

立法會
Legislative Council

LC Paper No. CB(2)622/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 11th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 3 January 2014**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
Hon LEE Cheuk-yan
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
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 Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Kwok-kin, BBS
Hon IP Kwok-him, 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 Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
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 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-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Hon Albert HO Chun-yan
Hon CHAN Kam-lam, SBS, JP
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon CHAN Hak-kan, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon CHAN Chi-chuen
Hon Dennis KWOK

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
Ms Anita SIT	Acting 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 Kelvin LI	Acting Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Timothy TSO	Assistant Legal Adviser 2
Mr YICK Wing-kin	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Mr Jove CHAN	Senior Council Secretary (2)2
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	Council Secretary (2)6
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 10th meeting held on 13 December 2013

(LC Paper No. CB(2)579/13-14)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on his meeting with the Chief Secretary for Administration

2. The Chairman said that there was nothing special to report.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 13 December 2013 and tabled in Council on 18 December 2013

(LC Paper No. LS20/13-14)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the Legal Service Division ("LSD") report on the three items of subsidiary legislation (i.e. L.N. 199 to L.N. 201) gazetted on 13 December 2013 and tabled in Council on 18 December 2013.

4. Members did not raise any questions on the three items of subsidiary legislation.

5. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was the Council meeting of 15 January 2014.

IV. Legal Service Division report on subsidiary legislation gazetted on 27 December 2013

(LC Paper No. LS21/13-14)

6. At the invitation of the Chairman, LA briefed Members on the LSD report on the one item of subsidiary legislation (i.e. the Antiquities and Monuments (Declaration of Historical Buildings) (No. 2) Notice 2013) (L.N. 206) which was gazetted on 27 December 2013 and would be tabled in Council on 8 January 2014.

7. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Notice in detail. Members agreed. Dr Kenneth CHAN and Dr KWOK Ka-ki agreed to join the proposed subcommittee.

8. The Chairman reminded Members that the deadline for amending the Notice was the Council meeting of 22 January 2014, or that of 26 February 2014 if extended by a resolution of the Council.

V. Business for the Council meeting of 8 January 2014

(a) Tabling of papers

Report No. 8/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)581/13-14 issued vide LC Paper No. CB(3)295/13-14 dated 31 December 2013)

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9. The Chairman said that the Report covered four items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 8 January 2014.

10. The Chairman further said that as Mr James TO, Chairman of the Subcommittee which scrutinized the Fugitive Offenders (Czech Republic) Order (L.N. 166), had indicated his intention to speak on the Order, he would move a motion in his capacity as Chairman of the House Committee ("HC") to take note of the Report in relation to the Order at the Council meeting.

(b) **Questions**

(LC Paper No. CB(3)292/13-14)

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

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

Inland Revenue (Amendment) (No. 3) Bill 2013

12. The Chairman said that the Administration had given notice to present the above Bill to the Council on 8 January 2014. HC would consider the Bill at its meeting on 10 January 2014.

(d) **Government motion**

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

(e) **Members' motions**

(i) **Proposed resolution under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China to be moved by Hon IP Kwok-him**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)286/13-14 dated 19 December 2013.)

14. The Chairman said that at the HC meeting on 13 December 2013, Members noted that Mr IP Kwok-him, Chairman of the Committee on Members' Interests, would move a proposed resolution to amend Rule 83(5) of the Rules of Procedure ("RoP") to tie in with the commencement of the new Companies Ordinance (Cap. 622) on 3 March 2014.

(ii) Proposed resolution under section 17(2) of The Legislative Council Commission Ordinance (Cap. 443) to be moved by Hon Andrew LEUNG

(Wording of the proposed resolution issued vide LC Paper No. CB(3)287/13-14 dated 20 December 2013.)

15. The Chairman said that the above proposed resolution was for seeking the Council's endorsement for The Legislative Council Commission ("the Commission") to use social media websites to share information contained in records of the proceedings of the Council.

16. Ms Emily LAU noted from the report submitted by the Commission to the Council (LC Paper No. AS 59/13-14) ("the Report") that the proposed use of social media websites to disseminate information of the Legislative Council ("LegCo") carried certain legal risks. She considered it important for Members to recognize the legal risks involved before deciding whether to support the proposed resolution. She invited LA to brief Members on the relevant legal issues.

17. At the invitation of the Chairman, LA said that to assist the Commission in considering the proposal, LSD had, based on available information, identified some relevant legal issues relating to the use of social media to disseminate information of LegCo, as detailed in paragraph 12 of and Appendix II to the Report. The Commission, after detailed consideration, came to the view that while certain legal risks were involved, the benefits outweighed those risks.

18. In response to the Chairman, LA further said that the Commission had made reference to the experience of the United Kingdom ("UK") Parliament in taking forward the proposal to enable video clips of parliamentary proceedings to be placed on YouTube and similar social media websites. The study by the UK Parliament on "Review of the Management of Parliamentary Copyright" in 2009 acknowledged that allowing video clips of Parliamentary proceedings to be more widely available on the internet carried a risk of reputational damage to the Parliament but also provided an opportunity for those proceedings to be seen more widely and understood more generally. After weighing the risks against the benefits, both Houses of Parliament endorsed the proposal to place video clips of Parliamentary proceedings on social media websites. LA added that apart from the UK Parliament, some overseas legislatures such as the Canadian and Australian Parliaments as well as the United States ("US") Congress also used social media websites to reach out to the public.

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19. Mr Martin LIAO enquired about the need to use social media websites to disseminate information of LegCo when such information was already available to the public through the LegCo Website. He also sought clarification whether the protection afforded by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") to Members against legal proceedings instituted in Hong Kong for words spoken before the Council or its committees would apply when videos of Council proceedings were distributed through social media websites; and whether third parties faced any legal risks when they redistributed such videos.

20. At the invitation of the Chairman, the Secretary General ("SG") said that while information of LegCo was available on the LegCo Website, the proposed use of social media websites, as borne out by the experience of overseas legislatures such as the UK Parliament, would enable wider public access to information of LegCo and provide invaluable opportunities for LegCo to engage young people who frequently used such websites. In fact, a number of LegCo Members were already using video and picture sharing sites as well as other social media platforms to communicate and interact with their constituents. In addition to enhancing LegCo's on-line presence, the proposal could also facilitate Members' own on-line activities. SG added that the Commission recognized that there were certain legal risks involved in the proposed use of social media websites. Both the benefits and the risks were set out in the Report to assist Members in considering the proposal.

21. Regarding the question of whether the protection afforded to Members under sections 3 and 4 of the P&P Ordinance would continue to apply when their words spoken before the Council or its committees were repeated through the distribution of the webcast and videos of LegCo proceedings via social media platforms, LA said that there were no applicable judicial authorities in Hong Kong. Based on some New Zealand and Privy Council cases, whether the protection under the P&P Ordinance would continue to apply would depend on the courts' view as to whether the occasion in which those words were repeated remained privileged. As regards potential legal liabilities of third parties, LA said that the Commission considered that users of social media websites should be alerted by a notice to the potential risks involved, such as legal liability arising from infringement of third party copyright, and to seek their own legal advice, if necessary, when they redistributed meeting videos and photos on LegCo YouTube channel and Flickr account.

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22. The Deputy Chairman said that since the social media websites used to disseminate information on LegCo were third-party websites and were not managed by LegCo or individual Members, there should not be any personal legal liability for Members arising from the management of such websites. With regard to the protection under the P&P Ordinance to Members against legal proceedings for words spoken before the Council or its committees, the Deputy Chairman was of the view that such protection should continue to apply when the words were repeated through the reproduction and distribution of the videos of LegCo proceedings via social media websites, unless comments, interpretations or explanations had been added thereto in the process of reproduction. He noted that some Members had already posted video clips of their speeches in Council or its committees on their personal websites or other social media platforms. The potential legal risks for Members, if any, were already in existence. He did not consider that the proposed use of social media websites by LegCo or the Commission would substantially increase the legal risks concerned.

23. Mr Kenneth LEUNG said that individual Members who had registered accounts with social media websites such as YouTube, Facebook and Twitter bore personal risks for any potential legal liabilities arising from the use of such websites. He sought clarification whether Members had to bear any joint and several liabilities rising from the use or management of the social media websites if the Commission was directed by the Council to use those websites to disseminate information of LegCo. He was concerned whether the protection afforded to Members under the P&P Ordinance would apply when videos of Council proceedings were distributed through social media platforms. He enquired whether, apart from the New Zealand cases cited by LA, there were applicable case law in other common law jurisdictions such as US and Canada; and if not, whether the Commission would consider seeking legal advice from a Senior Counsel in this regard.

24. At the invitation of the Chairman, LA responded that during its study on the matter, LSD could only identify the three New Zealand cases which were relevant to the issue relating to the protection afforded to Members under sections 3 and 4 of the P&P Ordinance, details of which were given in paragraph 18 of the Report. LA added that the situation in US was different from that in Hong Kong as the relevant protection was provided under the First Amendment and the Fifth Amendment to the US Constitution.

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25. LA further said that in view of the definition of "broadcast" and "broadcasting" under the Defamation Ordinance (Cap. 21), it was unlikely that the uploading of video clips of LegCo proceedings to social media websites by individual Members would be covered by qualified privilege under section 14 of Cap. 21, and the Member concerned had to bear the potential legal liabilities. LA added that given that social media websites were third-party websites over which LegCo or the Commission would have little control, it was unlikely that the Commission would have any legal liabilities relating to the management of the websites and the question of Members' joint and several liabilities would unlikely arise.

26. Mr LEUNG Kwok-hung expressed support for the proposal to disseminate information of LegCo through social media websites, as it would enhance the accessibility and accountability of LegCo and facilitate the public to monitor the work of Members. He shared the Deputy Chairman's view on whether the protection afforded to Members under the P&P Ordinance would continue to apply when videos of Council proceedings were distributed via social media websites. Mr LEUNG further opined that the redistribution of meeting videos of LegCo should not incur any legal liabilities, unless the content had been edited.

27. Mr Paul TSE was of the view that as far as defamation cases were concerned, the protection under the relevant laws against civil or criminal proceedings in relation to LegCo proceedings would unlikely apply when videos of LegCo proceedings were redistributed through social media websites. Mr TSE further enquired whether videos of Council proceedings would be edited before they were uploaded onto YouTube or similar social media websites, or whether they would be uploaded selectively.

28. At the invitation of the Chairman, SG said that to preserve the integrity of meeting records, all meeting videos would be uploaded in their entirety to YouTube, and all photos of events and activities available on the LegCo Website would be uploaded to Flickr.

29. Mr James TO said that he saw no harm in deferring the moving of the proposed resolution if some Members needed more time to consider the proposal. In his view, the protection under the P&P Ordinance would not continue to apply when videos of LegCo meetings were distributed via social media websites. Nevertheless, having weighed the potential risks against the benefits of enhancing the public dissemination of information of LegCo, he considered that the benefits worthed the risks.

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30. Mr Charles MOK said that the information of LegCo proposed to be distributed through social media included merely the unedited meeting videos, photos of events and activities, and other information already available on the LegCo Website. While appreciating that some Members might have concern about the legal risks involved, he considered that the benefit of widening public access to information of LegCo should outweigh those risks, which, in his view, were minimal.

31. Mr Martin LIAO said that the protection to Members against legal proceedings under the P&P Ordinance was to ensure that Members could speak freely during proceedings of the Council without fear of criminal or civil liabilities. He was concerned that the use of social media websites by LegCo and the Commission would make inroads into the rationale for granting protection to Members under the P&P Ordinance.

32. Ms Emily LAU said that she personally supported the proposal to disseminate information of LegCo via social media websites, but she noted that some Members had concern about the legal risks involved. She invited LA to clarify whether LSD needed more time to study the legal issues involved. Should that be the case, the moving of the proposed resolution could be deferred to a later Council meeting.

33. LA clarified that the legal issues and relevant case law relating to the use of social media websites by LegCo which had been identified by LSD based on available information were already set out in the Report. It was for Members to decide how to balance the risks against the benefits of doing so.

34. The Deputy Chairman reiterated his view that the words spoken by Members before the Council or its committees should remain privileged when those words were repeated through distribution of the videos of LegCo proceedings through social media websites; otherwise, the purpose of providing Members with the protection against legal proceedings under the P&P Ordinance would be defeated.

35. The Chairman said that he concluded from the discussion that Members did not object to his moving the proposed resolution at the Council meeting of 8 January 2014.

(iii) Motion on "Promoting the economic development of Lok Ma Chau and Lantau Island" to be moved by Hon WONG Ting-kwong

(Wording of the motion issued vide LC Paper No. CB(3)288/13-14 dated 23 December 2013.)

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- (iv) **Motion on "Assisting young people in their development on all fronts" to be moved by Dr Hon CHIANG Lai-wan**
(Wording of the motion issued vide LC Paper No. CB(3)289/13-14 dated 23 December 2013.)

36. The Chairman informed Members that the above two motion debates without legislative effect would also be held at the Council meeting of 8 January 2014.

VI. Business for the Council meeting of 15 January 2014

The Chief Executive's Policy Address

37. The Chairman said that the Chief Executive ("CE") would deliver his Policy Address at the Council meeting of 15 January 2014.

Report of HC on Consideration of Subsidiary Legislation

38. The Chairman invited Members to note the list containing four items of subsidiary legislation tabled at the meeting (LC Paper No. CB(3)296/13-14), the period for amendment of which would expire at the Council meeting of 15 January 2014. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 7 January 2014 should they wish to speak on the subsidiary legislation.

VII. The Chief Executive's Question and Answer Session on 16 January 2014

39. The Chairman informed Members that the CE's Question and Answer Session would be held from 10:30 am to 12:00 noon.

VIII. Report of Bills Committees and subcommittees

**Report of the Subcommittee on Antiquities and Monuments
(Declaration of Historical Buildings) Notice 2013**
(LC Paper No. CB(1)642/13-14)

40. Miss CHAN Yuen-han, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Miss CHAN highlighted that the Subcommittee supported the Notice and would not propose any amendment to it.

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41. The Chairman reminded Members that as the deadline for amending the Notice was the Council meeting of 15 January 2014, the deadline for giving notice of amendments, if any, was Wednesday, 8 January 2014.

IX. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)580/13-14*)

42. The Chairman said that as at 2 January 2014, there were seven Bills Committees, seven subcommittees under HC (i.e. four 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.

X. Proposal of Hon SIN Chung-kai to ask an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 8 January 2014 relating to the surfacing of counterfeit Hong Kong banknotes
(*Letter dated 30 December 2013 from Hon SIN Chung-kai (LC Paper No. CB(2)592/13-14(01))*)

43. At the invitation of the Chairman, Mr SIN Chung-kai said that the surfacing of counterfeit Hong Kong banknotes in Hong Kong and Macao during the Christmas and New Year period had caused panic among some members of the public. Many retail shops refused to accept HK\$1,000 banknotes and some people rushed to banks to exchange their banknotes. With the approach of the Chinese New Year which would be the next peak season for retail business, there was urgency for the Administration to answer Members' questions on the matter, including whether the authorities would arrange to recall the 2003 series HK\$1,000 banknotes before the Chinese New Year, so as to allay public worries. He appealed to Members to support his proposal as the matter was of urgent public concern.

44. Mr IP Kwok-him queried the urgency in asking the proposed question at the Council meeting of 8 January 2014. Mr IP also expressed concern about possible abuse of the mechanism for asking urgent questions. He said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") did not support the proposal.

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45. Dr Helena WONG said that there were a growing number of retail shops declining to accept HK\$1,000 banknotes. As the Chinese New Year was approaching soon, she considered it necessary to address the matter as early as possible.

46. Mr James TO shared the view that there was urgency in asking the proposed question relating to the surfacing of counterfeit HK\$1,000 banknotes, given its impact on different trades and industries as well as the general public. The raising of the proposed urgent question would provide an early opportunity for the Administration to explain its measures to tackle the problem.

47. In response to the Chairman, Ms Starry LEE, Chairman of the Panel on Financial Affairs ("FA Panel"), said that the next meeting of the Panel would be held in the morning of 6 January 2014. If considered necessary, the Administration could be requested to expeditiously provide a response on the matter to the Panel.

48. The Deputy Chairman said that he could not subscribe to the view that Mr SIN Chung-kai's proposal was an abuse of the mechanism for asking urgent questions. He hoped that Members belonging to the pro-establishment camp would not oppose the proposal merely because it was put forward by a Member belonging to the pan-democratic camp.

49. Dr Priscilla LEUNG said that she had originally submitted a proposal for asking an urgent oral question relating to the Court of Final Appeal ("CFA")'s ruling on the residence requirement for eligibility to apply for Comprehensive Social Security Assistance ("CSSA") at the Council meeting of 8 January 2014. Upon the advice of the Secretariat that Mr James TIEN who had been allocated an oral question slot at that Council meeting would ask a question on the same subject matter, she decided to withdraw her proposal. She recalled that in 2010, she had requested permission to ask an urgent oral question on the fire tragedy at Fa Yuen Street, but her request was not granted. She had also made a request for the holding of an adjournment debate that year, but the request was also not acceded to. She considered that there was a lack of clear criteria for permitting Members to ask urgent oral questions and to hold adjournment debates.

50. Mr Paul TSE pointed out that according to RoP 24(4), a request for asking an urgent question might be permitted on the ground that it was of an urgent character and related to a matter of public importance. Urgency was, however, not a requirement for holding an adjournment debate under RoP 16(4). Mr TSE further said that while he agreed that the surfacing of counterfeit HK\$1,000 banknotes was a matter of public

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importance, he did not see any urgency in asking the proposed question. Furthermore, the FA Panel would provide a forum for Members to follow up the matter with the Administration more thoroughly.

51. Mr IP Kwok-him said that Members belonging to DAB opposed the proposal not because it was put forward by a Member belonging to the pan-democratic camp, but because they did not consider that the proposed question fulfilled the criteria for permitting urgent questions being asked without notice.

52. Mr SIN Chung-kai explained that the first part of his proposed question concerned whether the authorities would order a recall of the 2003 series HK\$1,000 banknotes before the Chinese New Year. Should he follow the queuing system for question slots, the earliest opportunity for asking the question would be the Council meeting of 22 January 2014 but it would be almost Chinese New Year by then.

53. The Chairman put to vote the proposal of Mr SIN Chung-kai to ask an urgent oral question under RoP 24(4) at the Council meeting of 8 January 2014 relating to the surfacing of counterfeit Hong Kong banknotes. Mr SIN Chung-kai requested a division.

The following Members voted in favour of the proposal:

Mr LEE Cheuk-yan, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Ronny TONG, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr WONG Kwok-kin, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Ms Claudia MO, Mr Michael TIEN, Mr James TIEN, Mr Frankie YICK, Mr WU Chi-wai, Mr Gary FAN, Mr MA Fung-kwok, Mr Charles MOK, Dr Kenneth CHAN, Miss CHAN Yuen-han, Mr Kenneth LEUNG, Miss Alice MAK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG, Mr IP Kin-yuen, Mr Martin LIAO, Mr POON Siu-ping and Mr CHUNG Kwok-pan.
(34 Members)

The following Members voted against the proposal:

Mr TAM Yiu-chung, Mr Abraham SHEK, Mr WONG Ting-kwong, Ms Starry LEE, Dr LAM Tai-fai, Dr Priscilla LEUNG, Mr IP Kwok-him, Mr Steven HO, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Ir Dr LO Wai-kwok.
(15 Members)

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The following Members abstained from voting:

Mr Paul TSE and Mr NG Leung-sing.
(2 Members)

54. The Chairman declared that 34 Members voted for and 15 Members voted against the proposal, and two Members abstained from voting. The Chairman declared that the proposal was supported.

XI. Proposal of Hon Vincent FANG to move a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting of 8 January 2014 for the purpose of debating the following issue: the impact of the Court of Final Appeal's ruling that applicants for Comprehensive Social Security Assistance do not have to meet the seven-year residence requirement

(Letter dated 30 December 2013 from Hon Vincent FANG (LC Paper No. CB(2)592/13-14(02)))

55. At the invitation of the Chairman, Mr Vincent FANG briefed Members on his proposal. He explained that Members belonging to the Liberal Party were all along not supportive of granting requests for holding adjournment debates under RoP 16(4) as such requests, they considered, were in effect jumping the queue for debate slots. However, having regard to the substantial impact of CFA's ruling on the residence requirement for eligibility to apply for CSSA and the urgency of the matter, he proposed the holding of an adjournment debate in Council next week to provide an opportunity for Members to debate the matter as early as possible. He said that within only one week after CFA delivered its ruling on 17 December 2013, the Social Welfare Department had already received some 700 applications for CSSA by new arrivals who had resided in Hong Kong for less than seven years. He was gravely concerned that the ruling would lead to an increased demand not only for welfare services, but also for public housing, health services and education, which would place heavy financial pressure on Hong Kong. He considered that there was urgency for Members to debate the matter and elicit a response from the Administration at the Council meeting of 8 January 2014.

56. Ms Claudia MO expressed support for Mr Vincent FANG's proposal. She considered that there was urgency for holding the proposed adjournment debate, given the serious conflicts between Hong Kong people and Mainlanders. Ms MO added that under the principle of "One Country, Two Systems", she considered it unreasonable that the Government of the Hong Kong Special Administrative Region did not have the authority for vetting and approving applications under the One-Way Permit Scheme.

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57. The Chairman clarified that urgency was not a requirement for holding an adjournment debate under RoP 16(4). He further informed Members that Mr Vincent FANG also sought HC's support for seeking the President's approval to dispense with the requisite notice for moving the proposed motion for adjournment.

58. Mr WONG Kwok-kin said that Members belonging to the Hong Kong Federation of Trade Unions opposed Mr Vincent FANG's proposal. While they had no objection to debating the matter, they considered that there was no urgency to do so through the holding of an adjournment debate, given that CFA had already made its ruling. Instead of jumping the queue, Members who wished to debate the matter in Council should do so by making an application for a debate slot.

59. The Chairman put to vote the proposal of Mr Vincent FANG to move a motion for adjournment under RoP 16(4) at the Council meeting of 8 January 2014 for the purpose of debating the following issue: the impact of CFA's ruling that applicants for CSSA did not have to meet the seven-year residence requirement. Ms Emily LAU requested a division.

The following Members voted in favour of the proposal:

Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr TAM Yiu-chung, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr Vincent FANG, Mr WONG Ting-kwong, Mr Ronny TONG, Ms Cyd HO, Ms Starry LEE, Dr LAM Tai-fai, Dr Priscilla LEUNG, Mr CHEUNG Kwok-che, Mr IP Kwok-him, Mr Paul TSE, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Ms Claudia MO, Mr Michael TIEN, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr WU Chi-wai, Mr YIU Si-wing, Mr Gary FAN, Mr Charles MOK, Mr CHAN Han-pan, Dr Kenneth CHAN, Mr LEUNG Che-cheung, Mr Kenneth LEUNG, Mr Christopher CHEUNG, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG, Mr IP Kin-yuen, Dr Elizabeth QUAT, Mr Martin LIAO, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Christopher CHUNG.

(45 Members)

The following Members voted against the proposal:

Mr WONG Kwok-hing, Mr WONG Kwok-kin, Miss CHAN Yuen-han, Miss Alice MAK and Mr KWOK Wai-keung.

(5 Members)

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The following Members abstained from voting:

Mr MA Fung-kwok and Mr POON Siu-ping.
(2 Members)

60. The Chairman declared that 45 Members voted for and five Members voted against the proposal, and two Members abstained from voting. The Chairman declared that the proposal was supported.

61. The Chairman informed Members that according to RoP 16(6) and (7) and Rule 18(b) of the House Rules, the duration of an adjournment debate moved under RoP 16(4) was kept within one and a half hours unless extended by the President. Each Member, including the proposer, might speak for up to five minutes in the debate. Members noted the arrangement.

XII. Any other business

62. There being no other business, the meeting ended at 3:38 pm.

Council Business Division 2
Legislative Council Secretariat
9 January 2014