

立法會  
*Legislative Council*

LC Paper No. CB(2)1079/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 16th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 16 March 2018**

**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 Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
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 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  
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 Tanya CHAN  
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 Michael TIEN Puk-sun, BBS, JP  
Hon MA Fung-kwok, SBS, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP

**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
Mr Timothy TSO	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 Maisie LAM	Chief Council Secretary (2)5
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 4
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Cliff IP	Assistant Legal Adviser 8
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Richard WONG	Senior Council Secretary (2)6
Miss Connie AU	Senior Council Secretary (2)8
Mr Clement HAU	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 15th meeting held on 23 February 2018**

*(LC Paper No. CB(2)1033/17-18)*

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that she had told the Chief Secretary for Administration ("CS") that Ms Tanya CHAN hoped that the Secretary for Justice, the Secretary for Transport and Housing and the Secretary for Security would continue to attend meetings of the Bills Committee on

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Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill to respond to Members' questions, and CS had agreed to relay Ms CHAN's request to the relevant principal officials.

**III. Business arising from previous Council meetings**

**Legal Service Division report on subsidiary legislation gazetted on 23 February 2018 and tabled in Council on 28 February 2018**

*(LC Paper No. LS37/17-18)*

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the nine items of subsidiary legislation (i.e. L.N. 28 to L.N. 36) which were gazetted on 23 February 2018 and tabled in Council on 28 February 2018.

4. Members did not raise any questions on the nine items of subsidiary legislation.

5. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation would be the Council meeting of 28 March 2018.

**IV. Legal Service Division report on subsidiary legislation gazetted on 28 February 2018**

*(LC Paper No. LS39/17-18)*

6. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Rating (Exemption) Order 2018 (L.N. 37) which was gazetted on 28 February 2018 and would be tabled in Council on 21 March 2018.

7. Mr CHAN Chi-chuen considered it necessary to form a subcommittee to study the Order in detail. Members agreed. Dr KWOK Ka-ki and Mr CHAN Chi-chuen agreed to join the proposed subcommittee.

8. The Chairman reminded Members that the deadline for amending the Order would be the Council meeting of 11 April 2018, or that of 9 May 2018 if extended by a resolution of the Council.

**V. Legal Service Division report on subsidiary legislation gazetted on 9 March 2018**

*(LC Paper No. LS42/17-18)*

9. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the three items of subsidiary legislation (i.e. L.N. 39 to L.N. 41) which were gazetted on 9 March 2018 and would be tabled in Council on 21 March 2018.

10. Members did not raise any questions on the three items of subsidiary legislation.

11. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation would be the Council meeting of 11 April 2018.

**VI. Business for the Council meeting of 21 March 2018**

Report No. 8/17-18 of the House Committee on Consideration of  
Subsidiary Legislation and Other Instruments

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12. The Chairman said that the above draft Report, which covered one item of subsidiary legislation (i.e. Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2018) the period for amendment of which would expire at the Council meeting of 21 March 2018, had been issued to Members. No Member had indicated intention to speak on the subsidiary legislation.

**(a) Taking of Legislative Council Oath**

13. The Chairman said that the taking of oath/affirmation by the four Members returned at the 2018 Legislative Council ("LegCo") by-election would be held at the beginning of the meeting.

14. Mr CHAN Chi-chuen said that he hoped that the Chairman would enquire with Members of the pro-establishment camp whether they would deliberately not attend the meeting in order to make the meeting inquorate so as to forestall the taking of oath/affirmation by certain newly elected Member(s).

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15. Dr CHIANG Lai-wan said that she hoped that the Chairman would also ask Members of the opposition camp on her behalf whether the newly elected Members from their camp would take the oath/affirmation in accordance with law.

16. The Chairman responded that Mr CHAN Chi-chuen's question was based on hearsay. She trusted that Members would hope that the four newly elected Members would take the oath/affirmation in accordance with law at the meeting and that the Council could operate smoothly to enable Hong Kong to move forward.

**(b) Questions**

*(LC Paper No. CB(3)412/17-18)*

17. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

**(c) Bills - First Reading and moving of Second Reading**

**(i) Inland Revenue (Amendment) Bill 2018**

**(ii) Road Traffic (Amendment) Bill 2018**

18. The Chairman said that the House Committee ("HC") would consider the above two Bills at its meeting on 23 March 2018.

**(d) Bills - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading**

**(i) Inland Revenue (Amendment) (No. 4) Bill 2017**

**(ii) Inland Revenue (Amendment) (No. 7) Bill 2017**

**(iii) United Nations (Anti-Terrorism Measures) (Amendment) Bill 2017**

19. Members noted that the Second Reading debates on the above three Bills would be resumed at the meeting.

(e) **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)**

*(LC Paper No. CB(3)395/17-18)*

*(LC Paper No. LS40/17-18)*

20. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the proposed resolution.

21. In response to Mr CHAN Chi-chuen's enquiry on the consequence where a subcommittee was formed to study the proposed resolution, the Chairman advised that notice for moving the proposed resolution must be given not less than 12 clear days before the day of the relevant Council meeting. In line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution if a subcommittee was formed. As such, the proposed resolution could not be moved at a Council meeting before 1 April 2018.

22. Noting that the purpose of the proposed resolution was to seek funds on account to enable the Government to carry on its services between the start of the financial year on 1 April 2018 and the time when the Appropriation Ordinance 2018 came into operation, Mr CHAN Chi-chuen expressed concern that if the proposed resolution had to be passed by the Council before 1 April 2018, there was practically insufficient time for Members to form a subcommittee to study the proposed resolution even though they might wish to do so. Mr CHAN hoped that in future, the Administration would give notice to move the motion on the Vote on Account resolution as early as possible so that Members could have sufficient time to scrutinize the proposed resolution if Members considered it necessary to form a subcommittee for such purpose. The Chairman said that she would relay Mr CHAN's view to the Administration during her next meeting with CS.

23. Members did not raise any further questions on the proposed resolution and had no objection to the Administration moving the proposed resolution at the meeting.

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(ii) **Two proposed resolutions to be moved by the Chief Secretary for Administration under the following two Ordinances:**

- **District Court Ordinance (Cap. 336); and**
- **Small Claims Tribunal Ordinance (Cap. 338)**  
(LC Paper No. CB(3)397/17-18)  
(LC Paper No. LS41/17-18)

24. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the above two proposed resolutions.

25. The Deputy Chairman considered it necessary to form a subcommittee to study the two proposed resolutions in detail. Members agreed. The Deputy Chairman and Mr Holden CHOW agreed to join the proposed subcommittee.

26. The Chairman informed Members that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notices for moving the proposed resolutions so as to allow sufficient time for the proposed subcommittee to carry out its scrutiny work.

(iii) **Proposed resolution to be moved by the Secretary for Transport and Housing under section 30 of the Housing Ordinance (Cap. 283)**  
(LC Paper No. CB(3)344/17-18)

27. The Chairman said that Members agreed at the last HC meeting held on 23 February 2018 that it was not necessary to set up a subcommittee on the proposed resolution.

(f) **Members' motions**

28. The Chairman said that two Members' motions without legislative effect which had stood over from previous Council meetings would be dealt with at the meeting.



## **VII. The Chief Executive's Question Time on 28 March 2018**

29. The Chairman said that the Chief Executive's Question Time ("the CE's Question Time") would be held from 11:00 am to 11:30 am. The regular Council meeting of 28 March 2018 would be held immediately after the CE's Question Time ended.

## **VIII. Business for the Council meeting of 28 March 2018**

### **(a) Questions**

*(LC Paper No. CB(3)413/17-18)*

30. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

### **(b) Bill - First Reading and moving of Second Reading**

31. The Chairman said that no notice had been received yet.

### **(c) Bill - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading**

32. The Chairman said that the Second Reading debate on the Chinese Medicine (Amendment) Bill 2017 would be resumed at the meeting. She advised Members that the Bills Committee on the Bill had submitted its report at the last HC meeting and Members raised no objection to the resumption of the Second Reading debate on the Bill.

33. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Monday, 19 March 2018.

### **(d) Government motion**

34. The Chairman said that no notice had been received yet.

### **(e) Members' motions**

35. The Chairman said that two Members' motions without legislative effect which had stood over from previous Council meetings would be dealt with at the meeting.

Report of HC on Consideration of Subsidiary Legislation

36. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)422/17-18), which contained 11 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 28 March 2018. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 20 March 2018, should they wish to speak on any of those items of subsidiary legislation.

**IX. Reports of Bills Committees and subcommittees**

**(a) Report of the Bills Committee on Medical Registration (Amendment) Bill 2017**

*(LC Paper No. CB(2)1032/17-18)*

37. Mr Tommy CHEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr CHEUNG said that the Administration would propose to move a number of amendments to the Bill after considering the views of the Bills Committee and that the Bills Committee raised no objection to these proposed amendments. Members noted that the Bills Committee would not propose any amendments to the Bill, and that it had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 28 March 2018.

38. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Monday, 19 March 2018.

**(b) Report of the Bills Committee on Stamp Duty (Amendment) Bill 2017 and Stamp Duty (Amendment) (No. 2) Bill 2017**

39. Mr WONG Ting-kwong, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee in relation to the Stamp Duty (Amendment) (No. 2) Bill 2017. He said that the Bills Committee was responsible for scrutinizing the Stamp Duty (Amendment) Bill 2017 and the Stamp Duty (Amendment) (No. 2) Bill 2017, and the Stamp Duty (Amendment) Bill 2017 was passed with amendments at the Council meeting of 10 January 2018.

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40. Mr WONG informed Members that the object of the Bill was to amend the Stamp Duty Ordinance (Cap. 117) to give effect to the tightened exemption arrangement for Hong Kong Permanent residents ("HKPRs") under the New Residential Stamp Duty ("NRSD") regime with effect from 12 April 2017 as announced by the Government in order to prevent some HKPRs from making use of the exemption arrangement to avoid the payment of NRSD. Under the tightened exemption arrangement, if a HKPR-buyer acquired more than one residential property under a single instrument, the transaction concerned would no longer be exempted and would be subject to the NRSD rate of 15%, even if the buyer was acting on his/her own behalf and was not a beneficial owner of any other residential property in Hong Kong at the time of acquisition.

41. Mr WONG further said that the Bills Committee had held four meetings to meet with the Administration and to receive views from deputations on the Bill. Members of the Bills Committee in general raised no objection to plugging the existing loopholes of the NRSD regime through the Bill. He also advised that many members of the Bills Committee were concerned that the examples included under the definition of "single residential property" in the Bill failed to cover common scenarios. These members had put forward various scenarios for the Administration to consider including them as additional examples under the definition of "single residential property". Members of the Bills Committee noted that according to the principles adopted by the Inland Revenue Department ("IRD") on the collection of stamp duty, it had all along treated an instrument for the sale of a residential property together with a non-residential property which were inseparable for trade as one single residential property and had charged ad valorem stamp duty under the rates applicable to residential property transactions by making reference to the total consideration of the entire instrument. They were concerned about the factors that IRD would take into account when determining whether the properties concerned were separable for trade if an instrument covered both residential and non-residential properties (e.g. a residential unit and a roof/car parking space(s)/an external wall).

42. Mr WONG further advised that Mr James TO had suggested that the Administration should consider including other examples in addition to the three common examples stipulated in the Bill which were considered to be a "single residential property". After deliberation, the Administration agreed to propose amendments to the Bill to include the following three scenarios as examples of "single residential property" in

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order to further clarify the circumstances covered in the definition: (a) a unit and a roof situated in the same building; (b) a unit and an adjacent flat roof situated in the same building; and (c) a unit that became a single unit following the demolition of the walls or the floor, or any part of the walls or the floor, separating the two. Members of the Bills Committee raised no objection to the proposed amendments.

43. Members were also advised that the Bills Committee noted that Mr James TO had indicated intention to propose amendments to the Bill to incorporate certain scenarios as examples of "single residential property", including a unit and an exterior wall (or any part of an exterior wall) of the same building, which had not been agreed by the Government. Mr TO had also indicated intention to propose an amendment to specify that in determining whether a residential property was a "single residential property", the Stamp Duty Collector should have regard to the relevant agreement for sale or conveyance on sale registered at the Land Registry in addition to the documents specified in the Bill. The Bills Committee had deliberated on these proposed amendments.

44. Members noted that the Bills Committee would not propose any amendments to the Bill, and that it had no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 11 April 2018. The Bills Committee would submit a written report in due course.

45. At the invitation of the Chairman, Mr James TO said that he would provide Members with details and explanation of his proposed amendments to the Bill. Mr TO advised Members that to his understanding, the Administration would not withdraw the Bill even if his proposed amendments were to be passed. As the Bill was related to people's livelihood, he hoped that Members would seriously consider and support his proposed amendments.

46. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Wednesday, 28 March 2018.

(c) **Report of the Subcommittee on Hospital Authority Ordinance (Amendment of Schedule 1) Order 2018**  
(*LC Paper No. CB(2)1031/17-18*)

47. Ms Alice MAK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. She said that members of the Subcommittee in general supported the Order.

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48. The Chairman reminded Members that the deadline for amending the above Order would be the Council meeting of 28 March 2018, and the deadline for giving notice of amendments, if any, would be Wednesday, 21 March 2018.

**X. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)1034/17-18)*

49. The Chairman said that as at 15 March 2018, there were seven Bills Committees, eight subcommittees under HC and four subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

**XI. Proposal of Hon Claudia MO to seek the House Committee's agreement for asking an urgent oral question at the Council meeting of 21 March 2018 on the incident concerning the alleged interference with the editorial independence of the Radio Television Hong Kong by the Commerce and Economic Development Bureau**

*(LC Paper No. CB(2)1040/17-18(01))*

50. At the invitation of the Chairman, Ms Claudia MO said that her proposed question was about the incident concerning the alleged interference with the editorial independence of the Radio Television Hong Kong ("RTHK") by the Commerce and Economic Development Bureau ("CEDB") ("the incident") concerning a post with a headline of "習帝永續" on a Facebook page of RTHK. The post was being criticized as making a mockery of President Xi Jinping and the updating of posts which were not of an urgent and essential nature in the Facebook page of RTHK was being suspended subsequently. Ms MO pointed out that while RTHK was a government department, it was also a public service broadcaster, and the right of Hong Kong people to enjoy freedom of the press was enshrined in the Basic Law. She commented that it was very inappropriate for the Administration to impose directions in a top-down manner to interfere with the editorial decisions of RTHK. Ms MO stressed that there was urgency in asking the proposed question as the freedom of the press was the last line of defence in a civilized society. She added that at the last meeting of the Panel on Information Technology and Broadcasting on 12 March 2018 ("the last ITB Panel meeting"), she had requested the Secretary for Commerce and Economic Development ("SCED") to respond if the media report on the allegations against CEDB concerning the incident was true but SCED had declined to do so.

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51. The Chairman invited Members to give views on Ms Claudia MO's proposal. She reminded Members that the discussion should be focused on whether there was urgency in asking the question proposed by Ms MO and whether Ms MO's proposal should be supported by HC.

52. Mr HUI Chi-fung said that he supported Ms Claudia MO's proposal as, in his view, the matter was of an urgent nature. He further said that the incident had revealed that the Administration, through the will of senior officials, could censor the contents on the Facebook page of RTHK. He was concerned that certain words and expressions would be banned in local news of local television and radio stations in the future. Mr HUI stressed that mass media should enjoy press freedom, a core value cherished by Hong Kong people, and that he did not see any problems for criticizing the state leaders.

53. Dr Elizabeth QUAT said that she did not see any urgency in asking the proposed question. She pointed out that at the last ITB Panel meeting, Ms Claudia MO requested the Panel to discuss the incident, and the Panel Chairman, Mr Charles MOK, directed that the Administration should be requested to provide a response to the issues raised by Ms MO. The ITB Panel would consider whether and how to follow up the matter after receiving the Administration's response. Dr QUAT commented that the allegation by some Members that CEDB had interfered with the editorial independence of RTHK was unfounded and it was merely a wild guess, adding that in her view, RTHK had the capability to manage its own operation.

54. Expressing support for Ms Claudia MO's proposal, Mr CHAN Chi-chuen considered that the Administration should clarify as soon as possible whether CEDB had interfered with the editorial independence of RTHK, and whether there was any justification for that. Mr CHAN said that he considered it unreasonable for the President not to give permission to Members to ask urgent oral questions if agreement had already been sought from HC. As such, he had proposed to amend the Rules of Procedure ("RoP") to allow each Member the opportunity to ask one urgent oral question in each session when RoP was last amended but the proposed amendment was not supported.

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55. Mr LUK Chung-hung said that he opposed Ms Claudia MO's proposal as he saw no urgency in asking the proposed question. In his view, Ms MO's proposal was disrespectful to other Members who had followed the allocation system for the asking of questions at Council meetings. Mr LUK further said that notwithstanding the importance of the freedom of the press, members of the public were also concerned about whether RTHK, as a public service broadcaster, would handle the news in an objective, fair and impartial manner.

56. Mr Paul TSE pointed out that it was said in the proposed question that RTHK had suspended the updating of posts which were not of an urgent and essential nature in its Facebook page. If that was the case, he could not see any urgency for Ms Claudia MO to raise the proposed question. Mr TSE commented that this was not the first time for Ms MO to try to "gatecrash" HC in a bid to seek HC's agreement for asking urgent oral questions at Council meetings. He pointed out that according to the record, Ms MO had only raised one oral question in the 2016-2017 session, and did not ask any oral question so far in the current session. Ms MO, therefore, should have no difficulty in securing a slot for oral question if she submitted a request. As such, he would not support Ms MO's proposal.

57. Mr Charles MOK said that he supported Ms Claudia MO's proposal. However, he noted that while permission had been given to Members to ask urgent questions in previous LegCo terms, no urgent oral question had been asked in Council so far in the current LegCo term. Mr MOK further said that he had always wondered when and how an issue would be considered urgent by Members of the pro-establishment camp. He considered that the public should appreciate that since Members of the pro-democracy camp did not have enough votes in LegCo, they could not bring up those issues that were of public concern and perform the function of monitoring the Government.

58. Mr CHEUNG Kwok-kwan said that editorial and management matters of RTHK, as well as the relationship between RTHK and CEDB could all be discussed by the ITB Panel. He commented that Ms Claudia MO considered that there was urgency in asking the proposed question simply because she was too anxious about the incident. However, in his view, the incident was not urgent at all. Mr CHEUNG considered that Ms MO should have followed the allocation system for the asking of questions at Council meetings if she would like to raise the proposed question.

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59. Ms Claudia MO said that the key issue at stake in the incident was the alleged interference of senior officials with the editorial independence of RTHK, which was a public service broadcaster funded by public money. She was worried that similar incidents might happen again in the future. Ms MO added that if the incident was merely a wild guess, SCED should have denied the allegation right away when being asked at the last ITB Panel meeting.

60. To sum up the discussion, the Chairman said that she had advised Members at the HC meeting on 2 February 2018 that, in accordance with RoP 24(4), the President, in determining if the question was of an "urgent character", would consider whether the question would become meaningless or would have no effect if it were asked at a later day, and the President also needed to be satisfied that the question was on a matter of public importance. Besides, the President would also make reference to the past practices of the Council. The Chairman further said that Members were also informed at that meeting that she would request the Committee on Rules of Procedure ("CRoP") to consider whether it was necessary to review the existing arrangement provided in rule 10 of the House Rules with regard to proposals on asking urgent questions at Council meetings. The Chairman told Members that CRoP would consider the matter at its next meeting which would be held soon.

61. The Chairman said that given Members' diverse views, she would put to vote the proposal of Ms Claudia MO to seek HC's agreement for asking an urgent oral question at the Council meeting of 21 March 2018 on the incident concerning the alleged interference with the editorial independence of RTHK by CEDB. Ms MO requested a division.

The following Members voted in favour of the proposal:

Mr James TO, Prof Joseph LEE, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Dr Pierre CHAN, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai and Mr KWONG Chun-yu.

(19 Members)



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The following Members voted against the proposal:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU.  
(30 Members)

62. The Chairman declared that 19 Members voted for and 30 Members voted against the proposal, and no Member abstained from voting. The Chairman declared that the proposal was not supported.

**XII. Any other business**

63. There being no other business, the meeting ended at 3:20 pm.