

中華人民共和國  
香港特別行政區政府  
政務司司長辦公室



CHIEF SECRETARY  
FOR ADMINISTRATION'S OFFICE  
Government of the Hong Kong  
Special Administrative Region  
of the People's Republic of China

8 January 2016

The Hon Jasper Tsang Yok-sing, GBM, GBS, JP  
President  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

*Dear President,*

### **Legislative Council Sitting of 6 January 2016**

I write to express the Government's deepest regret on the yet another abortive meeting that happened yesterday. This, in our view, reflects the dysfunctional state that the Legislative Council (LegCo) is in at the moment.

Since the beginning of this LegCo session, the Council meeting has been aborted on three occasions due to the lack of a quorum, with the latest one just took place yesterday. What marks yesterday's abortive meeting was the conspicuous absence of all the pan-democratic Members when the quorum was found to be insufficient. Such behaviour of our legislators has failed to meet the expectations of the community, and as you have rightly pointed out to the media, is unacceptable.

As we are all aware, the primary functions and responsibilities of our legislature are, among others, to enact, amend or repeal laws. Legislators shall not be able to discharge their duty if they do not engage themselves in debate during the Council proceedings but instead resort to the annoying tactic of calling for quorums. Counting from the start of the current legislative session, some 34 hours have been spent on 168 quorum

calls. Since the resumption of Second Reading debate of the Copyright (Amendment) Bill 2014 on 17 December 2015, there have been 66 quorum calls and some 14 hours wasted. The present situation has seriously undermined public perception of the legislature, let alone fruitful deployment of government officials' time and energy.

I have to say that some of the pan-democratic Members' pretext for delaying the processing of the Bill through LegCo is totally unsubstantiated. The Copyright (Amendment) Bill has gone through the due process of public consultation and Bills Committee's deliberation. The Commerce and Economic Development Bureau and the Intellectual Property Department met with the content industry and netizen groups separately more than 20 times each side. The legislative proposals were discussed in great detail and the current Bill represents the consensus built up over the years and represents a balanced package. Its early passage would benefit copyright owners, users and online intermediaries in different, significant ways, and is in the best overall interest of Hong Kong.

There are now less than six months left before the end of this LegCo term. Apart from the Copyright (Amendment) Bill 2014, the Bankruptcy (Amendment) Bill has been put on the agenda since 16 December 2015 pending resumption of second reading debate and third reading. Another 18 bills are under the scrutiny of LegCo, of which some are livelihood related such as the Property Management Services Bill and the Fixed Penalty (Public Cleanliness Offences)(Amendment) Bill 2016; while others seek to enhance Hong Kong's business and financial market competitiveness such as the Inland Revenue (Amendment) (No. 4) Bill and the Financial Institutions (Resolution) Bill. The Government also plans to introduce at least two more bills into LegCo in the remainder of the current legislative session.

If the current state of affairs is allowed to continue and the Council proceedings are to be run at the current rate of dysfunctionality, I am concerned that many of these important legislative proposals are unlikely to be passed by the end of this session. Should that happen, LegCo would have to account for its actions to the community.

The Government attaches great importance to co-operation with LegCo. I sincerely hope you would continue to work with your fellow Members to rectify the situation.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Carrielam".

( Mrs Carrie Lam )  
Chief Secretary for Administration