

立法會
Legislative Council

LC Paper No. CB(2)599/17-18

Ref : CB2/H/5/17

House Committee of the Legislative Council

**Minutes of the 8th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 8 December 2017**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP

Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Dr Hon Pierre CHAN
Hon CHAN Chun-ying
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Members absent :

Hon Jimmy NG Wing-ka, JP
Hon Tanya CHAN

Clerk in attendance :

Miss Flora TAI

Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Ms Vanessa CHENG	Acting Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	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 minutes of meeting

Minutes of 7th meeting held on 1 December 2017

(LC Paper No. CB(2)458/17-18)

The minutes were confirmed.

II. Matters arising

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

Members' views expressed at the last House Committee meeting

2. The Chairman said that she had relayed to the Chief Secretary for Administration ("CS") the views expressed by various Members at the last House Committee ("HC") meeting on CS's earlier response.

3. Dr KWOK Ka-ki asked whether the Chairman had conveyed to CS that Members of the pro-democracy camp expressed deep regret at and condemnation of the collusion of CS and the Administration with Members of the pro-establishment camp to push through the amendments to the Rules of Procedure ("RoP") proposed by these Members.

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4. The Chairman responded that while she did not agree with the phrase "collusion of CS and the Administration with Members of the pro-establishment camp" used by Dr KWOK Ka-ki, she had relayed to CS during their last meeting the various views expressed by Members at the last HC meeting on the Administration's handling of matters relating to the introduction of legislative proposals into the Legislative Council ("LegCo") and provided CS with a note prepared by the Secretariat which had clearly set out such views. CS had not responded in this respect. She added that the said meeting with CS was also attended by the Deputy Chairman and the Secretary General ("SG").

5. At the request of Dr KWOK, the Chairman said that she would convey the aforesaid view expressed by Dr KWOK to CS at their next meeting.

Finance Committee meeting held on 1 December 2017

6. The Chairman informed Members that CS had indicated that he was delighted to note that the Finance Committee ("FC") meeting on 1 December 2017 was conducted smoothly and all items on the agenda could be dealt with within the scheduled meeting time. He would like to express his gratitude to Members for their cooperation.

III. Further business for the Council meeting of 13 December 2017

Members' motions

Five motions to be moved by Hon CHU Hoi-dick under Articles 73(5) and 73(10) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
(*LC Paper No. CB(3)193/17-18*)

7. The Chairman said that Mr CHU Hoi-dick would move the above five motions at the meeting.

8. Mr CHU Hoi-dick said that at the Council meeting of 6 December 2017, many Members raised queries as to whether Members' motions to amend RoP were intended to have legislative effect and why such motions were placed on the Agenda of the Council before other Members' motions which were intended to have legislative effect, including the motions to be moved under Articles 73(5) and 73(10) of the Basic Law

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("BL") to summon individual public officers. He sought clarification on whether the above five motions to be moved by him under BL 73(5) and BL 73(10) or whether the motions moved under BL 75 to amend RoP would first be dealt with among the various types of Members' motions scheduled for the Council meeting of 13 December 2017.

9. The Chairman said that the President had decided earlier that the four types of Members' motions for consideration by the Council at its meeting of 6 December 2017 would be dealt with in the following order: (a) motions to amend RoP; (b) motions to censure individual Members; (c) motions to summon individual public officers; and (d) motions not intended to have legislative effect. On the instruction of the President, the Clerk to LegCo had issued a written reply on 5 December 2017 to the letters dated 29 November 2017 and 1 December 2017 from 22 Members ("the written reply dated 5 December 2017") providing a detailed account of the justifications for the President's decision. To her understanding, the President's decision on the order of business on the Agenda of the Council was made with reference to BL, RoP and past practices. As to Mr CHU's query about whether the motions to amend RoP were intended to have legislative effect, the Chairman pointed out that SG had already explained at the last HC meeting and it was also reiterated in the said written reply that such motions were intended to have legislative effect.

10. Mr CHU Hoi-dick reiterated that as the President had yet to make his final decision on the Agenda for the Council meeting of 13 December 2017, he hoped that the President would take into account Members' views expressed at the last Council meeting and reconsider the order in which the various types of Members' motions would be dealt with at the Council meeting of 13 December 2017. In Mr CHU's view, should the President decide to maintain his previous decision on the order of the Members' motions to be dealt with by the Council, he should explain his final decision to Members in writing.

11. The Chairman advised that it was the established practice that the Agenda of the Council would be issued on Monday before each Council meeting. She trusted that the Secretariat would relay to the President Members' views expressed at this meeting.

12. Mr Charles MOK and Dr KWOK Ka-ki said that while the President had explained his decision on the order in which the various types of Members' motions were to be dealt with by the Council, they remained unconvinced that motions moved under BL 75 to amend RoP

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should be dealt with before motions moved under BL 73(5) and BL 73(10) to summon individual public officers. Dr KWOK stressed that as the five motions to be moved by Mr CHU Hoi-dick under BL 73(5) and BL 73(10) to summon relevant public officers to produce information on, among others, the Public Housing Development Plan at Wang Chau clearly concerned public interest, they were no less important than the motions moved under BL 75 to amend RoP. Mr MOK added that it was his understanding that there were precedents where motions moved by Members under different provisions of BL at the same Council meeting were placed on the Agenda of the Council in accordance with their article numbers in BL. Mr MOK requested the Chairman to urge the President to reconsider Members' views in this regard, and also hoped that the Legal Adviser ("LA") could explain why motions under BL 75 were placed before motions under BL 73(5) and BL 73(10) on the Agenda of the Council.

13. Mr WONG Kwok-kin said that Members belonging to the Hong Kong Federation of Trade Unions were in support of the President's decision on the order in which the various types of Members' motions were to be dealt with by the Council.

14. Ms Claudia MO said that Members of the pro-democracy camp were strongly dissatisfied with the order of the Agenda items for the last Council meeting. She commented that the President's arbitrary decision to place motions under BL 75 to amend RoP before motions under BL 73(5) and BL 73(10) to summon public officers on the Agenda of the Council would give people an impression that there was a conflict of roles on the part of the President and that he had used public powers to serve private purposes.

15. At the invitation of the Chairman, LA said that as explained in the written reply dated 5 December 2017, the President had taken into account, among other relevant factors, the nature of the motions to amend RoP and the past practices in deciding on the order in which the various types of Members' motions were to be placed on the Agenda of the Council. LA further pointed out that among the 12 Members' motions to amend RoP, one was moved by the Chairman of the Committee on Rules of Procedure ("CRoP"). It had been the practice for the Council to deal with a motion moved by a committee chairman before other motions of the same nature moved by individual Members at the same Council meeting.

IV. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)459/17-18)

16. The Chairman said that as at 7 December 2017, there were 16 Bills Committees, eight subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

V. Proposals to move motions under Rule 91 of the Rules of Procedure at the Council meeting of 13 December 2017

(a) Letter dated 5 December 2017 from 22 Members

(LC Paper No. CB(2)469/17-18(01))

(b) Letter dated 5 December 2017 from Hon CHU Hoi-dick

(LC Paper No. CB(2)469/17-18(02))

17. The Chairman said that the above two letters contained proposals to move a total of 97 motions under RoP 91 at the Council meeting of 13 December 2017 ("the proposals in question"). Of these 97 proposed motions, 94 sought to suspend RoP 18(1) to re-arrange the order of business to be dealt with by the Council while the remaining three sought to suspend other rules of RoP. The proposals in question could be classified into the following four categories:

- (a) proposals for the Council to deal with motions to be moved under BL 73(5) and BL 73(10) to summon individual public officers before motions to amend RoP;
- (b) proposals for the Council to deal with motions to be moved under RoP 49B(1A) to censure individual Members before motions to amend RoP;
- (c) proposals to change the speaking time of Members during the scrutiny of the motions to amend RoP; and
- (d) proposal to change the procedure for dealing with order in Council at its meeting of 13 December 2017.

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18. The Chairman further said that in accordance with BL 72, relevant rules of RoP and past practices, the President had decided earlier the order in which the various types of Members' motions were to be dealt with by the Council. The Council would first deal with motions to amend RoP, to be followed by motions to censure individual Members and motions to summon individual public officers. Members had been informed of the debate and voting arrangements for the motions to amend RoP and the relevant amending motions.

19. The Chairman invited Members to note that the effects of the above 97 motions proposed to be moved under RoP 91 were (a) to change the President's decision on the order in which the various types of Members' motions were to be dealt with by the Council; (b) to change the speaking time of Members during the scrutiny of the motions to amend RoP; and (c) to change the procedure for dealing with order in Council at its meeting of 13 December 2017. The Chairman further informed Members that as these 97 proposed motions all sought to suspend certain rules of RoP, in order to enable Members to express their views on the proposals in question while at the same time ensuring efficient use of the meeting time, she would first invite Members to speak generally on the above four categories of proposals. Thereafter, she would consult Members on whether they agreed to deal with each category of proposals. Should Members agree to deal with a specific category of proposals, HC would proceed to deal with the proposals thereunder one by one.

20. The Chairman reminded Members that they were only invited to consider whether they agreed to deal with the proposals in question, and not whether they supported the motions to summon individual public officers or the motions to censure individual Members as referred to in the relevant proposals in question. As such, Members should focus their discussion on whether they agreed to deal with the proposals in question. She would first invite Mr Charles MOK to speak on behalf of 22 Members on their proposals and Mr CHU Hoi-dick to speak on his proposal, following which Members might express their views on the proposals.

21. Mr CHU Hoi-dick said that he would like to raise a point of order. He sought clarification on whether it was the Chairman's plan to invite HC to discuss and decide whether the Council should deal with the above motions proposed to be moved under RoP 91 at its meeting of 13 December 2017. Mr CHU said that judging from the wording of RoP 91, which read "[A] motion which has the object or effect of suspending a

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Rule shall not be moved except after notice or with the consent of the President", he did not consider that HC was in a position to take a decision on the proposals in question. He also did not consider that the President's consent for the moving of such motions had to be sought if the Members concerned had given the required notice.

22. The Chairman said that as stated in the reply letter issued by the Clerk to LegCo on behalf of the President to 23 Members on 1 December 2017 concerning matters relating to motions proposed to be moved under RoP 91 ("the reply letter dated 1 December 2017"), RoP sought to govern the procedural and related matters of meetings of the Council and its committees and all relevant parties should abide by RoP. Invoking RoP 91 to move a procedural motion to suspend a rule of RoP would impact upon the proceedings of a Council meeting. According to the established practice, the President would give consent to the moving of such a motion by a Member only if HC's recommendation for the relevant proposal had been sought and a consensus had been reached among Members on the proposed motion. To her understanding, HC had discussed relevant proposals in 2005, 2011 and 2015.

23. On Mr CHU's view that the President's consent to the moving of motions under RoP 91 needed not be sought so long as the required notice had been given, the Chairman pointed out that Mr WONG Yuk-man, a former LegCo Member, had made a request for moving a motion under RoP 91 at the Council meeting of 4 May 2016. While Mr WONG had given the required notice, the then President decided not to include Mr WONG's proposed motion into the Agenda of the Council on the grounds that the proposed motion, if passed by the Council, would affect the order in which other items proposed by Members would be dealt with by the Council and HC's recommendation had not been sought for the moving of the proposed motion. It was her understanding that to ensure consistency and predictability in the handling of Members' requests for moving motions under RoP 91, the President would rule on such requests with due regard to RoP and past practices.

24. Mr CHU Hoi-dick reiterated his view that RoP 91 should be read literally and it clearly provided that a motion to suspend a rule of RoP could be moved so long as the required notice had been given. Mr CHU further pointed out that several Members had sought to move motions under RoP 91 without notice at the Council meeting of 6 December 2017, but the President ruled that the Members concerned had not given the required notice and consent to the moving of such motions at that meeting

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would not be granted. In Mr CHU's view, the President had adopted a literal interpretation of RoP 91 in making such a ruling and the President should continue to do so in handling Members' requests for moving the proposed motions under RoP 91 at the Council meeting of 13 December 2017. Mr CHU stressed that he did not consider that HC was in a position to take a decision on the proposals in question. He also considered it unreasonable if the President could disallow the moving of the proposed motions, given that the Members concerned had already given notice in accordance with the relevant requirement of RoP.

25. The Chairman said that if Mr CHU had any queries about the President's handling of Members' requests for moving the proposed motions at the Council meeting of 13 December 2017, Mr CHU should convey such views to the President through other appropriate channels. The Chairman further said that the President had yet to make a ruling on the proposed motions. The President had only directed that the relevant proposals be discussed by HC first such that he could take account of HC's views in making his ruling.

26. Mr Andrew WAN stressed that the proposals in question should be dealt with in accordance with RoP 91, which had clearly set out the conditions under which a motion to suspend a rule of RoP might be moved. Mr WU Chi-wai also expressed concern that if the proposals in question were negated at this meeting, the President would disallow the moving of the proposed motions on the grounds that the relevant proposals were not supported by HC. In his view, the President had no power to disallow the moving of the proposed motions as the Members concerned had already given the required notice in accordance with RoP 91 and RoP 29(1).

27. Mr Alvin YEUNG sought LA's advice as to whether the current approach adopted by the President in handling Members' requests for moving the proposed motions was in conformity with RoP 91.

28. At the invitation of the Chairman, LA said that as RoP 91 was one of the rules of RoP, in considering Members' requests for moving motions under RoP 91, the President had to take into account RoP 91 in the context of other relevant rules of RoP, such as RoP 29(1) on the notice requirement and RoP 30(3)(c) on whether a proposed motion was in order. If the President was of the opinion that a proposed motion was out of order, he might direct that it be returned to the Member concerned under RoP 30(3)(c). Furthermore, pursuant to BL 72(2) and RoP 19(1),

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it was for the President to decide whether a proposed motion should be placed on the Agenda of the Council. In other words, even if a Member had given the required notice to move a motion under RoP 91, it did not necessarily mean that the proposed motion could be moved in Council. LA further advised that apart from the relevant rules of RoP, the established practice of the Council was also a relevant factor for the President's consideration in handling Members' requests for moving motions under RoP 91.

29. Dr Fernando CHEUNG opined that RoP 29(1) did not provide that the President might disallow the moving of a motion for which notice had been given. It only provided that the President might in his discretion dispense with the required notice. Furthermore, neither RoP 91 nor RoP 30 stipulated that HC's agreement had to be sought for the moving of a motion under RoP 91. As such, he was convinced that HC should not discuss and decide whether the proposed motions under RoP 91 should be dealt with at the Council meeting of 13 December 2017. In his view, HC had no power to make such a decision.

30. The Chairman pointed out that a key function of HC was to consider the business to be dealt with at future Council meetings, adding that she had included the proposals in question into the agenda for this meeting at the request of the Members concerned.

31. Ms Claudia MO commented that it was illogical for the Chairman to invite HC to discuss and decide on the proposals in question before ascertaining whether it was appropriate for HC do so. Echoing Ms Claudia MO's view, Mr IP Kin-yuen opined that the information provided by LA had confirmed his understanding that HC did not have any role to play in the consideration of Members' proposals to move motions under RoP 91. In his view, while Members might take note of and express their views on the proposals in question at this meeting, it was not necessary or appropriate for HC to take a decision on the proposals in question.

32. Mr LAM Cheuk-ting said that he noted that a motion was moved under RoP 91 at the Council meeting of 20 June 2012 to suspend RoP 18(1) but the moving of such motion had not been discussed by HC beforehand. He hoped that the Secretariat could clarify whether all motions under RoP 91 previously moved in Council had been discussed and agreed to by HC. Mr LAM further said that Ms Miriam LAU, former Chairman of HC, had also pointed out during a media interview

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that HC did not have any role to play in the consideration of Members' proposals to move motions under RoP 91. Given that the Members concerned had already given notice to move the proposed motions at the Council meeting of 13 December 2017, he considered it unreasonable for HC to screen for the President proposals put forward by individual Members to move motions under RoP 91 in Council.

33. At the invitation of the Chairman, SG advised that all motions previously moved by Members under RoP 91 to suspend a rule(s) of RoP had been discussed by HC before permission was given by the President for the relevant motions to be placed on the Agenda of the Council. Assistant Secretary General 3 ("ASG3") supplemented that the motion dealt with at the Council meeting of 20 June 2012 as referred to by Mr LAM Cheuk-ting was moved by the then CS, the object of which was to re-arrange the order of Government business transacted at that Council meeting. ASG3 further explained that according to RoP 18(1), Government bills and motions should be transacted before Members' business. Since the President must give priority to Government bills for inclusion in the Agenda when deciding on the Agenda for a Council meeting in accordance with BL 72(2), it was not permissible for Members to seek to re-arrange the order of business at a Council meeting such that Members' business would be dealt with before Government bills. As for proposals to move motions under RoP 91 which had the effect of re-arranging the order of Members' business transacted at a Council meeting, it had been the established practice for the relevant proposals to be first discussed by HC before the President decided whether such proposals should be included in the Agenda of the Council.

34. Mr KWONG Chun-yu enquired about the background of the two motions moved by Mr Andrew CHENG, a former LegCo Member, under RoP 91 to suspend RoP 58(5) during the Committee stage of the Rail Merger Bill at the Council meeting of 6 June 2007. ASG3 advised that RoP 58 stipulated the order of consideration of the provisions of a bill in which new clauses should be dealt with before schedules and new schedules. In dealing with interdependent amendments to a bill during the Committee stage, there might be a need to consider the proposed new clauses, schedules/new schedules together with other interdependent clauses of a bill and therefore the order of consideration as stipulated in RoP 58(5) and (7) could not be followed. Under the circumstances, the mover of amendments to a bill needed to move a motion under RoP 91, which was purely of a technical nature, to suspend RoP 58(5) and/or (7).

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35. ASG3 added that to address the said technical problem, upon CRoP's recommendation, the Council passed a resolution to amend RoP 58(2) in March 2011 to the effect that where there was a series of interdependent amendments to a bill, the Chairman of a committee of the whole Council might allow a single discussion on the interdependent amendments and, if necessary, change the order of consideration as provided in RoP 58(5) or (7). The passage of this resolution obviated the need for moving a motion under RoP 91 to suspend RoP 58(5) or (7) when interdependent amendments involving existing clauses, new clauses and schedules/new schedules had to be considered together.

36. Mr CHAN Chi-chuen said that as HC was composed mainly of Members of the pro-establishment camp, he was concerned that Members in the minority would be deprived of their rights to move motions under RoP 91 if HC's agreement had to be sought for the moving of such motions. In his view, RoP 91 clearly provided that a motion to suspend a rule of RoP could be moved either after notice or with the consent of the President. Pointing out that the Members concerned had already given notice in accordance with RoP 29(1) to move the proposed motions at the Council meeting of 13 December 2017, he sought LA's advice as to what other rules or requirements of RoP would have to be complied with before motions under RoP 91 could be moved in Council.

37. At the invitation of the Chairman, LA said that while individual Members had the right to propose a motion under RoP 91 to suspend a rule of RoP, the decision on whether or not the proposed motion could be moved in Council rested with the President, who was to decide on the Agenda of the Council under RoP 19. In determining whether a Member's motion proposed to be moved under RoP 91 should be included in the Agenda of the Council, the President had to consider, among others, whether the proposed motion was in order. In doing so, the President had to consider all relevant rules of RoP.

38. The Chairman said that she could not subscribe to the view that the arrangements for HC to discuss the proposals in question would deprive the Members concerned of their rights to move their proposed motions in Council. She clarified that irrespective of the outcome of HC's discussion on the proposals in question, the Members concerned might put forward their proposed motions for the President's consideration for inclusion in the Agenda for the Council meeting of 13 December 2017. The Chairman further pointed out that the President had directed that the proposals in question should be first discussed by HC such that he could

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take account of HC's views and recommendations, if any, in making his ruling on the proposed motions. Similarly, HC had discussed proposals to move motions under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and under RoP 91 before, and the views of HC on such proposals had been conveyed to the President to facilitate his rulings on the relevant proposed motions.

39. Mr Paul TSE said that a point of order should be raised at a meeting only when the proceedings of the meeting were not in order or involved any irregularities. He considered that Members should not seek to express their views or raise questions on RoP 91 by claiming that they were raising a point of order. Mr TSE further said that RoP 91 had only set out the conditions under which a motion to suspend a rule of RoP should not be moved. In determining whether a motion to suspend a rule of RoP should be allowed to be moved, consideration had to be given not only to RoP 91 but also to other relevant rules of RoP including RoP 30, RoP 31 and RoP 32 which governed the moving of motions.

40. Dr KWOK Ka-ki criticized the President for requiring the Members concerned to seek HC's agreement for the proposals in question before putting forward such proposals for his consideration. Dr KWOK stressed that pursuant to RoP 91, motions to suspend a rule(s) of RoP could be moved so long as the required notice had been given and the President should not impose additional requirements to deter Members from moving such motions. Pointing out that public officers and Members should stand on equal footing, Dr KWOK also queried why the President had given permission for public officers to move motions under RoP 91 at previous Council meetings even though HC's agreement for the moving of such motions had not been sought by the public officers concerned.

41. Mr CHU Hoi-dick sought clarification from LA as to whether the President's power under RoP 19(1) to determine the Agenda of the Council might override Members' rights under the relevant rules of RoP to propose items of business for consideration by the Council.

42. At the invitation of the Chairman, LA said that RoP 19(1) provided that the Agenda of the Council should be decided by the President. It also stipulated that all items of business for a meeting of which notice had been given should be placed on the Agenda for that meeting in the order required by RoP 18. The notice requirement for moving motions was stated in RoP 29(1).

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43. Referring to the point made by LA that the President had to consider whether a motion proposed to be moved under RoP 91 was in order before determining whether it should be placed on the Agenda of the Council, Mr LAM Cheuk-ting sought LA's view on whether the 97 motions currently proposed by the Members concerned were in order. Mr LAM further said that he disagreed with the Chairman's view that the arrangements for HC to discuss the proposals in question would not deprive the Members concerned of their rights to move the proposed motions in Council. As HC was composed mainly of Members of the pro-establishment camp, it was apparent that the proposals in question would not be supported by HC and the President would use it as an excuse to disallow the moving of the proposed motions in Council.

44. The Chairman pointed out that almost an hour's meeting time had been used to deal with the so-called points of order raised by various Members. She urged Members not to abuse the raising of points of order as it would not only be unfair to those Members who had requested to speak on the proposals in question but also impede the smooth and orderly conduct of the meeting.

45. Mr Charles MOK said that it was reasonable for Members to seek clarification of the appropriateness of the arrangements for HC to discuss and take a decision on the proposals in question which, in his view, was a point of order. Mr MOK further said that given that the Members concerned had already given the required notice in accordance with RoP 91, he considered that the President should place the proposed motions on the Agenda for the Council meeting of 13 December 2017 directly. He therefore did not see any need for HC to discuss and take a decision on the proposals in question, adding that it was unreasonable for the President to shift his responsibility for making a decision on the proposed motions to HC. Pointing out that Mr Paul TSE had indicated to the media that Members might express their views on the proposals in question at this meeting but HC should not take a vote on such proposals, Mr MOK requested the Chairman to clarify whether she would put the proposals in question to vote, and if she would, the justifications for doing so. Mr CHU Hoi-dick also raised a similar request.

46. The Chairman said that it was for HC to consider how the proposals in question should be dealt with. As she had explained earlier, the proposals in question could be classified into four categories and she would invite Members to consider whether they agreed to deal with each

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of the four categories of proposals. While she proposed that votes might be taken, should Members have different views, she would listen to and take into account Members' views on whether HC should deal with such proposals by way of voting. If necessary, Members might consider whether a vote should be taken on whether HC should deal with the proposals in question by way of voting.

47. Mr CHU Hoi-dick indicated that he would walk out from the meeting as a protest if a vote was to be taken on whether the proposals in question should be dealt with at this meeting by way of voting. He stressed that HC should not and could not deprive Members' rights to move motions under RoP 91 by way of voting. Dr KWOK Ka-ki also indicated his strong opposition to the proposed arrangements for HC to deal with the proposals in question by way of voting.

48. The Chairman reiterated that she did not consider that the arrangements for HC to discuss and vote on the proposals in question would deprive the Members concerned of their rights to move their proposed motions in Council. She further pointed out that there were many occasions in the past where HC had voted on proposals put forward by Members when there were different views on such proposals.

49. Mr LAM Cheuk-ting and Mr Alvin YEUNG expressed similar view that it was not appropriate for HC to take a vote on the proposals in question. They considered that while Members might be invited to take note of and express their views on the proposals in question at this meeting, the agreement or otherwise of HC to such proposals should not be a prerequisite for the President's consideration of whether the proposed motions should be dealt with by the Council. Mr LAM also commented that as the majority of HC Members were from the pro-establishment camp and the proposals in question were put forward by Members of the pro-democracy camp, putting such proposals to vote at this meeting would enable Members of the pro-establishment camp to deprive the rights of Members of the pro-democracy camp to move motions under RoP 91. Mr YEUNG pointed out that pursuant to RoP 91, a motion to suspend a rule of RoP could be moved if one of the two specified requirements, i.e. after notice or with the consent of the President, was met.

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50. Mr CHEUNG Kwok-kwan expressed disagreement with the views expressed by Mr Alvin YEUNG. Mr CHEUNG said that he shared the views of LA and Mr Paul TSE that in determining whether a motion to suspend a rule of RoP could be moved, consideration had to be given to whether all relevant requirements under RoP, including but not only those under RoP 91, had been met. In Mr CHEUNG's view, it would not be possible for the Council to operate normally if motions under RoP 91 proposed by individual Members could be allowed to be moved automatically after notice and the President had no power to determine whether such motions should or should not be included in the Agenda of the Council. As Members had different views on the proposals in question, he considered that HC should follow the past practices of taking a decision on such proposals by way of voting.

51. The Deputy Chairman asked whether any Member sought to move a motion under RoP 91 in the past LegCo term and how the then President handled such request.

52. At the invitation of the Chairman, ASG3 advised that Mr WONG Yuk-man, a former LegCo Member, had given the required notice for moving a motion under RoP 91 at the Council meeting of 4 May 2016. Mr WONG's proposed motion sought to suspend RoP 18(1) to re-arrange the order of Members' business at that Council meeting. After careful consideration of Mr WONG's request, the then President instructed the Clerk to LegCo to reply to Mr WONG in writing ("the said reply letter to Mr WONG Yuk-man") that he would not consider putting Mr WONG's proposed motion on the Agenda of the Council for the reasons that : (a) the proposed motion, if passed by the Council, would affect the order of consideration of items proposed by other Members for which notices had been given; and (b) the recommendation of HC or the agreement of the Members affected had not been sought for the moving of the proposed motion. In response to the Deputy Chairman, ASG3 advised that the said reply letter to Mr WONG Yuk-man had been issued to Mr WONG only.

53. The Deputy Chairman considered that as the then President had not specifically ruled that Members' proposals to move motions under RoP 91 must first be dealt with by HC by way of voting and HC had no power under RoP 75 to deny Members' rights to move such motions in Council, votes should not be taken on the proposals in question at this meeting. He also hoped that the said reply letter to Mr WONG Yuk-man could be made available for Members' reference.

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54. Ms Claudia MO expressed strong dissatisfaction that the said reply letter to Mr WONG Yuk-man had not been made public. Mr IP Kin-yuen also questioned whether the then President's decision on Mr WONG Yuk-man's request should be taken as a precedent given that such decision had not been made public. He also wondered whether the proposed arrangements for HC to deal with the proposals in question by way of voting were in breach of RoP 91.

(Post-meeting note: The said reply letter to Mr WONG Yuk-man was uploaded onto the LegCo website after this meeting.)

55. The Chairman reiterated that she did not consider that it would be in breach of RoP if the proposals in question were dealt with at this meeting by way of voting.

56. Mr Paul TSE said that pursuant to RoP 75(11), HC might consider, in such manner as it thought fit, how the proposals in question should be dealt with. He therefore considered that it was for HC to decide whether votes should be taken on the proposals in question. Mr TSE further said that while the President had directed that the proposals in question be first discussed by HC such that he could take account of its views in making his ruling, the views of HC could be in the form of views expressed by Members or a decision made by HC by way of voting at this meeting. Mr TSE added that the discussion and/or decision of HC on the proposals in question would not deprive the rights of the Members concerned to seek to move their proposed motions in Council because they could still seek the President's ruling on such motions irrespective of the outcome of discussion or the decision of HC.

57. Mr Holden CHOW commented that the proposals in question put forward by Members of the pro-democracy camp clearly sought to obstruct the Council's handling of the proposed amendments to RoP. He requested that votes be taken on the proposals in question at this meeting, so as to put on record which Members were in support of amending RoP to enable the Council to resume its normal operation and which Members had kept using the tactics of filibustering to waste the meeting time of the Council.

58. In response to Mr Holden CHOW's comment, Mr CHU Hoi-dick pointed out that apart from Members of the pro-democracy camp, Mr CHAN Hak-kan had also proposed to move a motion under RoP 91 at the Council meeting of 6 December 2017.

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59. Noting that divergent views had been expressed on whether the proposals in question should be dealt with at this meeting by way of voting, the Chairman ordered that the meeting be suspended for five minutes to allow Members to consider the matter.

(The meeting was suspended at 3:51 pm and resumed at 4:00 pm.)

60. The Chairman said that she had listened to the views of different Members during the break on the proposed arrangements for HC to deal with the proposals in question by way of voting. In view of some Members' concern about the proposed arrangements and in order to facilitate the smooth conduct of the meeting, she decided that no vote would be taken on the proposals in question. She would then invite Mr Charles MOK and Mr CHU Hoi-dick to speak respectively on their proposals, following which individual Members might express their views on the proposals in question.

61. At the invitation of the Chairman, Mr Charles MOK said that there were many issues awaiting to be dealt with by the Council which were more important than the proposed amendments to RoP. Given that a number of motions under BL 73(5) and BL 73(10) were to be moved by the Members concerned to summon public officers to produce information on various issues of public importance, 22 Members of the pro-democracy camp had put forward proposals to move a number of motions under RoP 91 to, among others, suspend RoP 18(1) to re-arrange the order of the Agenda items so as to enable the Council to deal with the motions under BL 73(5) and BL 73(10) before the motions to amend RoP. Mr MOK further pointed out as many of the amendments to RoP proposed by Members of the pro-establishment camp were highly controversial, the proposals in question would also provide an opportunity for all Members to cool down and consider carefully how such proposed amendments to RoP should be dealt with.

62. At the invitation of the Chairman, Mr CHU Hoi-dick said that he had given notice to move a motion under RoP 91 at the Council meeting of 13 December 2017 to suspend RoP 18(1), to the effect that the motions to be moved respectively by Dr KWOK Ka-ki and Mr Charles MOK under RoP 49B(1A) to censure Mr Andrew LEUNG and Ms Starry LEE could be dealt with by the Council before the motions to amend RoP. Mr CHU stressed that as Mr Andrew LEUNG and Ms Starry LEE were the President of LegCo and the Chairman of HC respectively and whether

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or not they had committed misbehaviour and a breach of oath under BL 104 would affect the credibility of LegCo, Dr KWOK's and Mr MOK's proposed motions should be dealt with before the motions to amend RoP. He also considered that Mr Andrew LEUNG and Ms Starry LEE should not make a ruling on whether to permit him to move the proposed motion under RoP 91 and preside at that part of the meeting if his proposed motion was permitted.

63. Mr CHAN Chi-chuen stressed that Members should have the right to move motions under RoP 91 so long as the required notice as stipulated in RoP had been given. He criticized the President for shifting his responsibility for making a decision on the proposed motions to HC. He also considered that depriving the right of Members of the pro-democracy camp to move the proposed motions under RoP 91 by taking advantage of the majority of Members of the pro-establishment camp in HC was a form of tyranny. Mr CHAN further said that there was urgency for the Council to deal with the motion to be moved by Ms Tanya CHAN under BL 73(5) and BL 73(10) to summon public officers to produce information concerning the building of the Hong Kong Palace Museum, and he therefore proposed to move a motion under RoP 91 to suspend RoP 18(1) so that the motion to be moved by Ms Tanya CHAN could be dealt with by the Council before the motions to amend RoP.

64. Mr Alvin YEUNG considered it inappropriate for the President to refer controversial proposals to HC for consideration and decision, and criticized that by so doing, the President was shrinking his responsibility to make political judgements. Mr YEUNG added that Members should do practical things for the community of Hong Kong and hoped that Members of the pro-establishment camp would support the proposals in question, thus enabling the Council at its meeting of 13 December 2017 to deal with the motions to be moved under BL 73(5) and BL 73(10) to summon public officers to provide information on issues of wide public concern before the motions to amend RoP and also allowing Members to speak more than once in the joint debate on the proposed amendments to RoP.

65. Dr CHENG Chung-tai also opined that the President should not shift his responsibility for making a decision on the proposed motions to HC, adding that the motions under RoP 91 proposed by Mr CHU Hoi-dick had already satisfied the requirements stipulated in RoP 91. Dr CHENG further commented that both Members of the pro-democracy camp and Members of the pro-establishment camp should not embroil the

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Secretariat in the current dispute over the proposed amendments to RoP, and that the Secretariat should maintain its neutrality and independence in discharging its duties and giving advice to the President.

66. Mr LAM Cheuk-ting and Mr KWONG Chun-yu considered that RoP 91 should be read literally and a Member could move a motion under RoP 91 so long as the required notice had been given or with the consent of the President. They both pointed out that while there were cases where proposals for moving motions under RoP 91 had been considered by HC, there were other cases where the President had given consent to Members to move motions under RoP 91 at previous Council meetings and the proposals for such motions had not been considered by HC. Mr KWONG cited the examples that the motions under RoP 91 had not been considered by HC beforehand, such as the motions moved under RoP 91 respectively by Mr Andrew CHENG, a former LegCo Member, to suspend RoP 58(5) at the Council meeting of 6 June 2007 and by the then CS to suspend RoP 18(1) at the Council meeting of 20 June 2012. Mr KWONG also added that Members of the pro-democracy camp hoped to invoke RoP 91 to suspend RoP 18(1) so that the motions relating to issues of wide public concern could be dealt with before the motions to amend RoP by the Council.

67. Mr WONG Kwok-kin said that Members belonging to the Hong Kong Federation of Trade Unions did not support the proposals in question. He considered it imminent for the Council to deal with the motions to amend RoP before other Members' motions so as to plug the loopholes of RoP. Mr WONG further said that while the President had the power to decide whether a Member be permitted to move a motion under RoP 91 in the Council, a consensual decision of HC was a useful reference for the President to take into account in making his decision. He added that while he respected the Chairman's decision for not putting the proposals in question to vote, it was not unusual for HC to vote on proposals put forward by Members when there were different views on such proposals.

68. Mr Jeremy TAM said that he had proposed to move motions under RoP 91 at the Council meeting of 13 December 2017 to suspend RoP 18(1) to re-arrange the order of the Agenda items so as to enable the Council to deal with the motions relating to issues of wide public concern before the motions to amend RoP, such as issues relating to the suspected torture or punishment inflicted by officers of the Correctional Services Department on the prisoners and the follow up to the MTR arson incident

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occurred in February 2017. Mr TAM further said that Members belonging to the Civic Party hoped that the President would give consent to Members of the pro-democracy camp to move the proposed motions under RoP 91 at the Council meeting of 13 December 2017. Mr TAM added that he did not agree with Mr Paul TSE's interpretation that it was within HC's purview under RoP 75(11) to decide on the proposals in question by voting.

69. Ms Claudia MO expressed regret that the Secretariat appeared to have "cherry picked" the precedents in relation to the moving of motions under RoP 91 to support its advice given to the President. Ms MO added that the Chairman did not proceed to put the proposals in question to vote only because of the strong objections from Members of the pro-democracy camp. She also criticized Members of the pro-establishment camp for taking advantage of their majority in HC to negative the proposals put forward by Members of the pro-democracy camp by voting.

70. Mr WU Chi-wai said that Members of the pro-democracy camp had given notice to move motions under RoP 91 at the Council meeting of 13 December 2017 by the required deadline, and RoP 91 did not provide that the President had the power to disallow the moving of the proposed motions if the Members concerned had given the required notice. He further said that even if the President was of the opinion that a proposed motion was out of order, the President should direct that it be returned to the Member concerned as stipulated under RoP 30(3)(c). Mr WU therefore opined that the President should include all the motions under RoP 91 proposed by Members of the pro-democracy camp in the Agenda for the Council meeting of 13 December 2017 according to RoP 19(1) which stated that all items of business for a Council meeting of which notice had been given should be placed on the Agenda for that Council meeting in the order required under RoP 18.

71. Mr CHEUNG Kwok-kwan said that he strongly disagreed with the view of Members of the opposition camp that HC did not have any role to play in considering proposals to move motions under RoP 91. He reiterated his earlier view that if motions under RoP 91 proposed by individual Members could be allowed to be moved automatically after notice, the operation of the Council would be paralyzed by the abuse of this rule, adding that those proposed amendments to RoP which were supported by Members of the pro-establishment camp were necessary as it would help bring the Council back to normal operation.

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72. Dr Helena WONG stressed that it was important to defend Members' rights to move motions under RoP 91 in the Council and that Members of the pro-democracy camp considered it unreasonable for HC to screen for the President proposals put forward by individual Members to move motions under RoP 91 in Council. Dr WONG further said that to her understanding, it was not stipulated in RoP that the agreement of HC was necessary for the moving of a motion under RoP 91.

73. Mr Kenneth LEUNG considered it not necessary for HC to vote on the proposals in question as the Members concerned had already given the required notice. He said that if the President considered himself to have the right to rule on the admissibility of the proposed motions to be moved under RoP 91, the President should state clearly in his rulings the reasons for allowing or disallowing the Members concerned to move the proposed motions at the Council meeting of 13 December 2017. Mr LEUNG stressed that the President should bear the legal and political responsibilities for his decision and it was not necessary to ask any committee to endorse his decision. Mr LEUNG also added that it was important for the Secretariat to give comprehensive and impartial advice to the President and its advice should not be geared to catering for the needs of the President.

74. Dr KWOK Ka-ki said that it was shameful for Members of the pro-establishment camp to push through their proposed amendments to RoP while six Members of the pro-democracy camp had been disqualified from office. His proposals to move motions under RoP 91 at the Council meeting of 13 December 2017 were meant as a protest. Dr KWOK also criticized that owing to the Members of the pro-establishment camp having a majority in the Council, the funding proposals of a number of "white elephant" projects proposed by the Administration were approved by LegCo while issues of public interest, such as the universal retirement protection scheme, were often given lower priority by the Administration.

75. The Deputy Chairman said that he did not agree with Mr CHEUNG Kwok-kwan's view that LegCo was not working properly, adding that in the Fifth LegCo, 83 out of the 89 Government bills being introduced into the Council were passed, more than 200 items of subsidiary legislation were scrutinized and funding proposals with the total amount exceeding \$200 billion were approved. In his view, Members absolutely had the right to propose motions under RoP 91 at

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Council meetings without the need to have prior endorsement of HC, and HC was not in a position to take a decision on the proposals in question. The Deputy Chairman also commented that the President should not refer those controversial and undecided matters to HC for consideration before making his decision as this would put HC in a difficult position and arouse unnecessary disputes in HC.

76. Dr CHIANG Lai-wan said that she found it very disgusting that the Deputy Chairman was complacent with the work of LegCo in recent years. She said that the number of Council meetings adjourned due to the lack of a quorum in the last session reached the record high, and if not for so many filibusters in recent years, the Administration would have introduced many more legislative proposals and funding proposals into the Council.

77. Dr Elizabeth QUAT shared a similar view with Dr CHIANG Lai-wan and criticized the Deputy Chairman for not acknowledging that LegCo had not been working properly in recent years. In her view, LegCo had made almost no progress in scrutinizing legislative and financial proposals due to filibusters at Council meetings as well as at FC meetings. Dr QUAT cited an example that due to filibustering by some FC members, the funding proposal for developing and implementing a Centrally Managed Messaging Platform in the Government was included in the agendas for 14 FC meetings before it could be dealt with and was approved by FC, adding that a great deal of time of the government officials concerned had been wasted on waiting for FC to deal with the funding proposal.

78. The Deputy Chairman reiterated his view that HC was not vested with the power to decide whether or not individual Members could propose to move motions at the Council meetings. He added that he did not expect that the passage of the proposed amendments to RoP could put a stop to the so-called "filibusters" in the Council.

79. Mr CHAN Chun-ying said that on behalf of five Members (including himself, Mr CHAN Kin-por, Mr YIU Si-wing, Mr MA Fung-kwok, and Mr Martin LIAO), he objected to the proposals in question.

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80. Regarding the said reply letter to Mr WONG Yuk-man which was not made public, Mr IP Kin-yuen considered that a decision on a particular case could be taken as a precedent only if it was made after repeated discussions and was widely accepted among Members. In his view, the President should make his decision on the proposed motions under RoP 91 according to the literal meaning of RoP 91 and those widely accepted precedents.

81. Mrs Regina IP said that in her view, it was necessary for the Council to consider the proposed amendments to RoP with a view to keeping RoP updated and ensuring the efficiency of the Council. Given that the proceedings of the proposed resolutions and amending motions under BL 75 to amend RoP had already started at the Council meeting of 6 December 2017, she considered it appropriate for the relevant proceedings to continue at the Council meeting of 13 December 2017. Mrs IP further said that Members belonging to the New People's Party did not support the proposals in question, including those aimed at suspending RoP 18(1) to change the order of business to be transacted at the Council meeting of 13 December 2017. She also relayed Ms YUNG Hoi-yan's view that technically speaking, the 22 Members might also need to move motions under RoP 91 to suspend RoP 19(1) which stated that the Agenda of the Council should be decided by the President.

82. Expressing a similar view with Mrs Regina IP, Ir Dr LO Wai-kwok said that given that there was no urgency for the Council to deal with other matters proposed by individual Members, Members belonging to the Business and Professionals Alliance for Hong Kong did not support the proposals in question. Ir Dr LO added that he agreed that if necessary, HC might proceed to vote on such proposals so as to give a clear stance on them.

83. Dr Junius HO said that he objected to the proposals in question as the purpose of the proposed motions, in his view, was to obstruct the proceedings of the proposed amendments to RoP. He further said that while the President was vested with the power to decide whether to put the proposed motions on the Agenda for the Council meeting of 13 December 2017, he considered it agreeable that the President asked Members to exchange views on the proposals at this HC meeting before making his decision. In Dr HO's view, if HC made a decision on the proposals in question by voting, it would facilitate the President's consideration.

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84. Mr LEUNG Yiu-chung said that he supported the proposals in question. Referring to the records of proceedings of the Council meeting of 14 July 2010, Mr LEUNG pointed out that during the Committee stage of the Minimum Wage Bill at that Council meeting, the President gave consent to him to move a motion under RoP 91 to the effect that RoP 58(5) regarding the procedure for dealing with interdependent amendments to a bill during the Committee stage be suspended, and the President also said that he hoped CRoP would examine in future whether that procedure could be dispensed with. He wondered whether or not the Secretariat had included the aforesaid case as one of the precedents of Members' motions moved under RoP 91.

85. Ms Alice MAK said that it was obvious that the proposed motions to be moved under RoP 91 at the Council meeting of 13 December 2017 aimed to obstruct the proceedings of the proposed amendments to RoP at that Council meeting, and she therefore opposed the proposals in question. Ms MAK further said that even if the proposed amendments to RoP were passed by the Council, individual Members would still find various ways to filibuster, e.g. by repeatedly raising a point of order during a meeting. However, she considered it incumbent upon Members to plug the loopholes in RoP as far as possible, and hoped that the President would not put the proposed motions on the Agenda for the Council meeting of 13 December 2017 so that the proposed amendments to RoP would be dealt with smoothly.

86. Mr SHIU Ka-fai said that Members belonging to the Liberal Party opposed putting the proposed motions to be moved under RoP 91 on the Agenda for the Council meeting of 13 December 2017.

87. The Chairman reiterated that there were many occasions in the past where HC made a decision by voting when Members had different views on certain proposals. The Chairman stressed that irrespective of whether or not HC made a decision by voting to support or not to support the proposals in question, the Members concerned could still put forward their proposed motions for the President's consideration for inclusion in the Agenda for the Council meeting of 13 December 2017. However, in view of Members' different views on whether HC should vote on the proposals in question, after consultation with Members, she considered it feasible for Members to express their views on such proposals, and thereafter, no question would be put to vote.

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88. At the invitation of the Chairman, SG responded to Members' views and said that the Secretariat had all along serviced LegCo and Members in an independent and professional manner. SG further said that it was uncommon for individual Members to propose motions under RoP 91, and the relevant precedents cited by the Secretariat covered a long span of time. Furthermore, as advised by LA, in accordance with BL, Government business should be given priority over Members' business, and therefore, Members should not propose any motions under RoP 91 to change the order of Government business at the Council meeting, and vice versa. As regards the past occasions where the President gave consent to Members to move motions under RoP 91 to change the order of Members' motions at the Council meetings, all such Members' motions had first been considered and supported by HC with a consensus reached at the HC meetings, and then proposed by the HC Chairman or the Member concerned for the President's consideration and approval. Therefore, the way the President dealt with the proposals in question was consistent with the established practice of the Council, as explained in the reply letter dated 1 December 2017 which had also been issued to all Members for reference. SG added that in accordance with RoP 19(1), the Agenda of the Council should be decided by the President, and the President would take into account Members' views raised at this HC meeting when deciding whether to give consent to individual Members to move the proposed motions under RoP 91 at the Council meeting of 13 December 2017.

89. As regards the case cited by Mr LEUNG Yiu-chung, ASG3 said that due to the technical reasons cited in paragraphs 34 and 35 above, there were many occasions in the past where motions were moved under RoP 91 to suspend RoP 58(5) and/or (7) during the Committee stage of a bill.

90. SG stressed that the past occasions where the President gave consent to Members to move motions under RoP 91 to suspend RoP 58(5) and/or (7) were technical in nature, and should not be regarded as precedents relevant to the proposals in question.

91. The Chairman said that Members' views would be relayed to the President for consideration when making his decision on the Agenda for the Council meeting of 13 December 2017.

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VI. Any other business

92. There being no other business, the meeting ended at 4:58 pm.

Council Business Division 2
Legislative Council Secretariat
4 January 2018