

立法會
Legislative Council

LC Paper No. CB(3) 147/16-17

**Paper for the House Committee meeting
of 25 November 2016**

**Questions scheduled for the
Legislative Council meeting of 30 November 2016**

Questions by:

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| (1) | Hon HO Kai-ming | (Oral reply) |
| (2) | Hon Kenneth LEUNG | (Oral reply) |
| (3) | Dr Hon Priscilla LEUNG | (Oral reply) |
| (4) | Hon Claudia MO | (Oral reply)(New question) |
| | <i>(Replacing her previous question)</i> | |
| (5) | Dr Hon CHENG Chung-tai | (Oral reply) |
| (6) | Hon Jimmy NG | (Oral reply) |
| (7) | Prof Hon Joseph LEE | (Written reply) |
| (8) | Hon Mrs Regina IP | (Written reply) |
| (9) | Dr Hon Helena WONG | (Written reply) |
| (10) | Hon SHIU Ka-fai | (Written reply) |
| (11) | Hon LEUNG Yiu-chung | (Written reply) |
| (12) | Hon Steven HO | (Written reply) |
| (13) | Hon Holden CHOW | (Written reply) |
| (14) | Hon LEUNG Che-cheung | (Written reply) |
| (15) | Hon LUK Chung-hung | (Written reply) |
| (16) | Hon CHAN Chi-chuen | (Written reply) |
| (17) | Hon Alice MAK | (Written reply) |
| (18) | Hon Charles Peter MOK | (Written reply) |
| (19) | Hon LAW Kwun-chung | (Written reply) |
| (20) | Hon Kenneth LAU | (Written reply) |
| (21) | Hon Tanya CHAN | (Written reply)(New question) |
| | <i>(Replacing her previous question)</i> | |
| (22) | Hon Andrew WAN | (Written reply) |

註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

Interpretation of Article 104 of the Basic Law

(4) Hon Claudia MO (Oral reply)

At its Twenty-fourth Session on the 7th of this month, the Standing Committee of the Twelfth National People's Congress made an interpretation of Article 104 of the Basic Law ("BL") ("the NPCSC Interpretation"). In this connection, will the Government inform this Council:

- (1) as Article 104 stipulates that when assuming office, the public officers specified in the Article (namely the Chief Executive, principal officials, members of the Executive Council and of the Legislative Council, judges of the courts at all levels and other members of the judiciary) must, in accordance with law, swear allegiance to the "Hong Kong Special Administrative Region of the People's Republic of China" ("SAR") (i.e. the only party to whom they swear allegiance is SAR), but the NPCSC Interpretation states that "[t]he taking of the oath stipulated by Article 104...is a legal pledge made by the public officers specified in the Article to the People's Republic of China and its Hong Kong Special Administrative Region" (i.e. there are two parties to whom they make the legal pledge, namely the People's Republic of China ("China") and SAR), whether China, apart from SAR, is also a party to whom the aforesaid public officers swear allegiance when they take the oath upon assumption of office; if so, whether the authorities have assessed if Members' expression of support for "vindicating the 4 June incident" or "putting an end to the one-party dictatorship of the Communist Party" when they address this Council at its meetings will fall within the meaning of "engag[ing] in conduct in breach of the oath" in the NPCSC Interpretation and they therefore must "bear legal responsibility in accordance with law"; if they have assessed, of the details; if not, the reasons for that; and
- (2) given that Article 67 of BL stipulates that permanent residents of SAR who are not of Chinese nationality may also be elected members of the Legislative Council and Article 92 of BL stipulates that judges and other members of the judiciary may be recruited from other common law jurisdictions, whether the authorities have assessed if the public officers who are not of Chinese nationality must also swear allegiance to China when they take the oath pursuant to Article 104 upon assumption of office; if they have assessed and the outcome is in the affirmative, of the justifications; if not, the reasons for that?

Vetting and approval of donation applications
by the Board of Management of the Chinese Permanent Cemeteries

(21) Hon Tanya CHAN (Written reply)

It has been reported that the Hong Kong Army Cadets Association (“HKACA”), established in January last year, was granted, prevailing over two uniformed groups with long histories in the relevant application process, a vacant school premises on 21 June this year by the Government for use as a training venue after renovation. The renovation cost needed stands at \$66 million, with \$30 million of it to be met by a donation from the Board of Management of the Chinese Permanent Cemeteries (“BMCPC”). HKACA submitted its application for donation to BMCPC immediately on the same day after it was granted the school premises, and BMCPC approved the application in the form of a special approval at its meeting held on the 27th of the same month. Some members of the public have queried that the approval of an application for donation not within the category of “annual charity donation” by BMCPC within such a short time has aroused concerns over the role of the Secretary for Home Affairs (“SHA”) in this matter, given that he is both an Honorary Advisor to HKACA and the Chairman of BMCPC. In this connection, will the Government inform this Council:

- (1) of the total amount of donations to charities approved, the number of projects subsidized and the average time taken to vet and approve an application, by BMCPC in each of the past three years;
- (2) of the number of cases in which a donation not within the category of annual charity donation was approved by BMCPC in the form of a special approval in the past 10 years, as well as the details (including the nature of the project subsidized, the date of receipt of the application, the date of approval of the donation, and the amount of the donation approved) of each case; and
- (3) whether SHA, in view of his role as an Honorary Advisor to HKACA, withdrew from the meeting at which the application for donation from HKACA was considered by BMCPC so as to avoid any conflict of roles; if he did not, of the reasons for that?