

立法會
Legislative Council

LC Paper No. CB(2) 2602/11-12

Ref : CB2/H/5/11

House Committee of the Legislative Council

**Minutes of the 30th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 6 July 2012**

Members present:

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon LEE Cheuk-yan
Dr Hon Margaret NG
Hon James TO Kun-sun
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 Timothy FOK Tsun-ting, GBS, 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 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, SBS, 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, SBS, JP
Hon CHAN Hak-kan, JP
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, BBS, 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
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
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 Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent:

Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon David LI Kwok-po, GBM, GBS, JP
Hon CHEUNG Man-kwong
Hon Andrew CHENG Kar-foo
Hon Vincent FANG Kang, SBS, JP
Hon LEUNG Kwok-hung

Clerk in attendance :

Miss Odelia LEUNG Clerk to the House Committee

Staff in attendance :

Ms Pauline NG, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mr Andy LAU	Assistant Secretary General 1
Miss Flora TAI	Assistant Secretary General 2 (Designate)

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	Acting Senior Assistant Legal Adviser 4
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Ms Wendy KAN	Assistant Legal Adviser 6
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

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I. Confirmation of verbatim transcript/minutes of meetings

- (a) **Verbatim transcript of the special meeting held on 5 June 2012**
(*LC Paper No. CB(2) 2524/11-12*)
- (b) **Minutes of the 29th meeting held on 29 June 2012**
(*LC Paper No. CB(2) 2505/11-12*)

The two sets of verbatim transcript/minutes of meetings were confirmed.

II. Matters arising

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

2. The Chairman said that she had relayed to CS Members' wish for the Chief Executive ("CE") to attend a Question and Answer Session ("Q&A Session") before the commencement of prorogation of the Legislative Council ("LegCo") on 18 July 2012 to answer Members' questions on his governance philosophy and, among other things, the unauthorized building works at his residence. The Director of Administration had written to the LegCo Secretariat on 5 July 2012, advising that CE would attend a Q&A Session on Monday, 16 July 2012, from 2:30 pm to 4:00 pm to introduce his policy vision to Members and answer questions on issues of concern to LegCo and the community.

(b) Planning of Council business to be dealt with at Council meetings before 18 July 2012

(LC Paper No. CB(2) 2512/11-12)

3. The Chairman said that the Secretariat had prepared an updated plan on Council business to be dealt with at Council meetings before 18 July 2012, in the light of the latest progress of the Council meeting commencing on 4 July 2012.

4. At the invitation of the Chairman, Secretary General ("SG") said that the updated plan reflected the progress of the Council meeting up to 12:00 noon of the day of the House Committee ("HC") meeting. According to the Secretariat's estimation, the proceedings on the Companies Bill could be completed at the earliest on Tuesday, 10 July 2012. Should this be the case, the remaining seven Government Bills would be dealt with at the Council meeting of 11 July 2012. When the Secretariat consulted Members on the arrangements for the Council meetings, some Members expressed the view that the Council meeting should be suspended at 10:00 pm instead of 12:00 midnight as the latter arrangement would be too tiring for them. Furthermore, most Members who had replied indicated their unavailability to attend the Council meeting on Saturday, 14 July, and Sunday, 15 July. As there would be insufficient Members to form a quorum, the President had preliminarily directed that the updated plan be prepared on the assumption that no Council meeting would be held on these two days. On the basis of these assumptions, the Secretariat estimated a shortfall of 113.5 hours for transacting all the outstanding items of Council business. Depending on the progress of the Council meetings, there was a possibility that some Government bills and motions on the Agenda could not be dealt with before the Council's prorogation on 18 July 2012.

5. Dr Margaret NG said that it had just come to her notice that the Administration would move further amendments to the proposed resolution relating to the re-organization of the Government Secretariat to the effect that the resolution would take effect on 23 July 2012 after its passage by LegCo and approval by the Finance Committee of the relevant financial proposals. She noted that some Members who were determined to obstruct passage of this proposed resolution by LegCo had spent a long time on the proceedings on the Companies Bill. Dr NG pointed out that as the Companies Bill consisted of over 900 clauses, Members could spend a lot of time debating. Having regard to the long time taken to complete the debate on the clauses without amendments, she surmised that the proceedings on the clauses to which amendments were proposed would likely last even longer. She would not be surprised if the proceedings on the Companies Bill could not be

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completed before the Council's prorogation began. She queried whether the passage of the re-organization proposals was as important to the Administration as to sacrifice other Government bills and motions. She urged the Administration to withdraw expeditiously the proposed resolution relating to the re-organization of the Government Secretariat.

6. At the invitation of the Chairman, SG said that the Secretariat's estimation of the completion of the proceedings on the Companies Bill on 10 July 2012 was based on the outcome of her consultation with the Members concerned including Mr Albert CHAN.

7. Mr LEE Cheuk-yan said that as Chairman of the Panel on Manpower, he was concerned about the present position of the two proposed resolutions relating to the Employees' Compensation Ordinance and the Pneumoconiosis and Mesothelioma (Compensation) Ordinance which were respectively at the 10th and 11th places among the category of Government motions to be dealt with at the Council meeting of 11 July 2012. He pointed out that the upward adjustment of the compensation levels in the proposed resolutions were agreed upon by the parties concerned after discussions. According to the Administration's original legislative timetable, the proposed amendments to the compensation levels would take effect from mid July 2012. However, with the proposed resolution relating to the re-organization of the Government Secretariat jumping the queue and being placed at the second place among the category of Government motions, the proceedings on the two proposed resolutions relating to occupational compensation would be delayed; so were other Government motions on people's livelihood, such as the resolutions relating to the Legal Aid Ordinance, the Occupational Deafness (Compensation) Ordinance and the Disability Discrimination Ordinance. In his view, to address the present problem, the Administration should withdraw the proposed resolution relating to the re-organization of the Government Secretariat, or at least defer its scrutiny until after the proceedings on other Government motions concerning people's livelihood had been completed. He urged the Administration to reconsider its present order of priority for dealing with the Government motions on the Agenda of the Council.

8. Mr IP Kwok-him considered the Secretariat's estimation too optimistic and questioned whether the proceedings on the Companies Bill could be completed by Tuesday, 10 July 2012. He said that while there were views in the community objecting to the proposals on the restructuring of the Government Secretariat, some members of the public supported them. Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") were of the

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view that all Government bills and motions were important. They did not agree that the Administration should be requested to withdraw the proposed resolution relating to the re-organization of the Government Secretariat and it would be difficult for Members to reach a consensual view on the matter. He appealed to Members to adopt a rational attitude in dealing with the bills and motions irrespective of their views thereon. As regards the meeting arrangements for the Council meeting of 11 July 2012, Mr IP said that given the huge backlog of Council business, it would not be acceptable to the public should the Council not meet on Saturday and Sunday. Members belonging to DAB suggested that the Council should continue to meet from 9:00 am to 5:00 pm during Saturday, 14 July and Sunday, 15 July.

9. Mr Ronny TONG said that scheduling additional meeting slots for the last Council meeting could not resolve the problem. In his view, CE should accept the political reality and seriously consider withdrawing the proposed resolution relating to the re-organization of the Government Secretariat. He was confident that once this was done, the legislative process of all Government bills and motions could be completed before the Council's prorogation. Otherwise, the passage of bills and motions relating to people's livelihood would be affected and it would merely be a waste of time for the Council to meet day after day. Citing the Administration's withdrawal of its notice to resume the Second Reading debate on the Copyright (Amendment) Bill 2011 at the Council meeting of 9 May 2012 as an example, Mr TONG reiterated that CE should exercise political sagacity to end the deadlock by withdrawing the proposed resolution concerning the re-organization of the Government Secretariat.

10. Mr CHAN Kin-por said that the insurance sector needed time to prepare for the implementation of the increases in the levels of compensation under the three proposed resolutions relating to occupational compensation. He shared the concern about the impact of the deferral of LegCo's proceedings on these proposed resolutions on workers. He considered it inappropriate for some Members to waste the Council time by resorting to filibustering to obstruct the passage of the proposed resolution relating to the re-organization of the Government Secretariat. In his view, it was unfair to expect CE to achieve his policy vision without giving him room to re-organize the Government Secretariat. Instead, Members should monitor whether the re-organization could achieve the intended benefits. Having regard to the considerable amount of time wasted on the counting of the quorum of the Council, he appealed to Members to be punctual and to sit through the Council meetings. He stressed that it was the duty of all Members to attend Council meetings.

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11. Dr PAN Pey-chyou questioned the usefulness of arranging the Council meetings to continue on more days, given the filibustering tactics employed by a few Members, which included the making of repetitive and insensible speeches as well as frequent requests for counting the quorum of the Council. Furthermore, he was concerned about the impact of lengthy meetings on the health of Members. While the withdrawal of the proposed resolution relating to the re-organization of the Government Secretariat might be a short-term solution to the present problem, he was worried that it might encourage some Members to resort to the same tactic in future to achieve their aim. He considered it necessary to amend the Rules of Procedure ("RoP") to address the problem of filibustering. Dr PAN noted that public officers deployed as "paparazzi" and stationed in the LegCo Complex were only provided with stools. He hoped that the LegCo Secretariat could make available more comfortable chairs for these public officers.

12. The Chairman requested the Secretariat to follow up on Dr PAN Pey-chyou's concern.

13. Mr LAU Kong-wah said that according to opinion polls conducted in the community, around 60% to 70% of the respondents were opposed to the filibustering tactics employed by some Members to obstruct the proceedings on the proposed resolution relating to the re-organization of the Government Secretariat. He stressed that the crux of the problem lay in the filibuster adopted by three Members in the past two months, which had seriously affected the operation of the Council. For a single day on 5 July 2012, a total of four hours had been wasted on the counting of the quorum of the Council. In his view, the filibuster by the few Members was tantamount to political blackmail. Should these Members succeed in getting what they wanted through filibuster, some Members would make use of it again in the next LegCo term. He stressed that this was not acceptable to the public, and appealed to Members belonging to the pan-democratic camp to persuade the three Members concerned to end their filibuster. He added that all Government bills and motions were important, and Members should make their best efforts to complete the legislative process of all Government bills and motions before the Council's prorogation.

14. Ms LI Fung-ying shared the view that Members were accountable to the public on the work of LegCo and should make their best endeavour to complete the proceedings on all Government bills and motions before the Council was to stand prorogued. She was concerned that this might merely be a wishful thinking on the part of some Members, as the slow progress of the Council meeting over the past few days pointed to a serious political problem. To resolve the

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political standoff, Ms LI suggested that the Chairman should request the Administration to seriously reconsider the order for dealing with the Government motions on the Agenda of the Council. As a LegCo Member representing the labour sector, she was deeply concerned about the adverse impact of the deferred Council proceedings on the three Government motions relating to occupational compensation on employees.

15. Mr Albert CHAN criticized CE for causing the problem. He stressed that the Administration had not consulted the public on the re-organization proposals which involved significant public expenditure, and there were strong public views against the proposals. As such, he would continue to protest by whatever means against the re-organization proposals. Mr CHAN further said that the Administration had the right to propose the order of Government motions on the Agenda of the Council. If CE really attached importance to promoting people's benefits, he should give priority to those motions relating to people's livelihood. He cautioned that it would only be a waste of time for the Council to meet on more days, as he and the other two Members were determined to obstruct the passage of the proposed resolution on the re-organization proposals.

16. Dr Margaret NG reiterated that it was the right of Members to speak more than once during the Committee Stage of a bill. As there were over 900 clauses in the Companies Bill, Members could spend a long time debating the clauses. She stressed that the problem could only be resolved by the Administration.

17. Mrs Sophie LEUNG did not subscribe to the view that the problem could only be resolved by the Administration. She queried whether it was appropriate for Members to request the Administration to change the order of the Government motions on the Agenda of the Council, as it had the right to propose the order. She stressed that Members were accountable to the public for their actions.

18. Ms Emily LAU said that Members belonging to the Democratic Party ("DP") considered that the Administration should have consulted the public on the controversial re-organization proposals before implementation. Many people shared the view that "the sky would not fall" if the re-organization proposals could not be passed before the Council's prorogation. It was difficult to stop Members from filibustering if they had not violated RoP. She supported the view that the Administration should consider changing the order of Government motions on the Agenda of the Council to give priority to those motions that concerned people's livelihood.

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19. Mr LAU Kong-wah criticized the three Members who continued to filibuster during the Council meetings for abusing their rights under RoP and damaging LegCo's reputation. He appealed to these Members to stop filibustering, in particular their frequent requests for counting the quorum of the Council.

20. Mr LEE Cheuk-yan opined that filibustering could take place only when a LegCo term was drawing to a close. In his view, the Administration had also abused its right to propose the order for dealing with Government motions by arranging the proposed resolution relating to the re-organization of the Government Secretariat to jump the queue. He agreed that Members should request the Administration to reinstate the proposed resolution relating to the re-organization of the Government Secretariat to its original position so that the other Government motions relating to people's livelihood could be dealt with first.

21. Mr Albert CHAN criticized Members belonging to DAB for assisting the Administration in delaying the implementation of dual universal suffrage, which, in his view, was also a form of filibustering. He shared the view that the Administration had taken the lead to abuse its right by placing the proposed resolution on the re-organization proposals ahead of other Government motions relating to people's livelihood. He stressed that it was the duty of LegCo to monitor, and not to serve, the Executive Authorities.

22. Mr Ronny TONG said that Members had the freedom to express their views at Council meetings, which should not be taken as an abuse of their right. He reiterated the need for CE to accept the political reality and exercise political sagacity to withdraw the proposed resolution relating to the re-organization of the Government Secretariat or adjust its order in Government motions for the benefit of workers and grass-root people.

23. Mr Paul TSE said that under the existing RoP which allowed filibustering, it would be a waste of time for the Council to meet on more days. In his view, should the Administration decide to maintain the existing order for dealing with Government motions, Members should simply follow the normal procedures and make their best endeavour to complete the legislative process of as many Government bills and motions as possible before the Council's prorogation.

24. Mr TAM Yiu-chung considered it unreasonable for the Members concerned to filibuster during the proceedings on the Companies Bill, as

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it would affect the legislative process of the other seven Government bills and 17 Government motions which had yet to be dealt with. These Members should filibuster on the proceedings on the proposed resolution relating to the re-organization of the Government Secretariat to demonstrate their protest. He noted that not many Members belonging to the pan-democratic camp stayed in the Chamber during the Council meetings, thus providing chances for some Members to request the counting of the quorum. While some Members had indicated confidence in the smooth transaction of Council business once the Administration agreed to defer the proceedings on the proposed resolution relating to the re-organization of the Government Secretariat, there was no guarantee of that. He added that Members belonging to DAB were of the view that Members had the responsibility to complete the proceedings on all the bills and motions, including Members' motions, before the Council was to stand prorogued. He stressed that Members could express their objection to the proposed resolution relating to the re-organization of the Government Secretariat by voting against it at the Council meeting.

25. Mr CHIM Pui-chung opined that Members did not have the responsibility to meet overnight to complete the proceedings on all Government bills and motions, and any outstanding items of Council business could be left to the Fifth LegCo. Members should stop arguing about issues relating to filibustering, which should be discussed by the Committee on Rules of Procedure. He stressed that Members' performance would be monitored by electors.

26. Mr Alan LEONG said that according to opinion polls conducted over the past week, the percentage of people who supported CE was only about 30%, which was on the low side for a new CE. In his view, should CE refuse to face the political reality and continue to press hard for the passage of the re-organization proposals before the Council's prorogation at the expense of other Government bills and motions relating to people's livelihood, public support for him would further dwindle. Although there was no guarantee that the operation of LegCo would resume to normal and the legislative work of all bills and motions could be completed before the Council's prorogation, he was confident that LegCo Members would positively respond to the Administration's withdrawal of the proposed resolution relating to the re-organization proposals or deferral of its proceedings.

27. The Chairman invited Members' view on Mr IP Kwok-him's proposal for the Council to meet on Saturday, 14 July, and Sunday, 15 July.

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28. Mr Ronny TONG expressed concern whether there would be sufficient quorum if the Council meeting was to continue on Saturday and Sunday.

29. Mr LEUNG Yiu-chung said that he did not support the continuation of the Council meeting on Saturday and Sunday. However, he agreed that the Chairman should convey to CS Members' proposal for the Administration to withdraw the proposed resolution relating to the re-organization of the Government Secretariat or defer its proceedings. He expressed resentment about the Administration's announcement of its proposed amendment to the effective date of the re-organization proposals to 23 July 2012 and requested the Chairman to convey a clear message to CS that LegCo was not a rubber stamp.

30. Mr CHIM Pui-chung said that the Legislature and the Executive Authorities were of equal status, and the Chairman should relay to CS Members' views on the order of the proposed resolutions on the Agenda of the Council. Regarding the continuation of the Council meeting of 11 July 2012 on Saturday and Sunday, he stressed that Members who indicated support for the proposal should attend and sit through the meeting.

31. Mr Albert CHAN reiterated his view that the continuation of the Council meeting on Saturday and Sunday would not have much practical effect.

32. In response to the Chairman, Mr IP Kwok-him indicated that he would not request to put his proposal to a vote.

33. Mr Abraham SHEK said that he supported the continuation of the Council meeting on Saturday and Sunday.

34. Mr Alan LEONG said that the Secretariat had been consulting Members on the arrangements for the Council meeting of 11 July 2012. Members belonging to the Civic Party had tried their best to avail themselves for attending the Council meeting. According to his understanding, three of them had indicated their availability to attend the meeting in either the morning or afternoon session of Saturday and Sunday.

35. Mrs Regina IP said that she was not able to cope physically with attending the Council meeting on Saturday and Sunday, but she gave her moral support.

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36. Mr WONG Kwok-kin said that Members belonging to the Hong Kong Federation of Trade Unions ("FTU") did not object to the continuation of the Council meeting on Saturday and Sunday. They would make their best efforts to deal with the outstanding Council business.

37. Mr Paul TSE reiterated that it would only be a waste of time for the Council to meet on more days, as long as Members could continue to filibuster.

38. Mr Tommy CHEUNG said that he could attend the Council meeting for half a day on Saturday, 14 July but was unavailable to attend on Sunday, 15 July.

39. The Chairman said that Members had expressed different views on the proposal for continuing the Council meeting on Saturday, 14 July, and Sunday, 15 July. She requested the Secretariat to follow up on it.

40. The Chairman then sought Members' view on the proposal that she should discuss with CS the Administration's order of priority in respect of Government motions on the Agenda of the Council, and convey to CS Members' proposal that the Government motions on people's livelihood should be dealt with ahead of the proposed resolution relating to the re-organization of the Government Secretariat.

41. In response to Mr Paul TSE, the Chairman clarified that the Administration had the right to propose the order for dealing with the Government motions. At the earlier request of the Administration, the proposed resolution relating to the re-organization of the Government Secretariat had been placed second among the category of Government motions on the Agenda of the Council.

42. Mr WONG Ting-kwong was concerned whether it would become a usual practice for the Chairman of HC to discuss with the Administration on the order of Government bills or motions on the Agenda of the Council whenever filibustering was employed by some Members to obstruct the passage of certain controversial bills or motions.

43. Mr WONG Yuk-man said that he had no particular view on the proposal.

44. Mr WONG Kwok-kin said that Members belonging to FTU did not object to the Chairman raising the matter with CS. However, he expressed doubt as to whether the proposal could resolve the problem.

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45. As no Member had indicated objection, the Chairman said that she would raise the matter with CS at their next meeting. The Chairman further said that having regard to the progress of the Council meetings, the valedictory motion could unlikely be held at the last Council meeting of 11 July 2012. Members noted.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 29 June 2012 and tabled in Council on 4 July 2012

(LC Paper No. LS 86/11-12)

46. The Chairman said that two items of subsidiary legislation, namely the Public Health and Municipal Services Ordinance (Public Swimming Pools) (Amendment of Fourteenth Schedule) Order 2012 (L.N. 107) and the Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) Order 2012 (L.N. 108), were gazetted on 29 June 2012 and tabled in the Council on 4 July 2012.

47. Members did not raise any queries on these two items of subsidiary legislation.

48. The Chairman reminded Members that the deadline for amending the subsidiary legislation was the second meeting of LegCo in the next session.

IV. Further business for the Council meeting of 11 July 2012

(a) Tabling of papers

Report No. 25/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2) 2507/11-12 issued vide LC Paper No. CB(3) 1013/11-12 dated 4 July 2012)

49. The Chairman said that the Report covered one item of subsidiary legislation, the period for amendment of which would expire on 11 July 2012. No Member had indicated intention to speak on the subsidiary legislation.

50. Members noted the Report.

(b) **Questions**

(LC Paper No. CB(3) 1012/11-12)

51. The Chairman said that Mr Alan LEONG and Mr James TO had replaced their oral questions.

(c) **Members' motions**

(i) **Proposed resolution to be moved by Hon LEE Wing-tat under the Legislative Council (Powers and Privileges) Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 1010/11-12 dated 3 July 2012.)

(ii) **Proposed resolution to be moved by Hon LEE Wing-tat under the Legislative Council (Powers and Privileges) Ordinance**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 1011/11-12 dated 3 July 2012.)

52. The Chairman said that Mr LEE Wing-tat would move two proposed resolutions under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the Ordinance") at the Council meeting of 11 July 2012 to seek LegCo's authorization to empower the Panel on Development to exercise the powers under section 9(1) of the Ordinance to order CE and the Secretary for Development respectively to produce information in relation to the unauthorized building works at CE's residence.

V. The Chief Executive's Question and Answer Session on 16 July 2012

53. The Chairman said that the CE's Q&A Session would be held on Monday, 16 July 2012, from 2:30 pm to 4:00 pm.

54. Mr LEE Cheuk-yan said that as the upcoming Q&A Session was specially arranged following the wide public concern about the unauthorized building works at CE's residence which had called his integrity into question, he sought clarification on whether the number of times that individual Members had asked questions at previous Q&A Sessions would not be taken into account in determining Members' order of asking questions at the upcoming Q&A Session. He added that he had so far asked questions for five times at the previous Q&A Sessions held in the current LegCo term.

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55. At the invitation of the Chairman, SG said that the Secretariat had made reference to past practices adopted in 2002 and 2007 when Q&A Sessions were held at the commencement of the new term Government. On these two occasions, the accrual approach was adopted, i.e. the number of times that individual Members had asked questions at previous Q&A Sessions were taken into account in determining Members' order of asking questions at the Q&A Session. SG added that according to the Secretariat's record, one Member had so far asked questions only twice at the previous Q&A Sessions held in the current term, 10 Members thrice and the majority of Members four times.

56. Mr LEE Cheuk-yan suggested that the number of questions raised by individual Members at previous Q&A Sessions not be taken into account in determining Members' order of asking questions at the upcoming Q&A Session.

57. Mr LEE Wing-tat said that given that the new CE would introduce his policy vision to Members and answers Members' questions on various issues of concern including the unauthorized building works at his residence, a Q&A Session lasting for one and a half hours would not allow sufficient time for Members to ask questions. He suggested that the duration of the Q&A Session be extended to two and a half hours so that more Members could have the opportunity to put questions to CE.

58. Dr PAN Pey-chyou supported the proposal for extending the duration of the Q&A Session scheduled for 16 July 2012. However, he did not see any strong justification for departing from the usual practice of adopting the accrual approach in determining Members' order of asking questions at the Q&A Session.

59. Mr Ronny TONG considered it unfair to deprive the right of those Members who had priority over other Members in asking questions at the upcoming Q&A Session. He supported the proposal for extending the duration of the Q&A Session.

60. Mr Paul TSE said that he did not support the proposal for departing from the accrual approach for the upcoming Q&A Session. It was his understanding that for the two special Q&A Sessions held earlier, the accrual approach was not adopted. He considered such an arrangement unfair to independent Members. In his view, the same approach should be adopted for all Q&A Sessions, and the record should reflect the total number of questions raised by individual Members at both regular and special Q&A Sessions.

61. At the invitation of the Chairman, SG clarified that only one special Q&A Session had been held in the current term. The Secretariat could update the record as suggested by Mr Paul TSE.

62. The Chairman said that she would convey to CS Members' wish to extend the duration of the Q&A Session scheduled for 16 July 2012 to two and a half hours.

VI. Report of Bills Committees and subcommittees

Report of the Subcommittee on Securities and Futures (Futures Contracts) Notice 2012

(LC Paper No. CB(1) 2310/11-12)

63. Mr KAM Nai-wai reported on the deliberations of the Subcommittee on behalf of its chairman, Mr James TO, who had left the meeting. Mr KAM said that the object of the Notice was to implement voluntary clearing arrangement for over-the-counter ("OTC") derivatives transactions, pending the introduction of a full-fledged regulatory regime for the OTC derivatives market in Hong Kong. The Notice sought to establish a legal framework for the regulation of central counterparties ("CCPs) established in Hong Kong for clearing of OTC derivatives transactions as a recognized clearing house ("RCH") under the Securities and Futures Ordinance (Cap. 571) ("SFO"), and ensure that clearing of OTC derivatives transactions with the recognized CCPs would benefit from the insolvency protections offered to RCH under SFO. The Subcommittee noted that the Notice had come into operation on 27 June 2012. Mr KAM referred Members to the Subcommittee's report for details of its deliberations.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2506/11-12)

64. The Chairman said that there were one subcommittee on other Council business under HC and five subcommittees under Panels in action.

VIII. Any other business

65. The Deputy Chairman said that SG would retire soon. Members thanked SG for her dedicated service and contributions to LegCo over the years.

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

Council Business Division 2
Legislative Council Secretariat
16 July 2012