

立法會
Legislative Council

LC Paper No. CB(2) 1231/11-12

Ref : CB2/H/5/11

House Committee of the Legislative Council

**Minutes of the 15th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 24 February 2012**

Members present:

Hon Miriam LAU Kin-ye, 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 David LI Kwok-po, GBM, GBS, JP
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
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 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
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun, JP
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
Hon CHAN Kam-lam, SBS, JP
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, 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 Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Bonny LOO	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Josephine SO	Senior Council Secretary (2)7
Ms Doris LO	Senior Council Secretary (3)5
Ms Judy TING	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

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I. Confirmation of the minutes of the 14th meeting held on 17 February 2012
(LC Paper No. CB(2) 1145/11-12)

The minutes were confirmed.

II. Matters arising

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

Updated 2011-2012 Legislative Programme

2. The Chairman said that CS had indicated that of the six bills in the updated 2011-2012 Legislative Programme, four bills, including the Trade Descriptions (Unfair Trade Practices) (Amendment) Bill, would be introduced into the Legislative Council ("LegCo") within February 2012. As for the remaining two bills, the Residential Properties (First-hand Sales) Bill would be introduced into the Council on 21 March 2012 while the Statute Law (Miscellaneous Provisions) Bill would be introduced in May at the latest.

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(b) **Banking (Amendment) Bill 2011**

(Paragraphs 12 to 16 of the minutes of the 14th meeting held on 17 February 2012)

(LC Paper Nos. CB(2) 1157/11-12(01) and CB(2)1192/11-12(01))

[Previous papers:

LC Paper No. LS 21/11-12 issued vide LC Paper Nos. CB(2) 748/11-12 and CB(2) 753/11-12 dated 5 January 2012;

paragraphs 6 to 8 of the minutes of the 10th House Committee meeting held on 6 January 2012 (LC Paper No. CB(2) 782/11-12 issued vide LC Paper No. CB(2) 814/11-12 dated 12 January 2012);

LC Paper No. LS 30/11-12 issued vide LC Paper No. CB(2) 1017/11-12 dated 9 February 2012; and

paragraphs 4 and 5 of the minutes of the 13th House Committee meeting held on 10 February 2012 (LC Paper No. CB(2) 1066/11-12 issued vide LC Paper No. CB(2) 1106/11-12 dated 16 February 2012)]

3. The Chairman said that at the last House Committee meeting, Members noted that Mr James TO had concerns about the Bill. Subsequently, Mr TO had followed up his concerns with the Administration through the Legal Service Division ("LSD").

4. Mr James TO said that he was still considering the Administration's reply to the issues he had raised.

5. Members noted that the Administration had given notice to resume the Second Reading debate on the Bill at the Council meeting of 29 February 2012.

(c) **Proposed resolution to be moved by the Secretary for Home Affairs ("SHA") under the Criminal Procedure Ordinance**

(Paragraphs 19 to 21 of the minutes of the 14th meeting held on 17 February 2012)

(LC Paper No. LS 36/11-12)

[Previous paper:

LC Paper No. LS 29/11-12 issued vide LC Paper No. CB(2) 1106/11-12 dated 16 February 2012)]

6. The Chairman said that at the last House Committee meeting, Members considered it not necessary to form a subcommittee to study the proposed resolution. Members also noted that LSD was then seeking the Administration's further clarification on certain drafting issues. In the light of LSD's concerns, the Administration had decided to make

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drafting and technical amendments to the proposed resolution and had withdrawn the notice for moving it. At the request of the Administration, the President had waived the required notice for SHA to move an amended version of the proposed resolution which had incorporated the relevant amendments at the Council meeting of 29 February 2012.

7. Members noted LSD's further report on the proposed resolution which set out the position described in paragraph 6 above.

III. Business arising from previous Council meetings

(a) Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)

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

(LC Paper No. LS 34/11-12)

8. The Chairman said that the Bill sought to implement the recommendations of the Financial Action Task Force on Money Laundering as set out in its 2008 Mutual Evaluation Report on Hong Kong. The Panel on Security had been consulted on the proposed amendments at its meeting on 7 November 2011, and members had requested the Administration to address various issues relating to the proposed amendments in the Bill. LSD was seeking clarification with the Administration on certain technical points.

9. At the invitation of the Chairman, Legal Adviser ("LA") said that the Administration had provided its written reply on the day before the House Committee meeting. LSD was considering the Administration's reply. A further report would be provided, if necessary.

10. Mr James TO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr James TO agreed to join the Bills Committee.

11. The Chairman said that the Secretariat would issue a circular to invite Members to join the proposed Bills Committee. Should less than three Members join the Bills Committee by the deadline for signification of membership, the Bills Committee would not be formed in accordance with the House Rules. Members noted the arrangements.

12. The Chairman further said that the Bills Committee would be placed on the waiting list.

(b) **Legal Service Division report on subsidiary legislation gazetted on 17 February 2012 and tabled in Council on 22 February 2012**

(LC Paper No. LS 35/11-12)

13. The Chairman said that a total of five items of subsidiary legislation (L.N. 23 to L.N 27), including one Commencement Notice, were gazetted on 17 February 2012 and tabled in the Council on 22 February 2012.

14. Members did not raise any queries on these five items of subsidiary legislation.

15. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 21 March 2012.

IV. Further business for the Council meeting of 29 February 2012

(a) **Tabling of papers**

Report No. 13/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2) 1147/11-12 issued vide LC Paper No. CB(3) 501/11-12 dated 23 February 2012)

16. The Chairman said that the Report covered 13 items of subsidiary legislation, including the Places of Public Entertainment (Exemption) (Amendment) Order 2011, the period for amendment of which would expire on 29 February 2012. As Members had indicated intention to speak on the Order, she would move a motion in her capacity as Chairman of the House Committee to take note of the Report in relation to the Order.

(b) **Questions**

(LC Paper No. CB(3) 485/11-12)

17. The Chairman said that Mr Alan LEONG and Dr PAN Pey-chyou had replaced their oral questions.

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

(i) **Construction Industry Legislation (Miscellaneous Amendments) Bill 2012**

**(ii) Trade Descriptions (Unfair Trade Practices)
(Amendment) Bill 2012**

(iii) Trade Descriptions (Amendment) Bill 2012

18. The Chairman said that the Administration had given notice to present the above three Bills to the Council on 29 February 2012. The House Committee would consider these Bills at its next meeting on 2 March 2012.

(d) Government motions

Proposed resolution to be moved by the Secretary for Home Affairs under the Criminal Procedure Ordinance and the Interpretation and General Clauses Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 503/11-12 dated 23 February 2012.)

19. The Chairman said that the above proposed resolution had been dealt with under agenda item II(c).

V. Report of Bills Committees and subcommittees

Report of the Bills Committee on Lifts and Escalators Bill

(LC Paper No. CB(1) 1117/11-12)

20. Ir Dr Raymond HO, Chairman of the Bills Committee, reported on the deliberations of the Bills Committee as detailed in its report. He said that the Bills Committee had held 17 meetings and had invited the general public, including the relevant trade and professional organizations, to give views on the Bill.

21. Ir Dr Raymond HO said that the object of the Bill was to provide for the safety of lifts and escalators. The main issues deliberated by the Bills Committee included the registration requirements on persons involved in lift and escalator works and the related transitional arrangements; the coverage and liabilities of responsible persons; the penalty levels of the offences under the Bill; control over subcontracting of lift and escalator works; measures to ensure proper functioning of the emergency devices of lifts; composition of the disciplinary boards and appeal boards; and the manpower supply for lift and escalator works.

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22. Ir Dr Raymond HO further said that in the course of scrutiny, members expressed particular concern about whether the proposed regulations under the Bill could ensure the safety of users of lifts and escalators; whether the liabilities imposed on responsible persons and workers in the trade were clear and appropriate and whether such liabilities would be unduly onerous; and provision of assistance to relevant persons subject to the stringent regulations under the new regulatory regime. In response to the views and concerns of members, the Administration had proposed various Committee Stage amendments ("CSAs"), which included technical and drafting amendments. The Bills Committee agreed to the Administration's proposed CSAs and supported the resumption of the Second Reading debate on the Bill at the Council meeting of 18 April 2012.

23. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Thursday, 5 April 2012.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1146/11-12)

24. The Chairman said that there were 15 Bills Committees, six subcommittees under House Committee (i.e. two subcommittees on subsidiary legislation, two subcommittees on policy issues and two subcommittees on other Council business) and eight subcommittees under Panels in action. As there was one vacant slot after a Bills Committee had reported under agenda item V above, the Bills Committee on Electoral Legislation (Miscellaneous Amendments) Bill 2012 on the waiting list could commence work. One Bills Committee, i.e. the newly formed Bills Committee on United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012, was on the waiting list.

VII. Issues relating to the Chief Executive's trips on private jets and yachts and renting of a housing unit in Shenzhen

(a) Proposal of Hon Alan LEONG for inviting the Chief Executive to the Legislative Council

(Letter dated 22 February 2012 from Hon Alan LEONG to the Chairman of the House Committee (LC Paper No. CB(2) 1186/11-12(01)))

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- (b) **Proposal of Hon Albert CHAN for asking an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 29 February 2012**
(Letter dated 23 February 2012 from Hon Albert CHAN to the Chairman of the House Committee (LC Paper No. CB(2) 1192/11-12(02)))
- (c) **Proposal of Hon Cyd HO for asking an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 29 February 2012**
(Appendix I to the letter dated 23 February 2012 from Hon LEE Cheuk-yan to the Chairman of the House Committee (LC Paper No. CB(2) 1197/11-12(01)))
- (d) **Proposal of Hon CHEUNG Kwok-che for asking an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 29 February 2012**
(Appendix II to LC Paper No. CB(2) 1197/11-12(01))
- (e) **Proposal of Hon LEE Cheuk-yan for asking an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 29 February 2012**
(Appendix III to LC Paper No. CB(2) 1197/11-12(01))

25. The Chairman said that Mr Alan LEONG's proposal for inviting the Chief Executive ("CE") to LegCo as well as the four proposals respectively from Mr Albert CHAN, Ms Cyd HO, Mr CHEUNG Kwok-che and Mr LEE Cheuk-yan for asking urgent oral questions at the Council meeting of 29 February 2012 concerned issues relating to CE's trips on private jets and yachts and renting of a residential unit in Shenzhen. She informed Members that Mr Alan LEONG had just submitted another proposal for asking an urgent oral question on the same subject matter at the Council meeting. Given that all these proposals related to the same subject matter, she suggested that a joint discussion be held on them. Members agreed.

(Post-meeting note: Mr Alan LEONG's letter to the Chairman of the House Committee dated 24 February 2012 regarding his proposal for raising an urgent oral question, which was tabled at the meeting, was circulated to Members vide LC Paper No. CB(2) 1213/11-12(01) on 27 February 2012.)

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26. The Chairman said that according to rule 10 of the House Rules, to assist the President in considering requests for asking urgent questions without the required notice, the Member concerned should, where practicable, first seek the agreement of the House Committee before submitting an urgent question to the Clerk to LegCo. She added that irrespective of whether such a request was supported by the House Committee, it was for the President to decide whether to give permission for raising an urgent question.

27. At the invitation of the Chairman, Secretary General ("SG") said that in considering proposals for asking urgent questions, the House Committee should consider whether the questions were of an urgent character. The President, in deciding whether to give permission for raising an urgent question, would take into account the views and recommendation of the House Committee and the relevant provisions in the Rules of Procedure ("RoP"), including RoP 25 governing the contents of questions.

28. Mr James TO said that even if permission was given for raising the proposed urgent oral questions at the Council meeting of 29 February, CE himself would unlikely attend the Council meeting to give replies to the oral questions. In his view, the most desirable arrangement was to hold a special CE's Question and Answer ("Q&A") Session, so that CE himself could answer Members' questions on issues concerning him. He suggested that the Chairman should write to CE requesting him to attend a special Q&A Session to be held as early as possible in the following week. Should CE agree to attend, it might not be necessary to raise the urgent oral questions at the Council meeting of 29 February. Should CE turn down the request, Members might further consider the matter at the next House Committee meeting.

29. In response to the Chairman's enquiry about the scheduling of the next CE's Q&A Session, Assistant Secretary General 3 said that CE had undertaken to attend at least four Q&A Sessions in each legislative session. After the last CE's Q&A Session held on 19 January 2012, the Secretariat had written to the Director of Administration seeking a reply, by the end of February 2012, on the date for holding the next CE's Q&A Session. According to her enquiry with the Administration Wing on the day before the House Committee meeting, a decision had yet to be made on the matter.

30. Ms Emily LAU said that Members belonging to the Democratic Party ("DP") supported the proposals for asking urgent oral questions. The Administration should reply to the questions, some of which

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concerned the relevant mechanism, as far as possible. Members belonging to DP also supported Mr Alan LEONG's proposal for inviting CE to LegCo. She informed Members that she had written to CE on 22 February requesting his attendance at a Council meeting to answer Members' questions on the matter. She pointed out that after the Council meeting of 29 February, there would be no Council meeting in the following week due to the special meetings of the Finance Committee to examine the Estimates of Expenditure 2012-2013. Given the wide public concern on the matter both locally and internationally, she considered that it should be dealt with expeditiously.

31. The Chairman informed Members that the Panel on Constitutional Affairs ("CA Panel") would hold a special meeting on 1 March 2012 at 4:30 pm to discuss the declaration of interest arrangement by CE.

32. Ms Cyd HO shared the view that CE should attend a Q&A Session in LegCo as early as possible. Pointing out that CE had spoken on the matter on a radio programme, she could not see why CE should not attend a Q&A Session in LegCo held in an open and transparent manner. In her view, the raising of urgent oral questions and the holding of a CE's Q&A Session were not mutually exclusive. The information provided by the Administration to the urgent questions would provide a basis for Members to raise more in-depth questions on the matter during the Q&A Session. Hence, she also supported the proposals for raising urgent oral questions.

33. Mr Alan LEONG concurred with the view that raising urgent oral questions and inviting CE to attend a Q&A Session were not mutually exclusive, since the information provided to the urgent oral questions would facilitate Members in following up on the matter at the Q&A Session. He pointed out that after the Council meeting of 29 February, the earliest Council meeting at which oral questions could be asked would be held in April 2012. He appealed to Members to support the proposals for asking urgent questions at the Council meeting of 29 February and hoped that a CE's Q&A Session could be held as soon as possible.

34. Mr LEE Wing-tat referred to the inquiry into the case of Mr LEUNG Chin-man and said that conflict of interest or deferred benefit involving high-ranking public officers was a matter of significant public importance. The recent media reports on CE's trips on private jets and yachts and renting of a residential unit in Shenzhen below market rent had aroused grave public concern. He stressed that the matter had significant impact on the operation of the Government and the discharge of official duties by civil servants. He expressed support for holding a

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CE's Q&A Session of two hours specifically for the discussion of the matter and appealed to Members belonging to different political parties and groupings to support the proposal.

35. Mr Albert CHAN said that the public was furious about the matter. Should similar allegations be made against a public officer in other countries such as Australia, Canada, New Zealand or the United States of America, the public officer concerned would have already resigned. As the Executive Authorities were accountable to the Legislature, he considered it incumbent upon CE to come to LegCo to respond to Members' questions on the matter. In his view, the ideal arrangement was for CE to attend a LegCo meeting on or before 29 February to give an account and answer Members' questions on the matter, in which case he would be willing to withdraw his request for raising an urgent oral question.

36. Mr LEE Cheuk-yan said that the public had grave concern about the matter and considered it a shame on Hong Kong. He stressed that CE was duty-bound to come to LegCo to give an account on the matter as soon as possible on or before 29 February. Given the urgency of the matter, he suggested that CE should be requested to attend the Council meeting of 29 February to reply to the urgent oral questions raised by Members and at least two hours should be allocated for that part of the Council meeting.

37. Mr WONG Yuk-man expressed support for Mr LEE Cheuk-yan's proposal for inviting CE to attend the Council meeting of 29 February and allocating two hours of the meeting for Members to raise questions on the matter. In his view, CE should not have merely given an account on the matter through a television station. Given the strong public criticism against him, CE should manage the crisis and attending the Council meeting of 29 February would provide an opportunity for him to explain the matter to the public.

38. Mr LEUNG Kwok-hung said that it was the constitutional duty of LegCo to monitor the work of the Executive Authorities. Hence, it was incumbent upon CE to come to LegCo to answer questions on the matter. In his view, it should be the duty of the President to request CE to attend the Council meeting of 29 February. Should CE refuse to do so, the President should condemn CE so as to uphold the dignity of LegCo.

39. Mr James TO considered Mr LEE Cheuk-yan's suggestion viable. He proposed that the Chairman should urgently request a short meeting with CE to convey Members' requests immediately after the House Committee meeting.

40. Mr Paul TSE said that while he was furious about the scandalous acts of CE as recently reported by the media, he considered that requests for asking urgent questions should be considered prudently in accordance with the relevant procedures and provisions in RoP. In his view, LegCo should not be steered by the media and Members should take into account the urgency of a matter in making requests for asking urgent questions. He further said that he had also intended to make an application for a question slot on the matter. However, given the many requests from other Members for asking urgent oral questions without notice on the matter, he was considering whether he should do the same. He stressed that the mechanism for raising urgent questions should not be abused. In his view, holding a special CE's Q&A Session was preferable to asking urgent oral questions, as the former would not deviate from any existing rules or mechanism.

41. Mr Paul TSE further said that apart from the impeachment mechanism under Article 73(9) of the Basic Law, Article 52(1) of the Basic Law ("BL 52(1)") provided that CE must resign when he/she lost the ability to discharge his or her duties as a result of serious illness or other reasons. He invited LA's views on the circumstances under which CE must resign in accordance with BL 52(1) and whether it covered the situation where CE had lost credibility and public trust to the extent that he could no longer discharge his duties.

42. At the invitation of the Chairman, LA said that BL 52(1) only set out the general framework. Neither the Basic Law nor any ordinance contained any specific provision on how BL 52(1) was to be applied. It was for the incumbent CE to decide in the first instance how he should comply with BL 52(1). He added that since the Basic Law had come into force, there was only one occasion where an incumbent CE tendered resignation.

43. In response to Mr Paul TSE's enquiry on whether he could submit a proposal for asking an urgent question at the Council meeting of 29 February any time before that Council meeting, the Chairman said that the Member concerned should, where practicable, first seek the agreement of the House Committee before submitting an urgent question to the Clerk to LegCo. Should there be no House Committee meeting before the Council meeting concerned, the Member concerned could submit the urgent question direct to the President for consideration.

44. Dr PAN Pey-chyou said that the recent spate of reports on CE's acceptance of entertainment from tycoons had aroused grave public concern. These reports were unveiled at a time when the forthcoming

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CE Election was drawing near. In his view, the matter concerned not only CE, but all Hong Kong people as it would cause instability in the establishment. He supported the proposal for inviting CE to come to LegCo which would provide an opportunity for him to explain what had actually happened and his claim that he had followed the relevant mechanism. It would also enable the public to assess whether CE's acts had constituted an offence under the laws of Hong Kong. In his view, if CE agreed to attend a Council meeting and sufficient time was allowed for Members to ask questions, it might not be necessary to raise the proposed urgent oral questions.

45. Mr TAM Yiu-chung shared Mr Paul TSE's concern about the recent trend of the increase in proposals for raising urgent questions and possible abuse of the mechanism. He said that at the special House Committee meeting on 21 February, Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") did not support Mr Albert CHAN's request for asking an urgent oral question relating to concerns about the attendance of CE at a spring gathering in Macao. However, given the grave public concern on the spate of media reports on allegations of CE's acceptance of entertainment over the last couple of days and considering that oral questions could only be raised in April after the Council meeting of 29 February, Members belonging to DAB supported the proposals for asking urgent oral questions at that Council meeting. They also supported the holding of a CE's Q&A Session as early as possible to provide a forum for Members to raise questions on the matter and for CE to respond. Mr TAM further said that the CA Panel would hold a special meeting on 1 March at 4:30 pm to discuss with the Administration the declaration of interest arrangement by CE, including the relevant requirements and mechanism and areas for improvement. Non-Panel Members were also invited to attend the meeting.

46. Mr LEUNG Yiu-chung said that while the CA Panel should follow up on long-term issues concerning the relevant mechanism, the matter at stake concerned the immediate question of whether the incumbent CE's acts involved any conflict of interests. Given the wide public concern, he supported the proposal for inviting CE to attend the Council meeting of 29 February and allocating two hours for the discussion of the matter. He did not subscribe to the view that there was abuse in the mechanism for raising urgent oral questions. He considered that such a view was tantamount to criticizing the President for not having followed the relevant criteria in considering such requests. He stressed that every Member had the right to raise proposals for asking urgent questions, and it was for the President to act as the gatekeeper.

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47. Ms Emily LAU said that as CE had yet to accede to Members' request for attending the Council meeting of 29 February, she considered that the House Committee should support in principle the proposals for raising the urgent oral questions so that the questions could be raised at that Council meeting should CE decide not to attend.

48. Mr Paul TSE said that he agreed in principle that CE should come to LegCo as soon as possible to respond to Members' questions on the matter to allay public concerns. He opined that the President might err in his judgment and the House Committee should also play a gate-keeping role. With the developments over the last few days, the urgency of the matter had been greater as the integrity of CE was called into question and the governance of the Administration was undermined. In view of the proposals raised by other Members for asking urgent oral questions on the matter, he decided to also put forward a proposal in this regard for the consideration of the House Committee.

(Post-meeting note: Mr Paul TSE's proposed urgent oral question, which was tabled at the meeting, was circulated to Members vide LC Paper No. CB(2) 1213/11-12(02) on 27 February 2012.)

49. Dr PAN Pey-chyou said that he did not object to the proposals for asking urgent oral questions but wished to seek information on whether there was any mechanism for not proceeding with the processing of the questions should CE agree to attend the Council meeting of 29 February.

50. Mr WONG Yuk-man stressed that CE himself should come to LegCo to answer Members' questions at a CE's Q&A session of two hours. In his view, even if permission was given by the President for asking the urgent oral questions, unless CE would be the public officer to reply, it would be fruitless for other attending public officers to give replies as the matter concerned CE himself.

51. Ms Audrey EU said that should CE agree to attend the Council meeting of 29 February, she suggested that the six urgent oral questions be changed to written questions as information in the written replies would facilitate Members in raising questions to CE during the meeting.

52. Ms Cyd HO shared the view that the six urgent oral questions should be changed to written questions should CE attend the Council meeting of 29 February.

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53. At the invitation of the Chairman, SG said that she would examine whether it was in compliance with RoP to change the urgent oral questions into written questions as proposed by Members. In any case, the six questions concerned would be processed as urgent oral questions in the meantime.

54. At the invitation of the Chairman, LA said that there was no precedent of changing an urgent oral question into a written question. He drew Members attention to RoP 23 which provided that the House Committee could make recommendations on the manner in which questions should be counted.

55. Summing up the discussions, the Chairman said that Members in general supported the proposal for inviting CE to attend a LegCo meeting as well as the proposals from six Members respectively for asking urgent oral questions at the Council meeting of 29 February. Members also agreed in principle that should CE agree to attend a LegCo meeting on or before 29 February, the six proposed urgent oral questions would be changed to written questions, subject to compliance with the relevant provisions in RoP. Should CE not attend a LegCo meeting on or before 29 February, the six proposed urgent oral questions would be proceeded with, subject to the President's approval, and CE would be requested to attend a CE's Q&A Session on the matter within the following week and failing that, as early as possible. She requested the Secretariat to convey immediately Members' requests to CE after the meeting.

56. There being no other business, the meeting ended at 3:39 pm.