

2011年5月11日立法會會議過程正式紀錄的節錄

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根據《中華人民共和國香港特別行政區基本法》第七十五條動議的擬議決議案

譚耀宗議員：代理主席，我謹以議事規則委員會主席的身份，動議通過關於修訂《香港特別行政區立法會議事規則》（“《議事規則》”）的第一項擬議決議案。

《議事規則》第44條訂明，立法會主席或任何常設委員會或專責委員會的主席在規程問題上所作的決定為最終決定。《議事規則》第45條進一步訂明，立法會主席或任何常設委員會或專責委員會的主席，有權命令不斷提出無關的事宜或冗贅煩厭地重提某論點的議員不得繼續發言，並命令行為極不檢點的議員立即退席。

大部分議事規則委員會委員認為，鑒於議員在委員會會議中行為不檢的情況越來越頻密，現時立法會其他委員會(如事務委員會、法案委員會及小組委員會)的主席，只可就議員在委員會會議中行為不檢採用下述其中一項或多項做法，包括勸諭有關議員不要繼續作出這種引起爭議的行為，以及可將會議暫停，讓爭議和緩平息。但是，這些做法再不能確保委員會暢順運作。大部分議事規則委員會委員認為，雖然有關的主席可暫停會議，但暫停會議對委員會的工作造成極大干擾。會議恢復進行後，如果有關議員繼續作出不檢點的行為，主席可能別無他選而需要再次暫停會議，讓該名議員冷靜下來。他們認為《議事規則》第44及45條的適用範圍，應該延伸至立法會的所有委員會。議事規則委員會副主席吳靄儀議員則認為這種做法，可能導致更多衝突或對抗，這將不利於該等委員會的暢順運作。

議事規則委員會建議修訂《議事規則》第44及45條，以將該兩條規則的適用範圍延伸至立法會的所有委員會。內務委員會於2011年4月15日的會議上，曾就有關議題進行討論。在會議上，議員就應否一併修改《議事規則》第45(1)及45(2)條表達了不同意見。第45(1)條訂明，立法會主席或任何常設委員會或專責委員會的主席有權命令不斷提出無關的事宜或冗贅煩厭地重提某論點的議員不得繼續發言。第45(2)條則訂明，如議員行為極不檢點，立法會主席或任何常設委員會或專責委員會的主席有權命令該議員立即退席，不得繼續參與立法會或委員會的該次會議。

這項擬議的決議案旨在修訂《議事規則》第44及45(2)條，把第44及45(2)條的適用範圍應延伸至立法會的所有委員會。第二項擬議的決議案旨在修訂《議事規則》第45(1)條，把第45(1)條的適用範圍應延伸至立法會的所有委員會。

以下是我對擬議決議案的一些意見。

代理主席，這一屆立法會總共發生了28次議員作出不檢行為的事件，包括在會議上擲香蕉、“掃檯”、拋擲各種物件、破壞議會秩序，或是用一些冒犯性或侮辱性的言論及言詞來攻擊公職人員等。單是今年首3個月，已發了4次投擲物件事件。立法會整體的公眾形象，因而受到拖累，立法會的正常工作亦受到妨礙。此外，亦影響行政立法關係，因為每次有議員在立法會內衝擊政府官員，政務司司長都會致函給立法會主席，希望立法會主席採取行動，而立法會主席會把這些信件轉交我，而我身為議事規則委員會主席，要跟進的這類信件多達7至8封。

面對這些變化，公眾普遍有一種看法，認為應該收緊立法會《議事規則》。過去數年，議事規則委員會亦曾經進行過4輪探討，並因而舉行了多次會議並徵詢議員意見。但是，結果大家有目共睹，雖然有不少議員要求收緊，但也有部分議員不為所動。在今年3月2日立法會就針對行政長官及公職人員的暴力行為的休會待續議案辯論中，大家都清晰看到，有些主要黨派認為現時的《議事規則》沒有甚麼問題，不需要作出修改，或認為條文已經作出足夠規定；亦有一些議員認為暴力行為只是擾攘數分鐘，任由他擾攘一會兒，大家忍耐一下便算了。有的甚至很風趣地表示，有時候做一些行為，有可能達到提神作用，並認為沒有甚麼大不了。

議事規則委員會研究過很多其他立法機關，當它們的成員屢次或不斷出現一些不檢點行為的時候，有甚麼規管、有甚麼做法。我們看到澳洲、英國或我們鄰近地區的台灣，立法機關可以向屢次違規的議員施加停職期。澳洲國會的停職期由24小時至3次會議，以至7次會議不等。英國國會方面，如果議員是首次及第二次違規，停職期則是5個會議日或20個會議日，及後再違規，停職期便由議會決定，甚至可以是整個會期餘下的時間。至於台灣方面的立法委員，則可以被停職4至8次議會會議或3至6個月。在英國和台灣，被停職的議員在停職期間會被暫停薪酬。

對於規限議員攜帶危險物件或表演道具或妨礙他人的標語方

面，台灣的立法院明文禁止攜帶危險物品進入議事廳。英國、澳洲、新西蘭及加拿大，則以議長的裁決所建立的慣例來作出限制。這些立法機關一律不准使用對於其他議員構成不便，或妨礙會議進行的輔助工具。

然而，較諸這些國家和地區在議會的有關規定，香港立法會在這方面沒有甚麼直接限制。議員即使不聽從主席的指示，因行為極為不檢點而被逐出會議廳，亦沒有進一步的懲處。

我剛才提到會把今天由我所提出的決議案分為兩部分，原因是有些議員對於將第45(1)條延伸至所有委員會有所保留。這項修訂其實只是賦權給其他委員會的主席，可以命令不斷提出無關事項或煩厭地重複論點的議員退席。他們擔心主席的權力太大，影響到委員發言的自由。但是，我認為這種擔心是有點過慮。發言內容跟議程是否無關、論點是否重複，完全是客觀的問題，每個有基本理解能力的人都可以得出相同的結論。所以，並不存在執行上的困難。何況多年來立法會主席的親身示範，亦提供了充足的範例。況且，重複發言或離題的議員只要言歸正傳，便可以繼續發言。所以，相比起第45(2)條的退席令，第45(1)條的要求，我認為根本很合乎情理。

所以，我認為如果大多數議員都支持修訂第45(2)條，我亦希望他們能夠同樣支持修訂第45(1)條。

本人謹此陳辭，希望大家能夠支持這兩項決議案。

多謝代理主席。

譚耀宗議員動議的議案如下：

“議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

對《香港特別行政區立法會議事規則》的修訂

1. 修訂第44條(主席決定為最終決定)
第44條 —
廢除
“常設或專責”。

2. 修訂第45條(立法會及委員會會議中的秩序)

第45(2)條 —

(a) 廢除

“常設或專責”；

(b) 英文文本 —

廢除

“clerks of any committees”

代以

“clerk of any committee”。”

代理主席：我現在向各位提出的待議議題是：譚耀宗議員動議的第一項議案，予以通過。

吳靄儀議員(譯文)：代理主席，這項決議案及下一項決議案的擬議修正案看似不太重要，但兩項決議案實質上甚為重要，涉及《議事規則》的根本原則及本會的運作方式。

首先，讓我開宗明義表明，我們有必要確保本會會議過程秩序井然，議員舉止行為恰當，這樣立法會才能正常運作，才能令香港特別行政區立法機關對市民有公信力。

一如其他議員及市民，我關注到管制行為舉止的規則一再受到挑戰。在多次會議上，主席的命令遭到蔑視和反抗，結果只能不體面地動用武力才得以執行，對此我深感不安。我並不擔心這些行徑為兒童豎立壞榜樣，但更嚴重的是，這是一個關乎邏輯和義務的問題。如果主席不能保證我們可在會議廳內安全通行，我們怎可合理地要求任何官員或市民出席立法會會議呢？

同樣地，我也明白，有議員屢次違規，但顯然獲豁免不受懲處，公眾因而不斷施壓，要求“收緊”規則以遏止這種行為。

問題清晰不過，但修訂《議事規則》是否就可以解決問題？我認為不可以。第一，我們應該區別規則的執行。最為人所知的不檢行為都在立法會會議進行期間發生。今天擬議的修正案與立法會會議無關。在現有規則下，立法會主席已獲賦予權力；問題是如何能更有效及迅速地應用及執行《議事規則》。立法會行政管理委員會現正積極

處理這事。擬議修正案向所有委員會的主席賦予相同的權力，我不清楚這做法如何能釋除公眾的疑慮。

一些市民建議，應制訂新規則以懲處行為不檢的議員，禁止他在數星期內出席立法會會議，同時扣減他們的薪酬。我們的研究顯示，英國下議院確實有這樣的權力，但卻不是按照議長的命令執行，而是由另一位議員動議議案，獲下議院通過後才能執行。

下議院這種顯然奇特的程序說明一項基本原則：權力不應施加於地位相等的人身上。為了方便辯論，訂立規則准許一位議員對另一位議員行使權力，這做法合乎情理。今天，我們在投票之前必須撫心自問，擬議修正案能否滿足這項要求。

正如我先前所說，擬議修正案看似不重要，只是從《議事規則》第44、45(1)及45(2)條中刪除一些字眼，包括3個英文字和5個中文字。不過，實質的意義是，不再把立法會主席、全體委員會主席或任何常設或專責委員會主席的權力，與任何其他委員會(如事務委員會、小組委員會及法案委員會)主席的權力加以區分。根據現行規則，前者有權命令行為不檢的議員立即退席，但後者卻沒有這種權力。

我想補充一點，3項修正案是互相關聯的。讓我們倒序來看，《議事規則》第45(2)條容許主席命令行為極不檢點的議員退席；《議事規則》第45(1)條訂明，如有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，而且在主席指示不得繼續發言後拒絕停止發言，便犯有嚴重行為不檢；《議事規則》第44條則訂明，主席就有議員違反《議事規則》第45(1)或(2)條所作的決定為最終及無可質疑。這些權力是嚴苛的，對這些權力作出限制是正確和恰當的做法。

為何一類委員會獲賦予這種權力，但另一類委員會卻沒有？我認為這不是一種任意的安排，當中涉及原則和準確判斷的問題。

《立法會議事規則》源自下議院的《會議常規》，《會議常規》同樣把委員會區分兩類。《會議常規》第42條(類似《議事規則》第45(1)條)及《會議常規》第43條(類似《議事規則》第45(2)條)下的權力，只可由議長及下議院全體委員會或常設委員會主席行使，但不可由任何其他主席執行。有關的區別在厄斯金梅(Erskine May)所編一書第27章的開首載明：委員會分為兩類，一類以辯論形式舉行會議；另一類的工作是取證、審議及提交報告。這些權力只適用於進行辯論的

委員會。換句話說，這類委員會處理正式質詢(議案或法案)、就這些事宜進行辯論及有需要時以投票方式進行表決。另一類委員會則聽取建議，進行討論以審議這些建議及有適當時向內務委員會提交報告，但所作的決定不具任何約束力。這類委員會所提交的報告，在適當時會在立法會會議上進行辯論。

根據研究結果，沒有其他地方的議會會向負責審議的委員會的主席賦予擬議修正案所載的權力，而我們考慮的正是這種權力。

我清楚瞭解到，決策委員會主席有權行使《議事規則》第44及45條所訂的嚴苛的權力，以執行辯論規則，這是必要和適當的做法。議長或主席須確保下議院正式會議秩序井然及議員行為舉止恰當，同時亦要顧及議會的尊嚴。這些考慮因素不適用於負責審議工作的委員會及小組委員會。

代理主席，這不僅是名稱上的區別；也不僅是盲目借鑒現時被視作外地的司法管轄區的做法。這種區別強調了我們兩部分的功能互為補足，並顯示我們履行職能的方式。我們就不同的意見進行辯論，並按政黨的路線作出表決，但我們超越黨派界限，合作進行調查及審議工作，容納彼此間的不同路線。在制訂報告時，我們明白團結就是力量，有關西九龍文娛藝術區報告及多份專責調查委員會報告便可一再證明議員間的合作。雖然辯論更能引人注意，但我認為委員會的工作往往取得更大成效。順帶一提，下議院使用“專責委員會”的名稱，即我們的“政策事務委員會”，而下議院部分立法程序是在常設委員會進行的，因此常設委員會亦進行辯論。

簡言之，我們取證及進行審議，然後進行辯論及作出決定。這些修正案漠視這種區分，輕率提出建議，等同承認議員之間未能合作，展開全面辯論。現時的議會欠缺耐性，不容許我們花時間真正交換意見，以期達成最大的共識，反之只着眼於即時進行辯論，各自表達立場，最後投票決定。這離開真正的民主精神多麼遠，我無法說明。

這讓我想起《愛麗絲夢遊仙境》中的審訊。在讀出指控後，國王隨即向陪審團說：“作出裁決”。兔子連忙打斷國王的話，並說：“還沒有、還沒有”。“還有很多事情需要處理！”。代理主席，本會是否還有很多事情需要處理呢？

讓我們暫時不談原則、憲法功能和職責。即使我們單單考慮實際情況，也應反對這些修正案。這些修正案既無必要，也不具實效。委員會只需休會幾分鐘，便可處理有關行為不檢的問題，因此沒必要作

出修訂。此外，要議員溫順地服從主席的命令退席，我認為可能性不大，因此這些修正案不具實效。若在職員協助下強行將議員逐出會議室，所引致的騷動只會變成鬧劇，無助維護議會尊嚴。

事實上，我相信若主席下令議員退席，有關的議員很大可能會對抗，議員之間的芥蒂難以磨滅。在這種情況下，我們不可能建立合作與達成共識。

由於這些額外權力既不具實效，也無必要，我認為沒有任何理由採納有關建議。規則不能確保行為端正，只有尊重規則和制度才能讓人養成良好的行為習慣。

最後，我想提出一點，當數位議員堅持向官員亂扔東西，當議員獲准肆無忌憚地互相表示輕蔑，以及當議員獲准不斷作出辱罵和人身攻擊，我們的《議事規則》將會崩潰。

我不知道在這種語言環境下，如何進行理性的辯論。不過，如我們要履行職責，包括為香港的福祉而制訂有原則和理智的長期公共政策，便要進行理性的辯論。我長期擔任立法會議員，看到這種情況真使我感到非常悲痛！

雖然理性可能已無關重要，但我希望反對這項議案的理由能夠記錄在案。我想補充一點，我提出反對與公民黨的立場絕無關係，因為《議事規則》應凌駕於政治之上。

謝謝。

何俊仁議員：代理主席，我剛才說我們今天這個決定並非政治考慮，並非黨派利益，所以我希望吳靄儀議員不要誤會。我們也是在說原則……

(黃毓民議員走到何俊仁議員面前指罵他)

代理主席：黃毓民議員，請坐下。

何俊仁議員：代理主席……

黃毓民議員：你說甚麼原則？你是甚麼民主派？你帶頭收緊《議事規則》，算甚麼民主派？

代理主席：黃議員，請坐下。現在是何俊仁議員發言的時間。何議員，請繼續。

何俊仁議員：代理主席，在議事規則委員會的多次會議中，一直也有很多意見覺得須擴大不只是某個委員會主席的權力，甚至是大會主席的權力，譚耀宗議員剛才引述了各種外國議會的例子。可是，在每一次會議中，我們也很清楚表述，在香港的政治環境，以及在我們今天的政治架構下，我們不能接受這類權力。至於箇中原因，大家是知道的。

當然，如果是一個民選……即譚耀宗議員所說，很多議會也是民選產生的，但我們今天這個議會的結構，我無需在此多說了。我們相信，不只是這個議會，即使社會也不會放心把類似英國或澳洲等國會議長所享有的權力交給我們今天的大會主席，讓他行使。

此外，今天所動議的兩項修訂，正如有同事剛才說，在增加權力方面，第一，修訂是相當輕微的，所賦予的權力亦有限；第二，對於把一些常設或專責委員會主席的權力跟一些其他委員會主席的權力看齊，代理主席，我們考慮到儘管這些權力已備受批評為非常有限，但我們覺得為了讓會議能正常進行，這些權力仍然是必需的。

大家可以看到，現在只是修訂第45(2)條有關行為不檢的部分。大家知道，以往即使大會主席，在他行使這權力時，也會先作出勸諭甚至給予警告，最後才作出要求議員離席的決定。

(主席恢復主持會議)

看到這些情況出現，令我感到遺憾，但我理解有些議員是故意以這種方式表達，他們甚至寧願冒着被驅逐離開會場的風險或壓力也要那樣做；他們有他們的政治考慮，也瞭解到他們要為每一種行為向整個社會交代和負責。在一個民選的環境下，選民會透過投票，表達他

們對那些行為的評價。

可是，無論如何，這種權力只是規限於當出現行為不檢的情況，主席覺得無法繼續維持會議時才行使的。我覺得這項權力雖然有限，但為了讓會議能繼續進行，也還是有必要的。既然大會主席、常設委員會主席、專責委員會主席均享有這種有限的權力，確保會議能夠順暢進行，我便看不到為何立法會內其他委員會的主席，包括事務委員會主席，不應享有同等的權力。

當然，我瞭解不同的委員會有着不同的權力，例如事務委員會只是議事，沒有決策權，但任何公開議事的會議能否有序、暢順地進行，尤其是那些觀眾可以透過大眾傳播直接收看的會議，便會涉及整個會議的尊嚴、公眾的期望及社會的知情權。所以，這些會議能夠正常進行，即使最終未必能夠達成一個具法定效力的決定，但也絕對具有同樣的重要性，參與者享有同樣的尊嚴，公眾也可有同樣的期望。基於上述論點，我覺得同樣地把權力交予其他委員會的主席，以確保會議能夠正常進行，此舉是應該的，也是可以接受的。

然而，主席，第45(1)條的情況則不同了，那是涉及主席須裁定發言的議員是否不斷重複作出與議題不相關的發言，甚至是作出冗長、煩厭的發言。主席，這是非常主觀的判斷。

各位議員皆有其表達的方式，有些喜歡藉哲學、歷史、個人感受等帶出觀點，只要不是到了我們一般理解的行為極度不檢的程度，不是阻礙會議進行，甚至極度冒犯他人，為何不可給予議員最大的自由度，讓他們按自己選擇的方式表述呢？反正現在很多時候，在會議上的發言時間也是有限的，3分鐘、5分鐘，即使要多發言1次，也是有限制的，那麼，為何要把一項困難的工作完全交予主席，由他決定某些議員的發言是否煩厭？所以，我們想得很清楚，覺得就第45(1)條作出的修訂完全沒有必要，也不能接受。

基於上述兩點考慮，民主黨今天將會接受其中一項有關就第45(1)條作出的修訂，讓常設委員會主席、專責委員會主席及其他事務委員會主席在有限的、特定的情況下，行使管理會議的權力，在逼不得已時可以因為有關的議員行為不檢，要求他離席。至於其他的修訂，我們將會表決反對。

梁美芬議員：主席，專業會議在今年的3月4日至3月6日就《議事規則》應否收緊的問題訪問了606名市民，其中的3項調查代表了我們對

此問題的看法。

對於經常在電視看見的議會騷亂情況，約有70.8%的受訪市民對此非常反感。在受訪的市民中，對於議員在立法會的“擲蕉”、擲樽或撒錢等行為，約有83.9%，即508人out of 606人，表示非常不同意或不同意。

就立法會是否需要加強《議事規則》，進一步規管立法會在議政時不可用這些過激行為，有74.7%的市民表示同意或非常同意。我們為何會進行這項民調呢？因為這個問題已討論了差不多兩年，但基本上，我們(尤其是專業會議)並沒有表達過是否有此需要。可是，很多我們所代表的市民及我們在落區時所遇到的市民，均希望我們能就着這個問題做點工夫。所以，我們希望看看，在客觀上，究竟普通市民是如何看待這個問題的。

這項民調結果顯示，大部分香港市民均不贊成議員在立法會使用過激或經常以騷擾性的行為來表達意見，他們亦希望我們的議會不要動不動便在討論問題時休會，他們覺得這是很煩厭的事。

我們覺得這項民調結果其實帶出了一些問題。我想，有議員在本屆議會的早期做出這些過激的行為，可能有些市民覺得反感，也有些市民覺得很新鮮，這不足為奇；但久而久之，大家已不能再容忍這些行為，由新鮮變成反感。我很明白，我們均希望香港社會有言論自由，這個主流價值觀一定沒有人會反對的，每一個人均希望我們有最大的表達言論空間。作為立法會議員，在賦予我們特權的條例下，我們有很多言行是不會遭受法律懲處的。然而，議員作為一個公眾人物，在議事堂及鏡頭前的一言一行，其實是會影響香港整體社會，特別是對年青人、下一代有着深遠的影響。

就《議事規則》而言，我認為議事規則委員會的討論當然重要，但更重要的是，我認為所謂的《議事規則》是由議員自己訂立，沒有議員能強迫另一位議員怎樣行事。《議事規則》會影響議事文化，而立法會的議事文化，除了影響議員議政的氣氛及權利外，亦影響香港社會的文化。我個人並不同意，大家因為對政治制度有不同的看法及認為現時的政治制度欠佳，便把這些行為合理化。我認為，議事文化與選舉制度並無必然的關係。

就這問題，我亦有在議事規則委員會中提出了個人的意見。其中一項意見是，我們可以仿效其他國家，使用紅牌、黃牌的機制。其實

這個方法不會剝奪言論空間，我們照樣可以表達我們的意見，但懲罰上有紅牌、黃牌，表示程度上的分別。

我個人認為，澳洲的方法較佳。如果第一次違規，議員須停職24小時，即1天；第二次違規，停職期為3次會議，這已是一個很大的懲罰，因為議員最重要的工作是議政。而出現第三次違規時，議員可被罰暫停參與連續7次的會議。我參閱不同國家處理其議事規則及違規行為的方法後，認為澳洲的紅牌、黃牌機制比扣薪的懲罰方式為佳。

我們是立法會的一部分，這建議純粹是我們對現時在立法會出現的議事文化的表態，就是希望《議事規則》能作出修訂。我當然希望香港的立法會是一個莊嚴、文明及使香港人驕傲的立法會，因此，我再次重申，我不認同某些人以不能實現自己的理想政治制度為由，而把這些行為合理化。為着理想的政治制度，我們絕對不應把這種行為合理化。

事實上，在過去半年裏，市民對有關情況的反對聲音大增。如果大家說要聽取市民的意見，我相信這便是代表普羅大眾或沉默大多數的聲音。我謹此陳辭。

陳偉業議員：主席，今天討論《議事規則》的收緊及有關議案的通過。除了“偽政改方案”通過的那一天，今天可以說是回歸後這議事堂內其中最黑暗的一天。今天有關收緊《議事規則》的議案也是繼民主黨投共後，另一次進一步限制議員言論及行為自由的行動，亦局限或控制了抗爭的手段。

主席，“擲蕉”及“掃場”事件，一件發生在兩年前，另一件則發生在差不多1年前。在這兩件事情發生之後，社民連與公民黨啟動了“五區公投”。在去年5月，我當時參選時便開宗明義地說明，我會在議會內外抗爭，亦會延續以往抗爭的手段。這個承諾和論述，得到了10萬名選民的支持，令我重回議會。在議會內外進行抗爭，得到了選民的認同和授權。

今天在這個議事堂內，不單功能界別議員一面倒地支持加強限制，連民主黨竟然也無耻地支持這種限制。這種限制是攔了10萬名投我一票的選民一巴掌。這羣選民透過投票，授權我在議會內外進行抗爭。因此，議會這次通過有關修訂，可以說把香港民主政制發展帶進黑暗。

主席，有關“擲蕉”、“掃場”，或擲“陰司紙”……我當初應該送少許給梁美芬議員，讓她好作紀念；可能沒有送給她，所以她感到不高興。有關議會內外的抗爭，很多議員引用了很多外國的例子——英國、美國、加拿大、澳洲、新西蘭。然而，這些國家的議會是由民主選舉產生的，而並非由一些被中央任命的“狗奴才”及由小圈子選舉產生的議員所操控的。大家均知道，過去許多次要在這議事堂進行投票前，特別在一些重要的時刻，在前廳裏，有人便不斷與中聯辦的人談電話或收取消息，或收取指示。在1997年前有這情況，而1997年後亦屢有發生。因此，在這個議事堂裏，不少議員的投票決定並非基於人民的利益，而是基於主子的指示。

因此，我當初與“毓民”多次透過選舉強調在議會內外抗爭，目的便是要抗議這個議會不公義的一面。這個議會缺乏民意的授權和代表性，令許多政策不斷被扭曲。我們採用抗爭的手段，便是要凸顯這個議會的不公，代表市民發出憤怒的聲音。

主席，我希望議員清楚瞭解，在現時香港這個社會裏，普羅百姓、一般羣眾，並沒有渠道表達他的憤怒。面對這個政府、面對某些政黨，特別是那些欺騙選民，選舉時承諾一套但在選舉後卻又欺騙選民，違背政綱的政黨，市民是沒有渠道表達他們的憤怒的。

我昨天在荃灣麗城花園進行有關鐵路發展的問卷調查。有一位中年男士走過來，他說：“‘大嚟’，我以前很討厭你們‘擲蕉’、‘掃場’。我有很多朋友是中產專業人士，他們均很反對和不喜歡這種做法。然而，最近看到政府的表現，便覺得你擲得對、做得對。”市民亦看到政府無能、無耻的表現，看到很多無耻政客的嘴臉。市民的憤怒是在不斷上升的。“擲蕉”、“掃場”的目的是透過行動來反映市民的憤怒。這是有一定的社會效果的。

很多人指責我們，說我們的目的是搏取曝光率和選票。然而，如果這些行為能得到選票，為何那些大政黨不跟着做呢？明顯地，它們覺得這些行動會受選民唾棄，故此它們不願意仿效，以免喪失選票，讓我們這些人來做“醜事”。我們因為要凸顯這個議會的不公義，而做出一些很多所謂“君子”、“淑女”議員不屑做的行為。我們透過這些行為來凸顯某些政治現象、信念，以及政府不當的措施。這種行為，有助民怨的宣泄，亦有助社羣矛盾對立壓力的減少。任何抗爭性的行為、任何對政府表露不滿的行為，如果是市民認同的話，多少也有助

他們發泄及宣泄心中的憤怒。

如果你們要堵塞這些發泄渠道的話，我便要發出一個很嚴重的警告：你們會製造更大的機會，令民怨、民憤進一步加劇，因為市民現時已失去了發泄的途徑和機會。若這種壓力越積越大，便可能會出現更激烈的政治及社會抗爭。例如在美國，在1960年代時便有馬丁路德·金的和平抗爭運動，亦有黑豹黨的暴力，暗殺聯邦警探、放火燒毀貨倉及炸毀寫字樓。若你們把一些正當抗爭行為，或只是你們感到不滿意及認為有滋擾性的抗爭行動加以壓制，市民的憤怒便會沒有地方宣泄，最終必然走向更暴力的抗爭行為。

主席，自1997年回歸後的十數年以來，政治“金剛箍”的操控一直不斷收窄：臨立會、人大釋法、重新引入區議會委任制度、第二十三條嘗試立法、強行通過截聽條例、選擇性檢控所謂的非法廣播、曾德成局長干預志願機構，使一名社工被解聘、警方沒收民主女神像，打壓言論自由，以及在最近一連串遊行活動中，警方的操控越來越嚴苛等。在過去十數年間，“金剛箍”其實是不斷收窄的。

民主黨在投共後通過“偽政改方案”，在短時間後又再收窄議會抗爭的空間，收緊了議會的有關程序和權力。這其實是會影響了議會內外的抗爭進程。民主黨現時又與保皇黨連成一氣，就好像通過“偽政改方案”時一般，進一步打壓抗爭的手段和路線。這其實是自1997年以來，統戰成功的一部分。民主黨甘願成為中國共產黨的政治打手，接受進一步操控議會的規條，正是其進一步投共，甘心做“狗奴才”的一個例證。

主席，我想談談進一步把驅逐議員權力伸延到其他事務委員會的問題。很多議員也表示，既然立法會主席擁有這權力，其他事務委員會的主席便沒有理由不享有同樣權力。其實，把這種政治操控權進一步擴闊的另一個含意便是把控制進一步收緊。把驅逐議員權力由議事堂擴展至所有事務委員會及小組委員會的主席，其實是發出了一個明顯而且強而有力的政治信息，即政治上的操控是會進一步被收緊的。

當然，今天這項建議，特別是把大會主席的權力擴展至其他事務委員會的主席，是必然會得到議事堂大部分議員的通過，正如“偽政改方案”的情況般。儘管是透過投票而得到議會正式授權，這其實是一種相當粗暴的行為。可是，這項議案的通過，並不代表抗爭行為不會繼續發展和持續。你們今天可以把我趕出去，你們可以趕我1次或

趕10次，甚至可以終止我的議員身份，但抗爭是必然會持續的。因為，這個議會是一個不正義和沒有民意認受性的議會。當議會一天仍然出現不公義的情況，抗爭便必然會持續。

所以，我亦想向各位清楚說明，你們大可以把我趕出議事堂，但我的抗爭道路是必然會延續下去的，直至公義得以彰顯，民主得以落實為止。耶穌當年亦掃過聖殿，便是因為有一羣“狗奴才”把聖殿弄成像市集般；孫中山當年亦扭斷過偶像的手臂，便是因為他想衝擊封建的制度。我們是不怕你們加強操控、不怕你們加強管制，亦不怕你們把委員會主席的權力不斷增加的。

主席，最後我想指出一點。很多議員說我們過去的衝擊及拋擲物件構成了滋擾，亦對議員和政府構成不便。我一聽到會對政府構成不便，便感到極為反感。政府各部門和其首長過去做了不知多少卑鄙的事情及犯了不少錯誤，也對市民構成了不便。對於這些事情，他們又不予以指責，但當我們對政府官員構成少許不便時，便說成我們好像開罪太上皇般。各“狗奴才”是甘願為主子清理有關阻礙的。

帶來不便？其實遊行示威亦經常會帶來不便，對嗎？有些議員更曾經橫卧馬路上阻礙交通；亦有政黨不斷舉行遊行示威，導致道路需要封閉等。這些也是會構成不便的。今天把議事堂內的行為加以規管後，日後同樣也可以禁止所有上述對市民構成不便的行為。那便全部把它禁止吧！這種情況是終有一天會出現的，因為中共的維穩工作將會越來越全面。艾未未到今天仍然未被釋放，對嗎？艾未未所受到的對待，香港市民早晚也會承受。這種對言論和政治行為的操控將會繼續收緊下去。所以，我呼籲各位市民要清醒和醒覺。若市民自己不醒覺，任由這些“狗奴才”在議事堂不斷加強打壓政治行為，最後他們自由的政治言論和行為亦必然會受到影響，當中的因果關係是十分清楚的。

所以，我們只會重申，我們的抗爭手段 —— 不論今天通過了甚麼議案 —— 我們的抗爭手段是一定會持續的。

黃毓民議員：主席，首先，我要多謝吳靄儀議員在發言時對議會精神的闡釋。我不知道，在這個議會內有多少代議士能聽入耳。

吳靄儀議員絕對不會喜歡黃毓民的行為，對嗎？對於我們有時候在議會內發出的那種噪音，或那些所謂肢體動作，我相信吳議員一定

會感到不以為然。然而，她不以為然歸不以為然，今天提出的這項修正案，她真是期期以為不可。她剛才說的理由，我不想在這裏重複。但是，問題是，在這個議會內，那些自稱為民主派的議員，包括民主黨正、副主席何俊仁議員和劉慧卿議員，公民黨的湯家驊議員，以及支聯會主席李卓人議員，4位在議事規則委員會內支持收緊《議事規則》，把驅趕行為不檢的議員的權力擴及各事務委員會的主席。主席，這項權力只應你享有。你是我們選出來的，那些事務委員會主席只是政治協商的產品而已。

那天，當我知道議事規則委員會通過上述修訂後，我便問李卓人議員，這位支聯會主席如何回答我呢，他說：“毓民，你也是事務委員會主席，你也可以驅趕人。”

主席，這些就是我們偉大的民主派議員。這是甚麼思維方式呢？我一定不會驅趕人，OK？如果我在主持資訊科技及廣播事務委員會會議時，有議員行為不檢，甚至用粗言罵我，我也未必會趕他出去。我會休會，這便“搞掂”，然後10分鐘後回來開會，我一定不會驅趕人。不過，我可以向大家保證，當這項修正案通過後，不管我是否委員，我一定會在所有的事務委員會內以身試法來考驗其主席，要他趕我出去，我要做到他趕我出去為止。

這個是甚麼議會呢？甚麼是議會精神呢？為何會有《立法會(權力及特權)條例》、為何議員會有言論免責權呢？為何議員要言論自由、可以暢所欲言呢？為甚麼呢？全世界的議會均盡量在《議事規則》內方便主席主持會議，絕對不可有任何限制議員表達自由的動機，更何況人家的是民選議會，而我們這個議會只有一半議員是由普及而平等的一人一票選舉所產生的。

很多時候，大家也看到，在議會內，多數的人變成少數。在分組投票下，多數變成少數，這種倒行逆施做法，這種荒謬情況，每天也在立法會發生。黃毓民進入這個議會後，這個議會真的有些變化。黃毓民沒有甚麼通天本領，黃毓民只不過是童話故事《國王的新衣》中那個小童而已。黃毓民在議會內的抗爭，只凸顯這些領導我們香港民主運動20年的政客的不堪、氣急敗壞。堂堂一個民主黨主席，我走到他面前罵他兩句，便氣急敗壞。張文光議員走上前像是要推開我般，還說“我是主席，你為何罵他？”氣急敗壞——只是試探他一下便氣急敗壞。支持政改方案後，在兩項條例草案的二讀辯論、三讀時全部也像啞了般。他們是民主派，他們有8個立法會議員，但在辯論如此

重要的條例草案時，卻全部啞了。

老實說，主席你也看不過眼吧，也渴望能聽到一些精采辯論吧。豈料他們談的，與你貴黨民建聯談的一模一樣：我們香港人爭取一人兩票，民主有一個小的進步、向前行。在2005年，他們不是這麼說啊。司徒老先生說，原地踏步也等於不倒退。我們現在不倒退、不妥協。當年很具智慧的劉千石，說要搞“大和解”，他先知先覺，他們卻指他是猶大，幾乎要把他掃出門，現在“石哥”是斯人獨憔悴。

主席，黃毓民進入議會後搞議會抗爭，必定令很多人感到不快了。因為打破了這個議會的神話嘛，他的畫皮被撕破了，對嗎？現在大家也沒面子了，對嗎？

看到事件發展至今天為止，其實我們早已有心理準備。在2008年，我們進入議會；10月，我“擲蕉”；接着建制派聯署譴責我們，對嗎？接着2009年，曾俊華發表財政預算案，我走到他面前撕毀其財政預算案，民主黨與公民黨開聯合記者會譴責我們。建制派大力“吹雞”——除了你“老人家”沒有份簽名，因為你是主席——全部均有份簽名。老實說，那時，如果大家一起譴責我們，建制派與民主派合流，根據《基本法》，我們3個已離開議會了。不過，我會被選進來的，譚耀宗主席，我一定會被選進來的。所以，我現在向何俊仁議員、劉慧卿議員、湯家驊議員、李卓人議員挑戰，我一定會繼續行為不檢，我希望他們與建制派一起聯署開除我們。假如他們不敢做，便代表他們懦弱。

今天提出要修改《議事規則》那位，是表明對人不對事，寧願壞了大局，為了對付我們數人，也在所不惜。是甚麼民主派啊，“老兄”。他們站出來會感到羞耻嗎？何俊仁感到羞耻嗎？他有甚麼資格稱自己為民主派呢？有甚麼資格動輒聲援劉曉波、聲援艾未未，全部都是假的。何秀蘭議員和劉慧卿議員經常喜歡說甚麼“溫水煮蛙”，現在是否“溫水煮蛙”呢？

他們打開一個缺口，對我和“大嚟”，甚至“長毛”，都沒有甚麼影響。老實說，我們照樣會這樣做。但是，對其他人會有影響，其他議員表達自由的空間收窄了。

走得這一步，一定會有第二步。湯家驊議員安慰我說，不會的，最多也是這樣而已，不會罷免你們。現在8位民主黨議員當我是殺父

仇人般，現在有一個缺口給他們，他們怎會不乘虛而入，不乘虛而入才奇怪。

但是，主席，我不害怕，我一定再參選的。把我趕走後，你猜我可不可以再參選？難道把我趕走後，不可以再參選？沒有可能。假如是我們辭職後補選，你才可以說修例。但是，你把我趕走，然後我再補選，竟然這樣也要修例？天下間居然有這樣的事情？梁美芬議員大可以嘗試把我們趕走後再修例，規定被人趕走的議員不可以再參選，但這樣做可以嗎？

如果真的這樣做的話，一定很有趣。我告訴大家，我一定會奉陪的。以我的性格及我所號召的羣眾，我一定放心陪大家玩。其實我在去年6月25日已經“批”了民主黨不是民主派，他們還厚顏無恥，自認是民主派，要帶領香港的民主運動，量變而質變。還撰寫了萬多字，在《明報》刊登了3天。只有《明報》這份民主黨黨報可以讓他們這樣做，《蘋果日報》也未必肯這樣做，人家的篇幅要緊，倒不如用來刊登廣告。他們以為有這些主流媒體便會贏嗎？贏了甚麼呢？即使我們數人被趕走，他們也贏不了。他們對我們的青年人、我們的下一代有甚麼交代呢？他們當年帶領着我們遊行示威爭取雙普選，2007年、2008年、2012年雙普選，原來全部都是“搵笨”的。今時今日，他們在立法會提出要修改《議事規則》來收緊我們的言論自由，他們還有沒有人性呢？

建制派這樣做是理所當然的，他們怎可以讓反對派擡頭。但是，民主派在明的便說這些是危險行為，暗的便說我們投共，指搞“五區公投”是投共，共產黨最開心。還說我的兒子被人拘捕了，用來要挾我，所以我其實是投共。這些全部都是他們這羣“狗賊”說的話。

主席，人性惡劣到這個地步，我們毀家紓難也在所不惜。但是，他們的人性惡劣到這個地步，還有甚麼資格、甚麼面目走出來說是為香港爭取民主。一個這樣的缺口他們都要打開，明顯是對人不對事。這等同司徒老先生臨終時都要兜腎囊踢我，他說：“這個人不可靠，所以，我不支持‘五區公投’”。他不支持“五區公投”，原來是因為我，這麼奇怪，但他卻是搞了數十年民主運動。

我們當然會反對這項修訂，但我們是反對無力。所以，我開首時特別強調，我很感謝吳靄儀議員。她不是從我們的角度出發，她是從維護整個議會精神，以及她對議會政治的專業認識出發。但是，這樣

說他們都不明白。其實他們是故意不想明白，包括她的黨友。

湯家驊議員告訴我，你這樣做是為甚麼呢？解釋給我聽這是為了甚麼。把這個權力交給事務委員會主席，讓他可以把我們趕走，是為了甚麼呢？把理由說出來吧。他可以說，因為黃毓民樣子不討好。那麼，我只會再做一年多，下屆再不參選。“驊哥”，你是為了甚麼呢？請告訴我。一旦通過了，便千秋萬世，所有人都受到同樣的規範，包括謝偉俊議員，大家不知道“阿Paul”何時“發癲”。有朝一日他都可能“發癲”，發覺這樣搞都不妥當，不如跟我們一樣擲東西。任何人都有機會的，主席。十五分鐘的發言時限，我是不足夠的。我可以從各國的議會歷史、政治發展、抗爭歷史說一大堆，但我不想說。

我要歷史記錄下來，所以，我今天一定要發言，我要指名道姓，民主黨主席何俊仁議員、副主席劉慧卿議員、支聯會主席李卓人議員及公民黨的湯家驊議員，這4位民主派議員在議事規則委員會裏支持收緊《議事規則》，對付我們這些搞議會抗爭，為公義奮鬥的人。歷史會記着，在公眾席上旁聽的小朋友聽着，你們要記着這些人全部都是“搵笨”的，甚麼民主派。

自從他們贊成通過政改方案後，我們已預期會有這一天。不過，沒有所謂的。正如毛澤東說：“天要下雨，娘要嫁人，由他去吧！”。但是，我都要說。我在這裏就這項議案可以說15分鐘，我一定要譴責這些所謂民主派的人，一定要撕破他們的畫皮，以後不要走出來大聲說，要聲援艾未未、聲援劉曉波，又提出關於六四的議案。

李卓人議員當年在大陸寫悔過書，我還未跟他算帳，他一樣可以做支聯會的主席。今時今日，其實是他最令我失望。我告訴大家，何俊仁議員、劉慧卿議員，我都預計了，完全是私人恩怨。譚耀宗議員，我都預計了很久，因為他是議事規則委員會主席，是民建聯、建制派。這些我全部預計了。可是，我真的沒想到他會這樣，沒預計到他會“搞”我，但他走來“搞”我，而且不是“搞”我，是“搞”全世界，他是為香港民主政治做了一個最壞的示範。

我向大家保證，在我有生之年或以後的選舉，我一定會把這羣所謂民主派的“狗賊”的真面目，在歷次選舉中凸顯出來。包括透過我的文宣、號召支持我的羣眾、在我網絡上的平台，我都不會放棄宣示議會抗爭的理念，而且還要身體力行呼籲多些年青人參與。以後有民主派這數位“老兄”的活動，我們都不妨噙聲表達我們不同的意見。

主席，我不會說今天是多麼黑暗的一天，我會說今天在這個議事廳內支持這項修訂的議員，終於會得到歷史的懲罰。

馮檢基議員：主席，身為民選議員，在自己的議會上表達看法，我覺得這不單是自由，而是我們的權利。市民選我們出來，就是要我們在議會內發言，縱使我們在憲法上沒有政策決定權，但表達言論的權利是不能被剝削的。

主席，如果我稍後舉出的兩個例子是錯的話，請你指正。制度上，我們有免責權利，即是在會議上，當我們認為所說的話是對或是事實，即使說話的內容可能影響，甚至是責罵議會外的人士，我們是免被追究的。第二個情況，據我瞭解，當議員要到立法會開會的途中，如有犯法的情況出現，例如衝紅燈、超速或其他原因被警方截停，只要告訴他是前往正式的會議開會，警方也需要先讓他開會，然後再處理有關問題。最終目的是讓議員有權力回到議事廳內表達意見。這兩個例子顯示議員在議會內表達言論的權利，是不容剝削的。

我想提出的第二點是，議會是議員的政治平台。我們不要那麼天真或不理會現實，以為這個平台是很隨和及和平，喜歡怎麼說就怎麼說。但是，我們在政治平台以外(即地方或功能團體上)要“打餐死”，競選勝出後才能進入這個議事廳、議會政治平台。換句話說，在這個政治平台上得到言論權力前，大家要經過政治競爭或鬥爭，更甚是透過某些手段才能進立法會內的政治平台。無論如何，既然法例上容許議員有發言的權力，我便覺得在這個空間上，只要可以開放的都要開放，可以容許的都要容許。

很明顯，大家都看到在2008年的選舉後，立法會的政治光譜已有所改變。當然，“毓民”等數位議員把光譜“激”的部分帶到更“激”，但溫和的人始終跟以前差不多。光譜是拉闊了，我們不容光譜拉闊，還是要讓光譜拉闊呢？而容讓光譜拉闊的過程中，是否可容忍和接受呢？這是需要討論的。但是，我認為任何的政制發展，光譜必定越拉越闊，而不會越拉越窄。在越拉越闊的過程中，如果我們作為這一屆議員，設下規限、關卡和門檻，不讓這些光譜拉闊，是否恰當的想法呢？還是我們容讓光譜拉闊的同時，只要現時的制度或《議事規則》可以處理得來，就光譜的拉闊，無論對議會內容的討論，對政治行為的容讓擴闊，以至政治或民生問題上的爭取的手法或手段，是否應按

光譜的擴闊而讓它擴闊呢？當然，我說這番說話的態度，是認為應該如此的。光譜擴闊便讓它擴闊，除非我們覺得處理不來。我稍後會再談談是否處理不來。

究竟光譜和言論擴闊後，現時的制度是否處理不了某些議會行為呢？我籠統地分為兩類。一類是違法的，當然是指犯法，而犯法便有法例處理，即使在議會內不能拘捕他，也能在他離開議會後拘捕他。所以，我看不到如果有違法的行為，例如把東西擲中別人(這很明顯是刑事罪行)，是處理不了。我覺得這種情況，甫一散會便會立即被處理的了，即使在會議期間不能拘捕他——正如我剛才所說的第一種情況，議員在前往會議途中，警方已不能拘捕他，在會議期間便更不能拘捕他——但會議結束便可拘捕他了。

第二種情況是沒有違反香港法律。如果沒有違反香港法律，剩餘的問題便是《議事規則》是否容許。如果沒有違反香港法律，基本上不能用香港法律來處理，便應用《議事規則》來處理。以《議事規則》來說，大家看看第44及45條，有數個委員會的主席(立法會主席、全體委員會主席、常設或專責委員會主席)均有權力把議員趕走，但其他主席則沒有這種權力。大家看到這數個委員會或立法會主席，其實都有法定、法律或決策上的權力，而其他類別的會議，純粹是討論式、議事式，或即使動議的議案通過或不通過，對政府完全沒有約制，基本上沒有限制。但是，這些情況下是否處理不來呢？其實，我看過有些例子我們是曾處理的。

就剛才說的第44及45條，對於有點名的情況，我們可以處理得來，而至於沒有點名的情況，其實我們也試過有一次在人力事務委員會上，我記得“長毛”梁議員向局長擲膠樽。當然，我們沒看過有任何一次擲中，如果擲中可能有不同的處理方法，然而他沒有擲中。在沒有擲中的情況下，主席，舉例來說，我現時很憤怒地擲這本書，這跟我擲膠樽……當然，我把這本書擲多遠和擲向甚麼方向，會否擲中人，可能有不同的結果。如果我擲這本書，是向前擲，擲前1呎，擲前3呎，或擲前10呎，我們如何衡量擲前1呎會沒事，擲前1呎亦沒事，但擲前2呎便有事，擲前10呎亦有事？這是難以量化的。因此，我覺得是很難處理的。

其實，事務委員會主席現時有權提出休會，即暫停會議，在5分鐘或10分鐘後復會。根據以往的經驗，所有較激進的議員接着都不會出現，又或即使出現，復會後也會守規矩。我覺得是可以處理的，也沒有出現不能處理的情況。當然，容許這種行為出現，我們會否是讓

其他人有一個平台做show，令他這麼激進？我本身是不同意這種政治行為的，所以多年來，大家沒有看過我處理議會工作時會擲物，亦沒有說粗言穢語。如果“毓民”記得，當他第一次擲蕉後，我在議事廳外對他說：“毓民”，不是有很嚴重的事情吧，弄致要擲蕉，是過分了。”記得他當時回答我：“唔關你事，我做甚麼事會自己負責，有甚麼事，我的選民會告訴我。”我覺得他說得冇道理，他的選民讓他加入立法會，如果選民不同意他的行為，自然不會再投票給他，我作為一位跟他同區的議員，我有甚麼把握說他應該當選或不當選呢？對這些政治行為，他須負上政治責任，會在政治上負責。我覺得對他自己的行為，他將來會承受其結果。雖然我不同意“毓民”的做法，我很清楚告訴他不同意他的做法，但我接受他的答案。大家亦知道，“毓民”改了口徑說不會派手下狙擊我，縱使我們的政治立場和看法不相同，我仍然覺得要堅持剛才的態度和立場，可容讓一些議員以自己的方式來表達，但我們是要處理得到的。

大家不要以為基於“毓民”要狙擊，所以我感到驚慌，要反對這些修訂。不是的，如果大家查看我以往的發言和表決，其實我是一致的，意思是以往曾有兩、三次提出修訂《議事規則》，收緊議員的規矩和行為，我都是反對的。如果大家記得，我覺得議會是一個政治角力的地方，特別是當光譜越闊，由最激進至最溫和，兩個極端一定是對着幹的。這些政治立場或價值觀上的對着幹，可以運用一些規則來處理，但規則便成為某一方面的工具來對付對方。我覺得要盡量避免這些規則成為工具。

如果大家還記得，當天甘乃威事件哄動全城，有人提出要“砌”甘乃威議員，我是反對的，因為這是道德問題，而非議事廳的議事問題。為何議會要處理一個人的道德呢？很多人都有道德問題，你可以知道或不知悉，但知道了，是否也要拿來討論呢？現時吸煙也變成不單是道德問題，還有是否合法的問題。這是難以判斷的。

第二，對於行為不檢，又是很籠統的，怎樣才算是行為不檢呢？例如第45(2)條，對於行為不檢需要採取行動，怎樣算是行為不檢呢？我跟你的道德觀念也可能不相同。在公開發言中，第一個最不喜歡別人說粗言穢語的人是劉慧卿議員，我算是第二個，我曾經公開說過，我不准別人說粗言穢語，連Facebook也不准寫粗言穢語，如果有人在我的Facebook寫上粗言穢語，我會立即刪除，這是我的家規。

縱使如此，我們現時仍然能夠處理這些情況，我們仍然有《議事

規則》的條文可以處理這些態度。不過，我只想告訴大家，對我來說，應盡量避免用規則，來規限議員在議會內非不能處理，而可容讓在現有規則範圍內作出的一些行為；我覺得這是越闊越好，應避免越修越窄。這是回應我的第一點，議員獲選後有其發言權，這不單是自由，還是其權力。所以，對於今次提出的兩項修訂，我都不同意。多謝主席。

何秀蘭議員：主席，我發言就兩項修訂《議事規則》的建議提出反對，以下是我的論據。

今天的議會跟殖民地年代的議會已相去甚遠，對《議事規則》作出修訂亦非首次。隨着行政立法兩局在1992年、1993年間結束，《議事規則》曾作出很大程度的修訂。在1997年後，由於有更多來自基層的議員獲選進入議會，在衣着方面也不斷作出不同程度的放寬。但是，在修訂這項機構內部的規則時，有一個前提必須格外留意，便是讓議員擁有最大的議政空間。所以，馮檢基議員剛才提出的數個例子是正確的。有數個常設委員會因為須按照《立法會(權力及特權)條例》行事，故此委員會的主席擁有把議員趕離議事廳的自由，這當中有非常明確的分別。可是，在過去數次就《議事規則》作出修訂時，從來沒有提及要把議員逐出議事廳的權力賦予所有事務委員會的主席，這是我們從來沒有進行討論的建議。

從譚耀宗議員剛才的發言，我清楚知悉他提出的主要論據有二，第一是立法會整體形象受損，但立法會整體形象受損其實是有很大原因導致。個別議員或黨派衝擊《議事規則》可能是其中一個原因，這當然會令部分市民反感。然而，立法會無力監察行政機關，我們的權力受到諸多限制，亦有很多黨派的議員由最初譴責政府，發展至後來改變立場投支持票，其實亦是立法會整體形象受損的原因，對此我們又應如何處理？

另一論據是因為有議員衝擊《議事規則》，導致會議過程不暢順。但是，我不認為在修訂《議事規則》後可以令會議過程更暢順，如果有議員存心要衝擊既定規則，是否訂有制約他也會進行衝擊。正如剛才一些曾衝擊規則的議員所說，他們的目的是要撕破議會的畫皮，有沒有制約他們也要進行衝擊，如訂有制約的話，進行衝擊的誘因反而會更大，因為在已有規則以外又多添了一層皮。

主席，我認為讓事務委員會主席擁有暫停會議的權力已屬足夠。就修訂《議事規則》第45(1)條的建議，我亦有一些不吐不快的意見。對於讓主席有權就議員提出重複的論點或煩厭的論述而作出制裁和處理的會議規程，我有很大意見。理論上，議員應已在法案委員會就法案進行審慎和仔細的討論，因此當法案提交大會討論時，議長即主席你當然有權制止上述行為，這也是沒有辦法之中的辦法。但是，如把這項權力延伸至適用於事務委員會或法案委員會的議事工作，那便有很大問題。

關於煩厭的論述，為何議員有時要不斷重複提問？正是因為官員不肯作出回應。猶記當年就《基本法》第二十三條的立法建議進行審議時，議員曾提出不少問題，葉劉淑儀議員是當時的保安局局長，她一直對這些問題避而不答，各位議員在逼不得已的情況下惟有不厭其煩地提問。其實我們也感到非常煩厭，因為無論怎樣問也得不到答案。所以，如果讓這項權力適用於其他事務委員會，將會妨礙議員論政，是極不理想的做法。

此外，我曾於2004年至2008年間離開議會，但到了2008年重回議會時，卻發現有一項新的不成文規定，所造成的破壞性亦極大。有關規定是讓事務委員會把議員發言時間限制於5分鐘內，最多也只有7分鐘，有時甚至只得3分鐘。當闡述背景和理據已需要花費這麼多時間時，留給官員作答的機會真的不多。正因為設有時限，官員也就懂得和我們耍把戲，知道只要帶領議員在有關議題上團團轉，轉足5分鐘，便能夠避而不答。於是，此情況又引發另一惡性循環，那就是議員心想反正會被官員耍得團團轉，倒不如利用這5分鐘大肆責罵官員，好能一消他們的心頭之憤，也能代市民出一口氣。所以，這種限時議政的方法，其實無助議員進行理性的討論。

以前在事務委員會已有出現這種現象，官員明知議員最多只有兩小時時間，只要把花招耍足兩小時他便能脫身，所以便盡量以廢話敷衍了事。專責小組委員會由於只涉及單一議題，議員反而可專心作出跟進，迫使行政機關面對問題及務必將之解決。如在事務委員會議事方面背離這個原則，把議員的提問時間限制在5分鐘內，對議事質素可說是有害無益。因此，我特別藉此機會提出這一點，雖然這是不成文規定，但亦希望各事務委員會主席可視乎情況行事，在顧及讓議員有平等機會發言之餘，亦要預留充足時間，讓議員有充足時間就其觀點，尤其是一些基本和節骨眼的觀點進行討論。

主席，就《議事規則》第45(2)條關於行為不檢的規定，剛才有議員引述外國不少例子作出論證。我們先不要說外國議會是經一人一票的選舉產生，只要從事實出發，當可發現外國議會向議員採取趕離現場或制裁的行動時，均須由議長而非事務委員會實行。外地議會甚或會將問題交由特設的委員會處理，例如英國的Committee on Standards and Privileges，便會交由經過獨立委任的專員進行調查及擬備報告，然後轉交委員會跟進，最後提交大會表決。當中訂有很嚴謹的規定，不會就這樣把權力賦予事務委員會了事。

其實，賦予暫停會議的權力已是非常足夠。今天我們需要在此處理這問題，誠屬不幸。我在希望保障議員有充足議政空間之餘，亦期望議員在衝擊《議事規則》時有個分寸，知所進退。正如剛才有些同事所說，除了《議事規則》之外，其實還有香港的法律，每一位議員在法律面前均屬平等。如出現人身襲擊的情況，有關議員必會受到制裁，只不過可在會議進行期間暫緩一刻。

但願各位同事一方面可擺脫規矩上的限制，另一方面亦知所節制。多謝主席。

湯家驊議員：主席，我的助理及身邊的朋友昨天跟我說：“湯家驊議員，你明天最好不要就這項議題發言，免得引起一些你日後會感到後悔的爭拗。”黃毓民議員剛才質問我是否知醜。最大的問題是，我確實是知醜的。正正因為我是知醜的，所以我覺得在今天可能是“仇者快，親者痛”的一天，如果我持有不同意見，便不應該默認，反而應該公開說清楚。

主席，更重要的是，我絕對信任或信服民主派之所以得到香港人接受，是因為其所秉持的普世核心價值。民主精神在於包容，民主派不論在議事堂內，或是在議事堂外，也應該“是其是，非其非”，不應因為某些較激進的民主派成員提出難堪的言論或指責便噤若寒蟬，不把道理說清楚。

主席，我今天處於一個極度不幸的位置，因為我的立場與吳靄儀議員及黃毓民議員的立場並不相同。既然如此，我覺得我有責任解釋清楚。不論其他人認為我孰對孰錯、對我的看法如何，我覺得我也有責任解釋清楚。

主席，我與吳靄儀議員及黃毓民議員分歧，見於3個觀點上。我們所持的第一個不同觀點，是我不接受立法會被視為至高無尚、神聖不可侵犯的地方。相反，我覺得立法會不是屬於立法會議員的，而是屬於全港市民的。立法會是代表民意的最高機關，而並非代表個人想法的機關。

主席，更重要的是，立法會並非只有民主派的議員的，也有其他派別的議員。終有一天，如果我真的可以看到普選立法會，我今天的立場也會保持不變。正正因為立法會並非屬於議員的，所以大家有必要維持立法會的尊嚴和確保其運作暢順，而立法會的尊嚴及暢順的運作也奠下市民對立法會公信力的基礎。所以，如果有人自以為自己的言論是絕對正確的話……如果有人堅守一種信念，認為本會的《議事規則》或運作程序均是神聖不可侵犯的話，我是不能接受的。

主席，第二個不同觀點——這點可能最為重要——是我個人認為世上沒有絕對正確，相應地，當然也沒有絕對錯誤。主席，我雖然不接受中庸之道，但我相信每種信念及理想皆要受適量限制及有適量調節。正因如此，我不能接受宗教信仰會引致殘酷的殺戮、社會動盪不安。我對此是不能接受的。

那麼，我能否接受人們因政制壓迫而進行暴力革命呢？主席，到此刻為止，我難以接受。當然，如果中國或香港的情況達到不可接受的地步，那麼我的意見可能會有所改變。不過，幸運地，我們今天在議事堂內尚未就此進行討論。

主席，黃毓民議員剛才說道，民主派支持有關修訂，便會使言論自由被扼殺。主席，這便正正是問題所在。世上沒有一種人權或核心價值是絕對的。雖然我捍衛言論自由，但我卻認為言論自由亦應受限制，否則各國便不會制定誹謗法。每種自由均需受恰當的限制，問題是如何劃下界線。這條界線今天所限制之處，我是可以接受的。我不能接受的說法，是把有關界線延伸會扼殺議會的所有言論自由。

主席，我必須提出的第三點是關於黃毓民議員剛才的說法的。他批評民主派成員要把《議事規則》修訂來限制言論及表達自由，使一眾議員千秋萬世不能享有這種權利。

主席，我並不認同他這種說法，因為《議事規則》是可以修訂的。

我們今天便正正是要修訂我們之前認為已經恰當及足夠的條文。來屆的立法會議員也可以作出修訂。在來屆60位——對不起，不是60位——70位立法會議員當中，如果黃毓民議員、吳靄儀議員也成功當選的話，他們當然可以提出修訂，把今天所通過的修訂全部修訂過來，這是沒問題的。不過，議會至高無尚的權力……此刻，我們有責任面對香港市民，亦有責任自我約束。所以，我不覺得今天的修訂會導致言論自由千秋萬世地受限制。

主席，一個更重要的核心問題可能是，究竟有關限制是甚麼樣的限制呢？是否真的一如某些同事，例如何秀蘭議員、黃毓民議員，甚至馮檢基議員剛才所描述般，會極度限制言論自由呢？主席，我認為並非如此。此話怎麼說呢？今天的修訂只是旨在把其他委員會主席的權力，與立法會主席的權力看齊。如果有人說這項修訂會限制言論自由及表達自由，便等於在說他們現時在立法會會議上也沒有言論自由及表達自由，因為立法會主席已經擁有這種權力。

現時的分別為何呢？唯一的分別，似乎是上一屆或之前的同事皆認為，在立法會裏，不同工作是可以由不同層次的會議所擔當的，而由於立法會主席及常設委員會主席的權力，可能有別於其他委員會主席的權力，所以其他委員會的主席便不需獲賦予這種權力。

主席，這才是我們需要討論的核心問題。這種看法究竟是否正確呢？如果吳靄儀議員、黃毓民議員、馮檢基議員及何秀蘭議員是正確的話，我們所需做的事，其實是把立法會主席的權力加以修改，刪除第44條及第45條。這可能是邏輯上應持的立場。

然而，主席，我不接受立法會的運作是有階級之分的。我剛才已說過，最重要的是立法會並非屬於議員的，我們只是代表而已，立法會是屬於香港人的，這是我的中心思想。從香港人的眼中看來，會議是沒有分別的。現時科學昌明、資訊發達，市民每天均可以透過收音機或電視機收聽或收看所有會議，甚或可以親身前來立法會大樓，一如今天坐在公眾席的同學般，可以親身體驗會議。現時亦很多時候有市民代表參與我們事務委員會的會議。

既然如此，階級之別其實是不應該存在的。主席，既然不存在階級之別，如果我們以保持立法會運作暢順為出發點，接受立法會主席可以在某程度上限制議員的行為及言論，以維持立法會的尊嚴的話，我覺得這權力絕對可以延伸至其他委員會主席。

正因如此，在議事規則委員會會議上，我曾表示可以接受有關修訂。我不曾想過，我接受有關修訂會招致某些同事，例如黃毓民議員、陳偉業議員、“長毛”或別的同事對我作出惡性譴責或侵犯。我完全沒有想過這問題。當然，我不曾想過並不等於這問題不存在，但這問題的存在也同樣不等於我要迴避這問題。

主席，在今天之前，有民主派的同事，特別是民主黨的朋友向我提及他們不能接受第45(1)條(即關於議員“在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點”)所施加一定程度的限制有所延伸。

主席，我覺得如果從宏觀的角度來審視這問題……正如我剛才所說般，立法會主席現時已經擁有這種權力。在我過去短暫——雖然看似很漫長——的政治生涯裏，主席似乎在立法會會議上不曾運用這權力。即使我覺得很多時候同事在重複或煩厭地提出無關事情重點的言論，但縱使我發現這種情況多次出現，我記憶所及，主席亦不曾運用這種權力。當然，如果吳靄儀議員覺得主席曾經運用有關權力，她稍後可以發言糾正我，我亦樂於接受她糾正我。

然而，問題的核心並非在於次數多寡。議會文化是憲制常規的凝聚，只有在極端的情況下，立法會主席才會運用他的智慧來行使這種權力。當然，立法會主席在行使這權力時會否遭人非議……不論是立法會主席或立法會會議均受公眾監察及批評，我覺得這是制衡機制的一部分。

既然第45(1)條存在已久，而在過去的運作中，沒有人認為行使這權力會有礙民主或議會精神，把這權力延伸至其他委員會主席，藉以消除階級觀念，我覺得是恰當的，亦不會造成不可接受的政治事件。

當然，我的這種說法，可能會成為我的“famous last words”，意即我“著名的遺言”，因為說不定明天便發生事情。那麼，我屆時可能要立即吃一份“humble pie”(我不知道中文應如何表達)。然而，此時此刻，我們要作出決定。這項修訂應否獲得大多數同事的支持呢？我絕對相信有關修訂應該得到大多數同事的支持。

主席，坦白說，我真的不太清楚公民黨會否與民主黨一樣，對第45(1)條的修訂投反對票。不過，我會投支持票。

梁國雄議員：主席，聽了湯議員的發言，我感到很奇怪，為何他不明白，把權力向下延伸時，如果……

主席：梁議員，請先戴上擴音器。

梁國雄議員：我認為他犯了一項基本謬誤，那便是像你閣下般的絕對權力……你是享有絕對權力，你叫我走我便要走；你說我重複發言，我便是重複發言；你說我引喻失倫，我便是引喻失倫；你說我離題，我便是離題。范太經常以這方法對付我，你已經較她好一點。以往，我只說了一、兩句，范太便已經說“不好意思，請你出去”了。當年，吳靄儀議員曾仗義寫了一封信給范太，說這其實十分嚴重，因為一旦某位議員的發言令主席感到不中聽，反駁了兩句後便請他今天不用回來，有關的議員便無法表決了，對嗎？其後，范太便檢點了一些。

其實，為何會出現主席你所享有的這項絕對權力呢？你可以說它是“必要之惡”，也可以說它是讓大家更容易順利舉行會議的規則，但如果把這項權力下放，令立法會的其他小組和委員會均存在像主席般專制的人，所有事情由他定奪，當中更涉及言論自由時……其實，說到議員的發言是否冗長——或是特首說的“匡長”——或重複時，老實說，主席是否一定有智慧來決定呢？即使是主席你，也未必擁有這種智慧，你又有甚麼資格說我呢？

有一次我在法庭自辯，胡國興對我說：“梁先生，我明白你說的話，不用再說了，這是在浪費時間，法庭的時間很寶貴”，我於是跟他說：“請你找一張紙，寫出我下一句將會說甚麼。如果你可以猜到，我便不再說了”。結果，胡國興法官沒有辦法，惟有讓我繼續說。可是，我在這裏反而無法這樣做。我只是反駁一句，主席已經叫我出去，叫我要乖。湯議員似乎不明白，這是平等嗎？這是更不平等，是“平等地不平等”。在處理不同事情時，當然要有不同的平待，這是在人權方面一個最新的概念。

我們現在再看看拋擲物件這件事。這是在說我吧？這是說我向張建宗擲了4個樽那回事吧？我向他擲了4個鐘……是4個樽，不是4個鐘，還未發展到那種情況。我向他擲了4個樽，有何傷害性呢？那當然是傷害了他的尊嚴，亦傷害了我們的形象，因為在立法會內不應該出現那種場面，便是這麼多了。李卓人議員當天其實亦有問我，可否

保證以後不再拋擲物品，但我說我不會作出保證。結果，他決定休會，而休會後我並沒有回來。

當然，你們可以說有一位議員在委員會復會後又那樣做，也是可以的，但在立法會大會上又為何不行？如果有23位議員每次也拋擲物品，糾纏10分鐘，那已經花去了230分鐘——即如果泛民主黨的議員那樣做。當然，我不鼓勵他們那樣做，他們亦不願意，我們不會強人所難。其實，那只是一種手段，是藉議會抗爭凸顯議會的不義。我可以告訴大家，我是九死而不悔的。這樣的議會值得尊重嗎？這是一個甚麼議會呢？它是由小圈子選舉產生的，這教我如何尊重它呢？主席，我尊重你也沒有用，因為我並不尊重這個制度，這便是小弟從上面公眾席鬧到這個議事堂的原因。我是不會停止的，這是第一點。

第二，我要保留我在議會內抗爭的所有權利，但我已經作出聲明，我是不會打他的。在這種情況下，我們的議員便很好心地，他們看見情況已經漫延，於是提出應該怎樣做？不如像《西遊記》般，拔出一根毛，吹一口氣，變出19位或39位曾鈺成議員，即要主席你像冤魂附體般，到處說“我是曾鈺成，我現在代表其他人行使這項權力”。這當然是相當錯的，因為你老人家怎麼說也是經由選舉選出來。我曾問你是否共產黨，但你沒有回答。即使如此，還是有人投票選你，我也佩服。現在，你獲賦予專制的權力，而且是一項如此絕對的權力，究竟會否出現絕對的腐敗呢？我不清楚。

其實，這項權力只是為了方便會議能順利舉行。主席，你有時候也會出錯。如果你直接說散會，我便會走出去，何需驅逐我，對嗎？可是，你並沒有那樣做。我拋擲物品，究竟會阻礙香港人多少時間，“老兄”？你實際一點吧。可是，我們的議會是經由小圈子選舉制度產生，它造成了多大的禍害呢？讀書是為了明理，對嗎？撿了芝麻丟掉西瓜，如果想維護立法會的尊嚴，為何不要求全面普選？想要有尊嚴，便應該要這樣做。

最能夠讓我們擁有尊嚴的，便是容許立法會真正行使立法職能，不受《基本法》被第七十四條規限——抑或是第七十九條？我不記得了，但應該是第七十四條——政府不應在立法時說：“各位同學，請問一問大主席，當中有否涉及公帑開支、有否涉及政府政策”。這其實等於廢掉我們的武功，我們像是傻子般坐在這裏跟政府玩。有時候我看到吳靄儀議員提出修正案，便想叫她不要提了，因為是徒然的。我們儘管說了也沒有用，他們已經“數夠票”，情況便像“隔夜燒

賣”般，即是“整定”的，臭與不臭也要吃，吃完拉出來後又說其實並非情願，只是被迫而已。歷歷在目的例子是就兩鐵合併的立法、領匯、西九龍，以至去年的所謂政改方案，每次都是這樣。

議會沒有尊嚴，是壞制度造成的；我之所以要在這裏這樣做，我之所以進來後變了另一個人，是由於我要為香港人伸張正義，我要不停提醒他們。你可以說我無需擲4個膠樽，但我是認為有需要才那樣做，那是我的表達方式，只要不涉及暴力便可以了。

今天，你們要像孫悟空那樣，拔一根毛變出十多個人，可以嗎？他們有這種權力基礎嗎？可以政變嗎？是否可以因為因習的成見，即使教壞小孩子也無妨？如果說會教壞小孩，便不要播放利比亞內戰的片段，因為利比亞內戰有人死亡，也不要播出拉登的照片。你們是甚麼人呢？是否你們覺得某些人的行為會教壞人，於是便可以封殺他？艾未未也是這樣，他是獨立特行者，對嗎？

我的道理很簡單。我想說的是，如果是好心做壞事，我無所謂，但我已提醒你們，這是不能做的。現在，有關刑事的法例已經可以制裁我們，如果我們擲物或有任何舉動，休會便已經可以處理，為何還要提出一項永不可復修的權力，把議員趕離場及不准他表決？為何要擴大這權力？這是不能解釋的。如果真的要懲處我們，其實可以扣薪。《文匯報》說我們貪錢，扣我們的薪金我們便會害怕，為何不那樣做呢？我們最重要的權利便是在這裏議政和表決，要剝奪我的權利是不可能的。

其實，這個議事堂內有二分之一的議員並非由“一人一票”選出，但他們有權參與這個議會的決定，這亦是最大的侮辱。如果這不算是暴力，算是甚麼呢？我不擲樽又可以怎樣？有30人並非由“一人一票”選出，但卻跟我們有同等的權利，這不是最差的不平等嗎？我就是要反對這種不平等才擲樽。我沒有向議員擲樽，我只是向官員擲樽而已，錯在哪裏？各位同學，如果你們看到不公義的事也不發聲，那才是罪惡，因為會令其他人需要一起忍受罪惡。

蘇格拉底被捕時，他被指在灑毒藥，令雅典的青年人不信神，他說：“The hour of departure has arrived, and we go our ways — I to die and you to live. Which is the better, only God knows.”(譯文：“臨別的時候到了，你走你的路，我走我的路；我去死，你去生存。誰比較對，只有上帝才知道”。)主席，臨別的時候到了，你走你的路，我走我的

路；我去死，你去生存。誰比較對，只有上帝才知道。這是一句很好的引文，但上面的引文更有趣：“Still I have a favour to ask of them. When my sons are grown up, I would ask you, O my friends, to punish them; and I would have you trouble them, as I have troubled you, if they seem to care about riches, or anything, more than about virtue; or if they pretend to be something when they are really nothing, then reprove them, as I have reproved you, for not caring about that for which they ought to care, and thinking that they are something when they are really nothing. And if you do this, I and my sons will have received justice at your hands”。(譯文：“我仍有一事要拜託他們：朋友們，等我的兒子長大以後，如果你們發現他們重視錢財或其他東西更甚於重視德行，沒有出息而自以為是，那麼，請懲罰他們、阻撓他們，責備他們，就像我阻撓和責備你們一樣，責備他們忽略了本應看重的事情，沒有才能卻自命不凡。你們要是這樣做了，我們父子就算是得到你們的公平待遇了”。)這是蘇格拉底向判他死刑的人所說的話，他叫他們要做好事，不要做一些連自己也不清楚的事，要幹實事。如果想這個議會好，應該參加“五區公投”。民主黨是要被罵的，叫他們做一些好事，令這個議會能真真正正發揮議政和監察政府的功能，他們卻不做，只做一些“無厘頭”的事。

主席，你在這個議會時間不短。我自1997年起在公眾席上反對董建華廢法開始，阻了你們多少時間呢？請計算一下，有沒有30分鐘？經你處理的也未必有30分鐘。正如湯家驊議員說，會議過程是直播的，我便是利用這個平台顯示這個議會極不公義的一面，你們為何會覺得有損尊嚴呢？

道不同不相為謀，但問題在於你們對權力和權力的授予，以及以權力壓制自由的理解是完全錯誤。我們的權力是誰賦予的呢？是選民賦予的。主席，你有權威，讓我多讀一段給你聽：“不是為自由而存在的權威就不是權威，而是暴力。”你就是了。這裏是不公義的地方，不是為自由的。這句話不是我發明的，是那位被多次引述的Lord ACTON的說話。今天所發生的就是這樣，不是為了自由，而是要權威，令其他人不能暢所欲言。多謝主席。

梁家傑議員：主席，公民黨有5位議員，稍後就譚耀宗議員提出的兩項決議案贊成與反對將各投4票，因為在關於《議事規則》第45(1)條的議案方面，我們會投4票反對票，而湯議員會投贊成票的。此外，

在關於第45(2)條的議案方面，我們會投4票贊成票，而吳靄儀議員會投反對票的。

我黨個別黨員與黨的立場各異，主席，從這一客觀事實，你可以深切理解，在這天這議題上，公民黨是如何經歷一番掙扎和深入的思想鬥爭。

坦白說，公民黨對於今天需要討論這議題，是感到很痛心的，主席。我們為何痛心呢？我們真的要想想，為何我們的議會內部分議員會認為應透過一些比較激進的行為來貫徹言論自由的權利呢？不單是這樣，採用這種方法來表達意見的議員，很多都是立足於羣眾，從羣眾而來。這些議員把這種表達方式和行為視作行使言論自由的最有效方法，而他們這一觀點的確是有其羣眾基礎的。我經常說，從羣眾而來，始終也要走回羣眾，即使他們不是天天走回羣眾，4年一次的選舉，主席，他們也要走回羣眾。

我們的痛心是，議會裏出現了這種表達方式，其背後一定是有羣眾認為可藉此幫助他們抒一口悶氣。這是否我們社會需要整體反思的問題呢？公民黨當然認為這是需要的。這亦解釋了為何我們覺得今天討論這項修正案是很令人痛心的。香港人一直崇尚和平、理性的辯論，認為在制度內應可把道理說清楚，真理可越辯越明。然而，為何現時有人覺得這一信念已不能再擁抱呢？

記得有一次，在區裏有一位“阿叔”跟我說：“‘傑哥’你太斯文了，別人早已‘飛象過河’，‘馬行田’，‘象行日’，但你還依循傳統中國象棋的規則以待？你實在很愚蠢。事實上，我真的看不到成效。”主席，我當然語重心長地跟他解釋，這只是因為大家的表達方式不同而已。我說，我們習慣採用理性、平和的方式來辯論，希望他們理解。但是，主席，我不能說這位“阿叔”所說的話荒謬和完全沒有道理。這是我們痛心的第一個理由。

主席，另一個令公民黨感到痛心的理由是，今天需要討論這項修正案，是因為很多議題在議會裏已爭取了不下數年，甚至是10年、8年，但官員卻完全視而不見，聽而不聞。因此，當這種完全不被接納和不被尊重的感覺重複出現時，情況便可能達至臨界點。我們今天要討論這些修正案，是否顯示我們已接近臨界點呢？公民黨為此感到痛心。

主席，有議員說，外國的議會甚至會採用減薪、停止有關議員的議會職務等方法。剛才公民黨吳靄儀議員已清楚指出，這些權力並非由議長來行使的，而是由議會透過議員的提案，經過整個議會的辯論、投票後，才懲處有關議員的。今天我們根本不是討論這些問題。吳議員亦清楚指明——我不能解釋得比她好，所以不會班門弄斧。然而，吳議員很清楚告訴大家，會議可分兩種，一種會議是用來討論政事的，另一種會議則是要表決的。在有需要表決的會議方面，其實我們的《議事規則》第44條及第45條已說得很清楚，立法會主席、全體委員會主席、任何常設或專責委員會主席均擁有較大權力，以方便控制議會的秩序，方便投票，這的確有其存在的理由。因此，我們討論第44條及第45(1)、(2)條的修訂時，絕不會說這些事情與外國議會比較，實是微不足道，並因而掉以輕心，隨便作出處理。公民黨的立場絕對不是這樣。我們覺得這是一項嚴肅的修訂，而亦正因為這是一項很嚴肅的修訂，公民黨很明白其深層的意義。因此，我們才會經過反覆的辯證，來達致我們今天投票的取向。

主席，與廣大的市民一樣，我們也很希望能夠保持議會的秩序，亦希望最低限度能夠保證，出席本會會議的政府官員及公眾均不會感到任何壓力，或人身安全受到任何威脅。所以，基於這些考慮，我們便不斷思考今天這項修訂究竟是否已能取得一個最適切的平衡。

當然，另一方面的考慮便是吳靄儀議員剛才擲地有聲、鏗鏘有力地表達的觀點。要在兩者之間取得平衡，公民黨的主流意見認為，秉持理性討論原則之餘，仍然要照顧羣眾的情緒，因為市民前來立法會時，總不希望受到一些自己不想受到的待遇，而也有些市民為官員而感到不值。因此，在平衡之下，我們最後的主流決定是，就與第45(1)條有關的修訂，即在辯論中有議員不斷提出無關的事宜、一些冗贅、煩厭地重提本身或其他議員的論點，不應該把立法會主席的權力交給事務委員會的主席。

然而，在極不檢點的行為方面，我們認為，為處理目前情況，可以嘗試把這權力交給事務委員會主席。總的來說，我們很希望將來無須真的要運用這種權力，我們更希望在不久的將來，我們可以把第44條、第45(1)條、第45(2)條回復原貌，因為已經沒有議員覺得再有需要用一些平和、理性辯論以外的方法，來表達意見和貫徹及行使言論自由的權利。我們亦很希望我們的政制能很快地達致真正的普及和平等，令所有市民可以透過理性、平和的表達方式來令當權者聽他們的意見。我們希望在制訂政策的過程中，議員能夠被尊重，令他們不再

覺得要採用非平和和非理性的辯論手法是會得到支持的。我們不希望有需要行使修正案涉及的權力。

因此，主席，我今天代表公民黨表達了我們就這兩項議案的投票的取向，以及解釋了我們的立場。謹此陳辭。

主席：是否有其他議員想發言？

葉國謙議員：主席，在過去兩、三年，香港莊嚴的議會文化產生了明顯的變化。個別立法會議員在立法會大會、財務委員會、特首答問大會各種公開會議上“擲蕉”、辱罵官員、推撞保安，視議會常規為無物，肆意破壞議會秩序，為社會的下一代樹立了極壞的榜樣，立法會必須正視問題，讓議會秩序重回正軌。

這次對《議事規則》第44及45條提出的修訂建議，受到黃毓民議員、陳偉業議員及梁國雄議員反對，相信是意料中事，他們不反對才令人感到意外，因為他們是議會暴力的始作俑者。但是，如果將自己的議會暴力行為，美化為“民主抗爭”，我倒想問一句，擲膠樽、擲拖鞋、擲白果、辱罵官員是“狗官”、“太監”等，這些行為跟民主有何關係呢？這種“暴力問政”的方式，其實是“反民主”的惡霸行為。

有人說香港的議會文化越來越“台灣化”。台灣議會的暴力文化，一般以1988年民進黨立委朱高正，跳上主席台毆打當時的立法院院長劉闊才的事件，視為“暴力問政”的開始。說到台灣政治，相信黃毓民議員是專家，肯定比我更清楚。1980年代的台灣，仍處於國民黨威權管治的時代，在立法院的少數派，提出的政策或政治主張，很多時候都沒有正常渠道表達，媒體又鮮有報道，所以被迫採取激烈的手段，這是可以理解的。

然而，香港是一個多元化的社會，任何政治訴求或政治主張均找到渠道表達，不論大小政黨或獨立議員均有機會在媒體露臉，議員也有很多種正常途徑向政府表達意見。所以，個別議員在議會內採取極端的抗爭行為來表達訴求，其實沒有必要。他們之所以樂此不倦，甚至變本加厲，唯一可以解釋的理由，就是要以激進作為賣點，向支持他們的選民作出交代。

梁國雄議員在早前的內務委員會會議上，已經對有關修訂表示反對，他說：立法會大會主席是中立的，但事務委員會主席並非中立，賦權事務委員會主席驅逐議員的做法不合理，他還叫其他議員“做事顧及身份”。原本，事務委員會主席並非必要擁有驅逐議員的權力，正正因為梁議員不顧身份，在人力事務委員會內，向張建宗局長擲膠樽，使在座大部分議員均覺得有需要賦予事務委員會主席權力。剛才吳靄儀議員亦就這方面提及，為何常設委員會應該有這權力，其他委員會則不應該賦予權力。其實，我們贊成湯家驊議員提出的某些邏輯，即若有人覺得這是不對的，是剝奪議員的發言權，則立法會大會及其他常設委員會主席的權力均取消才合邏輯。然而，事務委員會本身是執行處理立法會的運作，我看不到主席之中，為何會有不同的等別，有些主席可以運用這權力，有些較二流或低一級的主席則不能。所以，我真的不能在這方面認同這些邏輯。

這次提出的修訂建議，除了賦權事務委員會主席驅逐行為不檢的議員之外，還賦予事務委員會主席權力，可以指示不斷提出無關的事宜或冗贅煩厭的議員停止發言。但是，反對的議員認為，議員在事務委員會上發言有時間限制，故此，並無必要賦予事務委員會主席這種權力。其實，常設委員會的議員在發言時均有時間限制，而常設委員會主席一直都被賦予權力中止議員的冗贅煩厭的發言及提出無關的事宜。因此，我看不到有任何理由，在同意增加事務委員會主席執行議會程序權力的修訂中，單單剔除賦予事務委員會主席與常設委員會主席中止議員發言的同等權力。為何要單單剔除在外，不同意呢？我剛才聽到何俊仁議員的發言，他覺得沒有必要將中止議員發言變成主席的權力。其實在《議事規則》內清楚說明，議員重複提出無關事宜及冗贅煩厭地發言，主席才可指示其停止發言，目的是讓會議能有效和有序地進行，並能得以控制。

這次提出的修訂建議，是讓議會秩序重回正軌踏出第一步。我聽到陳偉業議員剛才的發言提及，在街上聽到很多街坊就議會有如此的《議事規則》的改變，表達憤怒的聲音。不過，我亦需跟陳議員說，我聽到很多市民的聲音，對於現時立法會這種暴力的議會文化表示強烈不滿。我相信這是大多數議員均覺得有需要利用這次機會作這方面的修訂的最重要的一點。不過，坦白說，即使這次修訂建議獲得通過，也不一定能杜絕我特別關心現時在議會內的肢體暴力和語言暴力的行為。因為“罰離場”對於個別議員來說，並不是一種懲罰，甚至可能是一種獎賞，因為既可以提早“收工”，又可以“博出位”。所以，民建聯認為，有必要再進一步研究外國議會的議事規則，以制訂適合香港政制不斷發展下的議會常規。

主席，我謹此陳辭，支持議案。

主席：是否有其他議員想發言？

黃國健議員：主席，我代表工聯會發言支持這兩項決議案。其實我覺得今天的討論是好事，這個好是在於香港現在很多市民對立法會普遍感到不滿。他們不能分辨出在立法會中發生了甚麼事，他們對某些議員的某些行為的不滿，可能擴展至對整個立法會的不滿。我記得之前有一項民調的結果顯示，立法會的民意支持度是較政府部門、特首、高官還要低的。報章也常常指責我們待人以嚴，律己則以寬。所以，我覺得今次的討論可向社會作出交代，說明我們立法會其實也是要有律己精神的。

其實我覺得提出這兩項決議案是理所當然的，目的只是維持會議正常、持續及公平地進行。維持會議持續地進行，這大家較為理解。公平的意思就是，議員不應作出任何不當行為來影響其他議員開會，也不應該影響整個會議的進行。影響會議的進行，其實亦影響公眾的利益。

所以，我覺得今次把問題提出來討論是好事。即使最後決議案不能獲得通過，也能給公眾一個交代，讓公眾看到究竟是哪些政黨、議員包庇這些行為，哪些議員為這些行為充當保護傘。所以，我覺得今次討論的好處，是在於把問題揭露出來，讓社會大眾看到，立法會現在對這些問題已開始討論，也有很多議員不滿這些行為，對這些行為“say no”。

其實我們在社區中或在社區進行諮詢會時，很多街坊、市民都對我們抱怨，責罵我們為何不制止這些行為。我記得我最近乘搭巴士時，突然有一位“阿叔”特意走到我身旁坐下，就是說這些事情。他問我們為何不做一些事情，來制止這些行為。我覺得今天這討論，即使沒有結果，也可作出交代，讓人們知道我們是有做工夫的。所以，我們會支持這項決議案的。

我剛才聽到很多議員提出理據，指議員是市民選出來的，所以，做這些行為是向其選民交代。其實我也有一個疑問，究竟選民選議員出來的時候，有沒有授權給他在立法會中做這些行為呢？有多少市民

真的希望選一位議員進入立法會做一些不當的行為，阻礙會議的進行呢？老實說，以民主、言論自由這些理據是不能遮蓋這些行為的不當性。

我相信現在這項決議案並沒有阻礙任何議員的言論自由，即議員想說甚麼，根本沒有人可以加以阻止。問題是，任何人在會議進行中所做的事情，均不應該妨礙會議的進行，不應該妨礙其他議員議政和表達意見。所以，在這前提下，工聯會將會支持今次這項決議案。多謝主席。

主席：是否有其他議員想發言？

謝偉俊議員：主席，我首先希望清楚指出兩個分野：第一是議會內、外的分別；第二是言論和行為的分別。正由於存在上述分野，我稍後的投票取向將與某些同事相同，贊成修訂《議事規則》第45(2)條規管議員行為的規定，但在現階段不贊成同時修改《議事規則》第45(1)條，有關作出冗長或煩厭性的發言的規定。

立法會和任何其他建制內的機構一樣，必須訂有規矩。今天就修訂《議事規則》進行的討論，本身已是self-evident即不言而喻地證明我們有需要訂立規矩。我很同意剛才湯家驊議員所提出，例如關於立法會並非神聖不可侵犯等的數個論點，在此我不再重複。但是，整體而言，我不能自稱是一個經常恪守規矩的人，黃毓民議員亦對我提出質疑，指謝偉俊議員一旦瘋起來也會作出嚇人的行為，不過，我會選擇性地視乎場合和情況而行動。即使我曾在公開場合及傳媒鏡頭之前，說出或作出某些可能被視為離經叛道、被所屬業界中人高調批評的說話或行為，甚至為此承受非常嚴厲的指責和懲罰，但有一條界線是我從來不會僭越的，那便是法院內、外之分的重要界線。同一道理，我認為如要維持建制(包括立法會)的尊嚴，便應就立法會內、外作出區分。

我十分贊成，亦相當瞭解及支持在某些情況下，為了表達意見必須不惜進行抗爭和表示不滿，甚至需要走上街頭示威，以至作出一些被認為偏向衝擊性的行為。但是，我始終認為在議事廳的大門之內不應出現這些行為，否則我們便沒有資格也不配談甚麼民主，因為議事

廳是讓我們進行理性討論的地方。

我經常強調“政法同門”，政治和法律一樣，即使有人甚至在座某些同事曾遭受他們認為屬不公義的檢控，但我從未聽聞有任何大律師、律師或街頭鬥士，膽敢在法庭內公然挑戰法官的權威，藐視法庭……

梁國雄議員：主席，我澄清我曾這樣做，MACKINTOSH便曾經被我罵過。

主席：梁議員，你有甚麼問題？

梁國雄議員：他說他不相信，但那位已過身的MACKINTOSH已被我罵過了。

主席：梁議員，請坐下。

梁國雄議員：不知道便不要亂說。

謝偉俊議員：主席，如果沒有記錯，過去應不曾有任何議員被判藐視法庭。即使有間歇性的不恰當語言，或一如梁國雄議員剛才所說，他曾與胡國興法官進行某些對話，但在某程度上，法庭對於沒有代表律師的人士通常會有較高容忍度和包容度，但這並不等於在議事廳內發生的某些行為，我強調不是言論而是行為，是可以為任何法庭所接受。

主席，其實凡事均講求平衡，剛才梁家傑議員亦曾多次使用“平衡”這個字眼。我認為除了平衡之外，還要加上合理、proportionate、合乎尺度的方向，這些均是普通常識。在今次討論的議題上，平衡點應放在何處？有些同事提出議會的尊嚴和順暢運作，這些我均表贊同，亦無需多說。不過，我想提出關於公平的問題。公平問題涉及數個方面，時間分配是其中之一。有同事指出這些行為不會阻礙太多時

間，只要把所涉議員趕離議事廳便可恢復進行會議，但事實上，往往在一些重要會議上，例如每當進行行政長官或政務司司長會出席回答問題、傳媒關注最多、時間分配最為緊張的會議時，便會有同事選擇性地在這些場合作出他們認為可引人注目的行為。但是，我們不要忘記，這些重要會議的時間分配往往非常緊張，為了鬧事而花費的每一分鐘，其實均褫奪了其他同事的發言權利和時間。由於出現這種行為，其他同事往往不能獲得公平的時間分配，這是第一點。

第二點是造成破壞的問題，這一點也不用多說，每當氣氛被破壞之後，均可能需要一段時間才得以恢復。第三點是壓力問題，壓力不僅在於同事本身，還可能涉及參與會議的官員或市民，而剛才也有同事提及，這可能涉及有形或無形的壓力。有時不一定要被所投擲物件擊中才構成暴力，任何恐嚇對方，令對方感到人身可能受到傷害的行為，理論上均已構成刑事罪行，只是如在執法上不太清晰，屬 *borderline cases* 即邊緣個案的話，警方便不會或不想隨意採取行動。事實上，某些議員過往的一些行為，嚴格而言已可能在邏輯上和理論上構成刑事行為，儘管沒有人被所投擲的物件擊中。所以，不要自以為眼界奇準或自恃以往行為沒有造成任何後果，其實是尚未到達臨界點而已，至於臨界點這回事，儘管未達到要提出檢控的地步，本會的同事其實已可說是非常忍讓。由開始出現暴力事件，某些同事作出書面譴責，以至漸漸有越來越多同事加入譴責行列，直至今次就修訂《議事規則》作出討論，所涉及的其實是一個演變過程，是 *action* 和 *reaction* 的過程。在一方選擇進行衝擊時，另一方自然有需要考慮應否相應作出回應。

對於吳靄儀議員剛才所作分析，我雖表尊重，但恐怕不能接受其中兩點。首先，她以英國議會作出比較，但英國議會沒有可能出現這種情況，最低限度暫時從未發生。正如我們無法想像英國超級足球聯賽會像非洲某些國家的足球賽事一般，經常有球員被罰離場或出現球員毆鬥的情況。說到英國議會，最低限度在我的印象中從未出現議員間的毆鬥行為，言論上的諷刺和衝擊有不少，但吳靄儀議員如認為有這樣的情況，希望她可以給我們一些意見，因為我亦希望能掌握這方面的證據。

其次，我不能夠完全接受吳靄儀議員的分析，因為在她洋洋灑灑的發言之中，她只表示很關注 (*concern*) 這種情況，但卻沒有提出任何 *relief* 即解決問題的方法，似乎只能繼續容忍。然而，以今時今日的

議會文化及社會輿論而言，恐怕已不能夠繼續容忍這種情況。

主席，有些同事特別是反對作出任何修訂的同事大聲疾呼，指本會並不公義，因此便可為所欲為；又或他們只是反映坊間的某些意見；甚或認為這是一個作出宣泄的場合，如果連這種宣泄機會也欠奉，恐怕會出現更嚴重的社會暴力事件。對於這方面的意見，我們可略作參考。不過，我想指出無論現行立法會選舉機制如何不公義，而某程度上我亦贊同有關說法，但這亦是經過充分討論和考慮後所訂定的漸進過程，而且有關過程仍在繼續不斷進行。正因為在制度上實施了比例代表制，才能容許一些自以為擁有民意基礎的同事肆意妄為。

事實上，如果對每一位議員的言論，均以社會上認為是否恰當的評論來作出論斷，相信這些只取得10%至15%選民支持的同事，未必可以如此大聲疾呼地說自己才擁有民意基礎。正如近期出現的某些偏激言論，加諸新移民身上的所謂“蝗蟲論”，是否有15%人士贊同便可以容許他們繼續肆意作出攻擊，提出一些非理性、具侮辱性甚至帶有種族主義(racism)色彩的言論？如果任何人有任何不滿，均可在得到15%人士認同下肆意妄為，相信亦非大部分市民的主流意見所能接受的做法。

對於宣泄渠道的說法，我亦有很大保留。事實上，剛才有同事大聲疾呼，號召羣眾跟隨他們的做法，這已不單是宣泄的問題，而是鼓吹甚至呼籲青年人參與其行動，這根本是唆使、教唆和煽動行為，對此我亦有極大保留。

有同事嘗試就大會主席和其他主席作出區分，作為不贊同作出修訂的理據。我同意湯家驊議員的說法，這其實不單涉及階級問題，大會主席並不僅僅代表其個人，而是一旦擔當這個職位，便要代表整個議會、整個建制行事，而這個位置亦可隨時由其他無需經過選舉選出的議員擔當，並且行使該職位所獲賦予的權力。舉例而言，代理主席會經常代為執行主席的職務，但他們並未像大會主席般經過選舉程序被推舉出來。當然，我們可以作出修訂，就此訂定一個選舉程序。

因此，基於同一道理，內務委員會或常設委員會的主席，理論上也只是暫時代表整個建制行使大會主席的權力。在這方面，我並不認為只有大會主席才可行使相關權力，當由其他議員代任時則不能行使那些權力。有同事指出其他委員會的主席其實也是經過協商而選出，但其實即使是大會主席，很多時候也是由大型政黨協商下選出，難道

可容許我們這些獨立議員置喙？所以，我認為這方面的分野其實問題不大，我反而希望在此重申，最重要的分野其實在於那究竟是言論還是行為上的問題。

有些同事擔心這是作出限制的第一步，是黑暗的一天，因為這做法會破壞議員的言論自由，收緊議員的言論空間，而且可進一步把議員逐出立法會，只要有三分之二議員同意行使《基本法》第七十九條所訂權力便可。理論上當然有這個可能，但實際上並不容易，而過往亦不曾出現這樣的先例。議員須接受社會的監察，如果隨便濫用所獲賦予的權力，將須接受適當的制裁，所以這想法未免是過慮了。

整體而言，每一項措施和修改均是一項incremental process，即漸進式的程序。今次，我們很不幸地需要處理這個問題，正是因為議會出現了一些和過往不同的做法和事件，令議員在逼不得已的情況下須以漸進方式修訂《議事規則》。是次修訂是在不妨礙整體言論自由之下，針對特別嚴重的不檢行為，容許其他委員會的主席享有和大會主席及常設委員會主席相若的權力，我認為這是可以接受的。然而，對於就發言問題作出制裁的權力，我認為在現階段未有需要採取這一步行動，所以我會按以上所述取向作出投票。多謝主席。

主席：是否有其他議員想發言？

(沒有其他議員表示想發言)

主席：如果沒有，我現在請譚耀宗議員發言答辯。在譚耀宗議員答辯後，這項辯論即告結束。

譚耀宗議員：主席，謝偉俊議員剛才的發言，已是一篇很好的總結陳辭，回應了各位議員的辯論，我其實很贊成他總結陳辭的內容。謝偉俊議員對議會內外作出了分析，我覺得這是正確的。如果看回他的情況，他也是過來人。在過往未進入議會之前，他其實也有很多“出位”的行動，我覺得他與“長毛”也是不遑多讓的。不過，自從他參加了議會之後，我覺得他是一個按照《議事規則》做事的人。

因此，就這個問題，在議會裏，大家的容忍度其實相當高。大家

想一想，我們這屆的任期還有一年多便完結。我剛才在發言時已經說過，這屆立法會共發生了28次議員作出極不檢點的行為。在今年的首3個月，亦有4次擲物件的事件發生。看到這些情況，大家均希望這可能只是一時之氣，希望議員會逐步收斂這些行為，或相關的議員會遵守《議事規則》。然而，大家覺得這些期望均一一落空；社會的輿論，最終亦對立法會整體的情況提出了很多批評意見。所以，今天對《議事規則》第44條、第45條作出少許修訂，我覺得這其實是很小的一步。但是，如果說這項修訂也引致議員在剛才發言時提出很多很強烈的抨擊，我是感到心痛，而並非為這些互相攻擊而感到很高興。

有些議員說今天是很黑暗的日子，我覺得這是誇大其事。一項如此細微的修訂，如何會是黑暗呢？是甚麼地方黑暗呢？他們說到彷彿以後也不讓人發言，其實並不是這樣的情況。陳偉業議員舉例說，他昨天在荃灣麗城花園，有街坊走過來說他做得非常好，很認同他這些議會暴力的行為，也很支持他。然而，湊巧我昨天由中午至晚上的不同時候、環境之下，也有3次聽到了市民的意見。

第一次是我在吃中午飯的時候。當時一羣人在吃飯，在座其中一位是家庭主婦，她有一子一女，均是十多歲的了。她主動提出——她知道我是立法會議員，我們有數年沒有見面——她主動提出：“立法會議員為何會是這樣的？你們開會時不守規矩、亂擲東西。”她甚至說：“這些行為不是把台灣的行為搬過來了？這是不好、不應該的。”她說了這些話，這個話題完全不是由我帶出來的，我亦再沒有“加鹽加醋”。我只看到這些家庭主婦平時可能對議會的事項不一定全部也關心，但看到這些行為的出現，也有着相當強烈的反應。這是我在中午吃飯時聽到的。

我在晚上出席一位友人的女兒的婚宴場合，有一位是金融界的朋友，他很多時候也對金融市場、股價或其他方面作出一些評論，也算是一名“名嘴”。他主動地與我談及這個問題，說對於立法會議員既擲物件又作出粗暴的行為，他感到很不滿。

在飲宴完畢，當我登上的士返家途中，的士司機看到並認得我是譚耀宗議員，我接着便聆聽他的說話。他點出了黃毓民議員的名字，他首先澄清他是無黨無派的，接着說：“不過，我認為立法會議員，例如好像黃毓民議員般，他很有知識、文化，為何會做出這些行為呢？他做的行為也是不對的，開會便開會，無需做出這些行為。”他擔心駕車時說得太多，因為我乘坐的路途並不很遙遠；在我抵達目的地的時候，他甚至說：“阻礙你一會兒，我要再多說兩句。”的士司機也發

表了相類的意見。在一天內，不知為何，我所接觸的人不約而同地……他們沒有問及我們今天是否就要修改《議事規則》進行表決，他們可能亦不知道有這項討論，但不同背景、階層的人，均關心這個問題。

陳偉業議員當然會說，有很多支持者也支持他這些做法，我對此便不清楚了。不過，如果以我接觸的人來看，剛才發言的議員其實亦表示，大家在日常接觸的市民，對議會出現這些情況，很多也認為議員是不應該這樣做的。所以，我很希望我們的議員、同事均能認真地深入思考一下。你說這些是抗爭的行為，但我覺得抗爭是有一種程度的；到了某一種程度，而你要繼續這樣下去的時候，事情便可能會適得其反，而並非等於你做了這些行為之後，便會帶來更好的效果，得到更多人的欣賞，或能夠對你的目標或訴求有正面的作用，除非你有其他的議題是我不知道的。

有議員剛才發言時反對這項對《議事規則》的小修訂，他們說現時議會有一半議員是由功能團體選出，是小圈子選出來的，而並非全部是民意的代表。我覺得他們說這些話的時候便要再想想，如果說他們是經地區直選選出來的，是民意的代表，只有他們才能夠代表市民的話，但他們那些行為、言論卻得不到大家的支持，最終不是會影響地區直選的議員嗎？大家可能對直選方面便會有些戒心，認為在現時30位議員裏，幸好暫時只有數位議員是這般模樣，如果將來有越來越多直選議席，有越來越多這類議員，可怎麼辦呢？這對於地區直選的議員能否起到正面的作用呢？會否令更多人想到，幸好仍有功能團體的議員呢？我覺得這些均是值得大家思考的。

主席，有人認為不用修改《議事規則》，大家明白要如何做便可以了。但是，我們對此已等待了很久，大家也是這樣想，亦有議員說修改了卻不等於不會有事情發生。吳靄儀議員強調，修改了便等於不會有事情發生嗎？如果按照這種邏輯精神，可能很多東西亦是不用修改的了；我們經常要修改法例，但這其實也是不用修改的，修改了也是無法杜絕的。例如說要修改法例、加強罰則，阻嚇人們不要亂拋垃圾，罰款由500元增加至現時的1,500元。你可以說不用這樣做，即使罰款1,500元，同樣也會有人亂拋垃圾……

謝偉俊議員：醉酒駕駛。

譚耀宗議員：對了，謝偉俊議員提醒我還有醉酒駕駛方面，我沒有駕

駛執照，這些事不會發生在我身上，所以我想不起來。你可以說是不用增加罰則的，因為也無法阻止醉酒駕駛，這些情況同樣會發生。你說飲一杯酒便要受罰，但可能仍同樣有人有心地以身試法，或無意地作出這些行為。

總的來說，如果覺得某項規例、條例是有問題，我們要進行修改或加強一下，或甚至對某些情況需設多些限制，我覺得這也是很自然的事。雖然大家均明白，肯定不會因為這些修改而令問題得以完全解決；如果是這樣的話便很簡單、很容易做了，是嗎？然而，如果我們連這一步也不做的話，我覺得便是有負社會很多市民對我們的期望。我們希望做了這一步之後，相關的議員能好好地反省一下、想一想，他們是否繼續要這樣做？在議會裏大多數人有這樣的意見，在社會上也有這麼多意見，他們還是否應該繼續在這裏堅持自己這種做法呢？

再者，你說要抗爭，這是沒有人要阻止你的。不過，大家在開會的時候，最好便按照《議事規則》辦事，這樣便可以了；你喜歡在外面做其他事情，沒有人會阻止你。香港是法治的社會，你可以做很多事情，只要不是違反法例的事情，你也可以做。

有議員提到我們稍後會分開兩項修訂來進行表決，有些說只會贊成一項，有些則是兩項均贊成。當然，每個人對此也可以有選擇。不過，我覺得即使我提出這兩項修訂，亦不會導致第45(1)條不准人們作出評論。我想大家均知道，我們在開會的時候，無論是大會主席、事務委員會主席，還是各個委員會的主席，大家在擔任主席、坐在主席的位置上的時候，他們處事均很公正、公道，我完全不認為擔任了主席的人便會濫權、霸權，我想大家也不會這樣做。大家是輪流擔任主席的，也有機會坐上那個位置。大家已合作了數年，均明白、亦不會因為這項修訂而故意阻止別人發言，影響別人的言論自由。我相信這情況應該是不會出現的，因為我們均不是剛剛才開始進行議會工作。

至於有議員說日後會否有這樣的情況？我同樣覺得是不會的。我們的會議全部是開放的，大家有目共睹我們不會濫用《議事規則》。出現了問題的時候，大家很多時候反而會懷疑《議事規則》會否是有些東西沒有說清楚、會否太寬鬆而令主席難以作出裁決？是有很多這樣的情況出現，反而是大家對《議事規則》提出一些疑問。

在我發言後便會進行表決，我很希望大家可以重新考慮，對於今天分開表決的這兩項修訂，均能夠全部支持。謝謝主席。

陳偉業議員：主席，我可否請他澄清在他剛才的發言中，他說呼籲大家按《議事規則》辦事。我覺得他的發言似乎有誤導性，以及他可能是說錯話。他可否澄清，現時是修訂《議事規則》，而非按《議事規則》辦事，他的發言似乎是有誤導性及扭曲性的成分。

主席：陳議員，在譚耀宗議員發言答辯後，這項辯論已告結束。我現在向各位提出的待決議題是：譚耀宗議員就修訂《議事規則》第45(2)條動議的第一項議案，予以通過。現在付諸表決，贊成的請舉手。

(議員舉手)

主席：反對的請舉手。

(議員舉手)

陳偉業議員起立要求記名表決。

主席：陳偉業議員要求記名表決。表決鐘會響3分鐘。

(在表決鐘響起期間，何俊仁議員站起來)

主席：何俊仁議員，你有甚麼問題？

何俊仁議員：我們現在是就第45(1)條，還是第45(2)條進行表決？

主席：現在是就第一項議案，即修訂《議事規則》第45(2)條進行表決。

(表決鐘繼續響起期間，黃毓民議員站起來大聲叫罵)

黃毓民議員：打壓言論自由，可耻！

主席：黃毓民議員……

黃毓民議員：民主黨自掘墳墓，可耻！

主席：黃毓民議員，請立即坐下。

黃毓民議員：偽民主派打擊言論自由，可耻！

主席：黃毓民議員……

黃毓民議員：主席，我們離場表示抗議。

(陳偉業議員亦站起來)

陳偉業議員：主席，你無需趕我們離場，我們不承認這項表決結果。

主席：陳偉業議員，請立即坐下。

陳偉業議員：民主黨投共，可耻！民主黨可耻！出賣選民，可耻！

主席：陳偉業議員，請立即離開會議廳。

(黃毓民議員及陳偉業議員離開了會議廳)

(表決鐘響結束)

主席：現在開始表決。

主席：請各位議員核對所作的表決。如果沒有問題，現在停止表決，顯示結果。

功能團體：

何鍾泰議員、張文光議員、梁劉柔芬議員、黃宜弘議員、黃容根議員、劉皇發議員、劉健儀議員、李鳳英議員、張宇人議員、方剛議員、李國麟議員、林健鋒議員、梁君彥議員、黃定光議員、劉秀成議員、林大輝議員、陳茂波議員、陳健波議員、梁家騶議員、葉偉明議員、葉國謙議員、潘佩璆議員及謝偉俊議員贊成。

吳靄儀議員反對。

地方選區：

何俊仁議員、李華明議員、涂謹申議員、陳鑑林議員、劉江華議員、劉慧卿議員、譚耀宗議員、余若薇議員、王國興議員、李永達議員、張學明議員、湯家驊議員、甘乃威議員、李慧琼議員、陳克勤議員、梁美芬議員、黃成智議員、黃國健議員、葉劉淑儀議員、梁家傑議員及陳淑莊議員贊成。

馮檢基議員、何秀蘭議員及梁國雄議員反對。

鄭家富議員棄權。

主席曾鈺成議員沒有表決。

主席宣布經由功能團體選舉產生的議員，有24人出席，23人贊成，1人反對；而經由分區直接選舉產生的議員，有26人出席，21人贊成，3人反對，1人棄權。由於議題獲得兩部分在席議員分別以過半數贊成，他於是宣布議案獲得通過。

主席：譚耀宗議員。你現在可以動議第二項議案。

譚耀宗議員：主席，我動議通過以我名義提出的第二項議案。

譚耀宗議員動議的議案如下：

“議決修訂《香港特別行政區立法會議事規則》，修訂方式列於附表。

附表

對《香港特別行政區立法會議事規則》的修訂

1. 修訂第45條(立法會及委員會會議中的秩序)
第45(1)條 —
廢除
“常設或專責”。”

主席：我現在向各位提出的待議議題是：譚耀宗議員動議的第二項議案，予以通過。

主席：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

(議員舉手)

主席：反對的請舉手。

(議員舉手)

梁國雄議員起立要求記名表決。

主席：梁國雄議員要求記名表決。表決鐘會響3分鐘。

主席：現在開始表決。

主席：請各位議員核對所作的表決。如果沒有問題，現在停止表決，顯示結果。

功能團體：

何鍾泰議員、梁劉柔芬議員、黃宜弘議員、黃容根議員、劉皇發議員、劉健儀議員、李鳳英議員、張宇人議員、方剛議員、林健鋒議員、梁君彥議員、黃定光議員、劉秀成議員、林大輝議員、陳茂波議員、陳健波議員、葉偉明議員、葉國謙議員及潘佩璆議員贊成。

吳靄儀議員、張文光議員、李國麟議員、梁家驪議員及謝偉俊議員反對。

地方選區：

陳鑑林議員、劉江華議員、譚耀宗議員、王國興議員、張學明議員、湯家驊議員、李慧琼議員、陳克勤議員、梁美芬議員、黃國健議員及葉劉淑儀議員贊成。

何俊仁議員、李華明議員、涂謹申議員、劉慧卿議員、鄭家富議員、馮檢基議員、余若薇議員、李永達議員、甘乃威議員、何秀蘭議員、黃成智議員、梁家傑議員、梁國雄議員及陳淑莊議員反對。

主席曾鈺成議員沒有表決。

主席宣布經由功能團體選舉產生的議員，有24人出席，19人贊成，5人反對；而經由分區直接選舉產生的議員，有26人出席，11人贊成，14人反對。由於議題未獲得兩部分在席議員分別以過半數贊成，他於是宣布議案被否決。

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**Extract of the Official Record of Proceedings
of the Legislative Council meeting held on 11 May 2011**

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**PROPOSED RESOLUTION UNDER ARTICLE 75 OF THE BASIC LAW
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE
PEOPLE'S REPUBLIC OF CHINA**

MR TAM YIU-CHUNG (in Cantonese): Deputy President, in my capacity as Chairman of the Committee on Rules of Procedure (CRoP), I move that the first proposed resolution to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be passed.

Rule 44 specifies that the decision made by the President in Council or the chairman of any standing or select committee on a point of order shall be final. Rule 45 further specifies that the President or the chairman of any standing or select committee may direct a Member who persists in irrelevance or tedious repetition to discontinue his speech and order a Member whose conduct is grossly disorderly to immediate withdraw from the meeting.

The majority of CRoP members considered that, due to increasing frequency of disorderly conduct of Members at committee meetings, the present approach adopted by the chairmen of other committees of the Council (such as panels, bills committees and subcommittees) in handling disorderly conduct of Members, which include persuading the Member not to continue to behave in the manner which is the subject of the controversy and suspending the meeting to let the controversy die down, could no longer ensure the smooth operation of the committee. Most CRoP members considered that, although the chairman concerned might suspend a meeting, such suspension was highly disruptive to the work of the committee. If, upon resumption of the meeting, the Member continued to act in a disorderly manner, the chairman might have no alternative but to suspend the meeting again to let the Member calm down. CRoP agreed that Rules 44 and 45 should be extended to cover other committees of the Council. Dr Margaret NG, Deputy Chairman of CRoP, was however of the view that this approach might lead to more conflict or confrontation, which would not be conducive to the smooth operation of these committees.

CRoP proposed that Rules 44 and 45 should be amended and extended to cover other committees of the Council. When the House Committee discussed the issue at its meeting on 15 April 2011, Members expressed differing views on whether Rule 45(1) and Rule 45(2) should be amended. Rule 45(1) specifies that the President in Council or the chairman of any standing committee or select committee may order a Member who persists in irrelevance or tedious repetition to discontinue his speech. Rule 45(2) specifies that the President in Council or the chairman of any standing committee or select committee may order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting.

This proposed resolution seeks to amend Rules 44 and 45(2), extending their application to all committees of the Council. The second proposed resolution seeks to amend Rule 45(1), extending its application all committees of the Council.

My views on the proposed resolutions are as follows:

Deputy President, there have been 28 incidents where Members acted in a disorderly manner during this term of the Legislative Council, and their acts included hurling bananas, sweeping things off the table, hurling various objects, upsetting order in this Council, or using offensive or insulting language to attack public officials, and so on. Within the first three months of this year, there were four incidents where objects were being hurled. The public image of this Council has been tarnished by these incidents and the normal business of this Council has also been disrupted. This also affects the relationship between the executive authorities and the legislature. Whenever a Member attempted to assault government officials in this Council, the Chief Secretary for Administration will write to the President of this Council, hoping that he will take action and the President will forward the letter to me. As Chairman of the CRoP, I have been asked to follow up seven to eight such letters.

Facing such changes, the public generally think that the Rules of Procedure (RoP) of this Council should be tightened up. In the past few years, the CRoP had conducted four rounds of discussions and held many meetings to consult Members. Yet, the results were obvious. Though quite a few Members have requested for the tightening up of the RoP, some other Members are impervious. During the adjournment debate of this Council on 2 March on acts of violence

against the Chief Executive and public officers, we clearly learnt that some major parties and groupings considered that there were no problems with the RoP and amendments were unnecessary. They also said that the provisions in the RoP were adequate. Some Members considered that acts of violence just caused disruption for a few minutes, so we should just be tolerant for a short while. Some other Members even said wittingly that these acts might have refreshing effects, and they were no big deal.

The CRoP has studied the practices of many other legislatures to find out the approaches they adopt and how they regulate the repeated and continuous disorderly conduct of their members. According to our observation, the legislatures in Australia, the United Kingdom or our neighbour Taiwan may suspend Members who repeatedly violate the rules. The Australian Parliament may impose a suspension ranging from 24 hours to three meetings or up to seven meetings. As regards the British Parliament, if a member violates the rules for the first and second time, he may be suspended for five meeting days or 20 meeting days, as for subsequent violations, the suspension period is determined by the Parliament, and it may even be for the remainder of the session. In Taiwan, legislators can be suspended from their duties for four to eight meetings or three to six months. In the United Kingdom and Taiwan, suspended members have their pay withheld during the suspension period.

As regards restricting members to carrying dangerous objects or props or signs obstructing other people into the Chamber, the Legislative Yuan in Taiwan expressly prohibits legislators carrying dangerous objects into the Chamber. In the United Kingdom, Australia, New Zealand and Canada, restrictions are imposed according to the practices established by the Speaker's rulings. These legislatures do not allow the use of objects that will create inconvenience to other members or impede the conduct of meetings.

Nevertheless, compared with the relevant provisions of the legislatures of these countries and regions, the Legislative Council in Hong Kong does not have direct restrictions in this connection. Even if Members do not follow the directions of the President and are ordered to leave the Chamber due to their grossly disorderly conduct, they will not be subject to further sanction.

As I have just mentioned, the resolution I moved today will be in two parts because some Members have reservations about extending Rule 45(1) to cover all

committees of the Council. In fact, this amendment just empowers the chairmen of other committees of the Council to order a Member who persists in irrelevance or tedious repetition to withdraw immediately from the meeting. Members worried that the chairmen may have excessive power which will affect the freedom of Members to express their views. Yet, I think that they are over worried. Whether a Member's arguments are irrelevant to the subject under discussion or repetitive is purely an objective judgment, and everyone who has common sense will draw the same conclusion. Hence, there will not be difficulties in enforcement. Furthermore, the rulings made by the President in Council throughout the years have provided ample examples. So long as a Member whose arguments are repetitive or irrelevant returns to the subject under discussion, he can go on speaking. Therefore, as compared with Rule 45(2) that orders a Member to withdraw immediately from meeting, I think that the provision of Rule 45(1) is basically reasonable.

For this reason, if most Members support amending RoP 45(2), I also hope that they would also support amending RoP 45(1).

With these remarks, I hope that Members would support these two resolutions.

Thank you, Deputy President.

Mr TAM Yiu-chung moved the following motion:

"RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

Amendments to Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region

1. Rule 44 amended (Decision of Chair Final)
Rule 44 —
Repeal
"standing or select".

2. Rule 45 amended (Order in Council and Committee)
Rule 45(2) —
 - (a) Repeal
"standing or select";
 - (b) English text —
Repeal
"clerks of any committees"
Substitute
"clerk of any committee".

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the first motion moved by Mr TAM Yiu-chung be passed.

DR MARGARET NG: Deputy President, the amendments proposed in this Resolution and the next may appear to be small, but are in fact fundamental. They go to the root of the principles which underlie the Rules of Procedure and the way this Council functions.

Let me state from the start that I consider our ability to maintain order and decorum in all our proceedings to be essential to our proper functioning, and to our credibility in the community as the Legislature of the Hong Kong SAR.

Like other Honourable Members and members of the community, I am concerned about the repeated challenges to the rules of orderly conduct. I am even more deeply disturbed by the occasions on which the orders of the President were met with defiance and resistance and had to be effected by unseemly force. It is not that I am worried about setting a bad example for the children. More seriously, it is a matter of logic and obligation. For if the President cannot guarantee safe passage within our own house, how can we reasonably require any official or member of the public to appear before this Council?

Likewise, I am also aware that in the circumstances of repeated breach of conduct with apparent immunity, public pressure has increased for Members to "tighten up" the rules to deter such conduct.

The problem is certainly clear. However, are these amendments of the Rules the right answer? I do not think so. First of all, we should distinguish the rules from their enforcement. The most notorious occasions of disorderly conduct took place within Council sittings. The amendments proposed today do not concern Council sittings; the President already has the powers under the present Rules. The question is how the Rules may be applied and enforced more effectively and expeditiously. This is being dealt with vigorously in The Legislative Council Commission. The amendments proposed extend the same powers to the chairman of any committee, and it is not clear to me that doing so in any way addresses the concern of the public.

Some members of the public have suggested that new rules should be made to punish a disorderly Member by banning him from the Council for a period of weeks, with salary reduced or withheld. Our research shows that the House of Commons indeed has such powers, but they are not exercised at the order of the Speaker, but upon a motion moved by another member and passed by the House.

The apparently quaint procedure of the House of Commons illustrates a fundamental principle: authority is not used on an equal. Rules to give one member power over another member are justified only on the basis of necessity to facilitate debate. We must ask ourselves, before we cast our vote today, whether this requirement is satisfied by the proposed amendments.

As I have said earlier, the proposed amendments appear to be small: a few words are deleted from Rules 44, 45(1) and 45(2), three words in English and five words in Chinese. But the effect is to remove the difference between the powers of the President in Council, the Chairman in a committee of the whole Council or the chairman of any standing or select committee on one hand, and on the other hand, the powers of the chairman of any other committee such as a panel, a subcommittee and a bills committee. Under existing rules, the power to order a Member whose conduct is disorderly to withdraw immediately is exercised by the former, but not by the latter.

I may add that the three amendments are inter-related. Reading backwards, Rule 45(2) allows the chairman to order a Member whose conduct is grossly disorderly to withdraw; Rule 45(1) makes a Member who persists in irrelevant and tedious repetition and who refuses to stop speaking upon the direction of the chairman guilty of grossly disorderly conduct; and Rule 44 makes

the decision of the chairman on whether a Member is in breach of Rule 45(1) or (2) final and unchallengeable. These are draconian powers. It is right and fitting that they should be restricted.

So why are they given to one group of committees and not to another group? I submit that this is not arbitrary but a matter both of principle and good sense.

The Rules of Procedure of the Legislative Council originated from the Standing Orders of the House of Commons, which make a similar distinction between the two groups of committees. Powers under Standing Order No. 42 (which is similar to our Rule 45(1)) and Standing Order No. 43 (which is similar to our Rule 45(2)) are exercised only by the Speaker and the Chairman of a committee of the whole House or a standing committee but by no other chairman. The distinction is stated at the head of Chapter 27 of Erskine May: committees are divided into those which proceed by debate, and those which proceed by taking evidence, deliberation and report. These powers only apply in committees which proceed by debate. Or put it another way, committees which deal with formal questions (motions or bills), debate upon them and then resolve them, by voting if necessary, as opposed to committees which hear proposals, deliberate on them by discussion, and where appropriate report to the House Committee but make no binding decision. The report, if appropriate, can then be debated in a sitting of the Council.

According to the research reported to us, no Parliament in the world empowers a chairman of a deliberative committee with the powers which we are now considering under these proposed amendments.

It is clear to me that the draconian powers under Rules 44 and 45 are exercised by a chairman of a decision-making committee in enforcing the rules of debate and are necessary and appropriate for that purpose. The Speaker or the President, in maintaining order and decorum in a formal sitting of the House, is additionally upholding the dignity of the Court of Parliament. Such considerations do not apply to deliberative committees and subcommittees.

Deputy President, the differentiation is not just in name; nor is it just slavish borrowing from a jurisdiction now foreign. It underlines the two complementary halves of our function and the way we discharge them: we debate in opposition, vote on party lines, but we investigate and deliberate in

co-operation and across party lines, accommodating the line of exploration of each other. In making our reports we are conscious of power in unity, and that has been illustrated time and again in such reports as on West Kowloon Cultural Development and most of our select committees of inquiry. While the debates attract more attention, the real work, in my opinion, is more often achieved in the committee room. By the way, the House of Commons uses "Select Committee" to refer to what we would call a "policy panel", and in the House of Commons, part of the legislative procedure is carried out in standing committees, that is why they follow the process of debate.

In short, we take evidence and deliberate, and then we debate and decide. To disregard the distinction, as these amendments do almost more by thoughtlessness, is to confess our failure to co-operate and to commit this house to total debate. There is already an increasing impatience not to give time to a genuine exchange of views in order to forge maximum consensus, and to go immediately to debate from entrenched positions, and the ultimate vote count. I cannot tell you how remote this is from the true spirit of democracy.

I am reminded of the trial in *Alice in Wonderland*. As soon as the accusation was read out, the King said to the jury, "Consider your verdict." "Not yet, not yet," the Rabbit hastily interrupted. "There is a great deal to come before that!" Deputy President, is there, as far as this Council is concerned?

Let us, for a moment, leave principle and constitutional function and duty aside. Even on considering the practicalities alone these amendments should be opposed. They are neither necessary nor efficacious. Not necessary, because adjourning a committee meeting for a few minutes would be ample to deal with any problem of disorderly conduct. Not efficacious, because I see little likelihood of the order of the chairman for the Member to withdraw being meekly obeyed, and the commotion of getting staff assistance to forcibly evict the Member from a committee room will be more conducive to farce than to dignity.

Indeed, I believe that the threat of such an order from the chair will be most likely to be provocative, and contribute to lasting ill feelings between Members. It is not in such an environment that we can expect to foster the habit and norm of co-operation and consensus.

Since such additional powers are neither efficacious nor necessary, I do not see any justification for their adoption. Rules do not make good conduct. Only

respect for the rules and the institution can do so.

Finally, I would like to make this point: our Rules of Procedure will fall apart, not just when a few Members choose persistently to throw things at officials, but when unbridled contempt is permitted to be expressed by Members towards one another, and when Members are permitted to resort constantly to verbal abuse and personal attack.

I do not see how rational debate can take place in such a linguistic environment. And we do need rational debate if we are to discharge our duty, which includes ensuring the development of principled and reasoned long-term public policies for the good of Hong Kong. As a Member who has long served this Council, I am greatly saddened to see this happening.

Although rationality may not be any longer relevant, let it be recorded that these are the reasons why I oppose the motion. I may add that I do so with full exemption from the Civic Party, because rules of procedure are above politics.

Thank you.

MR ALBERT HO (in Cantonese): Deputy President, as I have just said, in making a decision today, we do not base upon political considerations or the interests of parties and groupings, so I hope Dr Margaret NG would not be mistaken. We also talk about principles

(Mr WONG Yuk-man came to Mr Albert HO and criticized him)

DEPUTY PRESIDENT (in Cantonese): Mr WONG Yuk-man, please sit down.

MR ALBERT HO (in Cantonese): Deputy President

MR WONG YUK-MAN (in Cantonese): What principles are you talking about? What kind of democratic camp do you belong to? You have taken the lead to tighten up the Rules of Procedure, are you not a member of the democratic camp?

DEPUTY PRESIDENT (in Cantonese): Mr WONG, please sit down. It is now time for Mr Albert HO to speak. Mr HO, please continue.

MR ALBERT HO (in Cantonese): Deputy President, at the meetings of the Committee on Rules of Procedure, many members have expressed the views that, apart from extending the powers to the chairman of other committees, the powers of the President in Council should also be expanded; and Mr TAM Yiu-chung has just given the examples of practices in various foreign legislatures. However, we have clearly expressed our views at each meeting that we cannot accept such powers under our political environment and the present political structure. We all know the reasons for that.

If an elected Mr TAM Yiu-chung just said that many legislatures are elected; but I need not say anything more about the structure of this legislature. We believe that not only this Council, the community as well does not feel relieved in giving the President in Council similar powers as those enjoyed by the Speaker of the British or Australian parliament.

Furthermore, concerning the two amendments moved today, as Honourable colleagues have just mentioned, in respect of additional powers, firstly, the amendments are minor in nature and only limited powers are conferred; secondly, the chairmen of other committees will have the same power as that of the chairmen of standing or select committees. Deputy President, we have considered that, even though these powers have been criticized as very limited, they are still essential for meetings to proceed normally.

As Honourable colleagues should have noticed, only the part of Rule 45(2) about grossly disorderly conduct will be amended. We all know that, even when the President in Council exercised this power in the past, he would first persuade and even warn a Member before making a final decision to ask him to withdraw from the meeting.

(THE PRESIDENT resumed the Chair)

I am sorry to see such a situation arises, but I understand that some Members have intentionally expressed themselves in this way. They would rather take the risk or subject to the pressure of being evicted from the meeting. They have their political considerations and they also understand that they have to be accountable and responsible to the community for their behaviours. The voters will express, through their votes, their evaluation of those actions.

In any case, the exercise of this power is restricted to the case where a Member has grossly disorderly conduct and the President finds it impossible for the meeting to operate normally. Although this power is limited, it is essential to ensure that the meeting can proceed. Since the President in Council, as well as the chairmen of standing and select committees can exercise such limited powers to ensure the smooth progress of meetings, I do not understand why the chairmen of other committee of the Council, including the chairmen of panels, should not have the same powers.

Of course, I understand that different committees have different powers; for example, panels can only deliberate, they do not have decision-making powers. Nevertheless, whether open meetings can be conducted orderly and smoothly, especially those meetings that are directly broadcasted through the mass media, are related to the dignity of the meetings, public expectations and the right to know of the community. Therefore, it is equally important for these meetings to proceed normally, even though decisions with legal effects cannot be made at such meetings. People who attend the meetings should be respected and people's expectations should be considered. Based on the above arguments, I think we should similarly give the chairmen of other committees the powers to ensure that the meetings can proceed normally, and I also consider this proposal acceptable.

Nonetheless, President, the case of Rule 45(1) is different. It requires the President to rule if a Member has persisted in irrelevance or tedious repetition of his own or other Members' arguments in the debate. President, this is a very subjective judgment.

Members have their ways of expression; some of them like to express their viewpoints with reference to philosophy, history or personal feelings. So long as their conduct is not extremely disorderly according to our general understanding, and that they will not impede the progress of the meeting, or that

they are not extremely offensive, why can we not give Members maximum freedom to express their views in the ways they have chosen? After all, the speaking time at meetings is often limited to three to five minutes. Even if a Member wants to speak once more, he is subject to restrictions. In that case, why should we completely hand over to the President a difficult task, asking him to decide whether Members' arguments are tedious? After careful consideration, we think that the amendment to Rule 45(1) is totally unnecessary and unacceptable.

Based on the abovementioned two factors for consideration, the Democratic Party will accept one of the amendments to Rule 45(1) today, so that the chairman of any standing or select committee or other panels can exercise his powers in managing the meetings under limited and specific circumstances, and they can ask Members who have disorderly conduct to leave the meetings as the last resort. We will vote against the remaining amendments.

DR PRISCILLA LEUNG (in Cantonese): President, the Professionals Forum interviewed 606 people from 4 to 6 March this year about whether the Rules of Procedure (RoP) should be tightened up. The results of three questions asked represented our views on the issue.

About 70.8% of the interviewees considered the chaotic situation of this Council as seen from television very offensive. Among the 606 interviewees, 508 (approximately 83.9%) strongly disagreed or disagreed with the behaviours of Members in this Council, including throwing bananas, bottles or joss money.

Regarding whether the Legislative Council has to enhance the RoP to further regulate these radical behaviours when this Council is discussing political issues, 74.7% of respondents agreed or strongly agreed. Why did we conduct this opinion poll? It is because this issue has been discussed for almost two years but we (especially the Professionals Forum) have not expressed our views on whether or not it is necessary to do so. However, many people we represented and many residents we met when we visited the local communities hoped that we could make some efforts in this connection. For this reason, we would like to find out objectively the views of the general public on this issue.

The results of this opinion poll showed that most Hong Kong people disagreed that Members should act violently and harassingly when expressing

their views in the Legislative Council. They also do not want to see the frequent adjournment of Council meetings during discussion as they regard that very annoying.

We think the results of this opinion poll have revealed some problems. In my view, while some people might feel annoyed when Members acted radically during the early days of this term; some people might find such acts novel. This is not surprising, but as time passes, people no longer tolerate such behaviours, and novel acts have become annoying. I fully understand that we would like to have freedom of expression in our society. Of course, nobody would object to such mainstream values and everybody would like to enjoy the greatest freedom in expressing their views. As Members, we enjoy certain privileges under the law, and our speeches and actions are not subject to legal sanction. Yet, as Members are public figures, what they say or do in this Council or in front of cameras will actually have an impact on society, in particular, they will have far-reaching impacts on the younger generation.

Concerning the RoP, I think the discussions of the Committee on Rules of Procedure are certainly important, but more important still, the RoP are laid down by Members and no Member can force another Member to act in a certain way. The RoP affects the parliamentary culture of the Legislative Council, which not only have a bearing on how Members discuss political issues, but also on the culture of our society. I personally do not agree that radical behaviours should be rationalized on the grounds that we have different views on the political system and that the current political system is unsatisfactory. I think parliamentary culture and electoral system are not necessarily related.

On this issue, I have expressed my personal views at meetings of the Committee on Rules of Procedure. One of my views is that we can follow the practices of other countries by adopting a mechanism with different levels of sanction, like red cards and yellow cards. In fact, Members will not be deprived of their freedom of speech, they can still express their views but there are different levels of sanctions.

Personally, I prefer the practice in Australia. For Members who violate the rules for the first time, they will be suspended from duty for 24 hours, that is, one day; for the second violation, Members will be suspended from duty for three

meetings, which is a very heavy punishment because the most important task of Members is to discuss political issues. For the third violation, Members may be suspended from participation in seven consecutive meetings. Having studied the rules of procedure of various countries and their ways of handling offences, I think that the mechanism of Australia (that is red and yellow cards) is better than the sanction of salary deduction.

This proposal simply represents our stance in the light of the present parliamentary culture of the Legislative Council, that is, we would like the RoP be amended. Certainly, we hope that the Legislative Council in Hong Kong is a solemn and civilized council that Hong Kong people are proud of, hence I have to reiterate again that I disagree with certain people rationalizing these behaviours on the grounds that their political system cannot be realized. We should definitely not rationalize these behaviours for the sake of attaining an ideal political system.

In the past half year, the public have raised stronger outcry against this situation. If Members listen to public opinion, I believe this is the voices of the general public or the silent majority. I so submit.

MR ALBERT CHAN (in Cantonese): President, we are discussing today about tightening up the Rules of Procedure (RoP) and the passage of the relevant motions. Apart from the day on which the "bogus constitutional reform package" was passed, today can be described as one of the darkest days in this Council after the reunification. The motion today about tightening up the RoP is, following the crossing over to the Chinese Communist Party (CCP) by the Democratic Party, another act to further restrict Members' freedom of expression and actions, as well as a means to restrict or control the resistance.

President, the incidents of hurling bananas and sweeping things off the table happened two years ago and almost a year ago respectively. After these two incidents, the League of Social Democrats (LSD) and the Civic Party initiated the "five-district referendum" campaign. In May last year when I stood for election, I stated from the start that I would engage in resistance inside and outside this Council, and I would continue to adopt the means of resistance as what I did in the past. The commitment and explication were supported by

100 000 electors, which brought me back to this Council. Engaging in resistance inside and outside this Council has gained the recognition and authorization of voters.

Today, in this Chamber, not only Members from functional constituencies overwhelmingly support strengthening restrictions, even the Democratic Party shamelessly renders support. Imposing these restrictions slapped the 100 000 electors who voted for me. These electors voted to authorize me to engage in resistance inside and outside this Council. Therefore, if this Council endorses the amendments, it can be said that the democratic development in Hong Kong will be brought into the dark.

President, as regards hurling bananas, sweeping things off the table or hurling joss money I should have given some joss money to Dr Priscilla LEUNG as souvenirs; she is probably unhappy because I have not given her any. Concerning resistance inside and outside this Council, many Members have quoted the practices of some overseas countries, including the United Kingdom, the United States, Canada, Australia and New Zealand. However, the legislatures in these countries are democratically elected rather than controlled by some "lackeys" appointed by the Central Authorities and Members returned by small-circle elections. As we all know, on many occasions in the past, before voting took place in this Council, especially at some important moments, some Members would stay in the Ante-Chamber and keep calling the Liaison Office of the Central People's Government in the SAR to get the instruction. Such cases happened before 1997 and also after 1997. Thus, quite a number of Members in this Council voted not on the basis of people's interests but as instructed by their masters.

That was why Yuk-man and I repeatedly emphasized, through elections, that we ought to engage in resistance inside and outside this Council. The objective is to fight against injustice in this Council. This Council lacks public empowerment and representativeness, many policies have thus been distorted. In adopting resistance as a means, we want to highlight the injustice in this Council and voice out our anger on behalf of the public.

President, I hope Members would explain clearly why there is presently no channel for the general public and ordinary people to express their anger. When facing the Government and some political parties, in particular those parties

which reneged on their promises made during the election and acted against the party platform, people have no channels to express their anger.

Yesterday, I conducted a questionnaire survey on railway development at Belvedere Garden in Tsuen Wan. A middle-aged man came to me and said, "Big Guy, previously I detested your acts of hurling bananas and sweeping things off the table. Many of my friends are middle-class professionals and they oppose and dislike such acts. However, seeing how the Government performs recently, we think your acts are justifiable". People have noticed the incompetent and shameless performance of the Government, as well as the looks of many shameless politicians. Member of the public have become increasingly furious. In hurling bananas and sweeping things off the table, we want to reflect people's anger through actions. Certain social effects would be attained.

Many people criticize us, saying that we take such actions to gain exposure and votes. Nevertheless, if we can gain votes through such actions, why do major political parties not follow suit? Evidently, they think that these actions will be spurned by voters, so they are unwilling to follow suit lest they should lose their votes. For this reason, they just let us do the abominable things. In order to expose the injustice in this Council, we have taken some actions which are disdained by Members who claim themselves to be "gentlemen" and "ladies". Through these actions, we have exposed certain political phenomena, beliefs and improper government measures. These actions help to vent people's grievances and reduce the confrontational pressures. Any acts of resistance expressing dissatisfaction with the Government can, if accepted by the public, help to vent their anger to a certain extent.

If you want to plug these channels for venting anger, I have to warn you, you will create more opportunities for intensifying people's anger and grievances, because people have no channel or opportunity to vent their anger and grievances. When the pressure keeps increasing, the political and social resistance will intensify. For instance, in the 1960s, Martin Luther KING staged a peaceful protest movement in the United States, but the movement was met with the violence of the Black Panthers who assassinated federal police detectives, set fire to warehouses and blew up offices. If Honourable colleagues suppress legitimate acts of resistance or acts that you oppose and consider to be a nuisance, the public would have no avenues to vent their anger, and eventually they will resort to more violent acts of resistance.

President, for more than 10 years since the reunification in 1997, the political "golden hoop" has been tightened constantly: the Provisional Legislative Council; the interpretation of the Basic Law by the National People's Congress; the re-introduction of the District Council appointment system; the proposed enactment of legislation to implement Article 23 of the Basic Law; forcing through the Interception Bill; selective prosecution of the so-called illegal broadcasting; Secretary TSANG Tak-sing's intervention in voluntary agencies, resulting in the dismissal of a social worker; confiscation of the Goddess of Democracy statutes by the police; clamping down on the freedom of expression; as well as stricter police control in recent processions. In fact, the "golden hoop" has been tightened constantly in the past 10 years or so.

The Democratic Party passed the "bogus constitutional reform package" after crossing over to the CCP, and shortly after that, it supported the restriction on the scope of resistance in this Council by tightening up the relevant procedures and powers of this Council. This actually impedes the process of resistance inside and outside this Council. At present, the Democratic Party allies with the royalists to further suppress the means and process of resistance, like what it did during the passage of the "bogus constitutional reform package". This is in fact a successful united front tactic since 1997. The Democratic Party has readily become the political henchmen of the CCP, and it has accepted the rules for tightening the control of this Council. This well illustrates that it has crossed over to the CCP and has willingly become a "lackey".

President, I would like to discuss the issue of extending the power to evict Members to panel chairmen. As many Members have said, since the President in Council has such a power, there are no reasons why the chairmen of other panels should not have the same power. Actually, extending the power of political control implies further tightening of the control. By extending the power of the President in Council to order withdrawal of Members to the chairmen of all panels and subcommittees, it conveys an obvious and strong political message, that is, political control will be further tightened.

Of course, the proposal of extending the power of the President in Council to the chairmen of all other committees will certainly be endorsed by most Members of this Council, as in the case of the "bogus constitutional reform package". Even if this is duly authorized by this Council through voting, this is

actually a very violent act. Yet, the passage of this motion does not mean that the acts of resistance will not continue to develop and sustain. Honourable colleagues can drive me out today, and they can drive me out once or 10 times, and they can even terminate my status as a Member; but resistance will definitely continue. It is because this Council is characterized by injustice and the lack of public acceptance. So long as there is injustice in this Council, resistance will definitely continue.

For this reason, I wish to make it clear to Honourable colleagues that they may as well drive me out of this Council but the road to resistance is bound to continue until the time when justice is done and democracy is fulfilled. Jesus cleared the temple years ago because some "lackeys" turned the temple into a market. SUN Yat-sen broke off the arm of an idol because he wanted to lash at the feudal system. We are not afraid of your enhanced manipulation and control, and we are not afraid of the increasing powers of the chairmen of committees.

Lastly, President, I would like to make one point. Many Honourable colleagues have said that our assault and hurling of objects in the past have caused nuisance and inconvenience to Members and government officials. I feel deeply offended upon hearing that we have caused inconvenience to government officials. I am not sure how many dirty acts various government departments and head of departments had done in the past and how many mistakes they had made, which have created inconvenience to the public. Members do not criticize such acts, and when we have caused slight inconvenience to government officials, we are being condemned as if we have offended the king. The "lackeys" are most willing to clear the obstacles for their masters.

Have we created inconvenience? Processions and demonstrations frequently created inconvenience, right? Some Members had also lain on the road blocking traffic, and some political parties frequently held processions and demonstrations, which led to the closure of roads. These acts also created inconvenience. If Members' conduct in this Council are regulated today, all activities causing inconvenience to the public can similarly be prohibited in the future. Let us prohibit them all! This will happen one day because the work of the CCP on maintaining stability will become more and more extensive. AI Weiwei has not been released so far, right? The treatment received by AI

Weiwei indicated how Hong Kong people would be treated sooner or later. This kind of control on speech and political acts will continue to tighten. Therefore, I call upon Hong Kong people to wake up and stay awake. If they are not awake and allow these "lackeys" to continue to strengthen the suppression of political behaviours in this Council, their rights to free political expression and their acts will ultimately be affected. The causal relationship is clear enough.

Hence, we will reiterate that the means of resistance — no matter what motion is passed today — will certainly continue.

MR WONG YUK-MAN (in Cantonese): President, first of all, I would like to thank Dr Margaret NG for her elaboration on the spirit of this Council just now. I do not know how many legislators in this Council have really listened to her words.

Dr Margaret NG definitely dislikes the behaviours of WONG Yuk-man, right? I believe that Dr Margaret NG will certainly disapprove of the row we made or the so-called body movements in this Council. Despite the disapproval, she still considered that the amendments proposed today were inappropriate. I do not want to repeat the reasons she has just given. However, the problem is, those Members of this Council who claim that they belong to the democratic camp, which include Mr Albert HO and Ms Emily LAU, the Chairman and Vice-chairperson of the Democratic Party; Mr Ronny TONG from the Civic Party, and Mr LEE Cheuk-yan, Chairman of the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China, supported the tightening up of the Rules of Procedure (RoP) at meetings of the Committee on Rules of Procedure, and extending the power to evict Members with disorderly conduct to the chairmen of various panels. President, you are the only one who should have such power. You are elected by all Members while the chairmen of various panels are just the products of political negotiation.

On that day, when I learnt that the Committee on Rules of Procedure passed the said amendment, I approached Mr LEE Cheuk-yan, and how did the Chairman of the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China answer me, he said, "Yuk-man, since you are also the Chairman of a panel, you can also drive members out."

President, these are our great Members from the democratic camp. What way of thinking is this? I will definitely not drive members out, alright? If some members have disorderly conduct when I chair a meeting of the Panel on Information Technology and Broadcasting, and they even abuse me using foul language, I may not necessarily have to drive them out. All I have to do is to adjourn the meeting and resume it 10 minutes later. For sure, I will definitely not drive members out. Nevertheless, I can assure Honourable colleagues that, after this amendment has been passed, I will certainly attend meetings of all panels, it does not matter if I am a member of that panel, and I will defy the law to test if the chairman will drive me out. I will continue to do so until I have been driven out.

What kind of Council is this? What is the spirit of this Council? Why is there the Legislative Council (Powers and Privileges) Ordinance? Why do Members have the privilege to be exempted from responsibilities in expressing their views? Why does a Member want to have the freedom of speech so that he can speak his mind freely? What are the reasons? All legislatures in the world make the best efforts to facilitate the President in chairing the meetings in accordance with the rules of procedure, and will certainly not restrict the freedom of speech of Members. Moreover, those are elected legislatures while this Council has only 50% of Members returned by universal and equitable one-person, one-vote election.

Many a times, the majority in this Council turns out to be the minority. Under the system of voting by division, the majority becomes the minority, which is a perverse and ridiculous situation; yet, it happens in this Council day after day. After WONG Yuk-man has joined this Council, there have really been some changes in this Council. WONG Yuk-man does not have any extraordinary abilities, he is just the child in the fairy tale "The Emperor's New Clothes". The struggle that WONG Yuk-man engaged in within this Council only revealed that those politicians who have led the democratic movements in Hong Kong for 20 years are unworthy; they were fuming with rage. The dignified Chairman of the Democratic Party was fuming with rage when I condemned him to his face. Mr CHEUNG Man-kwong soon came forward as if he wanted to push me away, and he said, "He is the Chairman of our party, why do you condemn him?" He was fuming with rage — I just said a few words and he was fuming with rage. After they rendered support for the constitutional reform package, they did not say a word when the two Bills were read for the Second and Third time. Eight

Legislative Council Members from the democratic camp did not say anything during the debate on these important Bills.

Honestly speaking, President, even you detest such deeds, and hope to hear some interesting debates, right? Unexpectedly, the remarks they made were exactly the same as those made by your esteemed party, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), that is, Hong Kong people were striving for one person, two votes, there was small progress in democratic movement and we were moving forward. They did not say so in 2005. Late Mr SZETO said that staying put was the same as not going backwards. Now, we are not going backwards and not compromising. Back then, LAU Chin-shek was really wise in saying that we ought to work on a grand conciliation. He had foresight but you people said that he was Judas, and almost drove him out of the political arena. Ah Shek is now the only one who looks dejected.

President, when WONG Yuk-man engaged in resistance after he has become a Member of this Council, many people certainly feel unhappy. It is because the myth of this Council has been broken and its painted skin has been torn off, right? All other Members have lost face, right?

In view of the development of the incident so far, we have already been psychologically prepared. We joined this Council in 2008; I hurled bananas in October; the pro-establishment camp jointly condemned us afterwards, right? In 2009 when John TSANG announced the Budget, I stepped forward and tore up the Budget to his face. The Democratic Party and the Civic Party later convened a joint press conference and condemned us. The pro-establishment camp vigorously initiated a signature drive, all Members — except you, as you are the President — had signed. Honestly speaking, if the pro-establishment camp and the democratic camp joined hands to condemn us at that time, the three of us should have left this Council according to the Basic Law. However, I would like to tell Chairman TAM Yiu-chung, I would definitely be elected again. So, I now challenge you, Mr Albert HO, Ms Emily LAU, Mr Ronny TONG and Mr LEE Cheuk-yan, I will certainly continue to behave disorderly, and I hope they will join hands with the pro-establishment camp to dismiss us. If they dare not do so, they are cowards.

Today, the Member who proposed an amendment to the RoP stated that he was directing against the people but not the facts, that he would pin us down by

all means, even at the expense of causing overall harm. What kind of democratic camp is this, buddy? Will they feel ashamed to come forward? Will Albert HO feel ashamed? How is he qualified to call himself a member of the democratic camp? How are they qualified to express support for LIU Xiaobo and AI Weiwei; that is a mere pretence. Ms Cyd HO and Ms Emily LAU like to give the example of "boiling a frog in lukewarm water", are they doing that right now?

They have opened a gap, which has no great impacts on me, "Big Guy" and even "Long Hair". To be honest, we will still stick to our way. However, there are impacts on other people as the scope of freedom of speech of other Members will be contracted.

After taking this step, they will certainly take the second step. Mr Ronny TONG has comforted me, saying that this would be the ultimate step and we would not be dismissed. At present, eight Members from the Democratic Party regarded me as an enemy, as if I had killed their father. Now that there is a gap, will they not take this chance to catch us off guard? It would be odd if they do not do so.

Nonetheless, President, I am not afraid and I will absolutely stand for election again. When they have driven me out, do you think I will not stand for election again? Why can't I stand for election again after they have driven me out? I should be able to do so. If I resign and join the by-election, you propose amending the legislation. Yet, should the legislation be amended if I stand for election again after I have been driven out? Is there really such a thing in the world? After attempts have been made to drive us out, Dr Priscilla LEUNG may as well propose an amendment to the legislation, specifying that Members who have been driven out cannot stand for election again. Can this be done?

It will certainly be very interesting if such actions are taken. I can tell you people, I will be delighted to play the game with you. This is my character and I can call upon people to support me, hence I will definitely play the game with you. In fact, I made a comment on 25 June last year, saying that the Democratic Party no longer belonged to the democratic camp. Yet, they still brazenly claimed that they belonged to the democratic camp and they wanted to lead the democratic movements in Hong Kong, in terms of quantitative and qualitative. They had also written a 10 000-word article, published in *Ming Pao* for three

days. Only *Ming Pao*, the Democratic Party newspaper, would allow them to do so; *the Apple Daily* might not be willing to do so, it would rather reserve the limited space for advertisement. Do they think that they can win with the support of the mainstream media? What have they won? They will win nothing even if we have been driven out. How can they be accountable to the younger generation? Years ago, they led us to fight for dual universal suffrage through processions and demonstrations. As it turned out, dual universal suffrage in 2007, 2008 or 2012 were all lies. Today, they propose an amendment to the RoP to tighten up our freedom of speech, are they heartless?

It is a well accepted fact that the pro-establishment camp will act like that, how can they allow the rise of the opposition camp? The democratic camp stated openly that the conducts were detrimental; yet covertly, it claimed that we had crossed over to the Chinese Communist Party (CCP). They claimed that the CCP was most happy when we launched the "five-district referendum". Some also said that my son was arrested, and I was coerced into submission, hence I have crossed over to the CCP. These are the remarks made by those dammed thieves.

President, when human nature has deteriorated to such a point, we will not feel sorry to sell family properties to relieve the distress of people. But, as they are so mean and detestable, how dare they say that they will fight for democracy in Hong Kong? Obviously, they are directing against people but not facts in opening such a gap. Similarly, late Mr SZETO gave me a kick in the kidney in his deathbed when he said, "This person is not reliable, thus I do not support "five-district referendum". He did not support "five-district referendum" because of me. That was really strange as he had been engaged in democratic movement for decades.

We certainly oppose this amendment but our efforts will be futile. For this reason, I have especially stressed at the outset that I am thankful to Dr Margaret NG. She did not deal with the issue from our point of view; but from the perspective of upholding the spirit of the Council and based on her professional understanding of parliamentary politics. Yet, they will not understand that. Some people, including other Members of her party, intentionally do not want to understand that.

Mr Ronny TONG asked me why I did so. Well, explain to me why the

power to evict Members should be extended to the chairmen of panels. I would like to know the reasons. He may say that it is because WONG Yuk-man's appearance is not appealing. If so, I will stay in the Council for a year or so, and I will not stand for election in the next term. I hope that Mr Ronny TONG can tell me the actual reasons. Once the resolution is passed, the rule will last forever and all Members, including Mr Paul TSE, will be subject to the same criteria of conduct. We do not know when Paul will go mad. He may go mad one day and he may find that it is inappropriate for him to act that way. So, he may as well throw things like what we have been doing. President, every Member has a chance to do so. I think 15 minutes' speaking time is not enough. I can say a lot about the parliamentary history, political development and history of resistance in various countries, but I do not want to do so.

Since I want a historical record, I have to speak today and I have to specifically point out: Mr Albert HO, Chairman of the Democratic Party; Ms Emily LAU, the Vice-chairperson; Mr LEE Cheuk-yan, Chairman of Hong Kong Alliance in Support of the Patriotic Democratic Movement in China; and Mr Ronny TONG from the Civic Party, these four Members from the democratic camp supported tightening up the RoP at meetings of the Committee on Rules of Procedure, to deal with Members like us who engage in resistance in this Council and struggle for justice. History will remember that. Children in the public gallery, please listen carefully, you have to bear in mind that these people are cheaters. What democrats are they?

After they supported the passage of the constitutional reform package, I have expected that this would happen one day. It does not matter after all. As MAO Zedong said, "If heaven wishes it to rain or your mother to remarry, there is no way to stop either of them (*in Putonghua*)". Yet, I must say that, I can speak on this motion for 15 minutes and I must condemn the so-called members of the democratic camp. I must tear off their printed skin so that they will not step forward in the future and loudly express support for AI Weiwei and LIU Xiaobo or propose a motion on the June 4 Incident.

Mr LEE Cheuk-yan submitted a written statement of repentance on the Mainland years ago and I still have a bone to pick with him; however, he can still be the Chairman of the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China. I am most disappointed with him. Let me tell you people, I have anticipated what Mr Albert HO and Ms Emily LAU would do; we have personal grudges. As for Mr TAM Yiu-chung, I have also

anticipated his act as he is Chairman of the Committee on Rules of Procedure, a member of the DAB and the pro-establishment camp. I have anticipated what all of them would do. Nonetheless, I really failed to anticipate that he would pick on me and in turn pick on everyone. He has made the worst demonstration for democratic politics in Hong Kong.

I can assure Honourable colleagues that, in the remaining days of my life or in future elections, I will definitely expose the real face of these damned thieves from the so-called democratic camp in the elections. I will do so through my writings, appeal to people who support me, and on my online platform. I will not give up declaring the idea of resistance in this Council, and I will personally call for participation by more young people. In future, whenever there are activities participated by these buddies from the democratic camp, we would voice out our different views.

President, I will not say that today is really a very dark day, and I will just say that Members who support this amendment in this Chamber today will eventually be punished by history.

MR FREDERICK FUNG (in Cantonese): President, as an elected Member, to express my views in this Council is not only a freedom, but also a right. The very reason people elect us is to speak in this Council. While we are vested with no decision-making powers constitutionally, our right of expression must not be deprived of.

President, I am going to cite two examples; and if I am wrong, please correct me. Under the present system, we have immunity, that is, we shall assume no responsibility for statements made in this Council even if people outside this Council are affected or rebuked by any content of such statements so long as we consider them to be correct or true. Under the second scenario, as I understand, if a Member is on his way to a meeting of the Legislative Council and is stopped by the police because of any offences such as jumping the red light or speeding, the police must let the Member go to the meeting first and deal with the offence later, as long as the Member indicates that he is on his way to an official meeting of the Council. The ultimate objective is to safeguard the Member's right to return to the Chamber and express his views. By these two examples, we can see that Members' right of expression in the Council must never be

deprived of.

The second point I would like to make is that the Council is a political platform for Members. Of course, we are not that naive or impractical as to think that this is a placid and peaceful platform for us to say whatever we want. Nonetheless, before we can gain access to this Council, to this political platform, we must first "fight a dying battle" outside (that is, in the geographical constituencies and functional constituencies) and win in the election. In other words, before gaining the right to speak in this political platform, we must compete or struggle in politics, or worse still, use trickery to access the political platform of the Legislative Council. Nonetheless, as Members' right to speak is safeguarded under the law, I think we should be as open and tolerable as possible.

Obviously, the political spectrum of the Legislative Council has changed after the election in 2008. While a number of Members such as Yuk-man have surely given a new meaning to the "radical" end of the spectrum, Members who are gentle have remained more or less unchanged. Given the spectrum has already been widened, do we allow or disallow it to widen further? Can we tolerate and accept the spectrum during the widening process? This is a question we need to discuss further. However, in the process of political development, I think the spectrum must surely become wider, not narrower. As the political spectrum becomes wider and wider, is it appropriate for us, Members of the current term of the Legislative Council, to impose restrictions, obstacles or thresholds to halt the process? Or should we allow the spectrum to widen as long as the situation remains under control under the current system or the Rules of Procedure (RoP)? Regarding the widening of the spectrum, in areas concerning the contents of discussions at the Council, the political actions taken, as well as the methods or means to fight for political or livelihood issues, should we be more tolerant with the widening of the spectrum? Of course, in saying such words, I think this is the right approach to take. We should allow the spectrum to widen unless we think the situation is getting out of hand. Next, I am going to talk about whether the situation is getting out of hand.

Is the current system incapable of handling certain parliamentary behaviour of Members after the spectrum and the scope of expression have become widened? I broadly group them under two categories. The first category is illegal acts. Of course, I mean *bona fide* illegal acts. If an illegal act is committed, the situation will be dealt with under the law. Even though no arrest

shall be made during a meeting, the Member concerned can be arrested after the meeting. Hence, I do not see any cases of illegal acts being left unhandled, such as when a Member throws an object and hits somebody (which is obviously a criminal offence). I think if such a case arises, it will be dealt with immediately after the meeting. Even though the police cannot arrest a Member during a meeting — as in the example I just quoted, the police cannot arrest a Member who is on his way to a meeting; and it follows that the police also cannot arrest a Member during a meeting — they can make an arrest right after the meeting.

The second category involves acts which do not constitute a breach of the laws of Hong Kong. The question thus remains as to whether such acts are permissible under the RoP. Basically, if the laws of Hong Kong have not been violated, the matter should then be dealt with under the RoP. Let us look at Rules 44 and 45 of the RoP. The power to evict Members is only conferred to the chairmen of several committees, that is, the President in Council, the Chairman of a committee of the whole Council, and the chairmen of standing and select committees. The chairmen of these committees or the President are all conferred with certain statutory, legal or decision-making powers. As for other committees, the meetings are held purely for the sake of discussion or deliberation. Even if a motion is passed at a meeting, it is absolutely not binding or imposing on the Government. But does it mean that if problems arise at these committees, they cannot be handled? As a matter of fact, there were such cases that we had handled previously.

Regarding Rules 44 and 45 that I just mentioned, we can deal with the situation where the name of the Member concerned has been mentioned. Regarding the situation where the name of the Member concerned has not been mentioned, there was one such incident during a meeting of the Panel on Manpower. "Long hair" Mr LEUNG threw plastic bottles at the Secretary. Of course, all of throws were missed. If the Secretary was actually hit, the case might be handled differently. However, his throws were all missed. Given that the throws had missed President, for example, I am very angry now and I throw this book; but what if I am throwing a plastic bottle Of course, it can make a difference, say how far I throw this book or at what direction I am throwing it. If I throw this book forward, say one foot, three feet or 10 feet, how can one say that it is alright if I throw the book forward for one inch or one foot, but not two feet or 10 feet? This is very difficult to quantify. Hence, I think it is very difficult to handle the situation.

In fact, the Panel chairman already has the right to adjourn or suspend the meeting, say for five or 10 minutes. Past experiences showed that when the meeting resumed, Members whose behaviour were more radical would either not return to the meeting or behave themselves if they did return. I think the situation can be handled in such a way. So far, things have not reached a stage where it is getting out of control. Of course, if we allow such behaviour, are we actually giving other people a platform to "show" their radical acts? For myself, I do not agree with such political behaviour. That is why throughout the years, nobody has ever seen me throwing things or using foul language when handling the work of the Council. If Yuk-man can still recall, after he threw bananas for the first time, I said to him outside the Chamber, "Yuk-man, the matter is not so serious that you have to throw bananas. You have crossed the line." As I recall, he said in reply then, "It is none of your business. I am responsible for what I have done. If I have done something wrong, my voters will tell me." I think he has a point. His voters have elected him to the Legislative Council. If the voters do not agree with his actions, naturally they will not vote for him again. As a Member elected from the same geographical constituency as Yuk-man, how can I say for certain whether he should be re-elected or not? He must and will bear political responsibility for his political behaviour. I think he will bear the consequences of his actions in future. Although I do not agree with Yuk-man's actions, and I have already told him specifically, I accept his reply. As you all know, Yuk-man has changed his stance and he will not send his members to attack me. Although we have different political stands and views, I still think we must uphold the attitude and stance I just mentioned so as to allow Members to express themselves in their own ways. However, we must keep the situation under control.

Members should not think that I oppose these amendments because I am afraid of Yuk-man's intention to attack me. It is not the case. If Members go through my previous speeches and votes, they will see that I have been very consistent. During the previous two or three occasions when amendments were proposed to the RoP to tighten the requirements on Members' behaviour, I have all voted in opposition. If Members still recall, I said that the Council was a venue for political struggles, especially when the spectrum was getting wider and wider, with the most radical at one end and the most gentle at the other, fighting against each other. These struggles about different political stands and values can be handled through rules and regulations. However, these rules and

regulations can easily become a tool used by one side to oppress the other party. I think every effort must be made to avoid turning these rules and regulations into a tool.

If Members still recall, back then when the incident involving KAM Nai-wai created an uproar in the community, some people had suggested that Mr KAM should be "condemned". I opposed to the suggestion because it was a moral issue rather than a matter about political deliberation in the Council. Why should the Council get involved in determining the morality of a person? Many people also have moral problems which others may or may not know. However, even if the problem is made known, do we have to discuss it as an issue? Smoking has now become an issue not only about morality but legality. This is an issue difficult to make any judgment.

Second, regarding disorderly conduct, it is yet another very general concept. What actually constitutes disorderly conduct? For example, Rule 45(2) specifies the actions required to be taken against disorderly conduct, but what constitutes disorderly conduct? Our moral values may be very different. Amongst Members of the Legislative Council, Ms Emily LAU is the staunchest critic against the use of foul language in public speeches, and I can count as the second one. I have said openly that I do not allow people using foul language, not even for messages on Facebook. If someone leaves a message containing any foul language on my Facebook, I will delete it immediately. This is my house rule.

Nonetheless, the current situation is not getting out of hand. We can still rely on the provisions in the RoP to handle such behaviour. However, I want to tell Members, I think we should avoid at all cost the use of rules and regulations to restrict Members' behaviour in Council, so long as these behaviour can still be regulated and are permissible within the bounds of the existing rules and regulations. I think the scope should remain as wide as possible, rather than getting tighter and tighter. This echoes the first point I made that the right of Members to speak in the Council is not just a freedom, but a right. Hence, I do not agree to the two amendments presently proposed. Thank you, President.

MS CYD HO (in Cantonese): President, I speak to oppose the proposed amendments to the Rules of Procedure (RoP), and my reasons are as follows.

The Council today is very different from that of the colonial era, and it is not the first time amendments were made to the RoP. Subsequent to the end of the Legislative and Executive Councils in 1992 or 1993, major amendments were made to the RoP. As an increasing number of Members from the grassroots have been elected after 1997, the dress code of Members has been relaxed time and again in varying degrees. However, amendments made to these internal organizational rules must be premised on an important condition, that is, Members should be allowed the widest scope of political deliberation. In this connection, the examples just quoted by Mr Frederick FUNG are correct. As several standing committees must work according to the Legislative Council (Powers and Privileges) Ordinance, the chairmen of these committees have the freedom to evict Members from the Chamber. There is a very clear distinction here. However, when amendments were proposed to the RoP on several occasions, nothing had been mentioned about conferring the power to evict Members from the Chamber to the chairmen of all panels. This is a proposal we have never discussed before.

From the speech just made by Mr TAM Yiu-chung, I note that he has put forth two major reasons. First, the overall image of the Legislative Council has been damaged. But in fact, the overall image of the Legislative Council was damaged for a number of reasons. One of the reasons may be the challenges made by individual Members or political parties or groupings against the RoP. This will of course create bad feelings among some members of the public. However, the overall image of the Legislative Council may also be damaged due to the lack of power on our part to monitor the executive authorities, the many restrictions imposed on our powers, and the wavering stands of Members belonging to certain political parties and groupings who initially condemned the Government but later voted in its support. What then can we do to deal with these problems?

The other reason given is that challenges made by some Members against the RoP have prevented the smooth conduct of meetings. However, I do not consider that meetings will be conducted more smoothly under the amended RoP. If Members choose to challenge the established rules and regulations intentionally, they will continue to do so regardless of whether restrictions have been imposed. As just mentioned by some Members who have challenged these rules and regulations, their objective is to strip the Council off its "painted skin";

they will challenge the RoP regardless of whether restrictions have been imposed. If restrictions are imposed, they are more prone to do so because another "skin" is added to the existing rules and regulations.

President, I think the power conferred to the chairmen of panels to suspend the meeting is already sufficient for the purpose. Regarding the proposal to amend Rule 45(1) of the RoP, there are some views that I must get off my chest. I have great reservation about the rule of order which empowers the chairman to sanction or deal with a Member who persists in repetitive arguments or tedious remarks. Theoretically, Members should have completed a careful and detailed deliberation of a bill at the relevant bills committee. Hence, when the bill is presented to the Council for discussion, the speaker, that is, the President, your goodself, should of course have the power to restrict such actions. That is something we must accept as the lesser of two evils. However, it will be highly undesirable if such power is extended to the deliberation of panels or bills committees.

Regarding tedious remarks, why do Members persistently ask the same question? That is because government officials have refused to give us an answer. I still recall that during the scrutiny of the proposal on Article 23 legislation, a lot of questions were asked by Members. Mrs Regina IP, the then Secretary for Security, had evaded all these questions. With no better recourse, Members could only repeat our questions again and again tediously. We also felt extremely tedious ourselves because no matter what questions we asked, no answers were provided. Hence, if such power also applies to other panels, Members' work in political deliberation will be hampered. The situation is highly unsatisfactory.

Separately, I left the Council between 2004 and 2008. When I returned in 2008, I noticed a new unwritten rule which was also very damaging. According to the relevant rule, the speaking time of Members at panel meetings was limited to five minutes or seven minutes at most. Sometimes, each Member could only speak for three minutes. As it took quite some time for Members to give background information and explain their rationale, not much time was left for government officials to respond. With the application of this time limit, the officials also knew how to play the game with us. They knew that they could avoid giving answers so long as Members were led round in circles on the relevant subjects for a full five minutes. This also led to another vicious cycle

because Members might prefer to lash out on the officials in those five minutes, rather than being led round in circles by the officials. By doing so, they could vent their anger for themselves and on behalf of the people. Therefore, this practice of imposing a time limit on political deliberation cannot help facilitate rational discussion by Members.

In the past, the same situation had also been observed in panel meetings. As officials knew that the meeting time of each meeting was limited to two hours at most, they could get away as long as they played their tricks for a full two hours. Therefore, they tried to get by through talking nonsense. As the work of select committee only involves a single subject, Members can concentrate on how to follow up on the matter and hence, the executive authorities are forced to face and resolve the problems. If the deliberation at panel meetings does not follow this principle and Members are restricted to speak for only five minutes, it will be detrimental rather than beneficial to the quality of deliberation. Hence, I must bring up this particular point on this occasion. Although this is an unwritten rule, I hope the chairmen of panels can apply the same taking into account the relevant circumstances so that while ensuring equal opportunities of Members in speaking, adequate time is also allowed for Members to discuss their views, especially the more fundamental and critical views.

President, regarding the provision on disorderly conduct under Rule 45(2) of the RoP, some Members have already quoted a number of examples from overseas countries as illustration. Let us put aside for the time being the fact that overseas legislatures are elected by "one-person-one-vote" elections. Even if we merely consider the facts, we can see that in overseas legislatures, actions to evict or sanction any member must be taken by the Speaker and not the panels. Overseas legislatures may even refer these matters to a special committee. For example, the Committee on Standards and Privileges in the United Kingdom will appoint an independent commissioner to investigate into the matter and prepare a report. The report will then be submitted to the Committee and then the Parliament for a decision by vote. Stringent requirements have been laid down and the power will not be vested with the panels so easily.

In fact, the power to suspend the meeting is more than enough. It is unfortunate that we have to deal with this matter here today. While it is important to ensure adequate scope of political deliberation, I hope Members who challenge the RoP can do so in a measured manner so that they will not step out

of bounds. As mentioned by some Honourable colleagues just now, in addition to the RoP, there are also the laws of Hong Kong. Every Member is equal before the law. If cases involving bodily attacks happen, the Member concerned must be sanctioned, even though they may get a temporary respite while the meeting is in progress.

I wish Members can be free from the restrictions imposed by rules and regulations on the one hand, and exercise more self-restraint on the other. Thank you, President.

MR RONNY TONG (in Cantonese): President, my assistants and friends said to me yesterday, "Ronny, you had better not speak on this subject tomorrow so as to avoid getting into a dispute you will regret later on." Just now, Mr WONG Yuk-man asked me if I felt shameful. The crux is I indeed know what shame is. It is exactly because I know what shame is that I think today may be a day when "my enemies gladden and my relatives sadden". If I have different views, I should stay not in silence but make them clear in public.

President, more importantly, I absolutely believe or I am convinced that the pro-democracy camp is embraced by the people of Hong Kong because of the universal core values we uphold. The essence of democracy lies with acceptance. The pro-democracy camp should "call a spade a spade" both inside and outside of this Chamber. The pro-democracy camp should neither stay silent nor refuse to speak out simply because of some embarrassing remarks or accusations made by certain relatively radical fellow members.

President, today I am in an extremely unfortunate position because my views differ from those held by Dr Margaret NG and Mr WONG Yuk-man. Hence, I am obliged to explain myself clearly. It does not matter how others perceive me or what views they hold about me, I am obliged to explain myself clearly.

President, I differ from Dr Margaret NG and Mr WONG Yuk-man on three points. Our first difference is that I do not accept that the Legislative Council is perceived as the most supreme and sacred place. On the contrary, I think the Legislative Council belongs not to Members of the Legislative Council, but the people of Hong Kong. The Legislative Council is the highest institution

representing public opinion; it is not an institution representing personal views.

President, more importantly, the Legislative Council is not made up solely by Members from the pro-democracy camp. There are also Members belonging to other factions and groupings. My stand will remain the same until the day I truly witness a Legislative Council formed by universal suffrage elections. It is exactly because the Legislative Council does not belong to Members that we must maintain its dignity and ensure its smooth operation. In turn, the dignity and smooth operation of the Legislative Council lay the foundation of credibility in the minds of the people. Hence, if there are people who think that what they say is absolutely correct If there are people who hold firmly the belief that the Rules of Procedure (RoP) of this Council and its operational procedures are sacred, this is something which I cannot accept.

President, our second difference — this point is perhaps the most important one — is that I personally do not consider that there are things which are absolutely correct, or conversely, absolutely incorrect in this world. President, although I am not a believer of the golden mean, I think every belief and ideal must be subject to an appropriate level of restriction and adjustment. For that reason, I do not accept that religious beliefs shall cause brutal killings, social unrest or turmoil. I cannot accept anything like that.

In that case, can I accept violent revolutions initiated by the people against political suppression? President, I still find this idea difficult to accept right up to this very moment. Of course, if the situation in China or Hong Kong shall become unacceptable, I might change my view. However, luckily, we have yet to hold any discussion in this respect in this Council.

President, Mr WONG Yuk-man just said that if the pro-democracy camp supported the relevant amendments, the freedom of expression would be suppressed. President, this is exactly the crux of the problem. No human right or core value is absolute in this world. Although I am a defender of free speech, I think this freedom should also be subject to control. Otherwise, the offence of libel will not be enacted in different countries of the world. Every freedom shall be subject to appropriate control and the question lies with how to draw the line. I can accept the control imposed by this line today. What I cannot accept is the claim that free speeches will be wiped out by the extension of this line.

President, the third point I must raise relates to the statement just made by Mr WONG Yuk-man. He criticized that Members of the pro-democracy camp were using the amendments to the RoP to suppress the freedom of speech and expression so that all Members are barred from enjoying such rights permanently.

President, I do not agree with his statement because we can always amend the RoP. That is exactly what we are doing today: To amend those provisions which we previously considered appropriate and adequate. Amendments can also be made by Members of the next term of Legislative Council. For the 60 Members of the next term — sorry, not 60 — for the 70 Members of the next term of the Legislative Council, including Mr WONG Yuk-man and Dr Margaret NG if they get re-elected, they can of course introduce amendments to revert all the amendments passed today. There is absolutely no problem with that. However, the supreme power of the Council At this moment, we have the responsibility of facing the people of Hong Kong and exercising self-restraint. Therefore, I do not consider today's amendments will result in the permanent suppression against free speech.

President, another more crucial point is perhaps about what are these controls actually? Would these controls, as depicted by certain Members such as Ms Cyd HO and Mr WONG Yuk-man, or even Mr Frederick FUNG, result in utmost restrictions on the freedom of expression? President, I do not think so. Why do I say so? Today's amendments are merely intended to bring the power of the chairmen of other committees on a par with that of the President of the Legislative Council. If some Members say that these amendments will suppress the freedom of speech and expression, it is tantamount to saying that they no longer have the freedom of speech and expression at meetings of the Legislative Council because this power is already vested with the President of the Legislative Council.

What is the difference now? The only difference is that colleagues from both the last term and previous terms of Legislative Council seemingly consider that work of the Council can be undertaken by committees of different levels. As the powers of the President of the Legislative Council and chairmen of standing committees are different from those of chairmen of other committees, chairmen of other committees need not be vested with those powers.

President, this is the core question we need to discuss. Is this view correct or not? If Dr Margaret NG, Mr WONG Yuk-man, Mr Frederick FUNG and Ms Cyd HO are correct, what we should really do is to amend the powers of the President of the Legislative Council by deleting Rules 44 and 45. This may be the logical stance to take.

However, President, I do not accept the notion of hierarchies in respect of the work of the Legislative Council. As I have made clear just now, the most important idea is that the Legislative Council does not belong to Members. We are just representatives, and the Legislative Council belongs to the people of Hong Kong. That is my fundamental belief. From the point of view of the people of Hong Kong, there is no difference between various meetings of the Legislative Council. With advanced technologies and massive information exchanges, members of the public can listen to or watch the proceedings of all meetings of the Council on radio or television. They can even come to observe the meetings personally in the Legislative Council Building and gain first-hand experience of our work, just like the students sitting in the public gallery now. At present, our Panel meetings are often attended by individual members of the public and deputations.

In that case, the hierarchies should never exist. President, given that there is no hierarchy in respect of the work of the Council, and if we accept from the point of view of maintaining the smooth conduct of the Legislative Council that the President of the Legislative Council can to a certain extent restrict the actions and speeches of Members in order to uphold the dignity of the Council, I think this power should most certainly be extended to the chairmen of other committees.

It is exactly for this reason that I have indicated acceptance for the relevant amendments at the meeting of the Committee on Rules of Procedure. I have never thought that by accepting the relevant amendments, I will attract vicious condemnation or attack by Members such as Mr WONG Yuk-man, Mr Albert CHAN, "Long hair" and others. I have never thought about this. Of course, the fact that I have never thought about this does not mean the issue is non-existent. Likewise, the fact that the issue exists does not mean I should avoid it.

President, before our discussion today, some colleagues from the

pro-democracy camp, particularly those belonging to the Democratic Party, told me that they could not accept any extension of the existing level of restriction as imposed under Rule 45(1) (that is, the rule about "a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate").

President, I think if we examine this question from a macro point of view As I have just said, this power is already vested with the President of the Legislative Council. During my brief — yet seemingly quite protracted — political career, it seems that this power has never been exercised by the President at meetings of the Legislative Council. Many a times, I considered that Members were making some repetitive, tedious or irrelevant remarks. But even though this situation has happened time and again by my reckoning, I do not recall the President ever exercising this power. Of course, if Dr Margaret NG considers that the President has indeed exercised the relevant power, she can correct me later on when she speaks. I will gladly oblige.

However, the crux of the problem is not the frequency of such occurrences. Parliamentary culture is the culmination of constitutional rules and practices. It is only under extreme circumstances that the President of the Legislative Council will exercise this power with his wisdom. Of course, whether the President of the Legislative Council will come under criticisms when exercising such power Both the President and the Legislative Council are subject to monitoring and criticism by the public. As I see it, this is an integral part of the checks and balances mechanism.

Given that Rule 45(1) has been around for a long time, and its operation has never attracted criticisms about democracy or parliamentary spirit being hampered during previous implementation, I think it is appropriate to extend this power to the chairmen of other committees so as to eliminate the notion of hierarchy. Moreover, I do not think such a change will result in any unacceptable political consequences.

Of course, what I said just now may well become my "famous last words" if something did happen tomorrow. Then, I may have to eat my humble pie right away. However, we must make a decision at this point of time. Should this amendment be endorsed by a majority of Members? I have absolute confidence that this amendment will be supported by a majority of Honourable

colleagues.

President, I honestly do not know whether the Civic Party will vote in the same line as the Democratic Party to oppose the amendment to Rule 45(1). Nonetheless, I will vote in support of the amendment.

MR LEUNG KWOK-HUNG (in Cantonese): President, having heard Mr TONG's speech, I feel puzzled as to why he did not understand that when the power was extended downwards, and if

PRESIDENT (in Cantonese): Mr LEUNG, please put on your microphone first.

MR LEUNG KWOK-HUNG (in Cantonese): I think he has made a fundamental error about absolute power, such as that vested to you President..... You do enjoy absolute power and I must leave the Chamber if you say so; I have to repeat myself if you ask me to do so; I must have made the wrong analogy if you say so; I must have digressed from the topic if you say so. Mrs FAN used to treat me like that, and you are somewhat better than her. In the past, I might have just spoken a couple of sentences and Mrs FAN would say, "Sorry, please leave the Chamber." Back then, Dr Margaret NG had, out of righteousness, written a letter to Mrs FAN, saying that her practice had serious implication because if the President invariably ordered a Member not to come back for the meeting whenever she considered the Member's speech unacceptable, the Member concerned would not be able to vote, right? Thereafter, Mrs FAN had slightly changed her ways.

In fact, how come the President can now exercise absolute power? One can say it is a "necessary evil", or a rule which facilitates the smooth conduct of meetings. However, if the said power is devolved, such that the chairmen of other subcommittees and committees of the Legislative Council may also be like the President, who can decide on everything, and even matters relating to free speech In fact, when it comes to whether a Member is speaking in an extended — or "冗長"¹ as the Chief Executive would say — or repetitive

¹ At a previous Council meeting, the Chief Executive said "冗長" when he meant to say "冗長" (meaning in an extended manner).

manner, honestly, is the President necessarily wise enough to make a judgment? President, even you may not have such wisdom, what qualifications do you have to judge me then?

Once I was putting up a self-defense in court and WOO Kwok-hing said to me, "Mr LEUNG, I understand what you said. Say no more, please. You are wasting the time of the Court which is very precious." I then told him, "Please get a piece of paper and write down the next sentence I am going to say. If you guess correctly, I will say nothing more." Finally, Mr Justice WOO Kwok-hing could do nothing but let me continue. However, I cannot do the same thing here. I only retorted with one sentence, and the President already told me to leave and asked me to behave properly. It seems that Mr TONG still does not get it. Is this fairness? This is even more unfair; this is "equitable unfairness". Of course, different standards of fair treatment would apply for different matters. This is the latest concept in terms of human rights.

Let us go back to the incident of throwing objects. That relates to me specifically, right? It is about that incident where I threw four bottles at Matthew CHEUNG, right? I threw four kettles four bottles, not four kettles — things have yet to develop to such a stage. I threw four bottles at him, what harm had been inflicted? Of course, his pride was hurt and so was our image because such a scene should not have happened in the Legislative Council. That is it. In fact, Mr LEE Cheuk-yan also asked me on that day whether I could promise not to throw any objects again, but I said I would not make such a promise. Finally, he decided to adjourn the meeting and I did not return to the meeting afterwards.

Of course, you may say another Member can follow suit when the committee meeting resumes. But the same thing can also happen at a Council meeting. If 23 Members throw objects at a Council meeting and each scuffle lasts for 10 minutes, that will take up 230 minutes — that is, if Members from the pan-democratic camp do something like that. Of course, I do not encourage them to do so. They are unwilling to do so, and we will not force ourselves on others. Actually, this is just a means to highlight the existence of injustice in this Council through struggles in the parliament. I can tell you all that I have no regrets until I die. Is this legislature worthy of any respect? What kind of legislature do we have? It is formed by small circle elections. How can I give it any respect? President, it does not help even if you have my respect because I

do not respect the system. That is why I have created trouble in the public gallery in the past and in this Chamber now. I will never stop. This is the first point.

Second, I must uphold all my rights to struggle in the parliament. But I have already said that I would not hit him. Under the circumstances, our kind-hearted Members notice that the problem is spreading and they try to come up with suggestions to resolve the problem. Why not follow the feat depicted in the *Journey to the West*, just blow towards a handful of hairs and there come 19 or 39 Mr Jasper TSANGs? In other words, President, you are made to become an evil spirit attached to other people, "I am Jasper TSANG. I now exercise this power on behalf of other people." This is of course totally wrong because you are, after all, a Member returned from direct election. I had once asked you if you were a member of the Communist Party, but you gave no reply. Notwithstanding, people still vote for you and I admire you for that. Now, you are vested with an autocratic power, an absolute power. Will it corrupt absolutely? I am not sure.

In fact, this power only serves to facilitate the smooth conduct of meetings. President, you also make mistakes sometimes. If you say that the meeting is adjourned, I will leave this Chamber. Why is it necessary to evict me, right? However, this is not what you said. Buddy, how much time of the people of Hong Kong I have taken up for throwing things? Please be more practical. However, our legislature is formed under a system of small circle elections. How much damage has it done? People study because they want to be more sensible, right? As the saying goes, "Penny wise, pound foolish". If you want to uphold the dignity of the Legislative Council, why do you not demand for universal suffrage? You should do so if you wish for respect.

We will have the greatest respect if the Legislative Council is allowed to exercise its legislative functions freely without the restriction imposed by Article 74 of the Basic Law — or is it Article 79? I cannot recall correctly, it should be Article 74 — and when making laws, the Government should not say, "Students, please go and consult the President whether public expenditure or government policies is involved". This has in effect taken away our functions; we can only sit here like idiots and play with the Government. Sometimes when an amendment is proposed by Dr Margaret NG, I want to tell her to forget it because it will be in vain. Our proposal is useless because the Government already has secured enough votes. The situation is like eating leftovers.

Everything has been prepared and you must eat it even if it stinks. After eating and shitting, some people would say they were in fact being forced to do so. The vivid examples that we can still recall include the railway merger legislation, The Link, the West Kowloon development and the so-called constitutional reform package last year. The situation is the same every time.

The Council has no dignity because the system is rotten. I do these things and I change my ways after I became a Member because I must fight for justice on behalf of the people of Hong Kong. I have to remind them constantly. You may say I need not throw four plastic bottles, but I know the reasons for my action. That is my way of expression. It is alright as long as no violence is involved.

Today, do you people want to act like the Monkey King by plucking one hair out and change it to one dozen persons, right? Do they have any basis for such power? Can a *coup d'etat* be allowed? Is it alright to set a bad example for the children due to some misguided pre-conceptions? If you are so worried about setting a bad example for the children, then stop airing the footages about the Libyan civil war because people were killed in the civil war. You should not show the pictures of Osama bin LADEN either. Who are you? Do you think you can block some people off just because you think their actions have a bad influence on others? AI Weiwei is such a person. He is an independent character, right?

My rationale is simple. My point is that I do not mind if someone is doing a bad thing out of good intention. But I have already cautioned you that this is something you cannot do. At present, criminal laws are available to sanction us. If we throw things or if we act disorderly, the matter can be settled by adjourning the meeting. Why is it necessary to propose an irrevocable power such that Members are evicted and denied the right to vote? Why is it necessary to expand this power? This is unexplainable. If you really want to punish us, deduct our salary by all means. The *Wen Wei Po* said we were greedy for money, and we should be afraid if our salary is deducted. Why is this course of action not taken? Our most important right is to take part in political deliberation and voting in the Legislative Council. It is impossible to deprive us of our rights.

In fact, half of the Members in this Chamber are not returned by "one-person-one-vote" election, but they also have the right to participate in

decision making in this Council. This is indeed the greatest insult. If it is not violence, what is it? What else can I do if not throwing bottles? Thirty Members are not returned by "one-person-one-vote" election, yet they enjoy the same right as we do. Isn't that the worst kind of inequality? I throw bottles because I have to oppose to such inequality. I do not throw bottles at Members; I just threw them at officials. What is wrong about this? I want to tell students that it is a sin if you remain silent in face of injustice because other people are made to suffer together.

When Socrates was arrested, he was alleged to have corrupted the young people of Athens for disbelieving in God. He said, "The hour of departure has arrived, and we go our ways — I to die and you to live. Which is the better, only God knows." These are words eloquently spoken, yet the preceding words are even more interesting: "Still I have a favour to ask of them. When my sons are grown up, I would ask you, O my friends, to punish them; and I would have you trouble them, as I have troubled you, if they seem to care about riches, or anything, more than about virtue; or if they pretend to be something when they are really nothing, then reprove them, as I have reproved you, for not caring about that for which they ought to care, and thinking that they are something when they are really nothing. And if you do this, I and my sons will have received justice at your hands." Those were the words spoken by Socrates to the people who sentenced him to death. He told them to do good deeds, rather than things even they themselves did not understand; he told them to be practical. If the intention is to do good deeds for this Council, they should join the "five-district referendum" campaign. The Democratic Party should be reproved. They have been told to do good deeds so that this Council can actually perform its functions of political deliberation and monitoring the Government. Yet they do not listen, and only engage in some senseless things.

President, you have been a Member for quite some time. Starting from 1977 when I opposed to the repealing of laws by TUNG Chee-hwa at the public gallery, how much time have I taken up? Please do some calculation. Does it add up to 30 minutes? It may add up to less than 30 minutes even under your chairmanship. As Mr Ronny TONG said, meetings of the Council were broadcasted live. Hence, I use this platform to reveal the extreme injustice of this Council. Why do you feel that the dignity of the Council has been undermined?

Men of totally different principles can never act together. But the

problem lies with the utterly wrong interpretation you have about powers, the vesting of powers, as well as the use of powers to suppress freedom. Our powers are vested by whom? They are vested by the electors. President, you have the authority. Let me read you another quotation, "Authority that exists not for freedom is no authority, but brutality." That is talking about you. This is neither a place with justice nor freedom. Those words come not from me, but from Lord ACTON who had been frequently quoted. Those words sum up what happens here today. The amendments have nothing to do about freedom, but authority — the authority to stifle free speech. Thank you, President.

MR ALAN LEONG (in Cantonese): President, there are five Members belonging to the Civic Party in this Council, and four of us will respectively vote for and against the two resolutions proposed by Mr TAM Yiu-chung. Four of us will vote against the resolution in relation to Rule 45(1) of the Rules of Procedure, and Mr TONG will vote for it. Separately, four of us will vote for the resolution in relation to Rule 45(2) and Dr Margaret NG will vote against it.

President, it is an objective fact that individual members hold different stance from the Party's. You may well understand how hard and agonizing the Civic Party has struggled mentally when it comes to the subject under discussion today.

Honestly, the Civic Party is disheartened by the need to discuss this subject today. President, why are we disheartened? We must really ask ourselves why some Members consider it necessary to resort to drastic actions in order to uphold their rights to free speech. More importantly, many Members who resort to this means of expression have the support of the people; they come from the people. These Members consider that this means of expression and this kind of behaviour are the most effective way to exercise the freedom of expression, and their views indeed have the support of the people. I often say that those who come from the people must ultimately face the people, even although they may not have to do so every day. President, they must face the people at the election held once every four years.

We are disheartened by the emergence of this way of expression in the Council because it means certain members of the public must find it helpful in venting their grievances. Is that not an issue our community must reflect on as a whole? The Civic Party of course considers that we must do so. This also

explains why we feel disheartened by the discussion today on this amendment. The people of Hong Kong have always advocated for peaceful and rational debate, they hold that problems can be addressed within the system and truth can be ascertained through debate. However, why do some people no longer consider such a belief worth embracing?

I recall that during my visit to the district, an "uncle" said to me, "Alan, you are way too gentleman. Just like in a game of chess, other people are already moving their kings and queens haphazardly, yet you still play by the rules. You are really stupid. In fact, I do not see what good it will bring." President, of course I went on to explain to him sincerely that it was just a matter of different means of expression. I said that we were used to a rational and peaceful means of debate and called for his understanding. However, President, I cannot say that the view held by this "uncle" is ridiculous and utterly senseless. That is the first reason why we feel disheartened.

President, secondly, the Civic Party feels disheartened that we need to hold this debate today because many issues discussed in this Council have been dragging on for years, say, even eight or 10 years; yet the officials are completely indifferent. Hence, we may be approaching a tipping point as we repeatedly have this sense of being excluded and disrespected. Does our discussion today mean that we are approaching a tipping point? For this, the Civic Party feels disheartened.

President, some Members pointed out that various measures such as salary deduction and suspension of duties have been adopted in overseas legislatures. Just now, Dr Margaret NG of the Civic Party has already made it clear that these powers are not exercised by the Speaker. Such sanctions are only imposed after thorough debate by the legislature upon a motion moved by a member and a vote taken. Basically, we are not discussing these issues today. Dr NG has also pointed out clearly — as I could not have explained it better, I will just reiterate her point — Dr NG has clearly explained that there are two types of committees: those which deliberate on political issues and those which make decisions. For those decision-making committees, as stipulated clearly in Rules 44 and 45 of the Rules of Procedure, the President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee are vested with greater powers to facilitate control of order and voting in meetings. Those

powers exist for a reason. Hence, as we discuss the amendments to Rules 44 and 45(1) and (2), we would never say that the issue is insignificant when compared to overseas legislatures and hence can be treated lightly or casually. That is absolutely not the stance taken by the Civic Party. We consider the amendments very important. As these amendments are so important, the Civic Party well understand the profound implications involved. That is why we have thoroughly discussed and debated the issues involved before coming to our voting decision today.

President, we stand together with the general public in our hope of maintaining order in Council, or at least, of assuring that government officials and members of the public who attend meetings of the Council will not feel intimidated or their personal safety threatened. Hence, for these reasons, we have kept thinking whether the amendments today have struck the right balance.

Of course, there is another consideration which Dr Margaret NG has presented just now in a most definitive and forcefully manner. In order to strike a right balance, the mainstream view of the Civic Party is that in upholding the principle of rational discussion, we also have to take into account the people's sentiments because when members of the public come to attend meetings of the Legislative Council, they would not want to receive any unseemly treatment. Some people may feel indignant about the treatment received by government officials. Hence, on balance, we finally decide on the mainstream view that in relation to the amendment to Rule 45(1) about a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate, the chairmen of panels should not be vested with the same power as the President of the Legislative Council.

However, in respect of grossly disorderly conduct, we consider it appropriate to vest the power to the chairmen of panels for the purpose of handling the situation. All in all, we hope that the need to exercise such power will never arise in future. Even more so, we hope that Rules 44 and 45(1) and (2) can be reverted to their original form in the not too distant future when Members no longer see the need to adopt non-peaceful and non-rational means of debate in order to express their views and give effect to the right of free speech. It is also our earnest hope that we will soon achieve *bona fide* universality and equality in respect of our constitutional development so that all citizens can make

their views known to the rulers through rational and peaceful means of expression. We hope that in the decision-making process, Members will be respected so that they no longer hold the view that they will be supported for adopting non-peaceful and non-rational means of debate. We hope that the need for invoking the powers in relation to the amendments will never arise.

Hence, President, on behalf of the Civic Party, I have stated our voting preferences in relation to the two motions and explained our stance. I so submit.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR IP KWOK-HIM (in Cantonese): President, in the past few years, the solemn parliamentary culture in Hong Kong has obviously been changed. In open meetings of the Legislative Council, Finance Committee and the Chief Executive's Question and Answer Sessions, individual Members have hurled bananas, insulted public officers and jostled with security officers, having no regard of the Rules of Order. They openly disrupted the order of meetings, setting a very bad example to the next generation of society. The Legislative Council must face this problem squarely and restore order to this Council.

I believe it is no surprise that Mr WONG Yuk-man, Mr Albert CHAN and Mr LEUNG Kwok-hung will oppose the proposed amendments to Rules 44 and 45 of the Rules of Procedure. It will be surprising if they do not raise any opposition because they are the ones who initiated parliamentary violence. If they glorify their acts of violence in this Council as "fights for democracy", may I ask how is democracy in any way related to the ploys of hurling bottles, slippers and gingko seeds and calling public officers as "dog officials" and "eunuch"? This kind of "violent politics" is in fact an "anti-democratic" hooliganism.

It has been said that the parliamentary culture in Hong Kong is increasingly "Taiwanized". The incident of JU Gan-jeng, a Legislative Yuan member of the Democratic Progressive Party, who jumped onto the President's platform and punched the then Legislative Yuan President LIU Kuo-tsai in 1988 was generally regarded as the budding of the violent culture in Taiwan parliament. Talking about Taiwan politics, I believe Mr WONG Yuk-man is the expert. He

definitely knows better than I do. Taiwan in the 1980s was still under the reign of Kuomintang. Minority parties in the Legislative Yuan often had no formal channels to put forth their policies or political propositions and their news were seldom covered by the media. It is thus understandable why they were forced to adopt violent means.

However, Hong Kong is a pluralistic society. Any political aspiration or proposition can find its way to the light. Political parties, be they large or small, and individual Members can have opportunities to appear in the media and Members have many formal channels to express their views to the Government. It is thus unnecessary for individual Members to resort to extreme recalcitrance to express their aspirations in this Council. The only reason for their untiring and intensifying insistence is that they want to use radical acts as a selling point to reciprocate for their voters' support.

Earlier in a House Committee meeting, Mr LEUNG Kwok-hung has already voiced his opposition to the amendments, saying that the President in Council is neutral in meetings but panel chairmen is not, thus claiming that it is groundless to give panel chairmen the power to evict Members from a meeting and that Members should "consider their status in every act". Originally, it is not imperative for panel chairmen to have the power to evict Members. It is precisely because Mr LEUNG Kwok-hung who have disregarded his status and hurled plastic bottles at Secretary Matthew CHEUNG in a meeting of the Panel on Manpower that has prompted a majority of Members at the meeting to think that it is necessary to give panel chairmen this power. Dr Margaret NG just asked why standing committees should be given this power but not other committees. In fact, we agree with Mr Ronny TONG's certain logics. He said that if we think that this is wrong and has deprived Members of the right to speak, then, by this logic, the power given to the President in Council and chairmen of other standing committees should also be annulled. However, the function of panels is to maintain the operation of the Legislative Council. I do not see why chairmen should have different grading, while some chairmen who can exercise this power, other second-grade or lower-grade chairmen cannot. Hence, in this regard, I truly cannot agree with these logics.

The proposed amendments, apart from empowering panel chairmen to evict Members whose conduct is grossly disorderly, also empower panel chairmen to

order Members who persist in irrelevance or tedious repetition to stop speaking. Those who oppose the proposed amendments, however, are of the view that Members speaking in panel meetings are subject to a time limit and it is thus unnecessary to give panel chairmen this power. In fact, Members speaking in meetings of standing committees are also subject to a time limit and chairmen of standing committees have long been vested with the power to stop Members who persist in tedious repetition or irrelevance from speaking. Thus, I do not see why the power to stop Members from speaking, which has been vested to chairmen of standing committees, is not granted to panel chairmen in the amendment to enhance their power to conduct the meeting? Why does this power have to be singled out? Why do we not agree to include this power? I just listened to Mr Albert HO's speech. He thinks that it is unnecessary to give chairmen the power to stop Members from speaking. In fact, it is clearly provided in the Rules of Procedure that only when a Member has persisted in irrelevance or tedious repetition may a chairman direct the Member to discontinue his speech, so as to ensure that the proceeding of the meeting is effective, orderly and under control.

The proposed amendments are the first step to restore Council order. I heard Mr Albert CHAN say that many people in the community are outraged at the amendment to the Rules of Procedure. However, I also wish to tell Mr CHAN that I have heard many members of the public who have expressed extreme dissatisfaction towards the present violent parliamentary culture. I believe this is the most important reason why a majority of Members feel the need to use this opportunity to propose these amendments. Frankly, even if the proposed amendments are passed, it does not necessarily mean that the acts of physical and verbal violence in this Council, which I am very much concerned about, will be rooted out. It is because being "driven out from the meeting" may not be a punishment to individual Members; it may even be a prize because they can "call it a day" and at the same time "steal the limelight". The Democratic Alliance for the Betterment and Progress of Hong Kong is thus of the view that it is necessary to further examine the rules of procedure in parliaments overseas, so as to formulate a set of Rules of Order that are suitable for the continued development of the political system in Hong Kong.

With these remarks, President, I support the motion.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR WONG KWOK-KIN (in Cantonese): President, on behalf of the Hong Kong Federation of Trade Unions (FTU) I speak in support of the two resolutions. Actually, I think it is good to have this discussion today because there is a general dissatisfaction in the community about the Legislative Council. People are unable to tell what has exactly happened in the Legislative Council and may thus have extended their dissatisfaction at the conduct of certain Members to the entire Legislative Council. I remember that an opinion poll conducted earlier revealed that the popularity of the Legislative Council was even lower than that of certain government departments, the Chief Executive and senior public officers. We are frequently criticized by the newspaper that we are strict on others but lenient on ourselves. I thus hold that this discussion can show the public that we, the Legislative Council, do have the spirit of self-discipline.

In fact, I think it is appropriate to propose the two resolutions which seek to uphold the order of meetings in its normal, smooth and fair manner. It is easy to understand why meetings should be conducted smoothly. By fairness, I mean Members should not act in a disorderly manner to the effect that other Members at the meeting or the proceeding of the meeting is jeopardized. When the proceeding of the meeting is jeopardized, the interests of the public are also jeopardized.

I thus think that it is good to have the problems raised for discussion. Even if the resolutions are not passed in the end, they can show that we are answerable to the public and the public will be able to see which political parties or Members are harbouring these conducts and which Members are shielding these conducts. It is good to have this discussion, such that the problem can be revealed and the public will be able to see that the Legislative Council has started to discuss these problems and that many Members are dissatisfied about such conduct and will "say no" to them.

In fact, when we were at the district or conducting surveys in the community, many residents or members of the public complained to us, upbraiding us for not putting a stop to such conduct. I remember recently when I took the bus, a man, who suddenly and deliberately walked up to me and sat by my side, talked to me about this subject. He asked me why we had done nothing

to stop such conduct. I think that even if the discussion today does not come to any conclusion, it can indicate that we are answerable to the public and they will then know that we have done something. We thus support the resolutions.

I heard just now many Members explain that Members are elected by the people and thus they act in such a way to be answerable to their voters. In fact, I have a question. Has a Member been authorized by his voters when he was elected to act in such a way in the Legislative Council? How many people truly want to elect a Member into the Legislative Council who will act disorderly, for the purpose of impeding the proceeding of meetings? Frankly, democracy and freedom of speech are not the grounds for shielding the inappropriate conducts.

I believe the resolutions have not hindered the freedom of speech of any Member. I mean, there is simply no one who can stop a Member from saying what he wishes to say. The point is, whatever a Member does at a meeting, he should not hinder the proceeding of the meeting, nor should he hinder other Members from discussing a policy or expressing their views. Hence, on this premise, the FTU will support the resolutions. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

MR PAUL TSE (in Cantonese): President, first, I wish to specifically point out two distinctions. First, the difference between inside and outside the Council; and second, the difference between words and actions. Precisely because of these two distinctions, later I incline to vote in the same way as certain colleagues; that is, I will vote for the amendment to Rule 45(2) of the Rules of Procedure (RoP) on regulating Members' conduct, but at this stage I will not vote for the amendment to Rule 45(1) of the RoP on regulating tedious speeches.

The Legislative Council, like any other institutions in the establishment, must have rules. The discussion on the amendments to the RoP today is self-evident that we have to lay down rules. I will not repeat but I cannot agree more with the points raised by Mr Ronny TONG just now that the Legislative Council is not as supreme and sacred as it is deemed. However, generally speaking, I cannot say that I am the type of person who always abide by the rule. Mr WONG Yuk-man also questioned me, saying that Mr Paul TSE could behave

shockingly once he got mad. Nevertheless, I will choose the occasion or the circumstance to behave in such a way. Although I had said or done something publicly and in front of the media camera which might have been regarded as unorthodox or had been openly criticized by members of my profession, and I had even been severely denounced or punished for that, there is a line I will never cross, that is the important line that draws the distinction between inside and outside the Court. By the same token, if the dignity of the establishment (including that of the Legislative Council) has to be preserved, the distinction between inside and outside the Council should also be drawn.

I very much agree as well as understand and support that under certain circumstances, you must fight at any cost in order to express your views or take to the streets to vent your dissatisfaction, and you may even resort to take actions which are considered impulsive. Nevertheless, I still maintain that such conduct should not appear within this Chamber; otherwise, we are not qualified to talk about democracy because the Chamber is a place for rational discussion.

I always emphasize that "politics and law come from the same door". Politics and law are the same. Even if people, or Members, have regarded themselves to be unfairly prosecuted, I have never heard of any barristers, lawyers or street fighters who dare to openly challenge the authority of the judge in court, or to hold the Court with contempt

MR LEUNG KWOK-HUNG (in Cantonese): President, I have to point out that I had done so. I had chided MACKINTOSH.

PRESIDENT (in Cantonese): Mr LEUNG, what is your question?

MR LEUNG KWOK-HUNG (in Cantonese): He said that he did not believe someone would dare to do that, but I had chided MACKINTOSH who had passed away.

PRESIDENT (in Cantonese): Mr LEUNG, please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): If he does not know, he had better say nothing.

MR PAUL TSE (in Cantonese): President, if my memory does not fail me, no Member has been held contempt of court. Even if there have been occasional use of inappropriate expressions, or as Mr LEUNG Kwok-hung just said, he had a row with Mr Justice WOO Kwok-hing, the Court is, to a certain extent, usually more tolerant and more sympathetic to people with no legal representation. This, however, does not mean that the conduct in this Chamber, I repeat, it is not about what one says but what one does, can be accepted by any court.

President, everything is actually about a matter of balance. Mr Ronny TONG has just repeatedly used the word "balance". Apart from striking a balance, I think it is also necessary to maintain a stance that is reasonable, proportionate and within the yardstick. All these are common sense. Then, where should we place the point of balance when we discuss this topic? Some colleagues mentioned the dignity and smooth operation of the Council, which I agree and no further elaboration is needed. However, I wish to raise the point of fairness. Fairness is multi-faceted, one of which concerns time allocation. Some colleagues pointed out that the disorderly conduct will not take up too much time. The meeting can be resumed once the Member is asked to leave the Chamber. However, more often than not, at important meetings, such as when the Chief Executive or the Chief Secretary for Administration will attend the meeting to answer questions, which draw the attention of the media and the time schedule is tight, some colleagues will purposely behave disorderly, thinking that their conduct can draw people's attention. However, let us not forget that such meetings have a very tight schedule, every minute spent on the hubbub will deprive other Members of their right and time to speak. The disorderly conduct of some colleagues will deprive other colleagues of a fair allocation of time to speak. This is the first point.

The second point is the disruption caused. This point is also self-explanatory. Whenever the atmosphere of the meeting is affected, it will take some time to go back to normal. The third point is about pressure. Not only fellow colleagues feel the pressure, public officers or members of the public who attend the meetings also feel the same. As a colleague has just mentioned, the pressure can be tangible and intangible. Sometimes, violence is not

restricted to hitting others with an object. Any conduct which threatens a person and causes the person to think that he is likely to be subject to physical harm has theoretically constituted a criminal offence, except in borderline cases where the rules are ambiguous and the police will not or do not wish to take liberties with law enforcement. As a matter of fact, strictly speaking, certain conducts of Members in the past might have logically and theoretically constituted a criminal act, even although no one has been hit by the object hurled. Hence, Members had better not be over assertive about their accurate vision or think that they can be off the hook like the past. The truth is that their conduct has not reached the tipping point. As for the tipping point, while Members' conduct has not reached the point of prosecution, other Members of this Council have been very tolerant to their conduct. From the occurrence of incidents of violence, to written condemnation issued by certain Members, joined by an increasing number of Members, and to this discussion on the amendments to the RoP, it is in fact a process from action to reaction. When one side chooses to act on impulse, the other side will naturally consider whether they should react.

With due respect to the analysis made by Dr Margaret NG just now, I cannot accept two points made therein. First, she used the British Parliament as a comparison, but such incidents have not happened in the British Parliament, at least, not up till now. As we cannot imagine Premier League games to be like those played in certain African countries where players are often dismissed from the field or hit each other. Speaking of the British Parliament, at least I cannot recall any incidents of fighting among the members, there are, instead a lot of verbal sarcasm and verbal attack. However, if Dr Margaret NG thinks that such incidents have also happened in the British Parliament, I hope she can furnish us with her views as I also want to get hold of evidence in this regard.

Besides, I cannot fully agree with Dr Margaret NG's analysis because in her grand speech she has only expressed her concern about the situation, but she has not provided any relief to address the situation, as if she can only put up with it. However, I am afraid that in the context of today's parliamentary culture and public opinion, this situation can no longer be tolerated.

President, some colleagues, particularly those who oppose introducing the amendments, have emphatically pointed out that this Council is not a fair playing ground, thus Members should be allowed to do what they want; or the Members concerned only intend to reflect certain opinions in the community; or this

Council as a venue to vent their emotions, and if these Members are deprived of this opportunity to vent their emotions, more violent incidents may happen in society. We can take these views as reference, but I wish to point out that however unfair Members find the election mechanism of the Legislative Council is (to a certain extent I agree with this remark), this is a progressive process which has been duly discussed and considered, and the process is progressively changing. Precisely because the establishment has adopted the system of proportional representation, it allows Members who claim that they have an electorate base to act wilfully.

In fact, if we assess Members' political views by the level of acceptance in society, I believe that colleagues who have only secured 10% to 15% voters' support will not say so emphatically that they are the ones who have an electorate base. Take the recent radical views or the so-called "locust theory" concerning the new immigrants as an example. Should we allow people to express such radical views, even if they are supported by 15% of the public, should we allow them to raise such irrational, insulting and even racist views? Can anyone who feels discontented do whatever he wishes without restraint, as long as he has the support of 15% of the public? I am afraid this is not accepted by mainstream opinion.

As to the remark regarding the channel for venting discontents, I also have great reservation. In fact, some Members have just cried aloud to call on people to follow their practice. This is no longer a matter of venting ones' discontents, but a matter of calling on or appealing to young people to join their actions. This is incitement, abetment and provocation. I have great reservation about this conduct.

Some colleagues attempted to draw a distinction between the President in Council and other chairmen as the ground for not supporting the amendments. I agree with Mr Ronny TONG in saying that this is more than a matter of grading. Whoever takes up the post of the President in Council is not acting on an individual basis, instead he is acting on behalf of the whole Council and the whole establishment. This post can be taken up at any time by any other Member who has not gone through the election process, and he will exercise the power vested to the post. For example, the Deputy President often has to execute the duties on behalf of the President, but he does not need to go through the process of President election. Certainly, we can introduce specific

amendment to lay down an election process in this regard.

Thus, by the same token, theoretically, the Chairman of House Committee or standing committees only temporarily exercise the power of the President in Council on behalf of the whole establishment. In this regard, I do not agree that only the President in Council can exercise the relevant power while other Members, in their capacity as Deputy President, cannot. Members have pointed out that chairmen of other committees are also elected among the members after negotiation. In fact, the President in Council is often elected through negotiation among major political parties. Can individual Members like us say a word? Hence, I do not think the distinction is a big issue, but rather, let me reiterate that the most important distinction lies in whether it concerns with what one says or what one does.

Some colleagues are worried that this is the first step to restriction and it will be the day of darkness because this practice will jeopardize Members' freedom of speech and narrow down their room of expression. The amendments can also evict Members from the Legislative Council as long as two thirds of the Members of this Council agree to exercise the power vested under Article 79 of the Basic Law. Theoretically, there is indeed such a possibility, but in reality it is not so easy to exercise this power and it has never happened before. Members are under the scrutiny of society. If they abuse their power wilfully, they shall be appropriately sanctioned. Hence, the colleagues who have this idea may have over worried.

All in all, there is an incremental process to every measure and amendment. This time, with much regret, we have to deal with this issue because some practices and incidents happened in this Council are different from the past and Members are left with no choice but to amend the RoP with an incremental process. The present amendments seek to deal with grossly disorderly conduct without prejudice to the overall freedom of speech and vest chairmen of other committees with the relative power that has been conferred to the President in Council or chairmen of standing committees. I think this is acceptable. However, as for the sanctioning power in respect of speaking in meetings, I hold that at the present stage it is unnecessary to resort to this step. Hence, I will vote in accordance with my aforesaid stance. Thank you, President.

PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon Mr TAM Yiu-chung to reply. This debate will come to a close after Mr TAM Yiu-chung has replied.

MR TAM YIU-CHUNG (in Cantonese): President, Mr Paul TSE's speech just now is already a very good concluding speech. He has responded to various points raised by Members during the discussion and I very much agree with his remark. I think Mr Paul TSE has given a proper analysis on the distinction between inside and outside the Council. He is in fact speaking from his experience. Before he joined the Legislative Council, he actually had been quite unruly. I think he is not inferior in any way to "Long Hair". Nevertheless, since he became a Member of this Council, he has acted in accordance with the Rules of Procedure (RoP).

Hence, as far as this issue is concerned, Members have indeed been very tolerant in this Council. Let us not forget that we only have one year or so left before our term ends. As I have said just now, there have been 28 incidents of Members acting in grossly disorderly manner in the current Legislative Council term and four incidents of Members hurling objects in the first three months of the year. Having witnessed these incidents, we hope that the Members concerned might have only done so out of a moment of anger. We hope that they will gradually restrain their conduct and come to comply with the RoP. However, our hope has fallen through time and again. In the end, the whole Legislative Council is subject to a lot of negative public opinion. Hence, to me, the minor amendments to Rule 44 and Rule 45 of the RoP proposed today are only a very small step forward. Rather than feeling happy, my heart aches to find that Members have so strongly criticized each others in their response to the amendments.

Some Members said that today was a day of darkness. I think this is an exaggeration. How can such a minor amendment lead to a day of darkness? What are the areas of darkness? They seem to say that no one will be allowed to speak in future. In fact, this is not the case. Mr Albert CHAN mentioned that a man approached him yesterday at the Belvedere Garden in Tsuen Wan, commending him and showing support to his violent conduct in the Council. It

so happened that yesterday, I had also heard the views of three members of the public at different places and at different time from noon to evening.

The first encounter was at noon when I was having lunch. A housewife with her teenage son and daughter were having lunch among with a group of people. Knowing that I am a Member of the Legislative Council — I have not seen her for a few years — she started the conversation, "Why do Members of the Legislative Council behave like that? You Members do not follow the rules and hurl objects at each other." She further asked, "Is such conduct brought over from Taiwan? This is not good. Members should not act like that." This is her comment. The whole conversation was not brought up by me and I did not say anything further. Housewives like her may not pay attention to every business handled in the Council, but they have also reacted strongly to such conduct. This is the view that I heard at noon when I was having lunch.

In the evening at the wedding banquet of my friend's daughter, I was approached by a man of the financial sector. The man frequently comments on the financial market, stock prices and other related aspects and can be regarded as a famous critic. He initiated a conversation with me about the conduct of Members in the Council. He was resentful about Members hurling objects and behaving violently.

After the wedding banquet, I took a taxi home. The taxi driver recognized that I am TAM Yiu-chung, and started talking to me. He mentioned Mr WONG Yuk-man. He first clarified that he was not a supporter of any political party or grouping and then he said, "However, I think that Legislative Council Members such as Mr WONG Yuk-man who is well educated and civilized, why did he act like that? His conduct is wrong. A meeting is a meeting. He should not act like that." He was cautious of not speaking too much while he was driving and when I reached my destination, which was only a short distance, he said to me, "Can I take up a little more of your time? There is something more I wish say." The taxi driver expressed similar views. Within one day, I do not know why, the people whom I came into contact with had said the same thing. They did not ask me whether we had to vote on the motion to amend the RoP today; they might not even know about this debate. However, people of different background and different walks of life are concerned about this issue.

Mr Albert CHAN would certainly say that many people support his actions.

I am not sure about this, but from the people I met and as mentioned by Members who just spoke, the people whom we meet every day considered that Members should not behave like that in this Council. I thus very much hope that fellow Members, fellow colleagues can seriously and thoroughly think about this issue. You claim that your conduct is an act of resistance, but there is a limit to every act of resistance. If you go beyond the limit, things will turn out wrong. Your conduct will not bring better outcome and more commendations, nor will it be conducive to attaining your goals and aspirations, unless you have a hidden agenda that I do not know.

Some Members who have just spoken are against this minor amendment to the RoP. They claim that half of the Members are returned from functional constituencies (FCs), which is a coterie election, and that these Members are not genuine representatives of the people. When they made such remarks, they should think about one point. If they claim that they are the only representatives of the people because they are directly elected, will their unpopular conduct and opinions ultimately affect other Members also returned by direct elections? People will be more cautious about direct elections, thinking that it is lucky that for the time being only a few Members among the 30 Members act like this. What will happen if more seats of direct elections are added and more Members of similar conduct join this Council in future? Will this be conducive to the image of Members returned by direct elections of geographical constituencies? Will more people prefer to have Members returned from FCs? I think this point merits our consideration.

President, some Members think that we need not amend the RoP as long as we know what to do. However, we have been waiting for this for a long time. Some Members said that amending the RoP does not mean that such incidents will not happen. Dr Margaret NG emphatically asked if the amendment could stop such incidents from happening. According to her logic, many amendments may be uncalled for. We frequently introduce legislative amendments to stop irregularities, but it is unnecessary to do so as irregularities cannot be totally eradicated. For example, the legislative amendment to increase the penalty of littering from \$500 to the present level of \$1,500 will be meaningless because even if the penalty is now increased to \$1,500, people will still litter

MR PAUL TSE (in Cantonese): Drink driving.

MR TAM YIU-CHUNG (in Cantonese): Yes. Mr Paul TSE reminded me that another example is drink driving. I do not have a driving licence. This will not happen on me. I thus have not thought of this example. You can say that we need not increase the penalty because there is no way to stop drink driving. Related accidents will still happen. You may say that the penalty is harsh for you have only drunk a glass of wine, but there are people who will, intentionally or unintentionally, break the law.

All in all, if a certain regulation or ordinance is flawed, it is logical that we amend or enhance it, or lay down more restrictions on certain scenarios. We only know too well that the amendment cannot totally solve the irregularities. If we can do so, things will be much easier, right? Yet, if we do not even take this step, I think we are falling short of public expectation. We hope that after taking this step, the Members concerned can give a good thought to this issue and see whether they will continue to behave like that. Given the majority views of this Council and the overwhelming opinions in society, should they insist on taking this approach?

Moreover, you can well proceed with your act of resistance, but during a meeting, Members should act in accordance with the RoP. No one will stop you from doing whatever you wish to do outside this Council. Hong Kong is a society under the rule of law. You are allowed to do many things as long as you have not violated the law.

Members suggested that the two amendments should be voted on separately later. Some said that they would support one of them, while others said that they would support both. Everyone can make his own choice. However, I do not think that with the passage of the two proposed amendments, Members would be forbidden to speak under Rule 45(1). I believe all Members are aware that the President in Council and chairmen of panels or committees, once they take their seat, will be fair and impartial in discharging their role. I totally disagree that the President or chairmen will abuse their powers or be dominant once they take up that role. I believe Members will not do so. Members take turns to be chairman and everyone has a chance. Having worked

together for years, we have an understanding that we will not deliberately stop others from speaking because of these two amendments, nor will we undermine others' freedom of speech. I believe this will not happen because we are not greenhorns in handling Council businesses.

As to Members' query of whether this will happen in future, I do not think so either. Our meetings are all open. Members can see for themselves that we will not abuse the RoP. On the contrary, when incidents happen, we would often question whether there is any ambiguity or laxity in the RoP that had made it difficult for the President to make a ruling. It is the RoP that we question.

After I finish my speech we will proceed to vote. I earnestly hope that Members can reconsider and vote in support of both amendments which will be voted on separately. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, may I ask him to clarify a point in his speech just now where he called on Members to act in accordance with the Rules of Procedures (RoP). His speech seemed to be misleading, or he may have made a mistake. Can he clarify whether he now seeks to amend the RoP, rather than asking us to act in accordance with the RoP? His speech seemed to be misleading and distorting the truth.

PRESIDENT (in Cantonese): Mr CHAN, this debate has come to a close after Mr TAM Yiu-chung has replied. I now put the question to you and that is: That the first motion moved by Mr TAM Yiu-chung to amend Rule 45(2) of the Rules of Procedure be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

PRESIDENT (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for three minutes.

(During the ringing of the division bell, Mr Albert HO stood up)

PRESIDENT (in Cantonese): Mr Albert HO, what is your question?

MR ALBERT HO (in Cantonese): Are we now voting on Rule 45(1) or Rule 45(2)?

PRESIDENT (in Cantonese): We are now voting on the first motion, that is, the motion to amend Rule 45(2) of the Rules of Procedure.

(During the ringing of the division bell, Mr WONG Yuk-man stood up and yelled)

MR WONG YUK-MAN (in Cantonese): Suppressing freedom of speech, shameless!

PRESIDENT (in Cantonese): Mr WONG Yuk-man

MR WONG YUK-MAN (in Cantonese): The Democratic Party digging its own grave, shameless!

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please sit down immediately.

MR WONG YUK-MAN (in Cantonese): The bogus democratic camp attacking freedom of speech, shameless!

PRESIDENT (in Cantonese): Mr WONG Yuk-man

MR WONG YUK-MAN (in Cantonese): President, we leave this Chamber in protest.

(Mr Albert CHAN also stood up)

MR ALBERT CHAN (in Cantonese): President, you do not have to drive us out. We will not acknowledge this voting result.

PRESIDENT (in Cantonese): Mr Albert CHAN, please sit down immediately.

MR ALBERT CHAN (in Cantonese): The Democratic Party is kowtowing to the Communist Party. Shameless! The Democratic Party, shameless! Betrayal to their voters, shameless!

PRESIDENT (in Cantonese): Mr Albert CHAN, please leave this Chamber immediately.

(Mr WONG Yuk-man and Mr Albert CHAN left the Chamber)

(The ringing of the division bell ended)

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Dr Joseph LEE, Mr

Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted for the motion.

Dr Margaret NG voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr Fred LI, Mr James TO, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Ms Audrey EU, Mr WONG Kwok-hing, Mr LEE Wing-tat, Mr CHEUNG Hok-ming, Mr Ronny TONG, Mr KAM Nai-wai, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mrs Regina IP, Mr Alan LEONG and Miss Tanya CHAN voted for the motion.

Mr Frederick FUNG, Ms Cyd HO and Mr LEUNG Kwok-hung voted against the motion.

Mr Andrew CHENG abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 23 were in favour of the motion and one against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 21 were in favour of the motion, three against it and one abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was passed.

PRESIDENT (in Cantonese): Mr TAM Yiu-chung. You may now move the second motion.

MR TAM YIU-CHUNG (in Cantonese): President, I move that the second motion under my name be passed.

Mr TAM Yiu-chung moved the following motion:

"RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region be amended as set out in the Schedule.

Schedule

Amendment to Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region

1. Rule 45 amended (Order in Council and Committee)
Rule 45(1) —
Repeal
"standing or select".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the second motion moved by Mr TAM Yiu-chung be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr LEUNG Kwok-hung rose to claim a division.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted for the motion.

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LEUNG Ka-lau and Mr Paul TSE voted against the motion.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr Ronny TONG, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted for the motion.

Mr Albert HO, Mr Fred LI, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung and Miss Tanya CHAN voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 24 were present, 19 were in favour of the motion and five against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, 11 were in favour of the motion and 14 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

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