

**立法會**  
***Legislative Council***

LC Paper No. CB(2)309/13-14

Ref : CB2/H/5/13

**House Committee of the Legislative Council**

**Minutes of the 6th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 15 November 2013**

**Members present:**

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)  
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon James TO Kun-sun  
Hon CHAN Kam-lam, SBS, JP  
Hon LEUNG Yiu-chung  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon Vincent FANG Kang, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king, JP  
Hon CHAN Hak-kan, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon CHEUNG Kwok-che  
Hon WONG Kwok-kin, BBS  
Hon IP Kwok-him, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon James TIEN Pei-chun, GBS, JP  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin  
Hon YIU Si-wing  
Hon Gary FAN Kwok-wai  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan  
Dr Hon Kenneth CHAN Ka-lok  
Hon CHAN Yuen-han, SBS, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon Dennis KWOK  
Hon Christopher CHEUNG Wah-fung, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon SIN Chung-kai, SBS, JP  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, JP  
Hon POON Siu-ping, BBS, MH  
Hon TANG Ka-piu  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-ki, BBS, MH, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen

**Members absent:**

Hon Jeffrey LAM Kin-fung, GBS, JP  
Dr Hon LAM Tai-fai, SBS, JP  
Dr Hon LEUNG Ka-lau  
Hon Frankie YICK Chi-ming  
Hon WU Chi-wai, MH  
Hon CHUNG Kwok-pan

**Clerk in attendance :**

Miss Flora TAI

Clerk to the House Committee

**Staff in attendance :**

Mr Kenneth CHEN, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Justina LAM	Deputy Secretary General
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	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
Ms Dora WAI	Principal Council Secretary 1
Mr Simon WONG	Head (Public Information)
Mr Colin CHUI	Chief Council Secretary (2)4
Ms Maisie LAM	Chief Council Secretary (2)5
Ms Amy YU	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 3
Mr YICK Wing-kin	Assistant Legal Adviser 8
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	Council Secretary (2)6
Mr Ringo LEE	Senior Legislative Assistant (2)1
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Confirmation of the minutes of the 5th meeting held on 8 November 2013**

*(LC Paper No. CB(2)261/13-14)*

The minutes were confirmed.

**II. Matters arising**

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

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Consultation on population policy

2. The Chairman said that he had conveyed to CS some Members' wish for her to attend another special meeting of the House Committee ("HC") to further discuss with Members the consultation document on population policy. CS had agreed to attend another special HC meeting before the end of the consultation period.

Consultation on constitutional development

3. The Chairman further said that in response to the Deputy Chairman's enquiry, CS had reiterated that the Administration would launch the public consultation exercise on constitutional development by the end of this year. CS had also advised that the Administration would brief the Legislative Council ("LegCo") on the consultation document in the first instance.

4. Ms Emily LAU hoped that CS would attend a Council meeting to make a statement on the consultation document as soon as it was released and to answer questions put by Members. The Chairman said that he would relay Ms LAU's request to CS at their next meeting.

**III. Business arising from previous Council meetings**

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

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**Rural Representative Election Legislation (Amendment) Bill 2013**  
(*LC Paper No. LS12/13-14*)

5. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Bill. LA informed Members that LSD was still scrutinizing the Bill.

6. Mr IP Kwok-him considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Ms Emily LAU, Ms Cyd HO, Mr IP Kwok-him and Mr LEUNG Che-cheung.

#### **IV. Further business for the Council meeting of 20 November 2013**

**(a) Tabling of papers**

**Report No. 4/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
*(LC Paper No. CB(2)264/13-14 issued vide LC Paper No. CB(3)167/13-14 dated 13 November 2013)*

7. The Chairman said that the Report covered one item of subsidiary legislation, the period for amendment of which would expire on 20 November 2013. No Member had indicated intention to speak on the subsidiary legislation.

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

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**Peak Tramway (Amendment) Bill 2013**

8. The Chairman said that the Bills Committee on the above Bill had reported to HC at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

#### **V. Business for the Council meeting of 27 November 2013**

**(a) Questions**

*(LC Paper No. CB(3)164/13-14)*

9. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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

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

**(c) Government motions**

**(i) Proposed resolution to be moved by the Secretary for Home Affairs under section 9A of the Criminal Procedure Ordinance (Cap. 221)**  
*(Wording of the proposed resolution issued vide LC Paper No. CB(3)160/13-14 dated 11 November 2013)*  
*(LC Paper No. LS14/13-14)*

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- (ii) **Proposed resolution to be moved by the Secretary for Food and Health under section 29 of the Pharmacy and Poisons Ordinance (Cap. 138)**

*(Wording of the proposed resolution issued vide LC Paper No. CB(3)145/13-14 dated 7 November 2013)*

*(LC Paper No. LS13/13-14)*

11. At the invitation of the Chairman, LA briefed Members on the respective reports prepared by LSD on the above two proposed resolutions.

12. Members did not raise objection to the Administration moving the two proposed resolutions at the Council meeting of 27 November 2013.

(d) **Members' motions**

- (i) **Motion to be moved by Prof Hon Joseph LEE**

- (ii) **Motion to be moved by Hon LEUNG Yiu-chung**

13. The Chairman said that the subjects of the motions to be moved by Prof Joseph LEE and Mr LEUNG Yiu-chung were "Formulating a medical policy to support ethnic minority elderly people" and "Facing up to the needs of persons with disabilities" respectively. The wording of the motions had been issued to Members.

14. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two motions was Wednesday, 20 November 2013.

Report of HC on Consideration of Subsidiary Legislation

15. The Chairman invited Members to note the list containing eight items of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)171/13-14), the period for amendment of which would expire on 27 November 2013. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 19 November 2013 should they wish to speak on the subsidiary legislation.

**VI. Report of Bills Committees and subcommittees**

- (a) **Report of the Subcommittee on Post Office (Amendment) Regulation 2013**

*(LC Paper No. CB(4)134/13-14)*

16. In his capacity as the Chairman of the Subcommittee, the Chairman briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee raised no objection to the Regulation and would not propose any amendment to it.

**(b) Report of the Subcommittee on the Three Orders Made under Section 49(1A) of the Inland Revenue Ordinance and Gazetted on 4 October 2013**

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17. On behalf of Mr James TO, Chairman of the Subcommittee, Mr SIN Chung-kai made a verbal report on the deliberations of the Subcommittee. Mr SIN said that the three Orders sought to give effect to the agreements made by the Government of the Hong Kong Special Administrative Region ("HKSAR") with the Government of Guernsey, the Government of the Italian Republic, and the Government of the State of Qatar respectively for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income. The Subcommittee had examined how Hong Kong residents and enterprises would benefit from the three agreements and the safeguards in respect of exchange of information ("EoI") adopted in the agreements to protect taxpayers' privacy and confidentiality of information exchanged.

18. Mr SIN Chung-kai further said that to address members' concern about protection of the rights of information holders, the Administration had advised the Subcommittee that when handling EoI requests in future, where the competent authority of the requesting jurisdiction raised objection to the information holder's request for knowing the name of the requesting jurisdiction and the information holder refused to provide the information requested as a result, the Inland Revenue Department would, having considered the circumstances of the case, decline the EoI request. Mr SIN added that the Subcommittee would not propose any amendments to the three Orders, and would provide its written report later.

19. The Chairman reminded Members that as the deadline for amending the four items of subsidiary legislation studied by the above two Subcommittees was 27 November 2013, the deadline for giving notice of amendments, if any, was Wednesday, 20 November 2013.

**(c) Proposed extension of period of work of subcommittees on policy issues**

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*(LC Paper No. CB(2)262/13-14)*

20. The Chairman said that the paper invited Members to consider the proposed extension of period of work of eight subcommittees on policy issues currently in operation. The Chairman further said that based on

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the proposals of the eight subcommittees, it was expected that the first subcommittee on the waiting list would be activated around April 2014, while the other three subcommittees on the waiting list might not be able to commence work within the current legislative session. In view of this, he had asked the Secretariat to draw up for Members' consideration some broad principles for activation, operation and extension of period of work of subcommittees on policy issues as detailed in the paper. The Chairman highlighted the following broad principles:

- (a) where a subcommittee considered it necessary to extend the period of its work but there were subcommittees on the waiting list awaiting activation, HC might, if considered appropriate, give permission for the subcommittee to continue to operate for three more months in the first instance after the expiry of its period of work to allow time for it to wrap up its current stage of work, after which the subcommittee would, if necessary, be placed on the waiting list for re-activation of work. Upon re-activation, the subcommittee should complete its work within the remainder of the extension period originally sought, unless decided otherwise by HC. HC could decide the order of activation/re-activation of subcommittees on the waiting list; and
- (b) the number of subcommittees under each Panel operating at the same time should not exceed two. For this purpose, a joint subcommittee would be counted as one subcommittee for each of the Panels concerned.

21. Mr Frederick FUNG, Chairman of the Subcommittee on Poverty, said that the Subcommittee had sought HC's permission for extending the period of its work until end of November 2014, given the many outstanding matters of the Subcommittee. Mr FUNG noted that while the Subcommittee on Poverty was appointed under HC, it was serviced by the committee team responsible for the welfare policy area. He sought clarification whether the Subcommittee would be counted as one subcommittee under the Panel on Welfare Services ("WS Panel") for the purpose of the broad principle set out in paragraph 20(b) above.

22. The Chairman said that it was for HC to decide on the length of the extension period for subcommittees on policy issues to continue their work and the order of activation/re-activation of subcommittees on the waiting list. Given that all the eight subcommittees on policy issues currently in operation sought an extension period and only one of the four subcommittees on the waiting list could be activated within the current



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legislative session, it would be necessary for HC to discuss how to deal with the situation. The Chairman further said that if additional resources were allocated to the Secretariat under the 2013 Resource Allocation Exercise, the Secretariat would be able to service one or two subcommittees on policy issues on top of the existing quota of eight with effect from 1 April 2014.

23. At the invitation of the Chairman, the Clerk clarified that the Subcommittee on Poverty was appointed under HC and would not be counted as a subcommittee under the WS Panel. She further explained that as the Joint Subcommittee on Long-term Care Policy currently in operation was appointed under the WS Panel and the Panel on Health Services, each of these two Panels would be regarded as having one subcommittee under the broad principle set out in paragraph 20(b) above. If the two subcommittees under the WS Panel on the waiting list were to be activated, there would be three subcommittees on policy issues appointed under the WS Panel in operation at the same time. The Secretary General ("SG") added that should Members agree to adopt the principle that the number of subcommittees under each Panel operating at the same time should not exceed two, when two subcommittees under the WS Panel were already in operation, the other subcommittee under the Panel on the waiting list could not be activated until the completion of work of either one of the two subcommittees in operation.

24. The Chairman said that the broad principle that no more than two subcommittees under each Panel should be in operation at the same time was proposed having regard to the workload of the committee team concerned and the availability of members of a Panel to participate in the work of the subcommittees under the Panel.

25. Members agreed to adopt the broad principles for activation, operation and extension of period of work of subcommittees on policy issues outlined by the Chairman in paragraph 20 above. Members also agreed that the eight subcommittees on policy issues currently in operation be allowed to extend their period of work for three months in the first instance, after which they would, if necessary, be placed on the waiting list for re-activation of work for the remainder of the extension period they had sought.

26. Ms Emily LAU asked whether additional resources would be available to the Secretariat to support Members' work in respect of more subcommittees on policy issues.

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27. At the invitation of the Chairman, SG said that subject to confirmation of availability of additional resources to the Secretariat with effect from the next financial year, the Secretariat had plans to provide services to an additional one or two subcommittees on policy issues.

28. Dr Fernando CHEUNG, Chairman of the Joint Subcommittee on Long-term Care Policy and the Subcommittee on Integrated Education, and Mr WONG Kwok-hing, Chairman of the Subcommittee on Long Term Housing Strategy, sought clarification whether these Subcommittees could continue to work until the expiry of their proposed extension period.

29. Mr Christopher CHUNG, Chairman of the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project, said that it would be difficult for the Joint Subcommittee to schedule its work if it was allowed to extend the period of its work for only three months.

30. The Chairman concluded that all the eight subcommittees on policy issues in operation were given permission by HC to continue to work for three more months in the first instance after the expiry of the 12-month period. After the three-month period, one of these subcommittees should have completed its work while the other seven subcommittees would, if necessary, be placed on the waiting list for re-activation of work for the remainder of the extension period they had originally sought. If no new subcommittee on policy issues was set up in the interim and additional resources were available to the Secretariat with effect from the next financial year, these subcommittees should generally be able to re-activate their work fairly soon, if not immediately, after the three-month period. As for the three subcommittees appointed under the WS Panel, if two of them were already in operation, the remaining subcommittee under the WS Panel could only be activated upon the completion of work of either one of the subcommittees under the Panel already in operation.

**VII. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2)263/13-14*)

31. The Chairman said that as at 14 November 2013, there were eight Bills Committees, 10 subcommittees under HC (i.e. seven subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and seven subcommittees on policy issues under Panels in action. Four subcommittees on policy issues were on the waiting list.

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**VIII. Proposal of Hon Claudia MO to seek the Council's authorization for the appointment of a select committee to inquire into issues relating to the vetting and approval by the Hong Kong Special Administrative Region Government of domestic free television programme service licence applications; and that in the performance of its duties the select committee be authorized to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance to summon Mr Ricky WONG, Chairman of Hong Kong Television Network Limited, to attend before the committee to give evidence and produce all relevant information**

*(Letter dated 7 November 2013 from Hon Claudia MO (LC Paper No. CB(2)253/13-14(01)))*

32. At the invitation of the Chairman, Ms Claudia MO briefed Members on her proposal. Ms MO said that the Executive Authorities' decision on the applications for domestic free television programme service ("free TV") licences was autocratic and imperious and had dealt a severe blow to Hong Kong's core value of free market with fair competition. Given the new developments in the matter, including the information provided by the Communications Authority ("CA") on its recommendations submitted to the Chief Executive ("CE") in Council and the remarks made by Ms Jenny NG, Managing Partner (Asia) of Value Partners Management Consulting (i.e. the consultant engaged to prepare the four consultancy reports concerned), that the Government had quoted their reports out of context, Ms MO considered it incumbent upon LegCo to invoke the powers under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") to inquire into the matter. Ms MO added that Mr Ricky WONG, Chairman of Hong Kong Television Network Limited ("HKTVN"), had openly indicated his willingness to produce the consultancy reports and all other relevant documents in his possession if he was accorded the protection under the P&P Ordinance. She appealed to Members belonging to the pro-establishment camp to seriously consider supporting her proposal and not to act in defiance of the strong public opinion.

33. Mr Gary FAN said that since the announcement of its decision on the applications for free TV licences about one month ago, the Administration had been providing information on the matter little by little without telling the whole truth and this only aroused more doubts among the public. The remarks made by Ms Jenny NG of Value Partners Management Consulting had also caused one to suspect whether the Administration had used the Executive Council ("ExCo")'s confidentiality rule and outdated findings of the consultancy reports as shields to shirk its duty to tell the public the truth of the matter. In view of the new developments after the debate on the motion moved by Mr Charles MOK under the P&P Ordinance at the Council meeting of 6 and

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7 November 2013, Mr FAN considered it justified to pursue again the proposed invocation of the powers under the P&P Ordinance to inquire into the matter. He expressed support for Ms Claudia MO's proposal.

34. Mr Charles MOK also expressed support for Ms Claudia MO's proposal, given the new developments in the matter. Mr MOK further said that should such a moderate proposal, which involved only the summoning of Mr Ricky WONG, not be supported, Members belonging to the pan-democratic camp would have no alternative but to make another attempt to invoke the powers under the P&P Ordinance to summon CE and order the production of documents of ExCo.

35. Mr WONG Yuk-man said that according to the wording of Ms Claudia MO's proposed motion, the select committee, if appointed, would inquire into the matter by summoning Mr Ricky WONG to give evidence and produce all relevant information. Mr WONG Yuk-man wondered whether it was necessary to specify the summoning of Mr Ricky WONG in the proposed motion, as it was his understanding that a select committee authorized by the Council to exercise the powers under the P&P Ordinance could summon any person, including Mr Ricky WONG, to attend before it to testify or give evidence. He sought LA's advice on whether his understanding was correct.

36. At the invitation of the Chairman, LA said that under Rule 78(1) of the Rules of Procedure ("RoP"), the Council could appoint one or more select committees to consider matters which the Council referred to the committee. LA further advised that in most of the previous cases where select committees were appointed, the committees were authorized by the Council by way of a resolution to exercise the powers conferred by section 9(1) of the P&P Ordinance in the performance of their duties. It was rare for such motions to contain specific directions on how the powers under section 9(1) of the P&P Ordinance should be exercised by the select committees concerned.

37. Mr LEUNG Kwok-hung said that Ms Claudia MO's proposal, which sought to summon only Mr Ricky WONG to give evidence, already represented a great concession as compared with the previous one put forward by Mr Charles MOK. He appealed to Members belonging to the pro-establishment camp to support the proposal and not to continue to act contrary to the strong call of the community. Mr LEUNG further said that while he would arrange to seek judicial review of the decision of CE in Council on the free TV licence applications, it was LegCo, instead of individual members of the public, which was vested with the responsibility of monitoring the work of the Government under the Basic Law.

38. Mr LEUNG Yiu-chung shared the view that Ms Claudia MO's proposal already represented a great concession. He noted that during the debate on the motion moved by Mr Charles MOK at the Council meeting of 6 and 7 November 2013, almost all Members had criticized the Government for its unsatisfactory handling of the free TV licensing matter. Some Members, however, voted against the motion under the pretext that the proposed invocation of the powers under the P&P Ordinance would pose a challenge to the executive-led Government. Mr LEUNG called on Members belonging to the pro-establishment camp to stop using such a pretext and support Ms MO's proposal to enable the public to find out the truth of the matter.

39. Mr SIN Chung-kai said that Members belonging to the Democratic Party supported Ms Claudia MO's proposal which, in his view, was a humble one as it only sought to provide Mr Ricky WONG with an opportunity to explain his side of the story. He criticized the Administration for violating the fundamental principle of free market in its vetting and approval of the applications for free TV licences and for failing to properly explain its decision to the public, which had adversely affected the international reputation of Hong Kong. He cautioned that Hong Kong people would not forget the matter and controversies about the vetting and approval of free TV licences would arise again when the two existing licences were up for renewal.

40. Ms Cyd HO said that Members belonging to the Labour Party supported Ms Claudia MO's proposal. She stressed that the Government's handling of the free TV licensing matter had called into question the existence of a fair and impartial decision making process within the Government which should be free from political interference by the Liaison Office of the Central People's Government in HKSAR. Given the grave public concern, she hoped that Members belonging to the pro-establishment camp would support the proposal to provide Mr Ricky WONG an opportunity to present his side of the matter to the public under the protection afforded by the P&P Ordinance.

41. Mr Kenneth LEUNG said that Ms Claudia MO's proposed motion was a humble proposal seeking only to give Mr Ricky WONG a chance to clarify the matter under the protection afforded by the P&P Ordinance. Should the proposal not be supported, the confidence of investors in Hong Kong's business environment would be seriously undermined.

42. Mr CHAN Chi-chuen said that many Hong Kong people were disappointed that the motion moved by Mr Charles MOK under the P&P Ordinance at the Council meeting of 6 and 7 November 2013 had been

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voted down. Mr CHAN stressed that while there was doubt whether the proposed invocation of the powers under the P&P Ordinance could help find out the truth, Members should use their best endeavours to obtain as much information as they could by exercising the powers conferred on them. He appealed to Members to support the proposal.

43. Dr KWOK Ka-ki echoed the view that Ms Claudia MO's proposal was a humble one which only sought to provide an opportunity for Mr Ricky WONG to speak out on the matter under the protection afforded by the P&P Ordinance. He stressed that Members were duty bound to follow up the matter which had aroused grave public concern.

44. Mr TAM Yiu-chung said that there had been thorough discussion of the matter during the debate on the motion to invoke the P&P Ordinance moved by Mr Charles MOK at the Council meeting of 6 and 7 November 2013. In his view, it was the strategy of Members belonging to the pan-democratic camp not to let the matter die down by repeatedly putting forward proposals to invoke the powers under the P&P Ordinance. He considered it more appropriate to leave the matter to the court for its fair and impartial handling.

45. Mr Alan LEONG said that after the relevant motion debate was held at the Council meeting of 6 and 7 November 2013, Members received information from CA on its assessment and recommendations of the three applications for free TV licences. Furthermore, on the day before the HC meeting, Ms Jenny NG of Value Partners Management Consulting had alleged that the Government had quoted their reports out of context in its explanation of why HKTVN did not get a licence. Having regard to these new developments, Mr LEONG considered that Members were duty bound to conduct an inquiry into the matter to find out the truth for Hong Kong people.

46. Mr James TO said that in the light of the serious criticisms made by Ms Jenny NG of Value Partners Management Consulting against the Government which he considered most unusual, there was a need for Members to study the consultancy reports. He noted from media reports that Commercial Radio Hong Kong ("CRHK") had decided to change one of the hosts of its radio programme "On a Clear Day" so as not to cause any adverse impact on its application for license renewal. He cautioned that the freedom of speech in Hong Kong would be compromised if LegCo did not conduct an inquiry to find out the truth about the matter of free TV licensing.

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47. Mr James TIEN said that the Liberal Party had all along maintained the view that the Administration should issue free TV licences to all the three applicants. In his view, as the decision on whether a free TV licence would be granted to HKTVN rested with CE in Council and considering that housing policy was the primary focus of the current-term Government, Members belonging to the pan-democratic camp should exert their influence by indicating to CE that they would oppose the amendment bills on stamp duties under scrutiny by LegCo if the Administration refused to issue a free TV licence to HKTVN, rather than pursuing the invocation of the powers under the P&P Ordinance to inquire into the matter. Mr TIEN added that Members belonging to the Liberal Party would abstain from voting on the proposal.

48. Ir Dr LO Wai-kwok said that Members had all along stressed that editorial independence should be respected and he considered it inappropriate for some Members to politicize and overplay the programme change of CRHK. Dr LO further pointed out that a motion seeking to invoke the powers under the P&P Ordinance to obtain the same information as that in the current proposal had been negated by the Council on 7 November 2013. Although the current proposal sought to obtain the information from a different party, he doubted whether it was in order under RoP for Members to discuss and vote on such a proposal on the same subject matter as the related motion had already been decided in the negative by the Council on 7 November 2013.

49. Mr Paul TSE said that while he supported the granting of three or even more free TV licences, he did not support invoking the powers under the P&P Ordinance to inquire into issues relating to the vetting and approval of free TV licence applications or seeking judicial review of CE in Council's decision on the applications, which in his view could not resolve the matter. Members should instead urge the Administration to expeditiously review its policy as well as the vetting and approval processes on the granting of free TV licences. Mr TSE further said that he did not support Ms Claudia MO's proposal for a number of reasons. First, the proposed motion, which sought to summon only Mr Ricky WONG, was too narrow in scope and it was doubtful whether the proposed inquiry could help find out the truth. Second, he did not see any need to invoke the powers under the P&P Ordinance to enable Mr Ricky WONG to speak out on the matter, as Mr WONG had all along been speaking rather freely on the matter. Mr TSE further pointed out that the exercise of the powers under the P&P Ordinance could not provide a solution to all unjust matters in society, and there were other more appropriate forums to deal with them.

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50. Ms Emily LAU said that the Administration's handling of the applications for free TV licences had infuriated the public and there was strong public demand for LegCo to continue to pursue the matter. She noted that many Members belonging to the pro-establishment camp had indicated that they did not object to the issuance of three free TV licences. She urged these Members to take concrete action to put pressure on the Government to issue free TV licences to all the three applicants, rather than merely paying lip service.

51. The Chairman put to vote the proposal of Ms Claudia MO to seek the Council's authorization for the appointment of a select committee to inquire into issues relating to the vetting and approval by the HKSAR Government of free TV licence applications; and that in the performance of its duties the select committee be authorized to exercise the powers under section 9(1) of the P&P Ordinance to summon Mr Ricky WONG, Chairman of HKTVN, to attend before the committee to give evidence and produce all relevant information. Ms Emily LAU requested a division.

The following Members voted in favour of the proposal:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Prof Joseph LEE, Mr Ronny TONG, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr Gary FAN, Mr Charles MOK, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG and Mr IP Kin-yuen.  
(26 Members)

The following Members voted against the proposal:

Mr CHAN Kam-lam, Dr LAU Wong-fat, Mr TAM Yiu-chung, Mr Abraham SHEK, Mr WONG Kwok-hing, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Michael TIEN, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr CHAN Han-pan, Miss CHAN Yuen-han, Mr LEUNG Che-cheung, Miss Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Dr CHIANG Lai-wan, Dr LO Wai-kwok, Mr Christopher CHUNG and Mr Tony TSE.  
(30 Members)



Action

The following Members abstained from voting:

Mr Tommy CHEUNG, Mr Vincent FANG, Mr Paul TSE, Mr James TIEN, Mr MA Fung-kwok and Mr Christopher CHEUNG.  
(6 Members)

52. The Chairman declared that 26 Members voted for and 30 Members voted against the proposal and six Members abstained from voting. The Chairman declared that the proposal was negatived.

**IX. Any other business**

53. There being no other business, the meeting ended at 3:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 November 2013