

立法會
Legislative Council

LC Paper No. CB(3) 60/15-16

Ref : CB(3)/M/MM

Tel : 3919 3300

Date : 23 October 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 4 November 2015

**Amendments to motion on
“Extending the application of sections 3 and 8
of the Prevention of Bribery Ordinance to the Chief Executive”**

Further to LC Paper Nos. CB(3) 42/15-16 and CB(3) 47/15-16 issued on 14 and 16 October 2015 respectively, three Members (Hon Alan LEONG, Hon TAM Yiu-chung and Hon Cyd HO) have respectively given notice of their intention to move separate amendments to Dr Hon Helena WONG’s motion on “Extending the application of sections 3 and 8 of the Prevention of Bribery Ordinance to the Chief Executive” scheduled for the Council meeting of 4 November 2015. As directed by the President, the respective amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and the three amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Dr Hon Helena WONG to speak and move her motion;
- (b) the President proposes the question on Dr Hon Helena WONG’s motion;
- (c) the President calls upon the three Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Alan LEONG;
 - (ii) Hon TAM Yiu-chung; and
 - (iii) Hon Cyd HO;

- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Dr Hon Helena WONG to speak for the second time on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the three Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Alan LEONG to move his amendment to the motion, and forthwith proposes and puts to vote the question on Hon Alan LEONG's amendment;
- (i) after Hon Alan LEONG's amendment has been voted upon, the President deals with the other two amendments; and
- (j) after all amendments have been dealt with, the President calls upon Dr Hon Helena WONG to reply. Thereafter, the President puts to vote the question on Dr Hon Helena WONG's motion, or her motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Extending the application of sections 3 and 8
of the Prevention of Bribery Ordinance to the Chief Executive”
to be held at the Council meeting of 4 November 2015**

1. Dr Hon Helena WONG’s original motion

That the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests (‘Independent Review Committee’) recommended in its report published on 31 May 2012 that the Prevention of Bribery Ordinance (Cap. 201) be amended to apply sections 3 and 8 of the Ordinance to the Chief Executive; the Chief Executive LEUNG Chun-ying stated in 2012, when he was the Chief Executive-elect, that he would consider the recommendations in the report seriously and seek to implement them as soon as possible after he took office; however, the Administration has yet to submit to this Council the proposed amendments to the Ordinance; in this connection, this Council urges the Administration to expeditiously submit to this Council an amendment bill on the Prevention of Bribery Ordinance pursuant to the recommendations of the Independent Review Committee to plug the loopholes in the law, so that the Chief Executive will not be above the law which applies to politically appointed officials and civil servants.

2. Motion as amended by Hon Alan LEONG

That the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests (‘Independent Review Committee’) recommended in its report published on 31 May 2012 that the Prevention of Bribery Ordinance (Cap. 201) be amended to apply sections 3 and 8 of the Ordinance to the Chief Executive; the Chief Executive LEUNG Chun-ying stated in 2012, when he was the Chief Executive-elect, that he would consider the recommendations in the report seriously and seek to implement them as soon as possible after he took office; however, the Administration has yet to submit to this Council the proposed amendments to the Ordinance; ~~in this connection~~ *the incident concerning the Chief Executive LEUNG Chun-ying’s alleged receipt of benefits from UGL Limited, an Australian corporation, has led some members of the public to worry whether the Administration’s delay in amending the Ordinance is related to this incident; Mr LEUNG’s earlier open remark that the Chief Executive holds a transcendent status has also led the public to worry that the Chief Executive may not be bound by law; in*

order to uphold the Chief Executive's reputation, this Council urges the Administration to expeditiously submit to this Council an amendment bill on the Prevention of Bribery Ordinance pursuant to the recommendations of the Independent Review Committee to plug the loopholes in the law, so that the Chief Executive will not be above *transcend* the law which applies to politically appointed officials and civil servants.

Note: Hon Alan LEONG's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon TAM Yiu-chung

That the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests ('Independent Review Committee') recommended in its report published on 31 May 2012 that the Prevention of Bribery Ordinance (Cap. 201) be amended to apply sections 3 and 8 of the Ordinance to the Chief Executive; the Chief Executive LEUNG Chun-ying stated in 2012, when he was the Chief Executive-elect, that he would consider the recommendations in the report seriously and seek to implement them as soon as possible after he took office; however, the Administration has yet to submit to this Council the proposed amendments to the Ordinance; in this connection, this Council urges the Administration to expeditiously ~~submit to this Council an amendment bill on the Prevention of Bribery Ordinance pursuant to the recommendations of~~ *complete the study on the recommendations put forward by* the Independent Review Committee ~~to plug the loopholes in the law, so that the Chief Executive will not be above the law which applies to politically appointed officials and civil servants,~~ *and to handle the aforesaid issue in compliance with the constitutional requirements under the Basic Law.*

Note: Hon TAM Yiu-chung's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon Cyd HO

That the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests ('Independent Review Committee') recommended in its report published on 31 May 2012 that the Prevention of Bribery Ordinance (Cap. 201) be amended to apply sections 3 and 8 of the Ordinance to the Chief Executive; the Chief Executive LEUNG Chun-ying stated in 2012, when he was the Chief Executive-elect, that he would consider the recommendations in the report seriously and seek to implement them as soon as possible after he took office; however, the Administration has yet to

submit to this Council the proposed amendments to the Ordinance; in this connection, this Council urges the Administration to expeditiously submit to this Council an amendment bill on the Prevention of Bribery Ordinance ~~pursuant to~~ ***to strictly implement*** the recommendations of the Independent Review Committee ***so as to enable this Council to complete the scrutiny of and pass the relevant amendments within the current term of the Legislative Council*** to plug the loopholes in the law, so that the Chief Executive will not be above the law which applies to politically appointed officials and civil servants.

Note: Hon Cyd HO's amendment is marked in ***bold and italic type*** or with deletion line.