

立法會
Legislative Council

LC Paper No. CB(2)1022/13-14

Ref : CB2/H/5/13

House Committee of the Legislative Council

**Minutes of the 17th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 28 February 2014**

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
Hon Emily LAU Wai-hing, 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
Hon CHAN Hak-kan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Dr Hon LEUNG Ka-lau
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 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 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 Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
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
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-ki, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Dr Hon LAM Tai-fai, SBS, JP
Hon CHEUNG Kwok-che
Hon Kenneth LEUNG
Hon Christopher CHEUNG Wah-fung, JP
Hon TANG Ka-piu

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 KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Elyssa WONG	Head (Information Services)
Ms Dora WAI	Principal Council Secretary 1
Ms Emily PANG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Bonny LOO	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
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 verbatim transcript/minutes of meetings

- (a) **Verbatim transcript of the special meeting held on 7 February 2014**
(LC Paper No. CB(2)965/13-14)
- (b) **Minutes of the 16th meeting held on 21 February 2014**
(LC Paper No. CB(2)951/13-14)

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

II. Matters arising

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

Breakfast meetings with the Task Force on Constitutional Development

2. The Chairman said that he and the Deputy Chairman had agreed to help coordinate the attendance lists of Members for the four breakfast meetings with the Task Force on Constitutional Development to be held in March 2014. To facilitate coordination of the attendance lists, he reminded Members to reply to the Secretariat on their preferred breakfast meeting dates as soon as possible.

2013-2014 Legislative Programme

3. The Chairman further said that CS had advised that in response to Members' concern about the progress of the Legislative Programme, the Administration had completed the necessary work procedure for four Bills, which would be introduced into the Legislative Council ("LegCo") at its meetings of 19 and 26 March 2014.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 21 February 2014 and tabled in Council on 26 February 2014

(LC Paper No. LS28/13-14)

4. 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. 22 to L.N. 24) which were gazetted on 21 February 2014 and tabled in Council on 26 February 2014.

5. Regarding the Resolution of the Board of Directors of the Po Leung Kuk (i.e. L.N. 24), Ms Emily LAU enquired whether the Resolution would enable Po Leung Kuk ("PLK") to provide new services and whether additional Government funding would be required.

6. At the invitation of the Chairman, LA advised that the Resolution sought to enable PLK to expand its scope of services to cover medical and health services for the general public. According to the relevant LegCo Brief, PLK had undertaken not to seek additional Government funding for this initiative.

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7. Ms Emily LAU considered it necessary to form a subcommittee to study the Resolution in detail. Members agreed. Ms Emily LAU agreed to join the proposed subcommittee.

8. Members did not raise any questions on the other two items of subsidiary legislation (i.e. L.N. 22 and L.N. 23).

9. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was the Council meeting of 26 March 2014, or that of 16 April 2014 if extended by a resolution of the Council.

IV. Legal Service Division report on subsidiary legislation gazetted on 26 February 2014

(LC Paper No. LS31/13-14)

10. At the invitation of the Chairman, LA briefed Members on the LSD report on the two items of subsidiary legislation (i.e. L.N. 25 and L.N. 26) which were gazetted on 26 February 2014 and would be tabled in Council on 19 March 2014.

11. Regarding the Rating (Exemption) Order 2014 (i.e. L.N. 26), Ms Cyd HO opined that the proposed rates concession should cover all the four quarters, instead of only two quarters, of the 2014-2015 financial year. She considered it necessary to form a subcommittee to study the Order in detail. Members agreed. Ms Cyd HO, Miss CHAN Yuen-han and Mr SIN Chung-kai agreed to join the subcommittee.

12. Members did not raise any questions on the other item of subsidiary legislation (i.e. Public Revenue Protection (Dutiable Commodities) Order 2014 (L.N. 25)).

13. The Chairman reminded Members that the deadline for amending these two items of subsidiary legislation was the Council meeting of 16 April 2014, or that of 7 May 2014 if extended by a resolution of the Council.

V. Advance information on business for the Council meeting of 19 March 2014

(a) Bills - First Reading and moving of Second Reading

(i) **Shipping Legislation (Control of Smoke Emission) (Amendment) Bill 2014**

(ii) **Marriage (Amendment) Bill 2014**

14. The Chairman informed Members that the Administration had given notice to present the above two Bills to the Council on 19 March 2014. The House Committee ("HC") would consider these Bills at its meeting on 21 March 2014.

(b) **Government motions**

(i) **Proposed resolution to be moved by the Secretary for Financial Services and the Treasury under section 7(1) of the Public Finance Ordinance (Cap. 2)**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)439/13-14 dated 27 February 2014.)

(LC Paper No. LS29/13-14)

(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)436/13-14 dated 26 February 2014.)

(LC Paper No. LS30/13-14)

(iii) **Proposed resolution to be moved by the Secretary for the Environment under section 5(4) of the Motor Vehicles (First Registration Tax) Ordinance (Cap. 330)**

(Wording of the proposed resolution issued vide LC Paper No. CB(3)440/13-14 dated 27 February 2014.)

(LC Paper No. LS32/13-14)

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

16. Dr Fernando CHEUNG considered it necessary to form a subcommittee to study in detail the proposed resolution under section 5(4) of the Motor Vehicles (First Registration Tax) Ordinance (Cap. 330). Members agreed. Mr WU Chi-wai and Dr Fernando CHEUNG agreed to join the proposed subcommittee.

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17. The Chairman said that in line with established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the subcommittee to scrutinize the proposed resolution.

18. Members did not raise objection to the Administration moving the other two proposed resolutions at the Council meeting of 19 March 2014.

VI. Advance information on business for the Council meeting of 26 March 2014

Bills - First Reading and moving of Second Reading

(a) Contracts (Rights of Third Parties) Bill

(b) Employment (Amendment) Bill 2014

19. The Chairman said that the Administration had given notice to present the above two Bills to the Council on 26 March 2014. HC would consider these Bills at its meeting on 28 March 2014.

VII. Reports of Bills Committees and subcommittees

(a) Report of the Bills Committee on Product Eco-responsibility (Amendment) Bill 2013

20. Dr Kenneth CHAN, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. Dr CHAN said that as the Environmental Levy Scheme on Plastic Shopping Bags ("PSB Levy Scheme") had been effective in reducing the excessive use of plastic shopping bags ("PSBs") in the community, the majority of the members of the Bills Committee were in support of the Bill, which sought to extend the coverage of the PSB Levy Scheme ("the extended Scheme"). Mr Vincent FANG and Mr WONG Ting-kwong, however, did not support the Administration's proposal, as they considered the exemption criteria for the PSB charge proposed in the Bill unclear. They were concerned that it might pose difficulties in compliance with and enforcement of the relevant requirements.

21. Dr Kenneth CHAN further said that the Bills Committee had examined the various exemptions proposed in the Bill, in particular the exemption given to PSBs used for food hygiene reasons. To address the concern of the Bills Committee about the ambiguity of the scope of the proposed food hygiene exemption provisions, the Administration would move Committee stage amendments ("CSAs") such that exemption would be granted to PSBs used for carrying frozen or chilled food.

22. Dr Kenneth CHAN informed the meeting that members of the Bills Committee did not support the Administration's proposal to repeal the existing requirements for prescribed retailers to keep records and submit quarterly returns on the distribution of PSBs to the Government, as they were concerned that this would render it difficult for the Administration to assess the effectiveness of the extended Scheme. In the light of members' views, the Administration had sought the agreement of the Hong Kong Retail Management Association ("HKRMA") to implement a voluntary reporting system, under which the registered retailers would be encouraged to provide, on a yearly basis, their PSB usage to HKRMA, which would then submit the aggregate statistics to the Environmental Protection Department.

23. Dr Kenneth CHAN added that the Administration would also move a CSA to appoint a specific commencement date for the extended Scheme, instead of leaving it open until the publication of a commencement notice in the Gazette by the Secretary for the Environment. The Bills Committee noted that the proposed CSA sought to expedite the legislative process and facilitate the planning of necessary preparatory work by the retail trade and the Government. The Bills Committee supported the CSAs proposed by the Administration and the resumption of the Second Reading debate on the Bill at the Council meeting of 19 March 2014.

**(b) Report of the Bills Committee on Inland Revenue (Amendment)
(No. 3) Bill 2013**

24. Mr WONG Ting-kwong, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. Mr WONG said that the Bill sought to implement the proposals to (a) give captive insurers a 50% profits tax concession for their offshore risks insurance business; and (b) raise the deduction ceiling for contributions made by employees or self-employed persons to recognized retirement schemes subsequent to the increase of the maximum relevant income level under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) with effect from 1 June 2014. The Bills Committee supported the proposals in the Bill.

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25. Mr WONG Ting-kwong further said that the Bills Committee noted that more attractive tax concessions for captive insurers were being offered by other jurisdictions (e.g. Singapore), and was concerned about Hong Kong's competitiveness in attracting captive insurance business. The Administration advised the Bills Committee that in considering the provision of tax incentive to captive insurers, it had drawn reference to the tax concession currently accorded to reinsurers which was applicable only to their offshore risks business. The Administration stressed that Hong Kong had the fundamental strengths as an international financial centre and had been offering various regulatory concessions to captive insurers. The Administration would keep under review in the light of market developments the need for further measures to promote captive insurance business in Hong Kong.

26. Mr WONG Ting-kwong informed the meeting that the Bills Committee had considered the need to provide a definition of "offshore risks" in the Bill to avoid possible abuse of the proposed tax concession by captive insurers. The Administration explained to the Bills Committee that whether an insured risk was located outside Hong Kong was a question of fact to be established on a case-by-case basis. Furthermore, the Inland Revenue Department had not encountered any problems in granting the existing tax concession for reinsurers' offshore risks business and was not aware of any tax avoidance cases taking advantage of the scope of offshore risks. The Administration had undertaken to monitor the situation and review the need to provide a definition of "offshore risks".

27. Mr WONG Ting-kwong added that both the Bills Committee and the Administration had not proposed any CSAs to the Bill. The Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 19 March 2014.

28. The Chairman reminded Members that the deadline for giving notice of CSAs for the above two Bills, if any, was Monday, 10 March 2014.

(c) **Report of the Subcommittee on Air Pollution Control (Marine Light Diesel) Regulation**
(LC Paper No. CB(4)434/13-14)

29. Ms Cyd HO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that both the Subcommittee and the Administration would not propose any amendments to the Regulation.

(d) Report of the Subcommittee on Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2014

30. Mr CHAN Kam-lam, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. Mr CHAN said that the Regulation sought to require a goods vehicle first registered on or after 1 October 2014 to be equipped with a reversing video device ("RVD"), with a view to enhancing safety when goods vehicles were reversing.

31. Mr CHAN Kam-lam further said that the Subcommittee was concerned that existing goods vehicles were not required to be retrofitted with RVDs under the Regulation. The Administration had explained to the Subcommittee that given the technical difficulties involved in retrofitting RVDs onto existing goods vehicles and the reluctance of RVD suppliers and goods vehicle manufacturers to provide guarantees and maintenance services for the retrofitted RVDs, it was not appropriate to mandate the installation of RVDs on existing goods vehicles.

32. Mr CHAN Kam-lam also advised that to alleviate the concerns of the goods vehicle trade about the proposed mandatory installation of RVDs on goods vehicles, the Administration had provided for a defence in regulation 39A(6) under section 4 of the Regulation for contravention of the requirement that any RVD which was fitted on certain types of vehicles must be maintained in good working order. The defence was supported by the trade. In addition, the Subcommittee considered that the Chinese rendition of the word "detected" ("揭發") in regulation 39A(6) did not tally with the corresponding English text, as "揭發" bore the meaning that something had been concealed deliberately and subsequently revealed. The Administration therefore agreed to make an amendment to substitute "揭發" with "發覺".

33. The Chairman reminded Members that as the deadline for amending the two Regulations studied by the above two Subcommittees was the Council meeting of 19 March 2014, the deadline for giving notice of amendments, if any, was Wednesday, 12 March 2014.

VIII. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)952/13-14*)

34. The Chairman said that as at 27 February 2014, there were seven Bills Committees (one of which would need to work beyond three months

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since its commencement), five subcommittees under HC and eight subcommittees on policy issues under Panels in action. Four subcommittees on policy issues were on the waiting list.

IX. Paper of the Committee on Rules of Procedure

Access to Council documents and records
(*LC Paper No. CROP44/13-14*)

35. Mr Alan LEONG, Deputy Chairman of the Committee on Rules of Procedure ("CRoP"), said that most Council documents and records were open in nature and were already available for public access. While access requests to closed Council documents and records were at present dealt with on a case-by-case basis, closed documents and records of certain defunct committees (such as select committees) were not available for public access. To formalize and enhance the existing arrangements, CRoP proposed to seek the Council's authorization for providing public access to the closed documents and records of the Council and its committees.

36. Mr Alan LEONG further said that the Secretariat, under the direction of The Legislative Council Commission ("the Commission"), had conducted consultation exercises to seek the views of Members and the public on the proposed access to information policy and relevant arrangements for provision of access to closed Council documents and records, including maximum records closure periods for such documents and records and declassification reviews. CRoP noted that Members and the public were in general supportive of the proposals.

37. Mr Alan LEONG informed the meeting that CRoP proposed that a committee be appointed by the Council to deal with access requests and matters relating to the access to information policy. To ensure that the membership of the committee was balanced and broadly representative of that of the Council, and to give due recognition to the role of the President and the Clerk to LegCo under the Rules of Procedure ("RoP") in keeping and making available Council documents and records for public access, CRoP proposed that the composition and size of the committee should be modelled on the Commission, with the President serving as the ex officio chairman of the committee. CRoP also proposed that the Clerk to LegCo be authorized to undertake declassification reviews and other related duties.

38. Mr Alan LEONG added that subject to Members' views on CRoP's proposals and the proposed amendments to RoP for implementing the proposals, the Chairman of CRoP would move a proposed resolution at the Council meeting of 19 March 2014 to amend RoP.

39. Members agreed to CRoP's proposals and the proposed amendments to RoP.

X. Any other business

Proposal of Hon Claudia MO to move a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting of 19 March 2014 for the purpose of debating the following issue: the relationship between the incident of attack on Kevin LAU Chun-to, the former chief editor of Ming Pao Daily News, and freedom of the press in Hong Kong

(Letter dated 26 February 2014 from Hon Claudia MO (LC Paper No. CB(2)971/13-14(01)))

40. The Chairman said that Ms Claudia MO had written to him on 26 February 2014, after the deadline for raising agenda items for this HC meeting, requesting to discuss her proposal to hold an adjournment debate at the Council meeting of 19 March 2014 on the relationship between the incident of attack on Mr Kevin LAU, the former chief editor of Ming Pao Daily News, and freedom of the press in Hong Kong. In view of the grave public concern about the incident, he had exceptionally given approval to discuss Ms MO's proposal under "Any other business" ("AOB").

41. The Chairman further informed Members that he received a request from Mr Jeffrey LAM shortly before this meeting for moving a motion at the meeting to condemn the violent acts of the assailants and request the Police to spare no effort to arrest the assailants. The wording of the proposed motion was tabled at the meeting. The Chairman explained that according to the usual practices of committees, a substantive motion moved under "AOB" should not be allowed by the chairman. However, having regard to the gravity of the matter and the fact that Ms Claudia MO's proposal had been placed on the agenda, subject to Members having consensus on the moving of the proposed motion to express HC's stance on the matter, the motion would be moved by him as Chairman of HC instead of Mr LAM. He proposed that the motion be dealt with after the discussion on Ms MO's proposal. Members raised no objection.

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42. Ms Claudia MO said that the fact that Ming Pao Daily News had blackened its red logo on its front page on the day after the attack on Mr Kevin LAU was clear evidence of the relationship between the incident and freedom of the press in Hong Kong. Major media organizations in Hong Kong had issued a joint statement expressing worries that the incident had posed threat to freedom of the press in Hong Kong. The incident was also widely reported by international media. Ms MO considered that given the great importance of safeguarding the core value of freedom of the press and the need to protect journalists from having to work under fear, LegCo should make clear its stance by debating the matter. She appealed to Members to support her proposal.

43. Mr Jeffrey LAM said that the community was extremely shocked and outraged about the attack on Mr Kevin LAU. Such violent acts against a journalist would not be tolerated, and it was important that freedom of the press as well as personal safety of journalists should be protected. As no Council meeting would be held in the following two weeks, he proposed that a motion be moved at this HC meeting to strongly condemn the vicious attack and urge the Police to spare no effort to arrest the assailants so as to expeditiously bring them to justice.

44. Ms Emily LAU said that the media community and the public were outraged about the attack on Mr Kevin LAU, which had also aroused the concern of the international community. She was pleased to see that Members belonging to different political parties and groupings denounced such violent acts in one voice. Ms LAU further suggested that instead of an adjournment debate, a motion debate based on the wording of the motion proposed by Mr Jeffrey LAM be held at the Council meeting of 19 March 2014. The debate on the motion, to be moved by the Chairman of HC, should take place before the other two individual Members' motions to be debated at the same Council meeting. Should the motion be carried in Council, it would send a strong message to the community that LegCo strongly condemned such violent acts.

45. Mr Gary FAN said that the Neo Democrats supported Ms Claudia MO's proposal to hold an adjournment debate. In his view, there was reasonable cause to believe that the attack on Mr Kevin LAU was related to his journalistic work. The attack on Mr LAU, coupled with other recent incidents involving various media organizations, showed that freedom of the press was under serious threat in Hong Kong. Mr FAN added that previous cases of attack on journalists/media practitioners had remained unsolved. Apart from strongly condemning such violent acts, LegCo should also demand the Police to go all out to bring the assailants to justice.

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46. Mr IP Kin-yuen stressed the need to safeguard freedom of the press vigilantly, as it was the basis for freedom of expression and free flow of information. He shared the view that LegCo should express strong support to the media community in their call for upholding freedom of the press. He indicated support for the three proposals put forward by Members (i.e. Ms Emily LAU's proposal for the HC Chairman to move an additional Member's motion without legislative effect based on the wording of the motion proposed by Mr Jeffrey LAM at the Council meeting of 19 March 2014; the HC Chairman's proposal to move that proposed motion at this HC meeting; and Ms Claudia MO's proposal to move an adjournment debate under RoP 16(4) at the same Council meeting.)

47. Mr IP Kwok-him expressed strong disapproval of the vicious attack on Mr Kevin LAU. He said that such attack would not be tolerated and the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") had issued a statement after the incident to condemn such violent acts. He added that Members belonging to DAB supported Ms Claudia MO's proposal to hold an adjournment debate at the Council meeting of 19 March 2014 as well as the proposal for the HC Chairman to move a motion at this HC meeting to clearly express Members' stance on the incident.

48. Mr NG Leung-sing supported the proposed motion to condemn the violent acts and request the Police to spare no effort to arrest the assailants. Regarding Ms Claudia MO's proposal to hold an adjournment debate, Mr NG said that he was concerned about the proposed wording of the motion. He considered that as the incident was under investigation by the Police, it was not appropriate to jump to the conclusion, in the absence of concrete evidence, that it was related to freedom of the press in Hong Kong.

49. Dr Priscilla LEUNG considered it necessary for LegCo to clearly express its stance that such violent acts should be condemned. She therefore supported Ms Claudia MO's proposal to hold an adjournment debate as well as the HC Chairman's moving the proposed motion at this HC meeting. Dr LEUNG added that while it was understandable that the incident had aroused concern about interference with freedom of the press, Members should refrain from surmising the cause of the attack, given that the police's investigation was still underway.

50. Miss CHAN Yuen-han said that the community was outraged about the attack on Mr Kevin LAU, which was a blatant disregard for the rule of law. She expressed support for holding a debate on the incident at the Council meeting of 19 March 2014 and the moving of the proposed

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motion at this HC meeting to send a clear message to the community on LegCo's stance on the incident. In addition to condemning the violent acts and requesting the Police to make full efforts to apprehend the assailants, Miss CHAN suggested adding to the wording of the proposed motion Members' wish for Mr LAU's speedy recovery.

51. In response to Miss CHAN Yuen-han's suggestion, the Chairman said that as he had explained earlier, the substantive motion proposed by Mr Jeffrey LAM should not be allowed to be dealt with under "AOB". However, in view of the grave public concern, he suggested that, subject to Members' having a consensus on the proposed motion, it would be moved by him as the Chairman of HC, and no amendment to the wording of the motion should be allowed so as to convey a strong message to the community on Members' consensual stance on the incident. The Chairman further said that should Ms Emily LAU's proposal to hold a motion debate instead of an adjournment debate be supported by HC and subject to the President's approval, a debate on a motion with the same wording as that proposed by Mr Jeffrey LAM would be moved by him as the Chairman of HC at the Council meeting of 19 March 2014.

52. Miss CHAN Yuen-han said that Members belonging to the Hong Kong Federation of Trade Unions supported the moving of a motion at this HC meeting to condemn the violent acts and the holding of a motion debate on the incident at the Council meeting of 19 March 2014.

53. Mr James TIEN said that Members belonging to the Liberal Party ("LP") were also deeply concerned about the attack on Mr Kevin LAU and agreed on the need to follow up the matter. Mr TIEN further said that the focus of concern of the motion debate proposed to be moved by the Chairman of HC was different from that of the adjournment debate proposed by Ms Claudia MO. The former focused on the vicious attack while the latter on the relationship between the attack and freedom of the press in Hong Kong. Members belonging to LP were of the view that the debate proposed to be held in Council should cover both of these concerns.

54. Ms Cyd HO hoped that Members would support the proposal for the Chairman of HC to move a motion for debate in Council, as it would indicate the consensual view of Members on the matter. Referring to past incidents of attack on journalists/media practitioners which had yet to be solved, Ms HO considered it important for the Administration to deliver a clear and strong message to the community on its determination to protect the personal safety of these practitioners. She proposed that such a message be added to the wording of the motion proposed to be moved by the Chairman of HC.

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55. Mr Frederick FUNG said that since Mr Kevin LAU was a veteran journalist, it was reasonable to associate the attack with his work. Mr FUNG further said that as media was regarded as the "fourth estate" to monitor the Government, it was pivotal to uphold freedom of the press and protect the personal safety of media practitioners. While agreeing with the view that a motion debate moved by the Chairman of HC was more preferable than an adjournment debate, he hoped that the wording of the motion could be amended to include protection for their personal safety.

56. Mrs Regina IP pointed out that a motion moved under RoP 16(4) was only a motion for the adjournment of the Council and voting on the proposed adjournment motion could not express Members' stance on the incident. She therefore supported the proposal for the Chairman of HC to move a motion debate at the Council meeting of 19 March 2014. Regarding the suggestion of including protection for the personal safety of journalists in the wording of the proposed motion, Mrs IP opined that the personal safety of all members of the public, and not only the journalists, should be protected. She considered the original wording proposed appropriate.

57. At the invitation of the Chairman, the Secretary General said that for the proposed motion debate to be moved by the Chairman of HC at the Council meeting of 19 March 2014, Members could propose amendments to the motion should they wish to do so, as in the case of other Members' motions not intended to have legislative effect moved in Council.

58. Mr LEUNG Yiu-chung said that he had no objection to using the wording proposed by Mr Jeffrey LAM for the proposed motion debate to be held at the Council meeting of 19 March 2014, in view that Members could move amendments to the motion in Council. As regards the motion proposed to be moved at this HC meeting, he hoped that amendments could be made to the motion, so as to include in its wording expression of sympathy to Mr Kevin LAU and concern about protection for the personal safety of journalists.

59. The Chairman reiterated that in line with usual practices, no substantive motion should be moved under "AOB". However, given the grave public concern on the matter and the fact that there would be no Council meeting in the following two weeks, he agreed that, as an exceptional arrangement and subject to Members having a consensual view, the motion proposed by Mr Jeffrey LAM would be moved by him instead at this meeting. If amendments to the motion were sought to be moved, it would suggest a lack of consensus.

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60. Mr SIN Chung-kai said that the Chairman should consider allowing amendments to be made to the motion if Members could reach consensus on the amendments. Mr SIN further said that the amendment proposed by Ms Cyd HO to include in the motion the Administration's determination to protect the personal safety of journalists was neutrally worded. He hoped that there would be consensus among Members to accept Ms HO's proposed amendment.

61. Mr IP Kwok-him said that he supported the moving of the proposed motion at this HC meeting to condemn the vicious attack on Mr Kevin LAU. In his view, it was more desirable not to amend the wording of the motion so as to send a strong message to the community on LegCo's consensual stance on the matter. Should Members wish to express other views and concerns, they might do so at the proposed adjournment debate or motion debate to be held at the Council meeting of 19 March 2014. Mr IP further said that in view of the grave concerns of Members and the public, the Panel on Security under his chairmanship would discuss the Police's handling of serious assault and wounding cases at its meeting scheduled for 18 March 2014.

62. Mr Paul TSE considered the holding of a motion debate more preferable than an adjournment debate, as Members could propose amendments and there would be more time for debating the matter. Mr TSE also sought clarification why Ms Emily LAU's proposal, which was raised only during this meeting, would be dealt with ahead of Ms Claudia MO's proposal. Ms Claudia MO raised a similar query.

63. The Chairman explained that as he had judged from the discussions that there was general support of Ms Emily LAU's proposal to hold a motion debate instead of an adjournment debate in Council, he therefore suggested that Ms Emily LAU's proposal be dealt with first. He stressed that it was for Members to decide whether they would also support the holding of an adjournment debate in addition to the proposed motion debate at the same Council meeting.

64. Mr Paul TSE also expressed concern that in the event that the proposed motion was passed at this HC meeting, it would seem to be inconsistent and might be procedurally not in order for the motion with the same wording to be debated and voted on at a later Council meeting.

65. Mr James TIEN said that he supported the moving of a motion debate by the Chairman of HC at the Council meeting of 19 March 2014, given that Members could move amendments to the motion in Council. He added that Ms Claudia MO could consider moving amendments to the motion to reflect her views.

66. Ms Claudia MO considered that the wording of the motion proposed by Mr Jeffrey LAM was simply stating the obvious and no Member would object to condemning the violent acts of the assailants. However, she was concerned that there was no mentioning in the motion of the commitment to safeguard freedom of the press and the personal safety of journalists. Should the proposed motion be moved for debate in Council, she would consider moving amendments to reflect that commitment. She was dissatisfied that Members were not allowed to amend the proposed motion at this HC meeting. Mr WONG Yuk-man also expressed similar dissatisfaction.

67. Mr Jeffrey LAM stressed that he proposed to move a motion at this HC meeting to condemn the violent attack on Mr Kevin LAU as he considered that it was incumbent upon Members, as representatives of the public, to send an unequivocal message to the community that such violent acts would not be tolerated.

68. The Chairman first put to vote the proposal of Ms Emily LAU for the Chairman of HC to move the following Member's motion at the Council meeting of 19 March 2014:

"本會對於明報前總編輯劉進圖先生遇襲事件表示非常震驚及憤慨，對兇徒暴行予以強烈譴責，並要求警方全力緝兇，盡快將兇徒繩之於法。"

(Translation)

"That this Council is deeply shocked and outraged about the incident of attack on Mr Kevin LAU Chun-to, the former chief editor of Ming Pao Daily News, strongly condemns the violent acts of the assailants, and requests the Police to spare no effort to arrest the assailants so as to expeditiously bring them to justice."

Ms Emily LAU requested a division.

The following Members voted in favour of the proposal:

Mr Albert HO, Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Frederick FUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Cyd HO, 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 Paul TSE, Mr Albert CHAN, Mr WONG

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Yuk-man, Mr James TIEN, Mr Steven HO, Mr Frankie YICK, Mr WU Chi-wai, Mr YIU Si-wing, Mr Charles MOK, Mr CHAN Chi-chuen, Mr CHAN Han-pan, Miss CHAN Yuen-han, Mr LEUNG Che-cheung, Miss Alice MAK, Mr KWOK Wai-keung, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG, Mr IP Kin-yuen, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.

(46 Members)

The following Members abstained from voting:

Ms Claudia MO, Mr Gary FAN and Dr Kenneth CHAN.

(3 Members)

69. The Chairman declared that 46 Members voted for the proposal and no Member voted against it, and three Members abstained from voting. The Chairman declared that the proposal was supported.

70. The Chairman then put to vote the proposal of Ms Claudia MO to move a motion for adjournment under RoP 16(4) at the Council meeting of 19 March 2014 for the purpose of debating the following issue: the relationship between the incident of attack on Mr Kevin LAU, the former chief editor of Ming Pao Daily News, and freedom of the press in Hong Kong. Ms Claudia MO requested a division.

The following Members voted in favour of the proposal:

Mr Albert HO, Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Ms Cyd HO, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr Charles MOK, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Dr Fernando CHEUNG, Mr SIN Chung-kai and Dr Helena WONG.

(17 Members)

The following Members voted against the proposal:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Jeffrey LAM, 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, Mr James TIEN, Mr Steven HO, Mr Frankie YICK, 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, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG

Action

Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.
(29 Members)

71. The Chairman declared that 17 Members voted for the proposal and 29 Members voted against it, and no Member abstained from voting. The Chairman declared that the proposal was negated

72. The Chairman then put to vote the following motion -

"本會對於明報前總編輯劉進圖先生遇襲事件表示非常震驚及憤慨，對兇徒暴行予以強烈譴責，並要求警方全力緝兇，盡快將兇徒繩之於法。"

(Translation)

"That this Committee is deeply shocked and outraged about the incident of attack on Mr Kevin LAU Chun-to, the former chief editor of Ming Pao Daily News, strongly condemns the violent acts of the assailants, and requests the Police to spare no effort to arrest the assailants so as to expeditiously bring them to justice."

73. As a majority of Members present voted for the motion and no Members voted against it, the Chairman declared that the motion was passed by HC.

74. There being no other business, the meeting ended at 4:04 pm.