimbursed the cost.

Chairman, I wish to state my position clearly first. At the stage of Second Reading debate earlier on, I have made clear my voting intention a number of times. In principle, I do not support this Bill, nor do I support doing anything at such a time and in such an environment to curtail the freedom that the public believe they enjoy. In terms of the legal grounds — please allow me to spend 10 seconds to explain this a little — although I accept that the Government attaches great importance to the legal advice of Lord Pannick, QC, who agreed that this Bill is constitutional and legal, from a political perspective, given the present political environment, it is not appropriate to propose this Bill.

Chairman, allow me to continue to talk about the third group of amendments, that is, Nos. 628 to 1122. I do not support this group of amendments, mainly for two reasons: First, even if such cases of injustice really happen overseas, in theory, so long as the wrongly accused Member does not resign on his own initiative, he would not be disqualified from office as a Member. Therefore, such unreasonable or illegal imprisonment would have no effect on the seat of the Member concerned.

Second, Article 79 of the Basic Law stipulates the circumstances in which the President shall declare that a Member of the Council is no longer qualified for the office and paragraph (6) stipulates that "When he or she is convicted and sentenced to imprisonment for one month or more for a criminal offence committed within or outside the Region and is relieved of his or her duties by a motion passed by two-thirds of the members of the Legislative Council present". However, even though Mr LEUNG Kwok-hung was sentenced to more than one month of imprisonment, he was not disqualified from the office of a Member. Therefore, this provision already provides protection to Members and even if they

unfortunately encounter unjust imprisonment, so long as they do not resign on their own initiative, I believe a motion moved according to Article 79(6) of the Basic Law would have difficulty in gaining passage and the Member concerned would not be disqualified from office either.

Therefore, I think we do not have to delve into the situation in each country, no matter if a country is a totalitarian one or one with an underdeveloped judicial system, including the Philippines, which I have talked about, even though I do not believe that the judicial system there is just. In my view, this group of amendments is unnecessary. In fact, often, cases of unjust accusation happen not because of the problems with the system, but problems in implementation.

Chairman, the fourth group of amendments consists of Nos. 1123 to 1165 and relates to a sunset clause. If a sunset clause is prescribed, so that checks and balances can be imposed on this Bill, which I do not support in the first place, even though we do not succeed in opposing the passage of the Bill, at least, a review can be conducted after the provisions have been implemented for some time and when necessary, the provisions can be repealed according by virtue of the sunset clause. In theory, these amendments can be considered.

However, when I examined these amendments, I found the expiry dates stipulated in the sunset clause rather strange. Perhaps due to the time constraint, the Honourable colleague concerned did not have the opportunity to explain why those dates were selected. In particular, I do not understand why the last date is set at 6 April 2016 but not later, for example, at July or August 2016, when the term of the Legislative Council is about to expire. It would be more appropriate to do so because Members can monitor the implementation of the Bill throughout their term and conduct a review at the end of their term. If such a proposal can be found in the amendments, I would consider giving them my support. The amendments will be effective from now to 6 April, so I think they can get us nowhere, they are in the middle of nowhere and do not make sense. In addition, since each amendment has a different expiry date, I think this smacks too much of filibuster, so I also have reservation about these amendments.

Chairman, Nos. 1166 to 1182 of the amendments simply shorten the original period of six months in a subjective manner by reducing it progressively from 170 days to 10 days at the minimum. However, if the punishment is only to prohibit the Member concerned from running in an election within 10 days, is



this not a petty penalty? Again, this involves what the real mischief is about. I do not quite understand the intent of the amendments. In addition, these amendments also smack strongly of filibuster, so I also have reservation about them.

Chairman, Nos. 1183 to 1199 mainly relate to instances of Members suffering from various types of cancer. Similarly, I do not support this group of amendments, mainly because the provisions of the Bill stipulate clearly that only instances of Members resigning from office on their own initiative are regulated. If a Member unfortunately falls ill, even if the illness is the most serious type of cancer or terminal cancer, so long as he does not choose to resign, in theory, he would not be disqualified from office as a Member.

In addition, according to Article 79(1) of the Basic Law, although the President of the Legislative Council has the power to declare that a Member of the Council is no longer qualified for office if a Member "loses the ability to discharge his or her duties as a result of serious illness or other reasons", as I pointed out just now, and Honourable colleagues have also encountered such instances in the past, for example, Ms LI Fung-ying was incapable of discharging her duties for a long period of time as a result of unfortunately sustaining a fall that injured her hip bone, I believe the President would not disqualify a Member from office lightly on account of this, so Members are already protected.

Therefore, unless a Member resigns on his own initiative, he does not even have to make public the fact that he is suffering from cancer. Even if a Member wants to be open and honest by letting the public know about his illness, as in the case of Ms Audrey EU, who made public the fact that she has a benign cyst, this is a personal choice. Most importantly, the Member concerned did not choose to resign, therefore, so long as he does not choose to resign, he is not affected by the Bill at all. Therefore, I do not consider it necessary to provide for exemptions relating to various types of cancer suffered by a Member. Setting out 16 types of cancer is nothing but filibuster. I do not support these amendments.

Chairman, the last group of amendments consists of Nos. 1200 to 1232. They simply rewrite the scenario in which one Member resigns into scenarios in which various numbers of Members resign from office as Members on the same day, and only the number of Members who resign is changed. I do not quite

understand the intention. In addition, these amendments also smack strongly of filibuster, so I have reservation about them.

Chairman, the foregoing is basically my stance towards the amendments. Thank you, Chairman.

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

**MR ALBERT CHAN** (in Cantonese): Chairman, this should be the last time that I speak. Chairman, I do not wish to get entangled in this any further.

First, some netizens want to tell the Chairman that this debate has lasted 33 hours and with 1 300 amendments being proposed, it means that an average of 40 seconds are spent on each amendment. This is the time that this Council has spent on these 1 000-odd amendments, and this figure has revealed the absurdity of the ruling.

Second, Chairman, some supporters of the People Power have weaved long strips of cloth using many fabrics based on the developments of filibustering. The fabrics are in different colours and different patterns, and some are very interesting. If Members know about weaving — Many Members here are in the textile industry and for myself, my hometown is Shunde and I know something about silk weaving. Of course, many fabrics are hand-woven, and it takes a lot of efforts, attention and skills to weave each piece of fabric. These fabrics in a wide variety of colours are sewn together. Some are sewn by hand and some by using a sewing machine. A great deal of efforts and attention are required to do it.

Some people said that society is, in fact, social fabric, which means that society is made up of people with different values, different religions and different backgrounds, and from different classes and different occupations. These fabrics have great symbolic significance. This is why the supporters of filibustering have sewn together fabrics of different patterns and different materials, in the hope that this filibustering will be a success. However, the DAB has cut this piece cloth with a pair of scissors, and the Chairman's ruling is tantamount to burning the cloth. These are efforts painstakingly made by

members of the public, and these are also their wishes. With a ruling having been made now, this filibustering is going to vanish into thin air in this Chamber.

Lastly, Chairman, I would like to conclude my speech with a German poem, and I also wish to make a final appeal. This poem should have been cited by Mr Martin LEE in the Legislative Council more than once. This is a poem (confession verses) written by a famous German theologian and religious philosopher, Martin NIEMÖLLER. He regretted his past neglect of political arrests and political suppression and he, therefore, wrote this poem to make an appeal to people who did not care about politics. I will first read out the English version and then the Chinese version. I intended to read out the German version at first, but as I am not in good shape today, I will not read it out in German in order not to show disrespect to this poem by mispronouncing the words:

"When the Nazis came for the communists,  
I remained silent;  
I was not a communist.

When they locked up the social democrats,  
I remained silent;  
I was not a social democrat.

When they came for the trade unionists,  
I did not speak out;  
I was not a trade unionist.

When they came for the Jews,  
I remained silent;  
I was not a Jew.

When they came for me,  
there was no one left to speak out."

Chairman, we launched the "five geographical constituencies referendum" and proposed these amendments in order to speak up for Hong Kong people. I have this question for Hong Kong people. Why you do not come forth to speak up for yourselves? If you continue to not to come forth to speak up for

yourselves, you would not have a chance to speak when you want to do so in future.

**MR WONG YUK-MAN** (in Cantonese): Chairman, who are represented by political representatives? People with some knowledge of the theory of democratic politics are very familiar with the ideas of "social contract" and "general will" by ROUSSEAU, the pioneer in theories of democracy. However, two other ideas of ROUSSEAU have all along been neglected. First, in his view, a representative system is only a political ideology between autocracy and democracy. Sovereignty is inalienable, and the will cannot be represented. Thus, there should not be any representative systems. According to ROUSSEAU, legislation should be approved and scrutinized by the people themselves. Otherwise, the legislation should be deemed null and void. Second, in his view, political parties were completely unnecessary in democratic politics. To its members, political party represented a "general will", but to the country, it represented an "individual will". He said, "Once there are political parties, the situation of having the equal number of people and voters will no longer exist. Instead, the number of political parties will equate with the number of voters." ROUSSEAU was an advocate of politics by all the people and direct democracy and was long open to much debate and misunderstanding. Apparently, he opposed the representative system and party politics. Nevertheless, parliamentary assemblies and political parties, which were not favoured by ROUSSEAU, form the backbone of Western democracy as well as democracy, as it is understood by ordinary people today, and are embraced by the political ideals dreamed of by many "developing countries", including China.

Today, this legislature of ours is even worse than the representative system not favoured by ROUSSEAU. His ideas of parliamentary assemblies and political parties were not only neglected but also tampered with. The French Revolution was triggered under the influence of ROUSSEAU. The main content of the Declaration of the Rights of Man and of the Citizen (1789) was actually repeating the teachings of ROUSSEAU. In mentioning that "law is the expression of the general will", Article VI of the Declaration explained, "Every citizen has a right to participate personally, or through his representative, in its foundation." While "through his representative" was the main theme, "participation of citizens in the foundation of law" were just empty words without any effect. It made sense for ROUSSEAU's theory of "direct democracy" to be put on hold in 1789 when carriages were the speediest mode of land transport.

But, with the advent of the Internet era in the 21st century, we should not remain indifferent to such an excellent idea of ROUSSEAU because, in this age, people can express their opinion direct through the Internet world where there is free flow of information.

I quoted the views of ROUSSEAU on political parties and parliamentary assemblies simply to illustrate that democratic politics with political parties and parliamentary assemblies as its backbone is not only outdated, but also defective. Many western democratic countries are studying ways to provide relief to such a dire situation caused by the representative system. But, unfortunately, people still argue about the number of directly elected Members in the legislature in Hong Kong or even raise their argument to the ideological level. The pan-democratic camp in Hong Kong has failed to make any commitment to this sort of indirect democracy, not to mention the direct democracy espoused by the five geographical constituencies referendum proposed by us. In fact, after my first year as a Member of the Legislative Council, I wrote a book entitled 毓民議壇搞事錄 (Record of Yuk Man's trouble-making acts in the Council). I am now prepared to write a sequel to this book, and all the articles are almost ready. Nevertheless, after this so-called "filibuster war" triggered by the referendum, I have to make quite substantial changes to my entire book. So, it might not be ready for publication in July this year.

In the course of development of western democratic politics, there have always been two different theories of the nature of parliamentary assemblies and mission of their members, namely "theory of delegation" and "theory of trusteeship", also known as "theory of personal judgment". According to the "theory of delegation", a parliamentary assembly is purely a public opinion organ, and a member should have the duty of conveying or relaying public opinion. As an appointed member should represent the views and interest of his constituents, the latter can order the former as his master. According to the "theory of trusteeship", however, a parliamentary assembly has its own power, and a member should serve his state and constituents with his own wisdom and abilities. Given that he is trusted by his constituents to take full responsibility of the state affairs, his constituents should not impose any restraint on or make any interference in his independent actions and views. Having said that, the "theory of delegation" and "theory of trusteeship" are only different in theory, but not so distinctively unique in practice.

A pet line of some Members in this Council, such as Dr Priscilla LEUNG, is that their constituents told them during their district visits that they hated Mr WONG Yuk-man very much. Despite her constituents' delegation and trust, Dr Priscilla LEUNG has launched an attack on her political rivals in their name. It is very easy for me to make a comparison in terms of number, for she got only 19 000 votes, whereas I had more than 37 000 votes. Hence, it is inadvisable for her to compete with me in terms of the number of votes. In the future, the situation will be even worse. Some Members might secure 200 000 votes to be elected to this Council, and then they might say, "I have 200 000 votes but you, WONG Yuk-man, have only 30 000-odd votes. You must not compete with me in terms of the number of votes." Ms Starry LEE or Mr LAU Kong-wah might be among these Members, right? This is like a race based on the number of votes. Nevertheless, we should also look at the nature and representativeness of the elections, right?

In fact, the United States is closer to the "theory of delegation" than Britain, for the latter is definitely a follower of the "theory of trusteeship" because both its executive and legislature are controlled by the same political party. According to the latter theory, a political party is elected by its constituents to form a government, and being the majority party in the parliament, it will form the Government, right? Instead of listening to orders, it has full say over everything. The situation is different in the United States since dual-track elections are practised there. Certainly, Western democratic countries may differ in their approach because of varying national circumstances. Nevertheless, most countries cannot clearly show which side they are closer to. During elections, candidates will definitely say that they will relay and represent public opinion for the sake of lobbying for votes, but their constituents will be abandoned immediately after they are elected. In other words, both the "theory of delegation" and "theory of trusteeship" are just a means, not an ends. There is a famous saying by ROUSSEAU, that the conclusion of an election marks the beginning of tyranny.

A comment made by a famous British conservative political commentator, Edmund BURKE, warrants serious consideration by people studying parliamentary politics. In 1774, BURKE said, "But his (referring to a representative) unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you (referring to constituents), to any man, or to any set of men living ..... Your representative owes you, not his

industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." This is a classical view of the "theory of trusteeship".

Unfortunately, Western democracy has been following the path pointed by Edmund BURKE. One of the presumptions of the "theory of trusteeship" is that constituents are innocent but their representatives are superior, and once an election is concluded, dictatorship begins. The view of BURKE that a representative should not sacrifice his own judgment to the will of his constituents is in theory untenable but in practice effective. This Council of ours is a handicapped representative system. Not only is it more indirect than indirect democracy, but it is more radical in following BURKE's path than any of the indirectly democratic representative systems in the Western world.

Insofar as parliamentary politics is concerned, from the perspective of the "theory of trusteeship", even if a representative is sincere in representing the opinions of his constituents, it is actually impossible for him to do so. I have recently used this slogan on my billboard advertisement: "They represent the powerful and the rich; we represent the people". It is indeed very difficult to represent the opinions of our constituents even though we sincerely wish to do so.

Some people criticize us for using the constituents and people to back up our position on every occasion. Sometimes, the views of constituents might differ. Like running water, public opinions are not constant. Today, the people may support "filibustering", but tomorrow they may oppose the idea. If the public opinion outside the Legislative Council Complex yesterday is used for comparison, it will be to our advantage because people opposing filibustering were in the minority. Moreover, they came here to make a scene just because they had been paid \$300. When time was up, they called it a day. People who came to support us, however, did so of their own accord. When I twice went outside the Legislative Council Complex yesterday, I could feel from their passion that none of them came because they were paid or mobilized by political bodies. There is such a great discrepancy in public opinion.

In this legislature, however, we are oppressed by the "violence of the majority". Outside this legislature, we definitely have the upper hand judging solely from the public opinion yesterday. It is thus evident from the discrepancy

in public opinion that such a system will be "hijacked" by those so-called representatives of public opinion for the private gains of their political parties.

I recall that prior to the Republic of China presidential election in 2008, four major presidential candidates took part in a primary election conducted by the Democratic Progressive Party (DPP). They were Premier of Executive Yuan of the Republic of China SU Tseng-chan, Vice President Annette LU Hsiu-lien, DPP Chairman YU Shyi-kun and HSIEH Chang-ting who did not have any political or party office. In a session for presentation of political views, someone asked HSIEH Chang-ting this question, "HSIEH Chang-ting, who are represented by you? (*in Putonghua*)" — HSIEH replied, "The candidates taking part in this presidential primary election today include people from the Office of the President (*in Putonghua*) — Annette LU Hsiu-lien — people from the Government and the Executive Yuan (*in Putonghua*) — SU Tseng-chan — people from the Central Committee of the Party (*in Putonghua*) — YU Shyi-kun, DPP Chairman — "If you ask me who are represented by me? The answer is: I represent the people. (*in Putonghua*)" Thanks to this answer, HSIEH Chang-ting eventually won the DPP primary election.

Very often, the people are exploited by these political representatives as a means. But according to the essence of democratic politics, the people should be an ends. Why are we wasting time in this Council today? Like the jewels on the head of political parties or political organs, the people, or democracy, are nothing but a tool used by political parties manipulating politics. In an assembly, the number of political parties should equate with the number of votes. The Legislative Council is quite unique in the sense that the number of political parties does not equate with the number of votes. Instead, the CPC becomes the majority in this Council. I do not wish to use the word "miserable" to describe the present situation. But I hope Members can keep cool and think about what sort of system should be implemented in Hong Kong for the sake of our next generation.

As time is running out, I have not yet finished what I started just now. I was talking about part of the introduction to one of my books, which will be taught to beginners in the political school I am going to operate for the masses in the future. Thank you, Chairman.



**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, as I have spoken before, I am going to raise some concluding remarks on this amendment Bill.

Chairman, although I am now speaking to Members inside this Chamber, they are not my target audiences. I wish to take this opportunity to speak to the people of Hong Kong so that they will understand the situation. First of all, I firmly believe that up to now, members of the public have started to understand why the authorities have introduced this Bill and why the meetings are so lengthy. We understand that all these are attributable to the fact that five Members intended to challenge, by means of a referendum, the laws of Hong Kong and that of China. In order to be accountable to the Central Government, the SAR Government had taken an appropriate step to introduce an amendment Bill which is being examined by us today. The amendment Bill has made it difficult for those elected Members to resign without having to be accountable to the public. As regards whether this amendment Bill is appropriate or not, I firmly believe that over 60% of the public will absolutely give their support. Regrettably, the SAR Government seems to be overcautious in handling the issue.

Actually, the Government should not have appropriated funds for conducting the by-elections at that time. I had once said, just let the five Members resign, we can have 55 Members in the Legislative Council, the President may resign as well, and the pan-democratic camp can assign one of their Members to become the President. With 55 Members in the Legislative Council, the constitutional reform package could then be passed by a two-third majority of all Members. In this way, the Democratic Party could not take advantage of the situation to gain political benefits. Yet the SAR Government dared not take such actions, and later, the Central Government expressed regret for losing such an opportunity.

Nevertheless, Hong Kong is still a blessed land as the constitutional reform package was eventually passed. As we should understand, the significance of endorsing the constitutional reform package is to show respect for the Basic Law. As the Basic Law emphasizes on progress in a gradual and orderly manner, if the constitutional reform package, rejected in 2005, still could not make any progress five years later, the Basic Law would be subject to great challenges. As the Basic Law stands for the spirit of "one country, two systems", it is definitely normal to have this amendment Bill.

How can the restriction that resigning Members cannot stand for election within six months after their resignation deprive the candidates of their right to stand for election and the public of their right to vote? This is absolutely misleading the public. Regrettably, Members of the Civic Party, who represent the elites and barristers, have gone so far as ..... I mention the Civic Party but not other political parties because the public had shown great support and respect for the Civic Party in the previous two Legislative Council elections, and they even supported it blindly. Now, the Civic Party has unveiled its true face, and electors can have a better understanding.

Chairman, this incident has made Hong Kong people understand the development of events leading to the present situation, the root causes as well as the arguments. Regarding this amendment Bill, Chairman, I opine that there are three areas of inadequacies. First, since Legislative Council Members can join the Bills Committee to study the amendment Bill, if Members have strong views about the Bill, they should join the Bills Committee to voice their constructive opinions. Certainly, the pan-democratic colleagues consider that it is futile for them to join the Bills Committee because they are in the minority, they may be bullied or even unfairly treated by those in the majority. However, according to parliamentary culture, the minority should strive for wider support from electors, so as to secure more seats in the parliament.

They often say that functional constituencies are unfair to them. What is so unfair? In review of the past history, six out of the 15 functional constituency seats were taken up by the so-called pan-democratic Members, representing a ratio of 6:9. I once told Martin LEE that functional constituencies should not be changed. If they were so good, just try to secure as many seats in the functional constituencies as possible. If they could really secure support, they could ..... At that time, the number of functional constituency seats was about dozens to 20, not as many as 30 in the present case. Had they managed to secure more seats from the other nine seats, the ratio between the two would be drawn closer. Also, the pan-democratic camp had an edge in direct elections; but the point is that they could not secure more seats and failed to compete with others.

Chairman, members of the public have some comments regarding the amendments. Firstly, as I have previously said, having comments do not necessarily mean not disrespecting the Members. Secondly, amendments are good so long as they are consistent, and to be consistent, the contents must be

solid. As mentioned by Mr Paul TSE, the amendments are classified into seven categories, and by building up from one, two, three, four onwards, over 1 300 amendments have been generated. I am not criticizing the Chairman, only that there are views in the community and among Members that the large number of amendments should be grouped under seven major themes, and Members can pick any one amendment under the seven major themes to speak on. However, what is past is past and we should no longer get entangled in it or shift the blame onto others. It is useless to do so, and the society ..... For things that have passed, there is no "if" in this world. Should "if" exist, there will be no poor people, and there will be no disagreements as well. Therefore, Chairman, what really matters is that a solution must be devised to solve the problem.

The meeting of this Council had been cancelled twice, the first time on 3 May, and the second time on 11 May. Will more Council meetings be cancelled in future? It is hard to tell, but we have to let the public know, if this situation continues, it will not be conducive to the overall political framework in Hong Kong or its overall development, the well-being of the public, our economic and financial developments, as well as all kinds of developments. As Members of the Legislative Council, our proposals and comments should be constructive. The current bickering among Members has turned into a joke to be ridiculed by the world. Some Hong Kong people even feel agitated, wondering why they have voted for such people, and why people living in the same place would be so out of control.

Chairman, I firmly believe that the root cause of the problem is that we have different understanding of politics. Many people consider that Hong Kong lacks democracy, but I have all along said that there is democracy. However, who are the populace? Who are the masters? Whoever has the strength and power will be the master; and those being ruled or in an opposing position are the populace. Of course, people in this world have different interpretations of democracy. Many people have spent a long time striving for democracy. As we understand, many Members of the pan-democratic camp consider that direct election by universal suffrage is a symbol of democracy, a true fact of democracy, as well as the source of democracy. People have divergent views on this issue.

Then what kind of election method will gain everyone's approval? Certainly, we have different interpretations based on different political ideologies,

and we can all strive for the chance to voice our views. As I have always pointed out, being colleagues of the Legislative Council, we make efforts to get a chance to express our views and we have the freedom to express our views. The purpose is for our own good. We win the support of electors for our own good and for our own benefits mentally and politically, as well as in the area of decision-making. Yet, we must pay due respect to others at the same time.

Regarding this debate, friends from the pan-democratic camp have stated, since the beginning of the debate, that this law is draconian. How evil is this law? The legislation does not prohibit, right from the outset, that certain person cannot stand for election and cannot vote. It is the persons concerned who give up such rights. Thinking that they are better than others or more representative than others, they want to create an unfair and unreasonable scenario for themselves. When others ask them not to be so unfair and unreasonable, they say that is not possible and they still want to waste public funds. How can they behave like that? How can their acts be justified?

Since they admit that they are in the opposition side, why don't they act in a mature way? If one day, they gain power, and they are the one to make commands; and other people will query their performance. They claim that they seek for fairness, but the truth is that they create unfairness in a situation which is already very fair. They create a sense of superiority, and knowing that they do not have enough votes, they still shift the blame onto others. This is utterly unacceptable.

As a Member from the functional constituencies, certainly I have been discriminated against or treated unfairly unknowingly. Many people opine that we did benefit from those unfair situations. Well, I must revert to this point, Chairman. We have to understand, our political system is like that. Of course, people may say that it is not fair and they have to overthrow this system. Yet, we must also admit that Hong Kong is not an independent country but one of the special administrative regions under the People's Republic of China. No matter you agree or not, accept or not, you have to acknowledge this fact. As I have always said, if you do not accept this fact, you can still have two or three options, one being emigration to other places. If emigration is not possible, revolt then! However, you must understand, our Central Government had built up the whole country by means of revolution. Just try and revolt against the Central Government!

In my view, we must understand that this is how the system of the Legislative Council works. It can be foreseen that the same situation will arise again regarding the future bill on five Secretaries of Departments and 14 Directors of Bureaux. How are we going to handle the situation? I have never criticized the amendments introduced by my colleagues, because those amendments are in accordance with the rules of the Legislative Council. So if we respect each other, we should seek a solution from the rules of the Legislative Council.

Certainly, Chairman, you must be well aware that Hong Kong is a special place; our friends from the mass media are not really interested in the results. Instead, they are only interested to know when the Council meeting will be cancelled again, or even whether the SAR Government will leave its work unfinished, leading to a forceful change. The media is not taking pleasure in other's misfortunes; they only view the issue from a professional and commercial perspective.

Chairman, since I still have very little time left, I wish to take this opportunity to explain to you, I have never meant to challenge you; I am not qualified or I do not have the ambition to be the President of the Council. I have even seldom acted as Chairman in other committees of this Council. I just hope that the Legislative Council will, under your leadership and with the support of other colleagues, achieve the goal of separation of the executive, legislative and judicial powers in Hong Kong.

Certainly, the Central Government may not agree to the separation of powers and supports an executive-led system instead. However, I firmly believe that an executive-led system can hardly make any progress if it is not well handled. For executive-led to be successful, integration between the legislative and judicial is required. Hence, I hope my colleagues will understand this and so do the general public.

**CHAIRMAN** (in Cantonese): Three Members have already pressed the buttons waiting for their turns to speak. There are about 16 minutes left before the specified time for this debate ends. If time is up and there are other Members who have not spoken, I will not allow them to speak.

**DR PRISCILLA LEUNG** (in Cantonese): Chairman, for the discussion of the Legislative Council (Amendment) Bill 2012, many Members and colleagues of the Legislative Council Secretariat, as well as members of the media outside the Chamber, are really tired out.

Today, to conclude this discussion, one of the issues we have to examine is how do we view the filibuster tactic adopted by the few Members concerned. The filibuster tactic, as more aptly described by them, is a kind of strategy, to veto the Bill they desperately did not want to be passed. This kind of filibuster is allowed under the existing Rules of Procedure (RoP), but the endless filibuster will only make a lot of people feel extremely annoyed. Filibuster can be comparable to "Seven Injuries Boxing"<sup>29</sup>, which will make Hong Kong society as a whole suffer.

Hence, in considering whether filibuster should be allowed, the duration of filibuster and the ultimate objective to be achieved, we must examine the initial aim. Speaking of objective, I think the ultimate objective of the Members proposing more than 1 000 amendments is to strike down the Bill.

During the process, some Members had proposed the motion of adjournment. On the surface of it, they proposed to postpone the handling of the Bill to the very last item, so that the Legislative Council might first deal with other bills which the public or they themselves consider more important. However, this is just another kind of strategy. According to our experience, after the adjournment, it is possible that the Bill may not be submitted to the Legislative Council again for scrutiny, and this is the political reality in Hong Kong.

How should we deal with this so-called strategy? A minority of Members — since the amendments are proposed by two Members, I will use the word "minority" to describe them. A minority of Members adopt this strategy as a tactic to strike down bills or amendments they dislike. Two years ago, they adopted the tactic of resignation. On second thought, what if the two tactics are used together. One day, they may resign, and the other day, they may filibuster. Since these tactics are allowed under the existing legislation and the RoP, we can

---

<sup>29</sup> A person who hurts others by using this kind of martial art will also hurt himself.

only act in accordance with the system. We are overwhelmed by the sense of having our hands tied.

Regarding the Bill, I think I should be the first to propose amending the Legislative Council Ordinance. I proposed amending the Ordinance out of the same concern as in the present case, where the RoP allows Members to move tens of thousands of amendments. I believe when the Ordinance or the RoP was first formulated, there was no precedent of this kind of filibustering. Even in the case of the Express Rail Link, the number of amendments proposed had not reached such an enormous number. Since the debate, repeated arguments have been put forth, but still, I have tried to listen attentively to the rationales for proposing the amendments put forth by the few Members. I cannot but consider the amendments really frivolous and meaningless. In fact, most of the arguments they wish to put forth have been presented during the Second Reading of the Bill. In gist, they opposed setting a time limit on resigning Members to take part in the by-election to be re-elected to the Legislative Council.

Just now, Mr WONG Yuk-man put forth his favourite argument about his visits to local districts to solicit views. This is a fact. As a Member of the Kowloon West geographical constituency, the time I spend on my district is no less than the time I spend in the Legislative Council. Despite the arrangement for the overnight filibuster last night, I visited my district early in the morning. I had a lot of opportunities to have direct discussion with the general public and told them about the filibuster situation we had to face today.

Some residents whom I have come into contact considered the filibuster loathsome, and they hoped that the filibuster supporters would respect the filibuster opponents. The supporters repeatedly claimed that many opponents are "paid" to stage opposition. I have no knowledge of this. But, at least, I saw, among the group of opponents yesterday, some retired police inspectors and their family members. They do not belong to any political parties. I was surprised to see several familiar faces out there, for some of them are retired senior inspectors and they went there in their own capacity.

These people did so wholeheartedly. In my view, it is not a matter of I getting 19 000 votes and Mr WONG Yuk-man getting 39 000 votes. Even if I only got 19 000 votes, I think the views of the 19 000 citizens should also be respected. In a democratic society, how should we address the situation in

which many people actually opposed against this destructive approach in striving for the so-called democracy? I recall that Mr WONG Yuk-man had declared on several occasions, even when he joined the legislature, that he would "pursue destruction but not construction". He has made it crystal clear that they join the Legislative Council to "pursue destruction but not construction", so the present scenario is inevitable.

I respect Mr WONG Yuk-man, he is a Member of literary talent. However, I strongly oppose his tactic of "pursuing destruction but not construction" in striving for the so-called democracy. Earlier, he said he was doing this for the next generation. Yet, for me, I persist in my work out of my true concern for the next generation. We are acting in good conscience. Yesterday, he said that from his point of view, he naturally hoped that the filibuster would go on forever. However, being conscientious, we look forward to making a breakthrough in the filibuster. Several friends had even held hands to encourage each other before the meeting, for they did not know what would have happened yesterday, including whether the meeting would be aborted.

If the meeting is aborted again, all Members of the Council should be held responsible, irrespective of which political parties and groupings they belong to, either from the opposition camp or the pro-establishment camp. The public are not concerned about the parties or groupings of Members, they will only think that the Legislative Council has been doing meaningless things and neglecting the practical issues. I am sorry to tell Members that during my visit to a secondary school in Kowloon West last week, many students, pure in thought, told me during our exchanges that they thought that the Legislative Council was like a pig farm. A "pig farm", why would we have conveyed this impression to secondary school students? They do not think that the Legislative Council is a place that should be respected. We have been sincere in our exchanges, so I think this is a point worthy of review.

An established structure has been put in place in the Legislative Council. It is natural that Members have different views, yet can the problem be solved in one adjournment debate? I do not think so. Mr WONG Yuk-man has stated in advance that he will adopt the strategy of filibuster for all issues he opposes in future. Unfortunately, if other Members echo this stubbornness by supporting the filibuster strategy in handling bills or other proposals put forth by the Government, they may follow the pattern of Mr Albert CHAN to propose



hundreds of thousands of amendments by varying the rates from 1%, 2% and then 5%, and so on, as well as the dates stated in the provision. Earlier, he said that each of his amendments had only been discussed for 40 seconds. However, he should consider the content of the amendments. If these amendments are grouped under several categories, the discussion time for each category would be more than 40 seconds. With the assistance of a computer programme, a Member would have drafted 100 million amendments following the pattern of 1.1, 1.01 and 1.02, and so on. Each of the amendment may be claimed as meaningful, yet the third party may not think so.

Besides, we have to face the political reality that the public are displeased with this, and I believe some friends from the democratic camp, as well as colleagues visiting the districts, would have sensed that. We may strive for democracy, and we may have disputes, yet we have to maintain the dignity of the Legislative Council, maintain the stability of the four-year tenure and respect the system. They should not act as if they are "human missiles" by bundling all issues to their favourite approach of "pursing destruction but not construction", which will completely undermine the predictability of the system of the Legislative Council. We are now conveying to the public an impression of an unlocked cage where people can go in and out freely at their own will.

Regarding the draconian law so dubbed by them, I think the present proposal put forth by the Government is a reasonable adjustment. Members may stand for election again six months after their resignation, they are not being barred from standing for election. The restriction indicates that at least many Members of the Legislative Council consider that any person elected to the Legislative Council may resign at will for reasons such as political ideology, frivolous causes or even break-ups, and so on. In that case, that person can only stand for election six months after the resignation. This restriction is applicable to all Members, and we are all on equal stand.

I fully understand the feelings of the die-hard fans of these few Members, people who strongly support the filibuster tactic must be very disappointed and unhappy now. However, it is a matter of relativity. Though we have spent several days in this Chamber and we disagree with the Chairman's permission to the proposal of thousands of amendments, we still respect the Chairman, for the Chairman has the power to exercise his discretion. At the meeting of the

Committee on Rules of Procedure (CRoP), I support the amendment of the RoP to facilitate the Chairman's handling of tens of thousands of amendments in future. However, we are in the minority at the CRoP. As other Members of the CRoP consider such an amendment unnecessary, the Chairman has no alternative but to exercise his discretion allowed under the RoP. This experience may be new to all of us. However, we must respect the mechanism of the Legislative Council, in particular, the rules which allow the Chairman to give permission to the thousands of amendments, as well as the rules which allow the Chairman to proceed to voting at a time he considers appropriate.

I believe the public at large, particularly those who have listened attentively to this debate, will naturally understand what had happened in the past few days. Many friends whom I have seldom contacted have sent messages to me. They consider that Members are wilfully making trouble. This description is found in several SMS I received. I think we should be more broad-minded, for "a step backward will open up a new vista". We should strive for the democracy the public desired in a pragmatic manner. We respect divergent views, and the views of the minority are being respected. After all, the discussion has lasted for several days and many Members have sacrificed sleep without a word to listen to speeches of these Members. Therefore, I think it is time to proceed to voting. We should not allow filibuster become a tactic for colleagues "pursuing destruction but not construction" to paralyse the normal operation of the Legislative Council in future, so I disagree adjourning the meeting as a way of handling the motion today. Chairman, for the sake of the next generation, we should hold fast till the end. I hope all Members will respect each other, and respect the views of the public who support different Members.

Chairman, I so submit.

**CHAIRMAN** (in Cantonese): The last Member to speak.

**MR WONG KWOK-HING** (in Cantonese): Chairman, first of all, I think you have presided the meeting very well in this session and I would like to give you my best regards.

Secondly, as we have been debating for about 40 hours in this session, I drew this cartoon at 3.40 am in the small hours this morning. It speaks my heart and I believe it has fully reflected the community's dissatisfaction and aspirations.

In this cartoon, there is a snail. If Members look closely, you can see that the snail's head is comprised of three persons, who are the culprits of the present filibuster fiasco. Their filibustering tactics has paralysed all the formal and regular meetings of this Council, as well as the meetings of various bills committees. The traffic jam, as depicted in this cartoon, reveals that the Legislative Council meetings are heavily blocked. The implication is not merely a waste of public money — noting that this is the fifth day that \$1 million public money has been wasted per day — apart from \$5 million, many livelihood problems are pending our immediate actions. As I have depicted in this cartoon, issues such as competition law, restructuring of the Government, regulation of the sale of first-hand residential properties, consumer protection, privacy protection, implementation of the Mandatory Provident Fund Semi-portability, and so on, have to be addressed.

The Secretariat has informed us last Thursday that more than 14 meetings would be postponed. Under this circumstance, if we let this indefinite filibustering to arbitrarily drag on when we have a deadline to meet — Chairman, there is a date in front of the snail, which is 18 July, meaning that the Legislative Council must finish all meetings by 18 July — in that case, should we tolerate such filibustering or endless debate to go on and on?

Therefore, for the interests of the public and to enable the Legislative Council to sense the urgency that people sense, we cannot let this situation continue. Thus, we must deal with the situation urgently in an impartial manner. I think that the Chairman has achieved this. Therefore, I am using this cartoon to depict the proceedings of this entire meeting, hoping that people who listen to radio or television broadcast would understand that this Council is experiencing a very abnormal situation. For the interests of the people, I think that we must curtail this indefinite filibustering and proceed to the next stage.

Therefore, I am using these few minutes before noon to give my concluding speech for this session. I also hope that Members would continue to make unremitting efforts to attend the meeting. Only by carrying through to the

end can we ensure that the meeting will end as scheduled and normal agendas would not be further delayed.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): The joint debate ends. We now suspend the meeting and resume at 1 pm. Then, this Committee will start voting on various amendments in order.

12.02 pm

Meeting suspended.

1.15 pm

Committee then resumed.

**CHAIRMAN** (in Cantonese): Committee now resumes. The Committee will start dealing with the 54 amendments to clause 1.

(Mr LEUNG Kwok-hung stood up)

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

**MR LEUNG KWOK-HUNG** (in Cantonese): You scheduled a debate to be held from 9 am to 12 noon. I have been waiting for my turn to speak, but you said there was no more time for discussion.

**CHAIRMAN** (in Cantonese): That is because you have been late in queuing for your turn to speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have been waiting but there is insufficient time.

**CHAIRMAN** (in Cantonese): You requested to speak at a very late stage. During the prescribed period, the two Members who proposed the amendments have spoken a number of times, the Secretary has also spoken. Besides, I have also allowed a number of Members present at the meeting to speak. In fact, many opportunities were available.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have pressed the "Request to speak" button.

**CHAIRMAN** (in Cantonese): You pressed the button at a late stage, thus you do not have a chance to speak before 12 noon.

I said the debate will end at 12.00 and I mean it.

**MR LEUNG KWOK-HUNG** (in Cantonese): You specify the time to end the debate to let Members who have not spoken have a chance to speak, is that right?

**CHAIRMAN** (in Cantonese): You have spoken many times.

**MR LEUNG KWOK-HUNG** (in Cantonese): I have not spoken on your ruling. I am not allowed to oppose your ruling, right?

**CHAIRMAN** (in Cantonese): Members were giving concluding remarks rather than speaking on my ruling. If you wish to criticize my ruling, please do so on another occasion. Mr LEUNG Kwok-hung, please sit down.

**CHAIRMAN** (in Cantonese): We will now vote on the 54 amendments to clause 1 in order. The wordings of these amendments are set out in Appendix 1 to the script.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may move your amendment No. 1.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 1 under my name.

*Proposed amendment*

**Amendment No. 1 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised hands)

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

(Members raised hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for five minutes.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 13 were present, three were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**DR RAYMOND HO** (in Cantonese): Chairman, I move that in the event of further divisions being claimed in respect of the clauses of the Legislative

Council (Amendment) Bill 2012 or amendments thereto, the Committee do proceed to each of such divisions after the division bell has been rung for one minute.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr Raymond HO be passed.

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I oppose because these five minutes are very important. This meeting has been cancelled for a number of times. To ensure that the meeting can proceed smoothly, it is more appropriate to ring the division bell for five minutes. If it only rings for one minute, there is the risk that the meeting will be cancelled again, isn't this a waste of time? As you may notice, Members from the pro-establishment camp have been absent from the meeting time and again. So, I hope that Members from the pan-democratic camp, who are watching live television broadcast, will come and vote against this frivolous motion. Ringing the division bell for only one minute may lead to the cancellation of the meeting, and I hope that the Chairman will take note of this. You had previously cancelled two meetings. Do you want me to request an immediate ruling like Dr Philip WONG? Is this necessary?

**CHAIRMAN** (in Cantonese): This has to be decided by Members by voting.

**MR LEUNG KWOK-HUNG** (in Cantonese): Since you are aware that the motion proposed by Dr Philip WONG may not necessarily be passed under the separate voting system, you simply make the decision on your own. You are too cunning, Chairman. Yesterday, in your room, I told you clearly that according to the last sentence of Rule 92 of the Rules of Procedure, should you draw reference from the practices of other legislatures, your decision must be endorsed by way of a motion. As it is your birthday today, I originally do not intend to chide you.



**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, you have digressed.

**MR LEUNG KWOK-HUNG** (in Cantonese): I am chiding you and this is certainly digressing from the subject.

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

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Raymond HO be passed.

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

(Members raised hands)

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

(Members raised hands)

Mr LEUNG Kwok-hung rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung has claimed a division. The division bell will ring for five minutes.

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

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

**Functional Constituencies:**

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

**Geographical Constituencies:**

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

Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted against the motion.

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were in favour of the motion; while among the Members returned by geographical constituencies through direct elections, 13 were present, nine were in favour of the motion and three against it. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was passed.

**CHAIRMAN** (in Cantonese): I order that in the event of further divisions being claimed in respect of the clauses of the Legislative Council (Amendment) Bill 2012 or amendments thereto, the Committee do proceed to each of such divisions after the division bell has been rung for one minute.

**CHAIRMAN** (in Cantonese): Committee now deals with Mr WONG Yuk-man's amendments No. 2 to No. 54. The wording of these amendments is set out in Appendix 1 to the script. The Committee will now put to vote these amendments in order.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 2.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 2 under my name.

*Proposed amendment*

**Amendment No. 2 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 3.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 3 under my name.

*Proposed amendment*

**Amendment No. 3 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 4.

**MR WONG YUK-MAN** (in Putonghua): Chairman, I move amendment No. 4 under my name.

*Proposed amendment*

**Amendment No. 4 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 5.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move ..... which amendment should it be?



**CHAIRMAN** (in Cantonese): Amendment No. 5.

**MR WONG YUK-MAN** (in Cantonese): I move amendment No. 5 under my name.

*Proposed amendment*

**Amendment No. 5 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 6.

**MR WONG YUK-MAN** (in Putonghua): Chairman, I move amendment No. 6 under my name.

*Proposed amendment***Amendment No. 6 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Paul TSE voted for the amendment.

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present, one was in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 7.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 7 under my name.

*Proposed amendment*

**Amendment No. 7 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Paul TSE voted for the amendment.

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present, one was in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 8.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 8 under my name.

*Proposed amendment***Amendment No. 8 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG

Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 9.

**MR WONG YUK-MAN** (in Putonghua): Chairman, I move amendment No. 9 under my name.

*Proposed amendment*

**Amendment No. 9 (See Annex I)**



**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 10.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 10 under my name.

*Proposed amendment*

**Amendment No. 10 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 11.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 11 under my name.

*Proposed amendment*

**Amendment No. 11 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 12.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 12 under my name.

*Proposed amendment*

**Amendment No. 12 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since

the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 13.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 13 under my name.

*Proposed amendment*

**Amendment No. 13 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.



**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, a point of order. Which rule of the Rules of Procedure does Mr Albert CHAN rely on in claiming a division? You should ask him to clarify this issue. While Members have this right all along, you should first ask Mr Albert CHAN on which rule he relies in claiming a division before I make other follow-ups.

**CHAIRMAN** (in Cantonese): You do not have to raise this point of order. The division is held according to our usual practice.

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, you must ask the Member concerned on which rule of the Rules of Procedure he relies .....

**CHAIRMAN** (in Cantonese): Mr CHIM Pui-chung, any member may rise to claim a division when I state the respective numbers of Members in favour of and against the question.

(The division bell stopped ringing)

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

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, I request you to ask him on which rule of the Rules of Procedure he relies.

**CHAIRMAN** (in Cantonese): I am aware of your request. Please sit down. We now proceed to vote.

**MR CHIM PUI-CHUNG** (in Cantonese): Chairman, you should know that he has violated the Rules of Procedure as he had claimed a division before you announced the voting result .....

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 14.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 14 under my name.

*Proposed amendment*

**Amendment No. 14 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 15.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 15 under my name.

*Proposed amendment*

**Amendment No. 15 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew

LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 16.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 16 under my name.

*Proposed amendment*

**Amendment No. 16 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

**MR PAUL TSE** (in Cantonese): Chairman, as we have got some time now, I would like to ask a question. According to Rule 47(1)(c) of the Rules of Procedure, is a Member only allowed to claim a division after the Chairman has made a clear judgment? Mr CHIM Pui-chung was actually asking the same question earlier on. It is true that we often skip this step; but, if we strictly follow the Rules of Procedure, the Chairman should first state his judgment and a Member may only claim a division when he has doubts on that statement. Chairman, I would like to clarify this point.

(The division bell stopped ringing)

**CHAIRMAN** (in Cantonese): To dispel the doubts of Members, I will speak faster. Please proceed to vote.

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 17.



**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 17 under my name.

*Proposed amendment*

**Amendment No. 17 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 18.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 18 under my name.

*Proposed amendment***Amendment No. 18 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew

LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 19.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 19 under my name.

*Proposed amendment*

**Amendment No. 19 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 20.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 20 under my name.

*Proposed amendment*

**Amendment No. 20 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 21.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 21 under my name.

*Proposed amendment*

**Amendment No. 21 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)



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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 22.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 22 under my name.

*Proposed amendment*

**Amendment No. 22 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11

were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 23.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 23 under my name.

*Proposed amendment*

**Amendment No. 23 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 24.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 24 under my name.

*Proposed amendment*

**Amendment No. 24 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 25.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 25 under my name.

*Proposed amendment*

**Amendment No. 25 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr



WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 26.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 26 under my name.

*Proposed amendment*

**Amendment No. 26 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 27.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 27 under my name.

*Proposed amendment*

**Amendment No. 27 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 28.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 28 under my name.

*Proposed amendment*

**Amendment No. 28 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 29.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 29 under my name.

*Proposed amendment*

**Amendment No. 29 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11



were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 30.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 30 under my name.

*Proposed amendment*

**Amendment No. 30 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 31.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 31 under my name.

*Proposed amendment*

**Amendment No. 31 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 32.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 31 under my name.

**CHAIRMAN** (in Cantonese): It should be amendment No. 32.

**MR WONG YUK-MAN** (in Cantonese): Amendment No. 32.

*Proposed amendment*

**Amendment No. 32 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 33.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 33 under my name.

*Proposed amendment*

**Amendment No. 33 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew

LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 34.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 34 under my name.

*Proposed amendment*

**Amendment No. 34 (See Annex I)**



**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 35.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 35 under my name.

*Proposed amendment*

**Amendment No. 35 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 36.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 36 under my name.

*Proposed amendment*

**Amendment No. 36 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 37.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 37 under my name.

*Proposed amendment*

**Amendment No. 37 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11

were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 38.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 38 under my name.

*Proposed amendment*

**Amendment No. 38 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.



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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 39.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 39 under my name.

*Proposed amendment*

**Amendment No. 39 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 40.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 40 under my name.

*Proposed amendment*

**Amendment No. 40 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

**CHAIRMAN** (in Cantonese): Voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr

LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, two were in favour of the amendment and seven against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Members request a short break. Some Members have started acting slowly. I now suspend the meeting for 10 minutes.

2.50 pm

Meeting suspended.

3.00 pm

Committee then resumed.

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

**MR ALBERT CHAN** (in Cantonese): 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): Mr WONG Yuk-man, you may now move your amendment No. 41.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 41 under my name.

*Proposed amendment*

**Amendment No. 41 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 42.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 42 under my name.

*Proposed amendment*

**Amendment No. 42 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.



**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12

were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 43.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 43 under my name.

*Proposed amendment*

**Amendment No. 43 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 44.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 44 under my name.

*Proposed amendment*

**Amendment No. 44 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 45.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 45 under my name.

*Proposed amendment*

**Amendment No. 45 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew

LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 46.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 46 under my name.

*Proposed amendment*

**Amendment No. 46 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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



Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 47.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 47 under my name.

*Proposed amendment*

**Amendment No. 47 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 48.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 48 under my name.

*Proposed amendment*

**Amendment No. 48 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 49.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 49 under my name.

*Proposed amendment*

**Amendment No. 49 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12

were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 50.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 50 under my name.

*Proposed amendment*

**Amendment No. 50 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.



**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 51.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 51 under my name.

*Proposed amendment*

**Amendment No. 51 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 52.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 52 under my name.

*Proposed amendment***Amendment No. 52 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew

LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 53.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 53 under my name.

*Proposed amendment*

**Amendment No. 53 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 54.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 54 under my name.

*Proposed amendment*

**Amendment No. 54 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Prof Patrick LAU voted for the amendment.

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present, one was in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has withdrawn his proposed amendment No. 60 to clause 2.

**CHAIRMAN** (in Cantonese): Committee now deals with the five amendments to clause 2, that is, Mr WONG Yuk-man's proposed amendments No. 55 to 59. The wording of these amendments is set out in Appendix 1 to the script. The Committee will now put to vote these amendments in order.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 55.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 55 under my name.



*Proposed amendment*

**Amendment No. 55 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew

LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 56.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 56 under my name.

*Proposed amendment*

**Amendment No. 56 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Paul TSE voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP

Kwok-him, Dr PAN Pey-chyou and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present, one was in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 57.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 57 under my name.

*Proposed amendment*

**Amendment No. 57 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 58.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 58 under my name.

*Proposed amendment*

**Amendment No. 58 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 59.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 59 under my name.

*Proposed amendment*

**Amendment No. 59 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)



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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 12 were present, two were in favour of the amendment and nine against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Committee now deals with the 1 247 amendments to clause 3 as proposed by Mr WONG Yuk-man, the Secretary for Constitutional and Mainland Affairs and Mr Albert CHAN. The wording of Mr WONG Yuk-man's 14 proposed amendments (that is, amendment No. 61 to 74) is set out in Appendix 1 to the script. The wording of the Secretary for Constitutional and Mainland Affairs proposed amendment is set out in Appendix 2 to the script. The wording of Mr Albert CHAN's 1 232 proposed amendments is set out in Appendix 3 to the script.

As for the order of handling the abovementioned amendments, I will handle the amendments in the order in which they relate to the text of the original provisions. Given that I will adopt this principle in setting the order, some amendments may not be handled in the order of the amendment numbers stated in the Appendices.

Committee now deals with Mr WONG Yuk-man's amendments No. 61 to 67 first. The wording of the seven amendments is set out in Appendix 1 to the script. The Committee will now put to vote these amendments in order.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 61.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 61 under my name.

*Proposed amendment***Amendment No. 61 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew

LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 62.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 62 under my name.

*Proposed amendment*

**Amendment No. 62 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 63.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 63 under my name.

*Proposed amendment*

**Amendment No. 63 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 64.

**MR WONG YUK-MAN** (in Cantonese): That is 4 June ..... Chairman, I move amendment No. 64 under my name.

*Proposed amendment*

**Amendment No. 64 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)



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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 65.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 65 under my name.

*Proposed amendment*

**Amendment No. 65 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since

the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 66.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 66 under my name.

*Proposed amendment*

**Amendment No. 66 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 67.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 67 under my name.

*Proposed amendment*

**Amendment No. 67 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Committee now deals with Mr WONG Yuk-man's amendment No. 70. The terms of the amendment are given at Appendix 1 of this script.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 70 under my name.

*Proposed amendment*

**Amendment No. 70 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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



Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): The Secretary for Constitutional and Mainland Affairs has proposed an amendment to clause 3. Committee now deals with the Secretary's amendment. The terms of the amendment are given at Appendix 2 of this script.

**CHAIRMAN** (in Cantonese): Secretary for Constitutional and Mainland Affairs, you may now move your amendment.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I move the amendment under my name.

*Proposed amendment*

**Clause 3 (see Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by the Secretary for Constitutional and Mainland Affairs be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Dr Raymond HO, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, , Mr CHAN Hak-kan, Mr Paul CHAN, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted for the amendment.

Mr Albert CHAN and Mr WONG Yuk-man voted against the amendment.

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

THE CHAIRMAN announced that there were 34 Members present, 31 were in favour of the amendment and two against it. Since the question was agreed by a majority of the Members present, he therefore declared that the amendment was passed.

**CHAIRMAN** (in Cantonese): Committee now deals with Mr Albert CHAN's amendments No. 1166 to No 1182. The wording of these 17 amendments is set out in Appendix 3 to this script. The Committee will now put to vote these amendments in order.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1166.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1166 under my name.

*Proposed amendment*

**Amendment No. 1166 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1167.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1167 under my name.

*Proposed amendment*

**Amendment No. 1167 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1168.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1168 under my name.

*Proposed amendment*

**Amendment No. 1168 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM,



Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1169.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1169 under my name.

*Proposed amendment*

**Amendment No. 1169 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1170.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1170 under my name.

*Proposed amendment*

**Amendment No. 1170 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1171.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1171 under my name.

*Proposed amendment*

**Amendment No. 1171 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1172.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1172 under my name.

*Proposed amendment*

**Amendment No. 1172 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11



were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1173.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1173 under my name.

*Proposed amendment*

**Amendment No. 1173 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1174.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1174 under my name.

*Proposed amendment*

**Amendment No. 1174 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1175.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1175 under my name.

*Proposed amendment*

**Amendment No. 1175 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1176.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1176 under my name.

*Proposed amendment*

**Amendment No. 1176 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM,

Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1177.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1177 under my name.

*Proposed amendment*

**Amendment No. 1177 (See Annex I)**



**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1178.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1178 under my name.

*Proposed amendment*

**Amendment No. 1178 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1179.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1179 under my name.

*Proposed amendment*

**Amendment No. 1179 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1180.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1180 under my name.

*Proposed amendment*

**Amendment No. 1180 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since

the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1181.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1181 under my name.

*Proposed amendment*

**Amendment No. 1181 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.



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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1182.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 1182 under my name.

*Proposed amendment*

**Amendment No. 1182 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Committee now deals with Mr WONG Yuk-man's amendments No. 68, No. 69 and No. 71 to No. 74. The wording of these six amendments is set out in Appendix 1 to this script. The Committee will now put to vote these amendments in order.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 68.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 68 under my name.

Have you woken up?

*Proposed amendment*

**Amendment No. 68 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 69.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 69 under my name.

*Proposed amendment*

**Amendment No. 69 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Paul TSE voted for the amendment.

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present, one was in favour of the amendment and 22 against it; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 71.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 71 under my name.

*Proposed amendment*

**Amendment No. 71 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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



Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 72.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I move amendment No. 72 under my name.

*Proposed amendment*

**Amendment No. 72 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM,

Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 73.

**MR WONG YUK-MAN** (in Putonghua): Chairman, I move amendment No. 73 under my name.

*Proposed amendment*

**Amendment No. 73 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mr Paul TSE voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM

Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted against the amendment.

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present, one was in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections, 10 were present, two were in favour of the amendment and seven against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man, you may now move your amendment No. 74.

**MR WONG YUK-MAN** (in Putonghua): The last one.

Chairman, I move amendment No. 74 under my name.

*Proposed amendment*

**Amendment No. 74 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr WONG Yuk-man be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present and 21 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Committee now deals with Mr Albert CHAN's amendments No. 1 to No 1165.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 1.

**MR ALBERT CHAN** (in Cantonese): Chairman, you could all take your time to do the voting. Take your time to get it finished.

Chairman, I move amendment No. 1 under my name.

*Proposed amendment*

**Amendment No. 1 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.



Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 2.

**MR ALBERT CHAN** (in Cantonese): Chairman, I would like to ask "Yuk-man" to take a break. Let me fight against the 30 of them alone.

Chairman, I move amendment No. 2 under my name.

*Proposed amendment*

**Amendment No. 2 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 11 were present, two were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 3.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 3 under my name.

*Proposed amendment*

**Amendment No. 3 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 4.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 4 under my name.

*Proposed amendment*

**Amendment No. 4 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since

the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 5.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 5 under my name.

*Proposed amendment*

**Amendment No. 5 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present and 22 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.



**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 6.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 6 under my name.

*Proposed amendment*

**Amendment No. 6 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 7.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 7 under my name.

*Proposed amendment*

**Amendment No. 7 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG,

Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the amendment.

Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN, you may now move your amendment No. 8.

**MR ALBERT CHAN** (in Cantonese): Chairman, I move amendment No. 8 under my name.

*Proposed amendment*

**Amendment No. 8 (See Annex I)**

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

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

Geographical Constituencies:

Mr Albert CHAN voted for the amendment.

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

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

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present and 23 were against the amendment; while among the Members returned by geographical constituencies through direct elections, 10 were present, one was in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

### **SUSPENSION OF MEETING**

**CHAIRMAN** (in Cantonese): It is now 5 pm. The meeting is now suspended until 9 am tomorrow.

*Suspended accordingly at two minutes past Five o'clock on the afternoon of 17 May 2012.*

**Annex I**

No. 1

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Wong Yuk Man

Clause

Amendment Proposed

1(1)

NEGATIVED

In the Chinese text, by deleting “為” and substituting “作”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(1)

NEGATIVED

In the Chinese text, by deleting “為” and substituting “謂”.



No. 3

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Wong Yuk Man

Clause

Amendment Proposed

1(2) In the Chinese text, by deleting “自” and substituting “由”.

NEGATIVED

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2) In the Chinese text, by deleting “自” and substituting “從”.

NEGATIVED

No. 5

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2) In the Chinese text, by deleting “於” and substituting “在”.

NEGATIVED

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2) In the Chinese text, by deleting “之”.

{NEGATIVED}

No. 7

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Wong Yuk Man

Clause

Amendment Proposed

1(2) In the Chinese text, by deleting “起”.

NEGATIVED

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

NEGATIVED

In the Chinese text, by deleting “之時起” and substituting “時同時” .

No. 9

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Wong Yuk Man

Clause

Amendment Proposed

1(2) In the Chinese text, by deleting “實施” and substituting “實行”.  
NEGATIVE

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2) In the Chinese text, by deleting “實施” and substituting “施行”.

NEGATIVED



No. 11

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting“自第 5 屆立法會的任期於” and substituting“由第 5 屆立法會的任期在”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting“自第 5 屆立法會的任期於” and substituting “從第 5 屆立法會的任期在”.

No. 13

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed1(2)  
[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “由第 5 屆立法會的任期於 2012 年開始時起”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

NEGATIVED

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “由第 5 屆立法會的任期於 2012 年開始之時”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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

No. 17

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “從第 5 屆立法會的任期於 2012 年開始時同時”.



No. 19

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed1(2)  
[NEGATIVED]

In the Chinese text, by deleting “於 2012 年開始之時起” and substituting “在 2012 年開始時起”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “於 2012 年開始之時起” and substituting “在 2012 年開始之時”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed1(2)  
[NEGATIVED]

In the Chinese text, by deleting “於 2012 年開始之時起” and substituting “在 2012 年開始時同時”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “之時起實施” and substituting “時起實行”.

No. 23

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed1(2)  
[NEGATIVED]In the Chinese text, by deleting “之時起實施” and substituting  
“之時實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVE]

In the Chinese text, by deleting “之時起實施” and substituting “時起施行”.

No. 25

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “之時起實施” and substituting “時同時實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “之時起實施” and substituting “時同時施行”.



No. 27

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “由第 5 屆立法會的任期在 2012 年開始時起”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “由第 5 屆立法會的任期在 2012 年開始之時”.

No. 29

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “由第 5 屆立法會的任期在 2012 年開始時同時”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “從第 5 屆立法會的任期在 2012 年開始時起”.

No. 31

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

NEGATIVED

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “從第 5 屆立法會的任期在 2012 年開始之時”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起” and substituting “從第 5 屆立法會的任期在 2012 年開始時同時”.

No. 33

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期在 2012 年開始之時起實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期在 2012 年開始之時起施行”.



No. 35

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

NEGATIVED

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期在 2012 年開始之時起實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期在 2012 年開始之時起施行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期於 2012 年開始時起實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期於 2012 年開始時起施行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期於 2012 年開始之時實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期於 2012 年開始之時施行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期於 2012 年開始時同時實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “由第 5 屆立法會的任期於 2012 年開始時同時施行”.



No. 43

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期於 2012 年開始時起實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期於 2012 年開始時起施行”.

No. 45

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期於 2012 年開始之時實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期於 2012 年開始之時施行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期於 2012 年開始時同時實行”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

In the Chinese text, by deleting “自第 5 屆立法會的任期於 2012 年開始之時起實施” and substituting “從第 5 屆立法會的任期於 2012 年開始時同時施行”.

No. 49

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed1(2)  
[NEGATIVED]

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”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

1(2)

[NEGATIVED]

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”.

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Wong Yuk Man

Clause

Amendment Proposed

2

NEGATIVED

By deleting “is amended” and substituting “shall be amended”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

2

[NEGATIVED]

In the Chinese text, by deleting “修訂方式” and substituting “方式” .

No. 57

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Wong Yuk Man

Clause

Amendment Proposed

2

{NEGATIVED}

In the Chinese text, by deleting “於” and substituting “在”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

2

NEGATIVED

By deleting “is amended as set out in” and substituting “shall be amended in accordance with”.



## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

2

[NEGATIVED]

In the Chinese text, by deleting “修訂方式列於” and substituting “方式列在”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A), in the Chinese text, by deleting “亦” and substituting “也”.

No. 62

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed3  
[NEGATIVED]

In the proposed section 39(2A), in the Chinese text, by deleting “喪失” and substituting “失去”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed3  
[NEGATIVED]

In the proposed section 39(2A), in the Chinese text, by deleting “為候選人” and substituting “作候選人” .

No. 64

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed3  
[NEGATIVED]In the proposed section 39(2A), in the Chinese text, by deleting  
“亦喪失” and substituting “也失去” .

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

[NEGATIVED]

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” .

No. 66

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed3  
[NEGATIVED]

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” .

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a)(i), in the Chinese text, by deleting “其” .



No. 70

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed3  
[NEGATIVED]

In the proposed section 39(2A)(a)(i), in the Chinese text, by deleting “其辭職於在該補選當日結束的 6 個月期間” and substituting “辭職於在該補選當日結束的 6 個月” .

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Secretary for Constitutional and Mainland AffairsClauseAmendment Proposed

- 3 In the proposed section 39(2A)(a)(i) and (ii), in the Chinese text, by deleting “於在該補選當日結束” and substituting “在截至該補選當日為止”.

No. 1166

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “170 days”.

No. 1167

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed3  
[NEGATIVED]

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “160 days”.

No. 1168

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3 In the proposed section 39(2A)(a), by deleting “6 months” and substituting “150 days”.  
[NEGATIVED]

No. 1169

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed3  
[NEGATIVED]

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “140 days”.

No. 1170

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “130 days”.

No. 1171

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed3  
[NEGATIVED]

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “120 days”.



No. 1172

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “110 days”.

No. 1173

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “100 days”.

No. 1174

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “90 days”.

No. 1175

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “80 days”.

No. 1176

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “70 days”.

No. 1177

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “60 days”.

No. 1178

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “50 days”.

No. 1179

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “40 days”.



No. 1180

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3 In the proposed section 39(2A)(a), by deleting “6 months” and substituting “30 days”.

[NEGATIVED]

No. 1181

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “20 days”.

No. 1182

Legislative Council (Amendment) Bill 2012

**Committee Stage**

Amendment moved by the Honourable Albert CHAN Wai Yip

Clause

Amendment Proposed

3

In the proposed section 39(2A)(a), by deleting “6 months” and substituting “10 days”.

[NEGATIVED]

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A)(a)(ii), in the Chinese text, by deleting “ 被視為 ” and substituting “ 被視作 ” .

No. 69

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A)(a)(i) and (ii), in the Chinese text, by deleting “期間” .

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

[NEGATIVED]

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” .

No. 72

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(b), in the Chinese text, by deleting “有關” and substituting “該”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

[NEGATIVED]

In the proposed section 39(2A)(b), in the Chinese text, by deleting “舉行”.



No. 74

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Wong Yuk ManClauseAmendment Proposed

3

NEGATIVED

In the proposed section 39(2A)(b), in the Chinese text, by deleting  
“並” .

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

By adding—

“(2B) 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.”.

No. 2

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

By adding—

“(2B) 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 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.”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

By adding—

“(2B) 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 85% 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.”.

No. 4

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

By adding—

“(2B) 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 80% 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.”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

By adding—

- “(2B) 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 75% 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.”.

No. 6

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed3

[NEGATIVED]

By adding—

“(2B) 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 70% 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.”.

## Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

[NEGATIVED]

By adding—

- “(2B) 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 65% 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.”.



No. 8

Legislative Council (Amendment) Bill 2012

**Committee Stage**Amendment moved by the Honourable Albert CHAN Wai YipClauseAmendment Proposed

3

NEGATIVED

By adding—

“(2B) 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 60% 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.”.