

立法會
Legislative Council

LC Paper No. CB(1)85/14-15
(These minutes have been cleared
with the Chairman)

Ref : CB1/PL/EA/1

Panel on Environmental Affairs

Minutes of meeting
held on Thursday, 9 October 2014, at 11:20 am
in Conference Room 3 of the Legislative Council Complex

Members present : Hon CHAN Hak-kan, JP (Chairman)
Hon James TO Kun-sun
Hon TAM Yiu-chung, GBS, JP
Hon Vincent FANG Kang, SBS, JP
Hon WONG Ting-kwong, SBS, JP
Hon Cyd HO Sau-lan, JP
Hon CHAN Kin-por, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Albert CHAN Wai-yip
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin
Hon Frankie YICK Chi-ming
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Han-pan, JP
Dr Hon Kenneth CHAN Ka-lok
Hon Kenneth LEUNG
Hon KWOK Wai-keung
Dr Hon Elizabeth QUAT, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Member attending : Hon LEE Cheuk-yan

Members absent : Hon Paul TSE Wai-chun, JP
Hon Dennis KWOK

Clerk in attendance : Ms Miranda HON
Chief Council Secretary (1)1

Staff in attendance : Mr Andy LAU
Assistant Secretary General 1

Miss Lilian MOK
Senior Council Secretary (1)1

Ms Mandy LI
Council Secretary (1)1

Miss Queenie LAM
Senior Legislative Assistant (1)2

Miss Mandy POON
Legislative Assistant (1)1

Action

I. Election of Chairman and Deputy Chairman

Election of Chairman

Ms Cyd HO, Chairman in office, invited nominations for the chairmanship of the Panel for the 2014-2015 session. Mr Christopher CHUNG nominated Mr CHAN Hak-kan for the chairmanship. The nomination was seconded by Mr CHAN Han-pan. Mr CHAN Hak-kan accepted the nomination.

2. Mr Charles Peter MOK nominated Dr Kenneth CHAN for the chairmanship and Mr WU Chi-wai seconded the nomination. Dr Kenneth CHAN accepted the nomination. There was no other nomination.

Action

3. Mr Albert CHAN said that pursuant to paragraph 3.58 of the Handbook for Chairmen of Panels ("the Handbook"), he moved a motion to adjourn the election of Chairman and Deputy Chairman. At the invitation of the Chairman, the Clerk explained that House Rule ("HR") 22(p) which provided that "[d]uring a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel as directly related to an agenda item of that meeting" was meant to facilitate members of a Panel to come to a view or stance on a specific policy matters and/or to urge the Government to take certain actions. However, the agenda items of the first meeting of a Panel were matters related to the administrative arrangements of a Panel rather than any policy matters within a Panel's terms of reference that members were to give views to the Government. Under these circumstances, HR 22(p) did not apply to this meeting. Mr CHAN did not accept the explanation. He opined that as the election of Chairman entailed the procedure of proposing, seconding and voting and this matched the principles of a motion, it would be in order for him to move a motion to adjourn the discussion thereon.

4. Mr Albert CHAN then requested the two nominees to each speak for a short time to explain their views on the Chairman's role and how they would uphold the impartiality of the chairmanship. The Chairman put Mr CHAN's proposal to vote. At Mr CHAN's request, the Chairman ordered that the voting bell be rung for five minutes. Mr CHAN claimed a division. The Chairman announced that three members voted for the proposal and 12 members voted against it, and no member abstained. The Chairman declared that the proposal was negatived. The voting results of individual members were as follows -

For:

Mr James TO
Mr Albert CHAN
Dr Kenneth CHAN
(three members)

Against:

Mr TAM Yiu-chung	Mr Vincent FANG
Mr WONG Ting-kwong	Mr CHAN Hak-kan
Mr CHAN Kin-por	Dr Priscilla LEUNG
Mr Steven HO	Mr Frankie YICK
Mr CHAN Han-pan	Mr KWOK Wai-keung
Dr Elizabeth QUAT	Mr Christopher CHUNG

(12 members)

Action

5. Mr Albert CHAN further requested to move two motions without notice in accordance with paragraph 3.44 of the Handbook. The Chairman then referred members to the following two motions moved by Mr CHAN –

The first motion –

"本委員會希望本年度的主席能不偏不倚，不受政府影響，按照相關會議程序主持會議，以保障委員發言及審議議程項目的權利。"

(Translation)

"That this Panel hopes that the Chairman for the current session will be able to chair meetings in accordance with relevant meeting procedures in an impartial manner without being influenced by the Government, so as to safeguard members' rights to speak and deliberate on agenda items."

The second motion –

"本委員會要求本年度的主席必須承諾在火警鐘響起的情況下，必定會暫停會議，以確保委員、立法會職員、出席會議的官員、出席會議及旁聽會議的市民，以及採訪會議的記者的生命安全獲得充分保障。"

(Translation)

"That this Panel requests the Chairman for the current session to undertake that he/she will suspend a meeting in case of a fire alarm in order to ensure adequate protection for the safety of members, staff of the Legislative Council Secretariat, officials attending the meeting, members of the public attending or observing the meeting, as well as reporters covering the proceedings of the meeting."

6. At the invitation by the Chairman, the Clerk advised that paragraph 3.44 of the Handbook invoked HR 22(p) which provided procedures for dealing with motions moved by members at a Panel meeting to express views and/or come to a stance on a specific policy matters and/or to urge the Government to take certain actions. She reiterated that it was the Secretariat's view that HR 22(p) did not apply to this meeting as the matters being dealt with were only related to the administrative arrangements of the Panel. Mr CHAN remained unconvinced of the Secretariat's view. The Chairman

Action

adopted the advice of the Secretariat and said that members could raise the procedural arrangements for processing motions related to the election of Chairman/Deputy Chairman with the House Committee and seek the advice of the Legal Service Division of the Secretariat.

7. As there was no other nomination for the chairmanship of the Panel, the Chairman announced a vote by secret ballot. After all members present had cast their votes, the Chairman invited Mr CHAN Han-pan and Mr Charles Peter MOK, who had seconded/nominated the two candidates, to oversee the counting of votes. The Chairman announced that Mr CHAN Hak-kan had received 14 votes and Dr Kenneth CHAN had received six votes. The Chairman declared Mr CHAN Hak-kan elected as the Chairman of the Panel for the 2014-2015 session.

8. Mr CHAN Hak-kan then took over the chair. At 11:46 am, Mr Albert CHAN raised a point of order regarding the validity of the election result as the appointed ending time of the meeting had passed and the Chairman had not announced the extension of the meeting. The Assistant Secretary General 1 ("ASG1") advised that according to HR 24A(a), subject to the availability of the meeting venue, the chairman of a committee might, with or without making an announcement, extend a meeting of the committee, or allow a meeting of the committee to continue, for not more than 15 minutes beyond the appointed ending time of the meeting. In the light of ASG1's advice, the Chairman said that the result of the election was valid.

Election of Deputy Chairman

9. Due to time constraints, the Chairman decided that the election of Deputy Chairman be deferred to the next Panel meeting.

II. Schedule of meetings for the 2014-2015 session

10. Members noted the proposed schedule of regular meetings of the Panel for the 2014-2015 session, which was tabled at the meeting.

11. Members agreed that all regular meetings of the Panel would be held on the fourth Monday of each month at 2:30 pm, except for the following –

- (a) the meeting in December 2014 would be held on Monday, 15 December 2014, at 8:30 am;
- (b) the meeting in February 2015 would be held on Wednesday, 25 February 2015, at 8:30 am;

Action

- (c) the meeting in May 2015 would be held on Friday, 29 May 2015, at 10:45 am; and
- (d) the meeting in July 2015 would be held on Tuesday, 21 July 2015, at 10:45 am.

(Post-meeting note: The meeting schedule for the 2014-2015 session was circulated to members vide LC Paper No. CB(1)27/14-15 on 10 October 2014.)

12. The Chairman said that the unfinished businesses of the meeting would be carried over to the next regular meeting to be held on Monday, 27 October 2017, at 2:30 pm.

13. The meeting ended at 11:50 am.

Council Business Division 1
Legislative Council Secretariat
21 October 2014