

立法會

Legislative Council

LC Paper No. CB(2)305/19-20
(These minutes have been seen by
the Administration)

Ref : CB2/PL/SE

Panel on Security

**Minutes of special meeting
held on Friday, 31 May 2019, at 8:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon CHAN Hak-kan, BBS, JP (Chairman)
Hon James TO Kun-sun (Deputy Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, SBS, JP
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Elizabeth QUAT, BBS, JP
Hon POON Siu-ping, BBS, MH
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
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 YUNG Hoi-yan
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Dr Hon CHENG Chung-tai
Hon AU Nok-hin
Hon Tony TSE Wai-chuen, BBS

**Members
attending**

: Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon WU Chi-wai, MH
Dr Hon KWOK Ka-ki
Dr Hon Helena WONG Pik-wan
Hon Martin LIAO Cheung-kong, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Andrew WAN Siu-kin
Hon SHIU Ka-fai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon Vincent CHENG Wing-shun, MH

**Members
absent**

: Hon WONG Kwok-kin, SBS, JP
Hon Kenneth LEUNG
Hon SHIU Ka-chun

**Public Officers
attending**

: Items I and II

Ms Teresa CHENG, GBS, SC, JP
Secretary for Justice

Mr John LEE Ka-chiu, SBS, PDSM, PMSM, JP
Secretary for Security

Ms Mimi LEE Mei-mei, JP
Deputy Secretary for Security 1

Ms Joceline CHUI Shih-yen
Principal Assistant Secretary for Security SD

Mr Percy LEUNG Siu-to
Assistant Secretary for Security A2

Mr Paul TSANG Keung, SBS
Law Officer (International Law)
Department of Justice

Ms Linda LAM Mei-sau
Deputy Law Officer (Mutual Legal Assistance)
Department of Justice

Miss Sandy SHUM Tik
Senior Government Counsel (Acting)
Department of Justice

Ms Fanny IP Fung-king
Deputy Law Draftsman II
Department of Justice

Mr Peter SZE Chun-fai
Senior Assistant Law Draftsman (Acting)
Department of Justice

Mr Llewellyn MUI Kei-fat
Deputy Solicitor General (Constitutional Affairs)
Department of Justice

Mr Paul HO Wing-kwong
Deputy Director of Public Prosecutions (II)
Department of Justice

Clerk in attendance : Miss Betty MA
Chief Council Secretary (2) 1

Staff in attendance : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Ms Gloria TSANG
Senior Council Secretary (2) 7

Mr Ronald LAU
Council Secretary (2) 1

Ms Kiwi NG
Legislative Assistant (2) 1

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- I. **Proposed Member's Bill entitled "Offences against the Person (Amendment) (Extra-territoriality) Bill 2019"**
(LC Paper No. CB(2)1569/18-19(01))

- II. **Issues relating to the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019**
(Ref : SB CR 1/2716/19, LC Paper Nos. CB(2)1236/18-19(01), CB(2)1355/18-19(01), CB(2)1449/18-19(01) and CB(2)1569/18-19(02))

The Chairman said that having regard to the decision of the House Committee to rescind its decision made on 12 April 2019 under Rule 75(4) of the Rules of Procedure to form the Bills Committee on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bill") and the fact that the Secretary for Security ("S for S") had given notice of resumption of the Second Reading debate on the Bill at the Council meeting of 12 June 2019, the Panel had scheduled five meetings, including this meeting, of 20 hours in total between 31 May and 5 June 2019 for discussion with the Administration on the legislative proposals. The Chairman then referred members to a letter dated 27 May 2019 from 24 Members tabled at the meeting and said that these Members requested the Panel to reschedule this meeting and receive public views on the Bill. He advised that in the light of the purpose of the meeting, it was convened at the earliest possible date. As regards the suggestion of holding meetings to receive public views on the Bill, it would be dealt with later at this meeting.

2. The Chairman further said that as the two agenda items involved similar issues of concern, the discussion on the two items would be combined. Members raised no objection.

3. Mr Alvin YEUNG briefed Members on the background of and need for his proposed Member's Bill entitled "Offences against the Person (Amendment) (Extra-territoriality) Bill 2019" ("the proposed Member's Bill"), which sought to make provision for extra-territorial effect of offences related to homicide and serious offences against the person, and to provide for related matters.

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4. Secretary for Justice ("SJ") briefed Members on the Administration's response to the proposed Member's Bill by Mr Alvin YEUNG. She highlighted three aspects, including the problem of criminal retrospectivity, territoriality principle as well as other practical and operational problems.

5. S for S briefed Members on the latest development of the Bill, and the Administration's consolidated response after listening to the views from all sectors of the society on the Bill.

(Post-meeting note: The opening speeches delivered by SJ and S for S were circulated to Members vide LC Paper No. CB(2)1583/18-19 on 31 May 2019.)

6. Mr Alvin YEUNG did not subscribe to the concern on criminal retrospectivity raised by SJ. He considered that the case of a Hong Kong resident allegedly murdering another Hong Kong resident in Taiwan ("the Taiwan homicide case") could be adequately dealt with by the proposed Member's Bill.

Additional safeguards provided in the proposed special surrender arrangements

7. Dr Priscilla LEUNG welcomed the Administration's proposed amendment to the Bill to raise the threshold requirement for applicable offences from imprisonment for more than three years to "not less than seven years", as well as the proposal to add more restrictions to the activation of the proposed special surrender arrangements ("SSAs"). She did not agree to some sayings that the proposed amendment to the Bill was tilted in favour of the business sector. Instead, the business sector had all along put forward suggestions to improve and refine the Bill. She added that she had maintained close communication with the Administration since the latter's consultation with the Panel on the proposed legislative amendments in February 2019, including the suggestion of narrowing the 46 items of offences specified in Schedule 1 to the Fugitive Offenders Ordinance (Cap. 503) ("FOO") and including only serious offences which were tried at the High Court in Hong Kong, processing surrender requests only from the central authority of the requesting place and enhancing the human rights protection in SSAs. She appealed to the Administration to continue listening to various views and concerns of the society, with a view to further refining the Bill. Dr LEUNG further suggested that for some unfamiliar jurisdictions, consideration should be given to seeking advice from local legal experts before making an arrangement for surrender of fugitive offenders ("SFO").

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8. Mr CHUNG Kwok-pan suggested that to better enhance public understanding of the legislative proposals, the Administration should explain the purpose and content of the Bill in laymen terms. He cited that the Liberal Party had expressed various views and concerns on the legislative proposals during their meetings with the Administration since February 2019, in particular the suggestion of narrowing the 46 items of offences and processing surrender requests only from the central authority of the requesting place. He was glad to note that the Administration had listened to their views and said that the Liberal Party welcomed the proposed additional safeguards in SSAs. He further sought information on the meaning of effective limitation period for prosecution of an offence covered by SSAs.

9. S for S stressed that the proposals in the Bill were not tailor-made for any particular jurisdiction. The additional safeguards proposed to be included in SSAs had taken into consideration the specific views and concerns expressed by various sectors. The application of SSAs was limited to the handling of the most serious offences that were punishable with imprisonment for seven years or more. He pointed out that of the 20 jurisdictions that Hong Kong had signed bilateral SFO agreements with, four jurisdictions agreed to cover 20 to 29 items of offences, seven jurisdictions agreed to cover 30 to 40 items of offences and seven jurisdictions agreed to cover more than 40 items of offences in the respective SFO agreements. Moreover, the additional safeguards in SSAs would be in line with the requirements stipulated in the Model Treaty on Extradition promulgated by the United Nations ("UN"). As provided for under clause 4 of the Bill, SSAs concerned might provide for further limitations in light of the needs of individual cases on the circumstances in which the person might be surrendered. It was also highlighted that the Administration had drawn reference from the international practices and came to the view that the Hong Kong Government should only process surrender requests from the central authority of a place.

10. As regards the effective limitation period on prosecution under the Mainland legal system, S for S pointed out that relevant provisions were stipulated in Article 87 of the Criminal Law of the People's Republic of China ("PRC") and Article 16 of the Criminal Procedure Law of PRC. The provisions were in line with the UN Model Treaty on Extradition and the common law principle adopted in Hong Kong.

11. As the Bill aimed to plug the loopholes in the existing juridical assistance system and uphold justice, Mr Tony TSE was in support of the Bill. However, he pointed out that due to the different legal systems and

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culture between Hong Kong and the Mainland, various professional sectors, including the architectural, surveying, planning and landscape industry, had expressed various worries and concerns on the Bill. He urged for an early response to his earlier letter conveying such concerns to the Administration, and asked whether professional negligence and professional misconduct fell within the items of offences covered by the Bill.

12. S for S said that the Administration would provide a written response to Mr TSE's letter as soon as possible. For professional negligence and professional misconduct, he stressed that under the principle of "double criminality", a person would not be surrendered to another jurisdiction pursuant to an SFO request if such act did not constitute a criminal offence in Hong Kong that was punishable for seven years or more and fell under the categories of offences specified.

13. Dr CHENG Chung-tai pointed out that raising the imprisonment threshold from more than three years to seven years or more for offences to which SSAs applied would mainly exclude sex-related offences, though it was not his primary concern about the Bill. S for S responded that section 153P of the Crimes Ordinance (Cap. 200) stipulated that the provision had extra-territorial effect in respect of some offences, including sexual offences involving victims below the age of 16. This was in line with the UN Convention on the Rights of the Child.

Human rights and procedural safeguards under the proposed special surrender arrangements

14. Dr CHENG Chung-tai expressed concern about the rights of surrendered fugitive offenders during trials, and asked how and whether the Administration would seek to transfer them back to Hong Kong should the requesting party fail to meet the human rights protection in the relevant SSAs concerned. Mr Alvin YEUNG raised a similar concern. Dr CHENG further said that the requirement and admissibility of evidence for proceedings under SSAs in clause 6 of the Bill appeared to be less stringent than those under the existing FOO, which had raised public concern about making groundless accusations in the SFO requests.

15. S for S responded that the Bill mainly involved two amendments, i.e. removing the geographical restrictions of FOO and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) ("MLAO"), as well as providing a mechanism by which the procedures in FOO would apply in relation to SSAs such that the arrangements could be activated by the issue of a certificate by the Chief Executive ("CE"). He stressed that all human rights

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and procedural safeguards, including the standard of evidence, in the existing FOO would be maintained. As the court of committal would hold open hearings, S for S said that the public would have knowledge should the requesting party violate any human rights protection. SJ added that while clause 6 of the Bill sought to provide flexibility for the requesting party in respect of the authentication of documents for admission of evidence, the principle of prima facie evidence in handling SFO requests remained unchanged.

16. Mr Alvin YEUNG was particularly concerned about whether surrendered fugitive offenders would have fair trial on the Mainland. He said that Article 3 of the UN Model Treaty on Extradition stipulated the mandatory grounds for refusal and asked whether similar provisions could be included in the Bill so that the rights of surrendered fugitive offenders would be safeguarded by the court in Hong Kong.

17. Ms Claudia MO said that the international community, including 28 member countries of the European Union, the United States of America, Canada and the United Kingdom ("UK") had officially expressed grave concern on the Bill. She further said that CE, being the head of the Hong Kong Special Administrative Region, was accountable to the Central People's Government of China and cast doubt about the gatekeeping roles of the local court because of the asymmetric relationship between PRC and Hong Kong. As the majority of Hong Kong people lacked confidence in the Mainland legal system, she queried why provisions on additional safeguards, including fair trial and humanitarian treatment, could not be included in the Bill.

18. S for S stressed that the text of SSAs would be submitted to the court of committal, which would hold open hearings, and the public would have knowledge of those arrangements. He added that the UN Model Treaty on Extradition laid down the model text on SFO arrangements. Additional human rights safeguards, such as open trial, legal representation, right to cross-examine witnesses, etc. could be included in SSAs having regard to the circumstances and needs of individual cases.

19. SJ further explained that the additional safeguards in SSAs would be proposed having regard to Article 14 of the International Covenant on Civil and Political Rights. The proposals in the Bill, which were not tailor-made for any particular jurisdiction, aimed to provide flexibility according to the needs of individual cases and the circumstances of different jurisdictions. As provided for under clause 4 of the Bill, more restrictions on the activation of SFO could be provided for in SSAs, demonstrating that the protection to surrendered persons was enhanced. Furthermore, for every single decision of

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CE to act on the SFO request received, the person involved had the right to apply for judicial review and might lodge appeals all the way to the Court of Final Appeal ("CFA"). SJ also pointed out that SFO was underpinned by an international consensus to fight against organized and cross-boundary crimes and to maintain the public safety of Hong Kong. PRC had also processed a number of SFO requests from overseas countries before. She assured members that the Administration would duly follow up the SFO cases with due regard to the interests of the surrendered persons. The surrendered persons could also lodge appeal or litigation according to the laws of the requesting jurisdictions.

20. Mr Dennis KWOK urged the Administration not to use the Taiwan homicide case as an excuse for pursuing the Bill. He cited that Mr Hartmann, former non-permanent judge of CFA, had stated in a case in 2016 that the court was unable to act as the gatekeeper to ensure fair trial. He considered that relevant provisions on human rights safeguards should be included in the Bill, like the UK Extradition Act. As the Hong Kong court did not have the gatekeeping power that the Administration mentioned, Mr KWOK queried how the interests of the surrendered persons could be protected if the Mainland authorities refused to adopt those safeguards.

21. S for S responded that since the enactment of FOO in 1997, no dispute had ever arisen regarding SFO. There was also a fugitive offender being discharged in 2003 because of insufficient evidence. He stressed that a comprehensive review of FOO was not the policy objective of the current legislative exercise. SJ added that the proposed SSAs did not change the human rights and procedural safeguards or other related provisions under the current law. The Administration had adopted extremely stringent procedures in accordance with FOO in handling SFO requests. The court would consider, among others, the principle of "double criminality" and the restrictions in section 5 of FOO, and decide whether to make a committal order for CE to make a decision on the person's surrender request independently and impartially. Under section 13(1) of FOO and clause 4 of the Bill, CE could refuse to surrender the person concerned even if the court made a committal order. By implementing the additional administrative safeguards proposed in the Administration's paper, she hoped that public concerns on the Bill could be eased.

Public views on the Bill

22. As the Administration would propose an amendment to the Bill and provide additional safeguards in SSAs after discussing with some major local chambers of commerce, Dr KWOK Ka-ki criticized that the Administration

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was inclined to the interest of the business sector. He considered that the Bill would seriously undermine the principle of "one country, two systems" and pose negative impact on Hong Kong's capacity as a separate customs territory, and strongly urged the Administration to withdraw the Bill. He added that the Administration should immediately communicate with the Taiwan authorities if it aimed to deal with the Taiwan homicide case.

23. S for S responded that the Administration had been taking moves to communicate with the Taiwan side on its request for the suspect of the Taiwan homicide case in a pragmatic and respected manner, without any preconceived condition and with focus on the case itself only. In addition, the Taiwan side had agreed that the suspect should be brought to justice, and expressed that the door for negotiation on the mutual juridical assistance remained open. He stressed that the Administration would continue to communicate with the Taiwan side and work hard to push forward the cooperation in the case to uphold justice. S for S supplemented that there were other cases involving fugitive offenders which could not be dealt with under the existing legislation. These included, among others, three cases involving homicide in which the victims were Hong Kong residents, and a case in which a Hong Kong resident alleged of committing serious offence in another jurisdiction could not be surrendered to that jurisdiction. Besides, there were also SFO requests which had been rejected by Hong Kong because of the lack of long-term SFO agreements. S for S stressed that the 37 items of offences covered under the proposed SSAs were those related to serious criminal offences and were nothing relating to national security. The Bill sought to ensure that offenders of serious crimes could not evade legal responsibilities and protect the safety of the public. Any amendments to the items of offences specified in Schedule 1 to FOO would be introduced into the Legislative Council ("LegCo") for scrutiny and subject to the negative vetting procedure. It was reiterated that SSAs proposed under the Bill, in respect of human rights and legal procedures, were in line with the UN Model Treaty on Extradition.

24. The Deputy Chairman asked about the number of people joining the public procession on 9 June 2019 such that the Administration would consider withdrawing or postponing the resumption of the Second Reading debate on the Bill. S for S reiterated that the Administration had listened and would continue to listen to the views and concerns from various sectors. Amongst many people he came across, some, including the press and the legal sector, might not have thorough understanding of the provisions of the Bill, resulting in their misunderstanding of and concerns on the Bill. The Administration would endeavour to explain the Bill to ease public concern.

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He stressed that freedom of the press and innovation would not be affected and that under the principle of "double criminality", no one would be surrendered to other jurisdictions for such reasons.

25. In view of the wide public concern on the Bill, the Deputy Chairman, Mr KWONG Chun-yu, Mr LAM Cheuk-ting, Mr Gary FAN, Mr HUI Chi-fung, Dr Fernando CHEUNG and Dr KWOK Ka-ki took the view that the Panel should hold meetings to receive public views on the Bill.

26. Mr CHEUNG Kwok-kwan and Dr Priscilla LEUNG said that members' views on the need to hold meetings to receive public views could be gauged by circulation of paper after the meeting.

27. The Chairman said that the main purpose of this special meeting was to discuss issues relating to the Bill. As Ms Claudia MO had indicated intention to move a motion regarding receiving public views on the Bill by the Panel, the subject would be put to vote.

Other issues

28. Mr Michael TIEN said that he had sent two letters to CE raising his concerns on the Bill, but nil reply had been received thus far. He considered that the Administration should withdraw the Bill and introduce a separate piece of legislation to deal with the Taiwan homicide case only, such that the proposals in the Bill could be discussed more thoroughly at a later stage. He sought clarification as to whether the Taiwan homicide case could be properly dealt with by removing the geographical restrictions from FOO and MLAO.

29. S for S responded that the Bill aimed to handle the Taiwan homicide case and, at the same time, plug the loopholes in the existing juridical assistance system. The Administration would make a consolidated response to concerns raised in Mr TIEN's letters in due course.

Motions

30. The Chairman said that Ms Claudia MO and Mr Alvin YEUNG had respectively indicated intention to move three motions under agenda item II. He ruled that the motions were directly related to the agenda item in accordance with Rule 22(p) of the House Rules. He said that the motions would be proceeded with and voted on in the order in which they were presented to the Panel.

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31. Ms Claudia MO moved the following motion:

"本會要求律政司司長務必全程參與有關逃犯條例修訂的答問(包括未來立法會大會的審議工作)，不應迴避有關條例修訂的法律爭議。"

(Translation)

"This Panel requests the participation of the Secretary for Justice throughout all question and answer sessions on the amendments to the Fugitive Offenders Ordinance (including the scrutiny by the Council meeting of the Legislative Council in future) as she should not evade legal disputes concerning such amendments."

32. The Chairman put Ms MO's motion to vote. Members requested a division.

The following members voted in favour of the motion:

Mr James TO, Ms Claudia MO, Mr CHAN Chi-chuen, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr LAM Cheuk-ting and Dr CHENG Chung-tai. (9 members)

The following members voted against the motion:

Mr Jeffrey LAM, Ms Starry LEE, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr Paul TSE, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Mr Jimmy NG, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan and Mr Tony TSE. (21 members)

33. The Chairman declared that nine members voted in favour of the motion and 21 members voted against it. He declared that the motion was negated.

34. Ms Claudia MO moved the following motion:

"鑒於本會能以極快速度召開特別會議，以配合政府把逃犯條例修訂審議工作繞過法案委員會而直上大會，本人建議本會未來涉及有關條例的會議或特別會議中，必須安排時間充沛的公聽會，聽取公眾意見。"

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(Translation)

"Given that special meetings of this Panel can be convened at extremely short notice to keep pace with the Government's attempt to bypass the Bills Committee and thrust the scrutiny of the amendments to Fugitive Offenders Ordinance to the Council meeting of the Legislative Council direct, I suggest that public hearings allowing sufficient time to hear public views be arranged whenever Panel meetings or special meetings on the legislative amendments are to be held in future."

35. The Chairman put Ms MO's second motion to vote.

The following members voted in favour of the motion:

Mr James TO, Ms Claudia MO, Mr CHAN Chi-chuen, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Dr CHENG Chung-tai and Mr AU Nok-hin. (10 members)

The following members voted against the motion:

Mr Jeffrey LAM, Ms Starry LEE, Mr CHAN Kin-por, Mr Paul TSE, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Mr Jimmy NG, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan and Mr Tony TSE. (20 members)

36. The Chairman declared that 10 members voted in favour of the motion and 20 members voted against it. He declared that the motion was negated.

37. Mr Alvin YEUNG moved the following motion:

"鑑於政府提出的《2019年逃犯及刑事事宜相互法律協助法例(修訂)條例草案》中的人權保障不單未達國際標準，連達到香港《人權法案》對於法治的要求亦沒有保證，本事務委員會要求政府在條例草案中加入更全面的人權保障。"

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(Translation)

"Given that the human rights safeguards under the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bill") fall short of the international standard, not to mention the fact that there is no guarantee of fulfilling the requirements of the rule of law under the Hong Kong Bill of Rights, this Panel requests the Government to add more comprehensive safeguards for human rights in the Bill."

38. The Chairman put the motion to vote.

The following members voted in favour of the motion:

Mr James TO, Ms Claudia MO, Mr CHAN Chi-chuen, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Dr CHENG Chung-tai and Mr AU Nok-hin.
(10 members)

The following members voted against the motion:

Mr Jeffrey LAM, Ms Starry LEE, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr Paul TSE, 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 POON Siu-ping, Mr Jimmy NG, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan and Mr Tony TSE. (22 members)

39. The Chairman declared that 10 members voted in favour of the motion and 22 members voted against it. He declared that the motion was negated.

40. There being no other business, the meeting ended at 10:46 am.