

立法會  
*Legislative Council*

LC Paper No. CB(2)1689/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 27th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 22 June 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  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, 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  
Hon Jimmy NG Wing-ka, JP  
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  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH  
Hon Tony TSE Wai-chuen, BBS

**Members absent :**

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Tanya CHAN  
Hon Kenneth LAU Ip-keung, BBS, MH, 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 Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Mr Clement HAU	Council Secretary (2)7
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 26th meeting held on 15 June 2018**

*(LC Paper No. CB(2)1627/17-18)*

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman said that there was nothing special to report.

### III. Business arising from previous Council meetings

#### **Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)**

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##### **Employment (Amendment) Bill 2018**

*(LC Paper No. LS72/17-18)*

3. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the above Bill.
4. Dr Fernando CHEUNG considered it necessary to form a Bills Committee to study the above Bill in detail. Members agreed. Dr KWOK Ka-ki, Dr Fernando CHEUNG and Mr HUI Chi-fung agreed to join the Bills Committee.

### IV. Further business for the Council meeting of 27 June 2018

#### **(a) Questions**

*(LC Paper No. CB(3)716/17-18)*

5. The Chairman said that Mr LAM Cheuk-ting had replaced his oral question.

#### **(b) Government motions**

**The Secretary for Development and the Secretary for Labour and Welfare will respectively move:**

- (i) **the proposed resolution under the Construction Industry Council Ordinance (Cap. 587); and**
- (ii) **the proposed resolution under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360)**

*(LC Paper No. CB(3)718/17-18)*

6. The Chairman said that the above two proposed resolutions would be dealt with at the meeting.

**V. The Chief Executive's Question Time on 4 July 2018**

7. The Chairman said that the Chief Executive's Question Time would be held from 11:00 am to 11:30 am. The regular Council meeting of 4 July 2018 would be held immediately after the Chief Executive's Question Time ended.

**VI. Business for the Council meeting of 4 July 2018**

**(a) Questions**

*(LC Paper No. CB(3)717/17-18)*

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

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

**(i) Evidence (Amendment) Bill 2018**

**(ii) Conservation of Antarctic Marine Living Resources Bill**

9. The Chairman said that the House Committee ("HC") would consider the above two Bills at its meeting on 6 July 2018.

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

10. The Chairman said that at the last HC meeting held on 15 June 2018, Members did not raise objection to the resumption of the Second Reading debate on the Inland Revenue (Amendment) (No. 6) Bill 2017 at the meeting.

**(d) Government motion**

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

**(e) Members' motions**

**Motion under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to be moved by Hon Claudia MO**  
*(LC Paper No. CB(3)727/17-18)*

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12. The Chairman said that the above motion would be dealt with at the meeting. Besides, two Members' motions without legislative effect which had stood over from previous Council meetings would also be dealt with at the meeting.

13. Mr CHAN Chi-chuen said that regarding the motion on "Studying the formulation of policies for homosexual couples to enter into a union" to be moved by him at the Council meeting of 4 July 2018, he had earlier written to the Chairman raising queries about why the amendments proposed to the motion by Dr Priscilla LEUNG were ruled to be admissible by the President and requesting discussion of this matter at a HC meeting. He had also discussed his queries with the Secretariat. While he had received a reply letter from the Clerk to HC issued on behalf of the Chairman, Mr CHAN requested to put on record his view that Dr LEUNG's proposed amendments to his motion should not be admissible since the subject matter of his motion was "studying the formulation of policies for homosexual couples to enter into a union" which was totally distinct from the subject matter of "policy studies on equal rights for people with different sexual orientations" as stated in Dr LEUNG's proposed amendments. Mr CHAN considered it unacceptable for a Member being allowed to propose amendments to a motion, if the proposed amendments would have the effect of altering the subject matter of the original motion.

14. The Chairman said that as pointed out in the reply letter from the Clerk to HC, HC should not be a platform for Members to discuss the decision(s) made by the President. She further said that to her understanding, it had been the practice of the Legislative Council ("LegCo") to adopt a lenient approach in dealing with the proposed amendments to Members' motions without legislative effect in that the President would allow the amendments to be proposed as long as they were apparently within the scope of the original motions. The President, when deciding on whether the proposed amendments to Mr CHAN Chi-chuen's motion were admissible, had applied the same set of criteria as that in the past. Members who were still concerned about the matter might liaise further with the President and the Secretariat after the meeting. The Chairman added that should Members consider it necessary to review the existing approach in dealing with the proposed amendments to Members' motions without legislative effect, the matter could be referred to the Committee on Rules of Procedure for consideration.

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15. Mr CHAN Chi-chuen stressed that he understood that amendments to a motion which were opposite in direction or position to the subject matter of the motion had been ruled admissible in the past and he had no problem with the relevant Rules of Procedure ("RoP"). His concern was how the subject matter of a Member's motion was determined in processing the proposed amendments to that motion.

Report of HC on Consideration of Subsidiary Legislation

16. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)726/17-18), which contained four items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 4 July 2018. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 26 June 2018, should they wish to speak on any of these items of subsidiary legislation.

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

**(a) Report of the Human Organ Transplant (Amendment) Bill 2018**

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17. Dr Pierre CHAN, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. He said that the purpose of the Amendment Bill was to amend the Human Organ Transplant Ordinance (Cap. 465) to provide that a donor was not to be regarded as having given consent to a proposed organ removal with the offer of inducement only because the consent had been given in consideration of a proposed organ transplant into a person chosen by the donor under a paired or pooled donation arrangement.

18. Dr CHAN informed Members that the Bills Committee had held two meetings and members of the Bills Committee generally supported the Amendment Bill. Members of the Bills Committee were mainly concerned about the details of the paired or pooled donation arrangement, including the types of organs intended for such an arrangement, whether private organizations or private hospitals could make such an arrangement as well as whether such an arrangement might induce some people to collect information about organ donors and sell the information to patients. Members of the Bills Committee were also concerned if there would be sufficient medical practitioners and hospitals to carry out

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the organ transplants, whether a target would be set on the manpower provision and the relevant manpower training and development plans. They had called on the Administration to allocate more resources for the promotion of organ donation.

19. Members noted that according to the Administration's explanation, the Amendment Bill did not specify the types of organs intended for the paired or pooled donation arrangement, private organizations or private hospitals could also make such an arrangement but the prior written approval from the Human Organ Transplant Board was required. Commercial dealings in human organs intended for transplanting were prohibited under Cap. 465. Members also noted that the Hospital Authority would keep in view the development of the paired or pooled donation arrangement and provide training for doctors, and if necessary, additional resources would be allocated to hospitals. The Administration would also strengthen the promotion of organ donation.

20. Members were advised that both the Administration and the Bills Committee would not propose any amendments to the Amendment Bill, and the Bills Committee supported the resumption of the Second Reading debate on the Amendment Bill at the Council meeting of 11 July 2018. The Bills Committee would submit a written report in due course.

21. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Amendment Bill would be Saturday, 30 June 2018.

**(b) Report of the Subcommittee on Proposed Resolution under Section 4(5) of the Fatal Accidents Ordinance (Cap. 22)**

22. Mr Holden CHOW, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had held two meetings and had completed the scrutiny of the resolution proposed by the Administration. While members of the Subcommittee had expressed support for the statutory sum of damages which might be awarded for bereavement in an action under the Fatal Accidents Ordinance (Cap. 22) ("the bereavement sum") to be increased from \$150,000 to \$220,000, they were disappointed that the bereavement sum had not been adjusted since 1997.



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23. Mr CHOW further said that while members of the Subcommittee generally supported the Administration's proposal to conduct routine reviews of the bereavement sum every two years to reflect the trend of inflation, they considered that a comprehensive review of the bereavement sum should be conducted in order to take into account other factors. Some members of the Subcommittee were concerned that the proposed bereavement sum would not have sufficient deterrent effect on the persons responsible for the fatal accidents and did not reflect the impacts of the changes in family composition and structure on the pain suffered by families of the deceased persons. These members therefore considered that the bereavement sum should be increased to substantially more than the proposed amount. Some other members of the Subcommittee were concerned about the classes of recognized dependants entitled to claim for damages for bereavement under Cap. 22 and had requested the Administration to provide the related information.

24. Members were advised that the Subcommittee supported the proposed resolution and details of the deliberations of the Subcommittee would be provided in its written report to be submitted in due course. The Subcommittee also noted that the Administration would give fresh notice to move the proposed resolution at the Council meeting of 11 July 2018, and that Mr HUI Chi-fung had indicated that he would also move a proposed resolution to increase the bereavement sum.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above proposed resolution would be Wednesday, 4 July 2018.

**(c) Report of the Subcommittee on Subsidiary Legislation Relating to the Commissioning of the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and Gazetted on 1 June 2018**

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26. Mr CHAN Hak-kan, Chairman of the Subcommittee, made a verbal report on the deliberations of the Subcommittee. He said that the Subcommittee had completed the scrutiny of the three items of subsidiary legislation relating to the commissioning of the West Kowloon Station ("WKS") of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), which was expected to be commissioned in September 2018. He further said that the Immigration (Places of Detention) (Amendment) Order 2018 (L.N. 109) and the Immigration Service (Designated Places) (Amendment) Order 2018 (L.N. 110) specified the area within WKS of

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XRL (other than the WKS Mainland Port Area ("MPA")) that was set aside as detention quarters for use by the Immigration Department ("ImmD"). The Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Amendment of Schedule 1) (No. 2) Notice 2018 (L.N. 111) added WKS of XRL to Schedule 1 to the Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Ordinance (Cap. 629) as a specified control point and the legal effect was that travellers arriving at WKS of XRL (other than the WKS MPA) should make a declaration for the currency and bearer negotiable instruments ("CBNIs") in their possession in accordance with Cap. 629.

27. Mr CHAN further said that the Subcommittee had held one meeting with the Administration on 20 June 2018. The main query of members of the Subcommittee was that if WKS was to be commissioned in September 2018 as anticipated, the three items of subsidiary legislation would be brought into operation before the full negative vetting period (i.e. the initial 28-day vetting period plus the 21-day extension period) had expired and that was different from the usual practice of allowing the full negative vetting period to run its course before bringing an item of subsidiary legislation into operation. Mr CHAN also advised that some members of the Subcommittee were also concerned about the precise area(s) in WKS where the three items of subsidiary legislation were applicable, the arrangements on the use of the detention quarters of ImmD as well as law enforcement issues in relation to passenger trains.

28. Members were advised that according to the Administration, as in other control points, ImmD had to set up detention quarters upon the commissioning of WKS for use in its daily immigration control and law enforcement while the Customs and Excise Department would also need to enforce the requirements on declaration and disclosure of CBNIs at WKS. As XRL was anticipated to be commissioned in September 2018, relevant subsidiary legislation had to come into operation on the commencement date of the Ordinance enacted by LegCo through the passage of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill. The Administration had also pointed out that the three items of subsidiary legislation were not applicable in the WKS MPA and that the train compartments of a passenger train in operation on the Hong Kong Section of XRL were regarded as part of the WKS MPA.

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29. Members noted that the Subcommittee would not propose any amendments to the three items of subsidiary legislation and would submit a written report in due course.

30. The Chairman reminded Members that the period for amending the above three items of subsidiary legislation would expire at the Council meeting of 4 July 2018, and the deadline for giving notice of amendments, if any, would be Tuesday, 26 June 2018.

**(d) Report of the Subcommittee on Smoking (Public Health) Ordinance (Amendment of Schedule 2) Order 2018**  
*(LC Paper No. CB(2)1631/17-18)*

31. Dr KWOK Ka-ki, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. He said that all members of the Subcommittee were supportive of extending the smoking ban to the three bus interchanges covered by the Amendment Order.

**(e) Report of the Subcommittee on Practising Certificate (Solicitors) (Amendment) Rules 2018**  
*(LC Paper No. CB(4)1271/17-18)*

32. Mr Dennis KWOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. He said that the Subcommittee had no objection to the Amendment Rules in general.

33. Mr KWOK added that, as the Chairman of the Subcommittee, he found it regrettable that the Law Society had refused to send representatives to attend the second meeting of the Subcommittee on 5 June 2018 to provide further information and answer the queries raised by members of the Subcommittee.

**VIII. Position on Bills Committees and subcommittees**  
*(LC Paper No. CB(2)1628/17-18)*

34. The Chairman said that as at 21 June 2018, there were eight Bills Committees, 17 subcommittees under HC and four subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

**IX. Election of Members for appointment to the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

*(LC Paper No. CB(4)1263/17-18)*

35. The Chairman said that under RoP 73A(1), an investigation committee established under RoP 49B(2A) should consist of a chairman, a deputy chairman and five members who should be Members appointed by the President in accordance with an election procedure determined by HC. At the HC meeting on 8 June 2018, Members agreed to adopt the procedure set out in Appendix II to LC Paper No. CB(4)1203/17-18 for the election of Members for appointment by the President to the Investigation Committee established under RoP 49B(2A) in respect of the motion to censure Hon HUI Chi-fung ("the Investigation Committee").

36. The Chairman further said that a total of eight nominations were received by the nomination deadline (i.e. 12:00 midnight on 16 June 2018) for the election of Members for appointment to the Investigation Committee. The eight nominees were Mr Tommy CHEUNG, Mr Paul TSE, Ms Claudia MO, Mr Kenneth LEUNG, Ms Alice MAK, Mr Dennis KWOK, Mr CHEUNG Kwok-kwan and Mr Tony TSE.

37. As the total number of nominations exceeded the number required for appointment (i.e. seven Members), the Chairman ordered that a vote be taken by using the Electronic Voting System. The outcome of the vote was as follows:

Mr Tommy CHEUNG	36 votes
Mr Paul TSE	35 votes
Ms Claudia MO	16 votes
Mr Kenneth LEUNG	18 votes
Ms Alice MAK	36 votes
Mr Dennis KWOK	17 votes
Mr CHEUNG Kwok-kwan	36 votes
Mr Tony TSE	36 votes

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38. The Chairman declared that the following seven Members were elected for appointment to the Investigation Committee:

Mr Tommy CHEUNG  
Mr Paul TSE  
Mr Kenneth LEUNG  
Ms Alice MAK  
Mr Dennis KWOK  
Mr CHEUNG Kwok-kwan  
Mr Tony TSE

39. The Chairman suspended the meeting to allow the elected Members to elect amongst themselves the Members to be nominated for appointment as the Chairman and Deputy Chairman of the Investigation Committee.

*(The meeting was suspended at 3:02 pm and resumed at 3:07 pm.)*

40. The Chairman informed Members that Ms Alice MAK and Mr Paul TSE were nominated for appointment as the Chairman and Deputy Chairman of the Investigation Committee respectively. Members endorsed the results of the election of the Chairman and Deputy Chairman of the Investigation Committee.

41. The Chairman said that the membership of the Investigation Committee would be submitted to the President for appointment.

**X. Proposal of 26 Members to seek the House Committee's agreement for Hon Alvin YEUNG to move a motion of no confidence in the President of the Legislative Council at the Council meeting of 27 June 2018**

*(Joint letter dated 15 June 2018 from 26 Members (LC Paper No. CB(2)1632/17-18(01)))*

*(Joint letter dated 21 June 2018 from 40 Members (LC Paper No. CB(2)1666/17-18(01)))*

42. The Chairman said that the letter jointly signed by 26 Members sought HC's agreement for Mr Alvin YEUNG to move a motion of no confidence in the President of LegCo ("the proposed motion") at the Council meeting of 27 June 2018 in addition to the two Members'

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motions without legislative effect that had been scheduled for the said meeting, and also HC's support for seeking the President's permission to dispense with the requisite notice for moving the proposed motion at the said Council meeting.

43. At the invitation of the Chairman, Mr Alvin YEUNG, on behalf of the 26 Members, said that the President had violated the relevant provisions of RoP when deciding on the arrangement for dealing with the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") and presiding over the Council meetings of 6 and 13 June 2018 where the proceedings in respect of the Second Reading debate, consideration by the committee of the whole Council and Third Reading of the Bill were dealt with ("the Council meetings concerned"). In these Members' views, there was no legal basis or provision in RoP which empowered the President to pre-set a timeframe for the conduct of the relevant proceedings on the Bill, to set limit on Members' speaking time, or to put an end to the Second Reading debate on the Bill when some Members requesting to speak had not yet done so. They considered that such decisions made by the President were a serious affront to the rights of Members and against the spirit of RoP. As all of the above had indicated that the President was no longer suitable to hold the presidency of LegCo, there was an urgent need for moving the proposed motion at the Council meeting of 27 June 2018.

44. Dr KWOK Ka-ki and Mr Jeremy TAM expressed a similar view that not only Members of the pro-democracy camp but also Members of the pro-establishment camp should consider whether Mr Andrew LEUNG was suitable to hold the presidency of LegCo. In the views of Dr KWOK and Mr TAM, Mr Andrew LEUNG had not handled the Council business strictly according to RoP, and had failed to safeguard the rights of Members, leading to many Members losing trust in and respect for him. They commented that it was disgraceful to LegCo that the President was incapable and had lost the respect of Members.

45. Mr Holden CHOW, Mr LAU Kwok-fan, Mr CHEUNG Kwok-kwan, Dr CHIANG Lai-wan, Mr LEUNG Che-cheung and Mr Steven HO opposed the moving of the proposed motion. They did not consider that the President had abused his powers or violated RoP in pre-setting a timeframe for completing the remaining proceedings on the Bill. They pointed out that under Articles 72(1) and 72(6) of the Basic Law ("BL"), the President had the power and function to preside over meetings and exercise other powers and functions as prescribed in RoP.

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Furthermore, the Court of Final Appeal ("CFA") had affirmed in its judgment in September 2014 that the President had the power to preside over Council meetings so as to ensure the orderly, efficient and fair disposition of Council business. Dr CHIANG added that according to RoP 92, the President could decide the practice and procedure to be followed in the Council in dealing with any matter not provided for in RoP. These Members took the view that given that Members of the opposition camp had deployed various filibustering tactics, such as making incessant quorum calls, raising so-called points of order and moving a motion for adjournment of debate under RoP 40(1), to obstruct the scrutiny and passage of the Bill, it was necessary and appropriate for the President to exercise his power under BL 72 and RoP to set limits to the debate on the Bill such that the scrutiny of the Bill could be completed in a timely manner and the normal operation of the Council could be resumed.

46. Mr YIU Si-wing and Mr KWOK Wai-keung said that they did not support the 26 Members' proposal. They expressed a similar view that as there were numerous occasions in the past where some Members had filibustered to obstruct the passage of Bills and approval of financial proposals, it was understandable for the President to pre-set a timeframe for completing the remaining proceedings on the Bill. Besides, the President had determined the arrangement for dealing with the Bill with due regard to the past experience of the Council in dealing with controversial bills. Mr KWOK added that if Members of the opposition camp had adhered to the timeframe pre-set by the President, they would have sufficient time to speak on the Bill.

47. Mr AU Nok-hin, Ms Claudia MO and Mr CHU Hoi-dick were strongly dissatisfied with the manner in which the President had presided over the Council meetings concerned and also criticized that the President had abused his powers in the course of presiding over the Council meetings concerned. These Members said that they had lost trust and confidence in the President and the suitability of Mr Andrew LEUNG as the President of LegCo was in doubt. The proposed motion debate would provide a platform for Members to discuss the ethical standard and personal qualities required of the President. Referring to the earlier remarks of Dr CHIANG Lai-wan, Mr CHU pointed out that Members' right to speak during the Second Reading debate on a bill was stipulated in RoP. Mr AU added that he supported the 26 Members' proposal.

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48. Expressing support for the 26 Members' proposal, Mr Charles MOK and Mr SHIU Ka-chun considered that the President had not conducted the Council meetings concerned in a neutral and impartial manner. Mr MOK criticized that Mr Andrew LEUNG had sided with Members of the pro-establishment camp and the Administration, and had, without providing any reasonable grounds, set limit on Members' speaking time and disallowed Members who had not yet spoken during the Second Reading debate on the Bill to speak. Mr SHIU also criticized that the President had failed to listen to views of Members, and had refused to admit or rectify the mistakes in his decisions.

49. Mr CHAN Chi-chuen, Mr LEUNG Yiu-chung and Mr Gary FAN expressed support for the proposal from the 26 Members. Pointing out that Members' right to speak at the Council was enshrined in BL and stipulated in RoP, they criticized that the President had unreasonably limited Members' right to speak during the scrutiny of the Bill in the Council. As RoP had stipulated that Members could speak not more than once and for a duration of not more than 15 minutes during the Second Reading debate on a bill, the President should not arbitrarily put an end to the Second Reading debate on the Bill when many Members requesting to speak had not yet done so.

50. Mr WU Chi-wai, Mr Andrew WAN, Mr LAM Cheuk-ting considered that Mr Andrew LEUNG had failed to duly perform the duties as the President, and might have even acted beyond the powers given to him under RoP. In their views, during the Second Reading debate on the Bill, each Member had the right to speak once for not more than 15 minutes, and therefore, it was totally unacceptable for the President not to allow some Members to do so. The unfair manner in which Mr LEUNG had presided over the Council meetings concerned had undermined the dignity of LegCo. As Mr LEUNG was not suitable to hold the presidency of LegCo, the proposed motion was therefore warranted.

51. Mr Christopher CHEUNG, Mr Jeffrey LAM and Ir Dr LO Wai-kiwok expressed objection to the proposed motion. They stressed that the President had the duty to exercise his powers under BL 72 and RoP to preside over Council meetings and ensure the orderly, fair and proper conduct of the proceedings, and that the relevant judgment of CFA in September 2014 clearly affirmed that the President had the power to set limits to and terminate a debate. In their views, the President had already made appropriate arrangement for dealing with the Bill in accordance with RoP and it was Members of the opposition camp who had deployed various filibustering tactics to obstruct the passage of the Bill.



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52. Mr IP Kin-yuen and Dr Fernando CHEUNG considered that the President had failed to handle the Council business strictly according to RoP, and therefore, the moving of the proposed motion was warranted. Mr IP said that there was no filibustering when the Council was dealing with the Bill and it was very inappropriate for the President to put an end to the Second Reading debate when many Members had requested to speak but had not yet spoken on the Bill. Dr CHEUNG cited the view of Mr Andrew WONG, former President of LegCo, that RoP should restrain instead of enhance the powers of the President. In Dr CHEUNG's view, the President should not have limited Members' speaking time during the scrutiny of the Bill in the Council.

53. Expressing disagreement with the views of Members of the pro-democracy camp, Mr Tommy CHEUNG and Mr Paul TSE considered that as filibusters by Members of the pro-democracy camp had become more frequent in recent years, it was understandable for the President to strike a balance between Members' rights to speak and the efficient conduct of the Council business. Mr TSE also considered that the President had not erred in his handling of the proceedings on the Bill, as RoP did not prescribe that each Member should be allowed to speak at least once for 15 minutes during the Second Reading debate on a bill. The relevant judgment of CFA in 2014 had affirmed that the President had the power to set limits to and terminate a debate. Mr CHEUNG added that the right of Members to speak in the Council was not absolute, and he did not support the 26 Members' proposal.

54. Mr Alvin YEUNG reiterated his views that the President had failed to maintain neutrality when presiding over the Council meetings concerned and to handle the Council business according to RoP. Stressing that the President was the representative of all Members and should be trusted by them, he said that Members of the pro-establishment camp should also consider whether it was suitable for the President to hold the presidency of LegCo, and called on their support for the 26 Members' proposal.

55. Given Members' diverse views, the Chairman put to vote the proposal of 26 Members for Mr Alvin YEUNG to move a motion of no confidence in the President of LegCo, in addition to two Members' motions without legislative effect, at the Council meeting of 27 June 2018. The Chairman ordered a division.

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The following Members voted in favour of the proposal:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Dr Pierre CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin.  
(25 Members)

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, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Jimmy NG, 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, Mr Vincent CHENG and Mr Tony TSE.  
(35 Members)

56. The Chairman declared that 25 Members voted for and 35 Members voted against the proposal and no Member abstained from voting. The Chairman declared that the proposal was not supported.

**XI. Any other business**

57. There being no other business, the meeting ended at 3:48 pm.