

立法會
Legislative Council

LC Paper No. CB(2) 1145/11-12

Ref : CB2/H/5/11

House Committee of the Legislative Council

**Minutes of the 14th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 17 February 2012**

Members present:

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LI Fung-ying, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP

Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Dr Hon PAN Pey-chyou
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent:

Hon Albert HO Chun-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Dr Hon LEUNG Ka-lau
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP

Clerk in attendance :

Miss Odelia LEUNG Clerk to the House Committee

Staff in attendance :

Ms Pauline NG Secretary General
Mr Jimmy MA, JP Legal Adviser

Mrs Constance LI	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Mr Stephen LAM	Principal Council Secretary (Complaints)
Mr Kelvin LI	Acting Chief Public Information Officer
Mr Thomas WONG	Chief Council Secretary (2)2
Ms Amy YU	Chief Council Secretary (2)6
Mr Bonny LOO	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)7
Ms Judy TING	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 13th meeting held on 10 February 2012
(*LC Paper No. CB(2) 1066/11-12*)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration ("CS")

Updated 2011-2012 Legislative Programme

2. The Chairman said that the updated Legislative Programme containing six bills had been issued to Members. She had pointed out to CS that given the controversial nature of some of the bills in the updated Legislative Programme, the Administration should introduce these bills as early as possible to allow sufficient time for Members' scrutiny.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 10 February 2012 and tabled in Council on 15 February 2012

(LC Paper No. LS 32/11-12)

3. The Chairman said that only one item of subsidiary legislation, i.e. the Mutual Legal Assistance in Criminal Matters (Finland) Order (Commencement) Notice (L.N. 21), was gazetted on 10 February 2012 and tabled in the Council on 15 February 2012.

4. Members did not raise any queries on the Notice.

5. The Chairman reminded Members that the deadline for amending the Notice was 29 February 2012.

IV. Further business for the Council meeting of 22 February 2012

(a) **Questions**

(LC Paper No. CB(3) 445/11-12)

6. The Chairman said that Mr Alan LEONG had given up his oral question slot which had been allocated to Ms Emily LAU, and Dr Margaret NG, Mr LEE Wing-tat and Mr CHEUNG Hok-ming had replaced their oral questions.

(b) **Bills - First Reading and moving of Second Reading**

United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012

7. The Chairman said that the Administration had given notice to present the above Bill to the Council on 22 February 2012. The House Committee would consider the Bill at its next meeting on 24 February 2012.

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

Legislative Council (Amendment) Bill 2011

[Second Reading (*Debate to resume - for the purpose of making an announcement for the withdrawal of the Bill*)]

Action

8. The Chairman said that the Administration would resume the Second Reading debate on the Bill at the Council meeting for the purpose of withdrawing it.

(d) **Members' motions**

Proposed resolution to be moved by Dr Hon Philip WONG under section 34(4) of the Interpretation and General Clauses Ordinance relating to the:

- (i) **Schedule of Routes (Citybus Limited) Order 2012;**
- (ii) **Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2012;**
- (iii) **Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2012;**
- (iv) **Schedule of Routes (Long Win Bus Company Limited) Order 2012;**
- (v) **Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2012; and**
- (vi) **Schedule of Routes (New World First Bus Services Limited) Order 2012**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 463/11-12 dated 16 February 2012.)

9. The Chairman said that Dr Philip WONG, Chairman of the relevant Subcommittee, would move a motion at the Council meeting to extend the scrutiny period of the above six Orders to 21 March 2012.

V. Business for the Council meeting of 29 February 2012

(a) **Questions**

(LC Paper No. CB(3) 444/11-12)

10. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

(b) **Bills - First Reading and moving of Second Reading**

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

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

Banking (Amendment) Bill 2011

12. The Chairman said that at the last House Committee meeting, Members considered it not necessary to form a Bills Committee to study the Bill.

13. While noting that the Administration had given notice to resume the Second Reading debate on the Bill at the Council meeting of 29 February 2012, Mr James TO said that he had concern about the Bill and enquired whether a Bills Committee could be formed to study it.

14. Mr IP Kwok-him said that as the House Committee had already agreed at the last meeting that a Bills Committee was not necessary, he considered it not appropriate to reopen the discussion on the matter. He opined that Mr James TO could discuss his concern with the Legal Service Division ("LSD").

15. The Chairman suggested that Mr James TO could follow up his concern with the Administration through LSD and express his concern during the Second Reading debate on the Bill. Mr James TO accepted the arrangement.

16. At the invitation of the Chairman, Legal Adviser ("LA") said that it was for the public officer in charge of the Bill to decide when to resume its Second Reading debate. If considered necessary, the Administration could defer the date of resumption of the Second Reading debate. In response to Mr James TO, LA said that the Administration could withdraw its notice for the resumption of the Second Reading debate on the Bill any time before the Council meeting of 29 February 2012.

(d) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for Food and Health under the Pharmacy and Poisons Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 424/11-12 dated 9 February 2012.)

(LC Paper No. LS 31/11-12)

17. The Chairman said that the proposed resolution was for seeking the Legislative Council ("LegCo")'s approval of the Pharmacy and

Action

Poisons (Amendment) Regulation 2012 and the Poisons List (Amendment) Regulation 2012 to add 12 substances to Division A of Part I of the Poisons List in the Schedule to the Poisons List Regulations and Division A of the First and Third Schedules to the Pharmacy and Poisons Regulations, so that products containing these substances could only be sold on registered premises of an authorized seller of poisons by a registered pharmacist or in his presence and under his supervision, and upon a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon.

18. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

- (ii) **Proposed resolution to be moved by the Secretary for Home Affairs under the Criminal Procedure Ordinance**
(Wording of the proposed resolution issued vide LC Paper No. CB(3) 418/11-12 dated 8 February 2012.)
(LC Paper No. LS 29/11-12)

19. The Chairman said that the proposed resolution was for seeking LegCo's approval of the Legal Aid in Criminal Cases (Amendment) Rules 2012 which sought to amend rules 4 and 21 of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) ("the principal Rules") to expand the scope of legal aid in criminal cases, revise the payment structure for work done by counsel and solicitors in criminal legal aid work and set the relevant fee levels. LSD was seeking the Administration's further clarification on certain drafting issues and a further report would be provided, if necessary.

20. Dr Margaret NG considered it not necessary to form a subcommittee to study the proposed resolution. She said that the principal Rules did not at present expressly cover appeal cases dealt with by the Court of First Instance, Court of Appeal or Court of Final Appeal which did not involve a conviction. The proposed amendments to rule 4 of the principal Rules were to expand the scope of criminal legal aid to cover such cases. As regards the proposed amendments to rule 21 of the principal Rules to revise the fee structure for criminal legal aid work which had been discussed for years, the Administration had reached an agreement with the two legal professional bodies. It had also consulted the Panel on Administration of Justice and Legal Services on the proposals at various meetings, and members had urged for early implementation of the proposed changes.

21. Members did not raise objection to the Administration moving the proposed resolution at the Council meeting.

(e) **Members' motions**

(i) **Motion on "Report of the Subcommittee to Study Issues Relating to the Power of the Legislative Council to Amend Subsidiary Legislation"**

(Wording of the motion issued vide LC Paper No. CB(3) 447/11-12 dated 14 February 2012.)

22. The Chairman said that the above motion would be moved by Dr Margaret NG in her capacity as Chairman of the Subcommittee.

(ii) **Motion to be moved by Hon CHEUNG Hok-ming**

23. The Chairman said that the subject of the motion to be moved by Mr CHEUNG Hok-ming was "Expanding land resources".

24. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 22 February 2012.

Report on study of subsidiary legislation

25. The Chairman invited Members to note the list containing 13 items of subsidiary legislation tabled at the meeting, the scrutiny period of which would expire on 29 February 2012. Members who wished to speak on the subsidiary legislation should indicate their intention by 5:00 pm on Tuesday, 21 February 2012.

VI. Report of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Road Traffic (Impairment Test) Notice and Road Traffic (Amendment) Ordinance 2011 (Commencement) Notice 2012**

(LC Paper No. CB(1) 1070/11-12)

26. The Chairman, in her capacity as Chairman of the Subcommittee, reported on the Subcommittee's deliberations as detailed in its report. She said that the Subcommittee had held one meeting and had completed its scrutiny work. In the course of discussion, the Administration had explained to the Subcommittee how the five impairment tests specified in the Road Traffic (Impairment Test) Notice would be conducted. In response to the Subcommittee's concern, the Administration had agreed to adopt various safeguards to prevent abuse of power by the Police.

Action

The Subcommittee had also urged the Administration to widely publicize how an impairment test would be conducted. The Administration had undertaken to publicize the new offences to combat drug driving and information relating to the impairment tests through different channels. The Administration and the Subcommittee would not propose any amendment to the two Notices.

27. The Chairman reminded Members that as the deadline for amending the two Notices was 29 February 2012, the deadline for giving notice of amendments, if any, was Wednesday, 22 February 2012.

(b) Report of the Subcommittee on Places of Public Entertainment (Exemption) (Amendment) Order 2011

28. Ms Cyd HO, Chairman of the Subcommittee, gave a verbal report on the deliberations of the Subcommittee. She said that the Amendment Order sought to amend the Places of Public Entertainment (Exemption) Order (Cap. 172 sub. leg. D) by adding a new exemption for places managed by The Legislative Council Commission ("LCC") from the operation of sections 4 and 11 of the Places of Public Entertainment Ordinance (Cap. 172) ("PPEO"), so as to relieve LCC of the need to obtain a licence for conducting at the LegCo Complex proposed activities to which members of the public would be admitted. The Amendment Order also sought to provide a definition of "The Legislative Council Commission". The Subcommittee had held four meetings to scrutinize the Amendment Order and discuss the scope and enforcement issues of PPEO. It had listened to the views of three deputations at one of its meetings and had also received written submissions from two other organizations.

29. Ms Cyd HO highlighted the areas of concern of the Subcommittee. She said that members were generally concerned about the Administration's view that the various activities proposed by LCC to be held in the LegCo Complex fell within the meaning of "public entertainment" and the LegCo Complex was a place of public entertainment under PPEO. Some members had expressed concern as to whether LegCo was bound by PPEO from a constitutional point of view. The Subcommittee noted LA's view that the Amendment Order would allay any possible public concern over the applicability of PPEO to LCC and relieve it of the need to obtain a licence each and every time the proposed activities were conducted. The Subcommittee would not propose any amendment to the Amendment Order.

Action

30. Ms Cyd HO reported that members had also expressed concern about the wide scope of "public entertainment" and "places of public entertainment" as defined in PPEO which would undermine the freedom of speech and expression enjoyed by the public. Members noted that almost all activities to which the general public was admitted might be subject to the regulation of PPEO. Such activities included seminars and talks conducted within a university campus, exhibitions and story-telling events held on school open days, and public processions in which speeches and dramas might be delivered and exhibits might be displayed. Another concern of members was the wide discretionary powers conferred on the Administration under PPEO which would give rise to the problems of abuse of power and selective enforcement.

31. Ms Cyd HO further said that to better safeguard the freedom of speech and expression of the public, members in general had called on the Administration to review PPEO as soon as possible, including narrowing down the scope of "public entertainment" and "places of public entertainment". Members considered that apart from LCC, the Administration should give exemption to more places from the regulation of PPEO before PPEO was amended. The Administration had undertaken to convey members' concerns and suggestions to the relevant policy bureau for consideration. The Subcommittee had also agreed to refer the issue relating to the review of PPEO to the Panel on Home Affairs ("HA Panel") for follow-up. She added that some members had indicated their intention to speak on the Amendment Order at the relevant Council meeting. The Subcommittee would provide its written report later.

32. The Chairman reminded Members that as the deadline for amending the Amendment Order was 29 February 2012, the deadline for giving notice of amendments, if any, was Wednesday, 22 February 2012.

VII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2) 1067/11-12*)

33. The Chairman said that there were 16 Bills Committees, seven subcommittees under House Committee (i.e. three subcommittees on subsidiary legislation, two subcommittees on policy issues and two subcommittees on other Council business) and eight subcommittees under Panels in action. One Bills Committee was on the waiting list.

VIII. Follow-up on issues relating to the West Kowloon Reclamation Concept Plan Competition

(Extracts from the draft Hansard of the Council meeting of 15 February 2012 on the urgent oral question relating to the allegation of conflict of interests involving a Chief Executive candidate raised by Hon LEE Wing-tat (LC Paper No. CB(2) 1106/11-12(01))

(a) Letter from Hon Emily LAU

(Letter dated 14 February 2012 from Hon Emily LAU to the Chairman of the House Committee (LC Paper No. CB(2) 1087/11-12(01)))

(b) Letter from Hon Abraham SHEK

(Letter dated 14 February 2012 from Hon Abraham SHEK to the Chairman of the House Committee (LC Paper No. CB(2) 1087/11-12(02)))

34. Ms Emily LAU said that at the meeting of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project ("Joint Subcommittee") formed under the HA Panel and the Panel on Development ("Dev Panel") on 13 February 2012, she had proposed that the Joint Subcommittee should request the Administration to provide all information relating to the allegations of conflict of interests involving a Chief Executive ("CE") candidate in the West Kowloon Reclamation Concept Plan Competition ("the Competition") to facilitate the Joint Subcommittee to follow up on the matter. While members generally agreed to the proposal of requesting the Administration to provide the requisite information, there were diverse views on which committee should follow up on the matter. In the view of LA who had attended the Joint Subcommittee meeting, the Joint Committee might not be an appropriate forum having regard to its terms of reference. Some members were of the view that the matter should be followed up by the HA Panel while some others considered that it should be followed up by the Dev Panel. Given the diverse views, she had written to request the House Committee to decide on the most appropriate and effective forum to follow up on the matter. Noting Mr Abraham SHEK's proposal to seek LegCo's authorization to exercise the powers under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") to order the production of information relating to the Competition, she said that Members belonging to the Democratic Party would not object to the proposal if necessary, given the wide public concern over the matter.

Action

35. Mr Abraham SHEK opined that the matter under discussion concerned the West Kowloon Cultural District ("WKCD") development and not the forthcoming CE Election. He had raised the proposal because the WKCD project involved \$21.6 billion of public money and the public had the right to know what had actually happened. He considered it incumbent upon the Administration to adopt a transparent approach and disclose all information relating to the matter. Should the Administration refuse to do so or fail to obtain the consent of the parties concerned to release information involving them, it might be necessary to invoke the powers under the P&P Ordinance to order the production of the relevant information.

36. In response to the Chairman, Mr Abraham SHEK clarified that he wished the House Committee to consider at this meeting his proposal for invoking the powers under the P&P Ordinance should the Administration fail to provide the requisite information, so that the parties concerned could not continue to drag their feet on the matter.

37. Mr LEE Wing-tat said that according to the Secretary for Home Affairs' reply to his urgent oral question raised at the Council meeting of 15 February 2012, the Administration had to obtain the consent of the parties concerned to release information relating to them in the Competition. To his knowledge, one of the parties concerned had already refused to give such consent. At the Joint Subcommittee meeting on 13 February 2012, Mr IP Kwok-him, Chairman of the Joint Subcommittee, had indicated that the Subcommittee was not an appropriate forum for following up the matter. Mr LEE stressed that the public had the right to access the information and considered it necessary to follow up on the matter as soon as possible. He hoped that the House Committee could decide on the appropriate forum expeditiously so that early follow-up actions could be taken.

38. Mr IP Kwok-him explained that the terms of reference of the Joint Subcommittee were different from those of the Subcommittee on West Kowloon Cultural District Development formed under the House Committee in the Third LegCo under the chairmanship of Mr Alan LEONG. While the latter Subcommittee was formed to study and follow up on issues relating to the development of WKCD, including land use and planning, the Joint Subcommittee formed under the HA Panel and the Dev Panel in the Fourth LegCo under his chairmanship was to monitor issues relating to the implementation of the WKCD project, including the project's interface with arts and cultural development. Hence, he considered that matters relating to the Competition fell outside the purview of the Joint Subcommittee. Mr IP further said that while Members belonging to the Democratic Alliance for the Betterment and

Action

Progress of Hong Kong ("DAB") had no strong view on which committee should follow up on the matter, they did not consider it necessary to invoke the powers under the P&P Ordinance at the present stage. They had all along been of the view that LegCo should exercise its powers under the P&P Ordinance in a prudent manner.

39. Mr WONG Kwok-kin said that Members belonging to the Hong Kong Federation of Trade Unions ("FTU") supported Mr Abraham SHEK's proposal of requesting the Administration to provide comprehensive information to LegCo for follow-up on the matter. As regards his proposal of seeking the Council's authorization to invoke the powers under the P&P Ordinance, Members belonging to FTU considered it necessary to examine the information to be provided by the Administration first.

40. Mr CHAN Kam-lam supported the proposal of requesting the Administration to provide information relating to the matter. As the WKCD project was under the portfolio of the Home Affairs Bureau, he considered that the matter should be followed up by the HA Panel. The HA Panel could convene a special meeting and request the Administration to provide the relevant information as early as possible. In his view, the Administration should provide information relating to the parties involved in the allegations of conflict of interests and information which was not subject to the confidentiality requirements, such as a chronology of events. If the Administration could not provide certain information due to the need to comply with the confidentiality requirements, Members could later consider the way to follow this up.

41. Mr Ronny TONG said that the CE Election was of wide public concern. As Mr LEUNG Chun-ying, who had announced his intention to run in the forthcoming CE Election, considered the Administration's handling of the matter unfair to him, Mr TONG was of the view that the Administration was duty-bound to disclose all information immediately. With the CE Election to be held on 25 March 2012, it was necessary to follow up the matter expeditiously to do justice to Mr LEUNG Chun-ying. Under such circumstances, he believed that invocation of the powers under the P&P Ordinance would accord with public expectation. To his knowledge, Dr Kenneth YEANG had already indicated disagreement to disclose information relating to him in the Competition. The Administration was legally bound by the confidentiality agreements, and invoking the powers under the P&P Ordinance would facilitate the production of the relevant information. In his view, objecting to the invocation of the powers under the P&P Ordinance would not help Mr LEUNG Chun-ying. He appealed to Members belonging to DAB to support the proposal of invoking the powers under the P&P Ordinance.

Action

42. Mr KAM Nai-wai did not subscribe to the view that the matter under discussion did not concern the forthcoming CE Election. As the matter was time critical, he supported the proposal of seeking the Council's authorization to invoke the powers under the P&P Ordinance should the Administration fail to provide the requisite information. He further said that he was the Deputy Chairman of the HA Panel and a member of the Dev Panel. As the Competition concerned the planning for the development of WKCD, he opined that it would be more appropriate for the Dev Panel to follow up on the matter.

43. Mr LEUNG Kwok-hung said that while it was incumbent upon Members to inquire into matters of public concern, he questioned whether LegCo should invoke the powers under the P&P Ordinance to inquire into the allegations concerning a candidate of the forthcoming CE Election, a small-circle election at which only 1 200 persons had the right to vote. He pointed out that there could be many media reports alleging misbehaviour and misconduct of individual candidates, and queried whether LegCo should look into each and every allegation. In his view, Members could consider an alternative approach of inviting the CE Election candidates to LegCo to provide an opportunity for them to confess any wrong-doing committed by them.

44. Mr LEUNG Yiu-chung said that the result of the CE Election would affect all Hong Kong people. While objecting to the small-circle election, he stressed the importance of ensuring fairness and impartiality in the election process. Furthermore, the WKCD project was a matter of public concern. Hence, he considered it necessary for the Administration to provide information relating to the Competition. To ensure that the time-critical matter was followed up expeditiously, he suggested that it be followed up by the House Committee, and expressed support for seeking the Council's authorization to exercise the powers under the P&P Ordinance.

45. Mr Alan LEONG said that LegCo should follow up on the matter because the public had the right to know what had happened in the adjudication of the Competition and ascertain whether fairness had been ensured throughout the process. In his view, it might not be necessary to request the Administration to disclose all information relating to the Competition. At the present stage, he considered it most important for the Administration to provide information on declarations of interests made by Mr LEUNG Chun-ying before and after the adjudication, as well as the assessment made and grade given by him to Dr Kenneth YEANG's entry. To follow up the matter expeditiously, he suggested that a subcommittee should be appointed under the House Committee, and

Action

approval should be given for the immediate activation of the subcommittee. Should the Administration fail to respond to Members' request, the powers under the P&P Ordinance should be invoked to order the production of information.

46. Prof Patrick LAU said that he was the Chairman of the Dev Panel. As he was a member of the Jury of the Competition, should the matter be followed up by the Dev Panel, he would not chair the relevant Panel meetings. He shared the view that the matter should be followed up by the House Committee.

47. Ms Cyd HO shared the view that the matter should be followed up by the House Committee. In her view, all Members had conflict of interest in the matter as they had the right to make nomination in the CE Election. She therefore considered it important that LegCo's discussions on the matter should be conducted in an open and transparent manner. In view of the urgency of the matter and the public interest at stake, she suggested that the House Committee should convene a special meeting to discuss the matter in the following week. The Secretariat could help draw up a list of information to be provided by the Administration. She was most concerned about the Administration's role in the matter and considered it necessary for Members to find out whether the Administration's disclosure of information years after the Competition involved any political struggle.

48. Mr IP Kwok-him clarified that he had not said that he helped any CE Election candidates. He reiterated that Members belonging to DAB did not consider it appropriate to invoke the powers under the P&P Ordinance at the present stage. Mr IP also clarified that it was Mr CHAN Kam-lam's personal view that the matter should be followed up by the HA Panel. DAB did not have any particular view on which committee should follow up on the matter.

49. Ms Emily LAU agreed that the matter should be followed up by the House Committee and considered it not necessary to form any subcommittee. She suggested that the matter should be discussed at the next House Committee meeting scheduled for 24 February 2012 and the Administration should be requested to provide all relevant information before the meeting. Given the urgency of the matter, she considered that the proposal of invoking the powers under the P&P Ordinance should be pursued in parallel. She requested the Secretariat to assist in the matter to enable the moving, if necessary, of the relevant resolution at the earliest Council meeting.

Action

50. Dr PAN Pey-chyou shared some Members' view that the powers under the P&P Ordinance should not be invoked lightly. He pointed out that it would take time to seek the Council's authorization to exercise the powers under the P&P Ordinance. Should the Council's authorization be obtained, it would be necessary to convene meetings and arrange to summon the parties concerned to attend the meetings. He queried whether the whole process could be completed before the CE Election to be held on 25 March 2012. He considered that Members should not proceed with the matter in haste.

51. Mr LEUNG Kwok-hung opined that Mr LEUNG Chun-ying's request for the Administration to disclose all information relating to the Competition was a shrewd tactic. It was difficult for the Administration to accede to the request given the confidentiality requirements. While he could understand the reasons held by some Members for expressing support for invoking the powers under the P&P Ordinance to order the production of the information, he queried the justifications for so doing. He doubted whether LegCo should invoke the powers under the P&P Ordinance for the purpose of clarifying allegations concerning every candidate of the small-circle CE Election.

52. Mr Abraham SHEK agreed that the matter should be followed up by the House Committee first. Should the Administration fail to provide the requisite information, Members could then consider the need to seek the Council's authorization to exercise the powers under the P&P Ordinance. In his view, LegCo's inquiry into the matter was not to do justice to certain persons, but for the sake of public interest. He stressed that the public had the right to know the truth about matters concerning the WKCD project.

53. Summing up, the Chairman said that she gathered from the discussions that the majority of the Members considered that the matter should be followed up by the House Committee. The Chairman suggested and Members agreed that a special House Committee meeting be held on next Friday, 24 February 2012, to discuss the matter with the Administration. The Administration should be requested to provide information relating to the allegations of conflict of interests before the meeting. Members also agreed that the special meeting should be held immediately after the regular House Committee meeting scheduled to be held at 2:30 pm on the same day and the duration of the special meeting should be three hours.

Action

54. Dr Margaret NG said that as CS was the corresponding Secretary of Department of the House Committee, CS should be requested to coordinate the attendance of public officers at the special House Committee meeting and the provision of information requested by Members.

55. The Chairman suggested that after consideration of the information provided by the Administration and discussion with the Administration at the special meeting to be held on 24 February 2012, Members would consider whether to seek the Council's authorization to invoke the powers under the P&P Ordinance to order the production of the relevant information. She suggested allocating at least 15 minutes before the end of the special meeting for discussion of this issue if necessary. Members agreed with the arrangement.

56. Ms Emily LAU said that as there would be no Council meeting on 7 and 14 March 2012, the motion to seek the Council's authorization to exercise the powers under the P&P Ordinance, if necessary, should be moved at the Council meeting of 29 February 2012.

57. The Chairman requested the Secretariat to prepare the relevant information for seeking the Council's authorization to exercise the powers under the P&P Ordinance to facilitate Members' discussion at the special House Committee meeting.

58. There being no other business, the meeting ended at 3:33 pm.