

(5A) Subject to subsection (5B), all meetings of the Board shall be open to the public.

(5B) Subsection (5A) does not apply to -

(a) in the case of any meeting held under or for the purposes of section 6D, 6H, 12A, 16, 16A or 17, such part or parts of the meeting that are held for deliberation by the Board for making any decision under section 6D(8), 6H(8) (whether with or without application of section 6H(9)), 12A(21), 16(3), 16A(7) or 17(6), after hearing any person who, not being a member of the Board, is entitled or allowed to be heard or otherwise has an opportunity of making representations or providing information at the meeting; and

(b) in the case of any other meeting, the meeting or any part or parts of the meeting if in the opinion of the Board it is likely that-

(i) the application of subsection (5A) to such meeting or such part or parts of the meeting, as the case may be, would not be in the public interest;

(ii) the application of subsection (5A) to such meeting or such part or parts of the meeting, as the case may be, would result in premature release of information that would prejudice the position of the Board or the Government, the Chief Executive or the Chief Executive in Council in carrying out its or his functions under this Ordinance;

(iii) the application of subsection (5A) to such meeting or such part or parts of the meeting, as the case may be, would result in a disclosure of information in breach of any duty of confidentiality owed by the Board or the Government to any person by virtue of any law or any requirement under any law, or in contravention of any prohibition by any order of a magistrate or a court or by any law or any requirement under any law;

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- (iv) the application of subsection (5A) to such meeting or such part or parts of the meeting, as the case may be, would result in a disclosure of information in respect of which a claim to legal professional privilege could be maintained in law; or
- (v) any matter transacted at the meeting or such part or parts of the meeting, as the case may be, would be relevant to the institution or conduct of any legal proceedings carried out under any law or any requirement under any law, or any investigation carried out under the laws of Hong Kong.