

立法會

## *Legislative Council*

LC Paper No. CB(2) 1261/04-05

Ref : CB2/H/5/04

### **House Committee of the Legislative Council**

#### **Minutes of the 22nd meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 8 April 2005**

#### **Members present :**

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)  
Hon Fred LI Wah-ming, JP (Deputy Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon Albert HO Chun-yan  
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP  
Hon LEE Cheuk-yan  
Hon Martin LEE Chu-ming, SC, JP  
Dr Hon David LI Kwok-po, GBS, JP  
Dr Hon LUI Ming-wah, JP  
Hon Margaret NG  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon James TO Kun-sun  
Hon CHAN Yuen-han, JP  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, JP  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Hon LEUNG Yiu-chung  
Hon SIN Chung-kai, JP  
Hon WONG Yung-kan, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Howard YOUNG, SBS, JP  
Dr Hon YEUNG Sum  
Hon LAU Kong-wah, JP  
Hon LAU Wong-fat, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk  
Hon Andrew CHENG Kar-foo  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, JP  
Hon LI Fung-ying, BBS, JP



Mr LEE Yu-sung	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mrs Vivian KAM	Principal Council Secretary (Complaints)
Miss Kathleen LAU	Chief Public Information Officer
Mrs Constance LI	Chief Council Secretary (2)5
Mrs Betty LEUNG	Chief Council Secretary (3)1
Ms Bernice WONG	Assistant Legal Adviser 1
Miss Anita HO	Assistant Legal Adviser 2
Ms Connie FUNG	Assistant Legal Adviser 3
Mr KAU Kin-wah	Assistant Legal Adviser 6
Miss Lolita SHEK	Senior Council Secretary (2)7

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**I. Confirmation of verbatim record/minutes of meetings**

**(a) verbatim record of the proceedings of the special meeting held on 15 March 2005**

*(LC Paper No. CB(2) 1202/04-05)*

**(b) minutes of the 21st meeting held on 1 April 2005**

*(LC Paper No. CB(2) 1200/04-05)*

The verbatim record/minutes of the two meetings were confirmed.

**II. Matters arising**

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

**Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005**

2. The Chairman said that she had advised CS that according to the verbatim record of the relevant part of the meeting of the Panel on Transport on 18 March 2005, the representative of the Environment, Transport and Works Bureau (ETWB) had promised the Panel that the Notice would not be gazetted pending further discussion with the New Hong Kong Tunnel Company Limited (the Company) about the toll increase. The Chairman had reflected to CS some Members' dissatisfaction that the Administration had not honoured its promise.

3. The Chairman further said that CS had explained that ETWB had meant that a further notice would be gazetted should there be revisions to the toll increase after further discussion with the Company. He regretted for the misunderstanding and would ask ETWB to explain to Members.

### III. Business arising from previous Council meetings

#### (a) **Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)**

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##### (i) **Banking (Amendment) Bill 2005** (LC Paper No. LS 44/04-05)

4. The Chairman said that the Bill provided a framework for the introduction of revised banking supervising standards published by the Basel Committee on Banking Supervision in June 2004 (Basel II), and to make other miscellaneous amendments.

5. The Chairman further said that according to the Administration, the Hong Kong Monetary Authority had undertaken extensive public consultation on an ongoing basis in developing the implementation plan for Basel II.

6. The Chairman added that the Panel on Financial Affairs (FA Panel) was briefed on the major features and implementation of Basel II, and the legislative proposal on 5 July and 6 December 2004. Although some members had raised certain issues and concerns, there was general support for the implementation of Basel II in Hong Kong.

7. The Legal Adviser recommended that a Bills Committee be set up to study the Bill in detail.

8. The Chairman proposed that a Bills Committee be formed in view of the concerns raised by the Panel. Members agreed. The following Members agreed to join: Mr Bernard CHAN (as advised by Mr Abraham SHEK), Mr CHAN Kam-lam, Mr SIN Chung-kai, Mr Andrew LEUNG (as advised by Mrs Sophie LEUNG) and Mr Ronny TONG (as advised by Ms Margaret NG).

9. The Chairman said that the Bills Committee could commence work immediately.

##### (ii) **Securities and Futures (Amendment) Bill 2005** (LC Paper No. LS 43/04-05)

10. The Chairman said that the Bill provided for the removal of the executive director status of the Chairman of the Securities and Futures Commission (SFC), the power of the Chief Executive (CE) to appoint a chief executive officer for SFC, an excess of non-executive directors over executive directors on SFC, and related and incidental matters.

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11. The Chairman further said that SFC agreed to the proposal in principle, but some of its members had raised practical issues on the implementation of the proposal.

12. The Chairman added that the FA Panel was briefed on the proposal at its meetings on 10 November 2004 and 17 February 2005. Although there were divided views on the proposal among members, the Panel passed a motion supporting the proposal in principle at the meeting on 17 February 2005.

13. The Legal Adviser recommended that a Bills Committee be set up to study the Bill in detail.

14. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr SIN Chung-kai, Mr Abraham SHEK, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr Ronny TONG, Mr CHIM Pui-chung and Mr KWONG Chi-kin.

15. The Chairman said that the Bills Committee could commence work immediately.

**(iii) Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill**  
*(LC Paper No. LS 46/04-05)*

16. The Chairman said that the Bill provided that the CE who filled a vacancy arising from a CE not finishing his or her term of office should serve the remaining term.

17. The Chairman added that the issue about the term of office of a new CE was discussed with the Administration at the special meeting of the House Committee on 15 March 2005, and the meeting of the Panel on Constitutional Affairs (CA Panel) on 21 March 2005.

18. Mr Martin LEE pointed out that Mr Donald TSANG attended the special meeting of the House Committee on 15 March 2005 and the meeting of the Legislative Council (LegCo) of 6 April 2005 as CS. Mr LEE queried whether such a distinction could be made, as Mr TSANG was also Acting CE.

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19. The Secretary General explained that Mr Donald TSANG had attended the two meetings in his capacity as CS.

20. The Legal Adviser added that it was CS whom the House Committee had invited to attend its meeting, and that CS would have been a designated public officer under the Rules of Procedure when attending the LegCo meeting to speak on behalf of the Government under Article 62(6) of the Basic Law.

21. Mr LEE Cheuk-yan sought clarification on the scope of study of the Bills Committee, if formed. Mr LEE asked whether issues such as arrangements for the CE election on 10 July 2005, which were related to the Bill, should be considered by the Bills Committee or the CA Panel.

22. The Legal Adviser advised that the work of the Bills Committee would be governed by Rule 76(7) of the Rules of Procedure (RoP) which stipulated that a Bills Committee would consider the general merits and principles, and the detailed provisions of the bill allocated to it, and could also consider any amendments relevant to the bill.

23. Mrs Selina CHOW said that the work of the Bills Committee on the Bill, if formed, should not overlap with that of the CA Panel. The Bills Committee should only study the legislative proposal in the Bill, and other issues should be considered by the CA Panel.

24. Mr LEE Wing-tat said that the scope of the Bill was very narrow. However, there were important issues, such as the maximum number of years a person could serve as CE, which should be discussed and resolved before the CE election in July. Mr LEE considered that these issues should not be regarded as outside the scope of the Bills Committee's work.

25. The Legal Adviser said that in paragraph 11 of the report, the Legal Service Division had pointed out that the amendment proposed in the Bill might have implications on the operation of other provisions in the Chief Executive Election Ordinance (Cap. 569), and the Bills Committee, if formed, might wish to consider these implications. The Legal Adviser added that it would be for the Bills Committee to decide in the light of provisions in the Rules of Procedure what the issues it found were necessary for examination in the course of its scrutiny of the Bill. The Legal Adviser further advised that the factors for considering whether certain issues should be considered as relevant to the scrutiny of a Bill and merit examination by a Bills Committee formed to study it would be different from those for considering whether proposed Committee Stage amendments to a Bill were relevant to and within the scope of the Bill.

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26. The Chairman proposed that a Bills Committee be formed. Members agreed. The following Members agreed to join: Mr James TIEN, Mr Albert HO, Ir Dr Raymond HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr Fred LI, Dr LUI Ming-wah, Ms Margaret NG, Mrs Selina CHOW, Mr James TO, Mr CHEUNG Man-kwong, Miss CHAN Yuen-han, Mr Bernard CHAN, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr SIN Chung-kai, Dr Philip WONG, Mr WONG Yung-kan, Mr Jasper TSANG, Mr Howard YOUNG, Dr YEUNG Sum, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Mr Andrew CHENG, Mr TAM Yiu-chung, Mr Abraham SHEK, Mr Albert CHAN, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr LI Kwok-ying, Mr Daniel LAM, Mr MA Lik, Mr Alan LEONG, Mr LEUNG Kwok-hung, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr Ronny TONG, Mr CHIM Pui-chung, Mr Patrick LAU, Mr Albert Jinghan CHENG and Miss TAM Heung-man.

27. The Chairman said that the Bills Committee could commence work immediately.

**(iv) Citibank (Hong Kong) Limited (Merger) Bill**  
*(LC Paper No. LS 47/04-05)*

28. The Chairman said that this was a Member's Bill introduced by Dr David LI. The Bill provided for the vesting in Citibank (Hong Kong) Limited of the retail banking business of Citibank N.A. in Hong Kong now operated through a branch in Hong Kong. The Bill was generally similar to previously enacted bank merger ordinances.

29. The Chairman further said that no public consultation had been carried out on the Bill, but existing customers and staff had been consulted. The Chairman added that the Bill was discussed at the meeting of the FA Panel on 1 November 2004.

30. Mr Bernard CHAN, Chairman of the FA Panel, informed Members that the Bill was discussed towards the end of the Panel meeting on 1 November 2004. Only a few members were present, but they had raised various concerns about the Bill. Dr David LI had provided supplementary information in response to these concerns after the meeting, and members had not requested for further information.

31. Mr James TO said that he did not consider a Bills Committee necessary at this stage. However, as some Panel members had expressed various concerns about the Bill, and Dr David LI was not available at this meeting to clarify members' queries, a decision on the Bill should be deferred to the next

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meeting so that Members would have more time to study the Bill and the supplementary information provided. Mr Howard YOUNG and Mrs Selina CHOW supported Mr TO's suggestion.

32. Mr Abraham SHEK said that as the Bill had already been discussed at the FA Panel, and the Panel had not raised any objection to the Bill, it would not be necessary for Dr David LI to attend this meeting to discuss the Bill with Members.

33. The Legal Adviser advised that the concerns raised at the Panel meeting, and the supplementary information provided by Dr David LI were summarised in paragraphs 17 and 18 of the Legal Service Division report.

34. The Chairman proposed that a decision on the Bill be deferred to the next meeting on 15 April 2005. Members agreed.

(b) **Legal Service Division report on subsidiary legislation gazetted on 1 April 2005 and tabled in Council on 6 April 2005**  
(*LC Paper No. LS 45/04-05*)

35. The Legal Adviser said that a total of seven items of subsidiary legislation were gazetted on 1 April 2005, including the United Nations Sanctions (Sudan) Regulation which was not required to be tabled in LegCo.

36. Members did not raise any queries on the six items of subsidiary legislation tabled in LegCo on 6 April 2005.

37. The Chairman reminded Members that the deadline for amending these six items of subsidiary legislation was 4 May 2005, or 25 May 2005 if extended by resolution.

38. As regards the United Nations Sanctions (Sudan) Regulation, the Chairman said that although the Regulation was not subject to LegCo's power to intervention, it came within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relations to Sanctions.

39. The Chairman suggested that the Regulation be referred to the Subcommittee for further study. Members agreed.



**IV. Business for the Council meeting of 20 and 21 April 2005**

**(a) Questions**

*(LC Paper No. CB(3) 482/04-05)*

40. The Chairman said that 20 written questions had been scheduled for the Council meeting of 20 and 21 April 2005.

**(b) Bills - resumption of debate on Second Reading**

**Appropriation Bill 2005**

(Members speak)

41. The Chairman said that in accordance with Rule 36(5) of the Rules of Procedure, Members would each have a maximum of 15 minutes to speak.

**V. Position on Bills Committees/subcommittees**

*(LC Paper No. CB(2) 1199/04-05)*

42. The Chairman said that there were 11 Bills Committees, including the Bills Committee on Banking (Amendment) Bill 2005, the Bills Committee on Securities and Futures (Amendment) Bill 2005 and the Bills Committee on Chief Executive Election (Amendment) (Term of Office of the Chief Executive) Bill formed under agenda item III(a) above, and seven subcommittees in action.

**VI. Proposal to invite the Chief Secretary for Administration to attend a meeting of the House Committee to brief Members on details of his meeting with Mr LIAO Hui, Director of the Hong Kong and Macao Affairs Office of the State Council**

*(Letter dated 30 March 2005 from Hon James TO Kun-sun to the Chairman of the House Committee (LC Paper No. CB(2) 1201/04-05(01)))*

43. Mr James TO said that according to newspaper reports, Mr Donald TSANG met with Mr LIAO Hui, Director of the Hong Kong and Macao Affairs Office of the State Council, in Shenzhen at the end of March 2005 to discuss the latest situation in Hong Kong. Mr TO added that Mr TSANG might have reported on the views of the public on the term of office of the new CE, and the intention of the Government of the Hong Kong Special Administrative Region (HKSAR) to seek an interpretation of Article 53 of the Basic Law by the Standing Committee of the National People's Congress (NPCSC).

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44. Mr James TO further said that CE was accountable to both the Central People's Government (CPG) and people of the HKSAR. As Acting CE, Mr Donald TSANG should disclose what he had briefed Mr LIAO Hui, and whether Mr LIAO had given any views about the situation in Hong Kong. He urged Members to support his proposal to invite Mr TSANG to attend a meeting of the House Committee to brief Members on details of his meeting with Mr LIAO.

45. Mr MA Lik said that CS's Office had provided some details of Mr TSANG's meeting with Mr LIAO in response to press enquiries. Mr MA further said that it was just normal communication for officials of the HKSAR Government to meet with officials of CPG, and it would not be appropriate to require officials of the HKSAR Government to report to LegCo on every such meeting. Mr MA did not consider it necessary to invite CS to brief Members on his meeting with Mr LIAO Hui.

46. Mr LEE Cheuk-yan, Mr Martin LEE, Ms Margaret NG, Mr LEE Wing-tat, Mr LEUNG Kwok-hung and Dr KWOK Ka-ki supported Mr TO's proposal to invite CS to brief Members on his meeting with Mr LIAO Hui.

47. Mr LEE Cheuk-yan said that the HKSAR Government had decided to propose to the State Council to make a request to NPCSC to interpret the Basic Law concerning the term of office of the new CE, almost immediately after the meeting between Mr TSANG and Mr LIAO. The public would like to know whether the matter had been discussed at the meeting. Mr LEE considered that CS should brief LegCo on details of the meeting.

48. Mr LEE Wing-tat said that it would not be necessary for Acting CE to brief Members, if his meeting with Mr LIAO was not for discussing official business. It was exactly because the meeting was normal communication between officials of the HKSAR Government and those of CPG that Acting CE should brief LegCo on the details.

49. The Chairman reminded Members that the next CE's Question and Answer Session would be held on 28 April 2005.

50. Mr LEUNG Kwok-hung said that it was the responsibility of LegCo to monitor the work of the Government, and that CS should be invited to brief Members on his meeting with Mr LIAO Hui.

51. Mr Martin LEE said that Mr Donald TSANG should also explain why another Principal Official was not appointed to act as CE, when he was in Shenzhen to meet with Mr LIAO.

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52. Ms Margaret NG said that under the Basic Law, the HKSAR was promised a high level of autonomy. CS should brief Members on details of his meeting with Mr LIAO to enable the public to judge whether this was the case, or whether the Government would seek the views of CPG on all affairs of the HKSAR.

53. Dr KWOK Ka-ki said that it would not be necessary for LegCo to invite officials to give briefings on all their meetings with officials of CPG. However, as LegCo had the responsibility to monitor the work of the Government, and Mr TSANG might stand as a candidate in the election of the new CE, Mr TSANG should brief Members on details of the meeting.

54. Dr KWOK further said that given the time constraint and wide range of issues raised at CE's Question and Answer Sessions, Mr Donald TSANG should be invited to brief Members at a separate meeting, and not at the coming Session on 28 April 2005.

55. Mr KWONG Chi-kin said that while he welcomed Mr Donald TSANG to brief Members on details of his meeting with Mr LIAO Hui, it was not necessary for him to do so after every meeting with officials of CPG, as he could keep the public informed by giving press briefings. Mr KWONG further said that the CE's Question and Answer Session on 28 April 2005 was an appropriate forum for Mr TSANG to brief Members on his meeting with Mr LIAO Hui.

56. Mr Howard YOUNG concurred with Mr KWONG Chi-kin. He added that Acting CE should be informed that Members would raise questions on his meeting with Mr LIAO, so that he would be prepared to answer them.

57. Mrs Selina CHOW said that it was not appropriate to invite CS to attend a meeting of the House Committee to brief Members on his meeting with Mr LIAO Hui, if the meeting was not an official meeting to report on the work of the HKSAR Government. Mrs CHOW added that Members could raise questions about the meeting at the CE's Question and Answer Session.

58. Dr LUI Ming-wah said that Members belonging to the Alliance considered that it was for CS to decide whether he had anything to brief Members on his meeting with Mr LIAO Hui.

59. Mr Martin LEE said that it was LegCo's duty to monitor the work of the Government, and Members should request CS to brief Members on details of his meeting with Mr LIAO.

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60. Mr LEUNG Kwok-hung suggested that the invitation should be extended to Mr Donald TSANG as both Acting CE and CS.

61. Mr TAM Yiu-chung said that the Chairman could ask CS, at their next meeting on Monday, whether he had anything to brief Members.

62. Mr James TO proposed that the House Committee should formally write to invite CS to attend a meeting of the House Committee to brief Members on details of his meeting with Mr LIAO.

63. The Chairman put Mr TO's proposal to vote. The outcome was that 22 Members voted in favour of the proposal, nine Members voted against the proposal, and eight Members abstained from voting.

64. The Chairman said that she would extend the invitation to CS in writing.

**VII. Proposal to move a motion for debate, at the Council meeting of 20 April 2005, concerning the Government's intention to seek an interpretation of the Basic Law from the Standing Committee of the National People's Congress regarding the term of office of the new Chief Executive**  
*(Letter dated 6 April 2005 from Hon LEE Wing-tat to the Chairman of the House Committee (LC Paper No. CB(2) 1201/04-05(02)))*

65. The Chairman informed Members that the revised wording of Mr LEE Wing-tat's motion was tabled at the meeting. The Chairman added that the issue about the HKSAR Government making a report to the State Council proposing the latter to request NPCSC to interpret, at its meeting to be held at the end of April, Article 53 of the Basic Law concerning the term of office of the new CE was the subject of an adjournment debate at the Council meeting of 6 April 2005.

66. Mr LEE Wing-tat said that the adjournment debate held at the Council meeting of 6 April did not allow Members to take a position on the issue. Given the importance of the issue, he considered that LegCo should give its stance, and a Member's motion should be moved for debate at the earliest opportunity.

67. Mr LEE further said that he had considered applying for a debate slot under the normal arrangement for allocation of motion debate slots to Members. However, there was no Council meeting on 13 April 2005, and motion debates with no legislative effect would not be scheduled for the meetings of 20/21 and 27 April 2005 because of the Budget debate. It would be too late for LegCo to debate the issue on 4 May 2005, as NPCSC would

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interpret Article 53 of the Basic Law at its meeting commencing on 25 April 2005.

68. Mr LEE suggested that his motion be debated after the Second Reading debate on the Appropriation Bill at the Council meeting of 20 April 2005. He urged Members to support his request.

69. The Chairman explained that it was a tradition of LegCo that oral questions and motion debates with no legislative effect would not be scheduled for those Council meetings at which the debate on the Budget was held.

70. Mr Martin LEE, Mr LEUNG Kwok-hung, Mr LEE Cheuk-yan and Mr Albert HO supported Mr LEE Wing-tat's request for a debate on his motion be held at the Council meeting of 20 April 2005.

71. Mr Martin LEE said that the importance and urgency of the subject of Mr LEE Wing-tat's motion was beyond doubt, as the HKSAR Government had already submitted a report to the State Council proposing the latter to request NPCSC to interpret Article 53 of the Basic Law at its meeting commencing on 25 April 2005. Mr Martin LEE urged Members to support Mr LEE Wing-tat's request, as the President would take into account the House Committee's recommendation in deciding whether to permit Mr LEE Wing-tat to move the motion for debate at the Council meeting of 20 April 2005.

72. Mr Martin LEE further said that the debate on LEE Wing-tat's motion would provide an opportunity for Members to state their stance on the issue, before NPCSC considered the HKSAR Government's request for an interpretation of Article 53 of the Basic Law. He added that those Members who did not agree to the wording of the motion could vote against the motion at the end of the debate, and should not object to the holding of the debate.

73. Mr Martin LEE commented that the President should exercise her discretion and not rely on the recommendation of the House Committee when deciding whether to allow requests from Members for holding debates on an urgent matter.

74. The Secretary General explained that as stipulated in RoP and House Rules, the President had to take into consideration the recommendation of the House Committee when making certain decisions.

75. Mr LAU Kong-wah, Mr James TIEN, Mr KWONG Chi-kin, Mr Jasper TSANG and Mr CHAN Kam-lam did not support Mr LEE Wing-tat's request.

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76. Mr LAU Kong-wah and Mr KWONG Chi-kin said that Members had already expressed their views and clearly stated their stance on the issue at the adjournment debate held at the Council meeting of 6 April 2005. Members also had sufficient time to speak on the issue, as each Member had a maximum of 15 minutes to speak.

77. Mr LAU Kong-wah further said that Members belonging to the Democratic Alliance for Betterment of Hong Kong would not support the moving of the motion, as it aimed to express regret about the HKSAR Government's request for an interpretation of Article 53 of the Basic Law by NPCSC. Mr LAU added that it was of utmost importance to ensure the CE election in July was conducted smoothly.

78. Mr LEUNG Kwok-hung urged Members to support Mr LEE's request to hold a debate, as there was no other open and formal forum to enable the public to know the stance of their representatives in LegCo on the issue. He suggested that Mr LEE Wing-tat might consider amending the wording of his motion, in order to convince other Members to support his request.

79. Mr James TIEN did not consider it necessary to hold another debate on the same subject as that of the adjournment debate held at the Council meeting of 6 April 2005. Mr TIEN added that Members belonging to various political parties and groupings had already given their views during the adjournment debate which lasted for six hours.

80. Mr LEE Cheuk-yan said that Members should let their constituents know their stance through casting their votes at the end of the debate on the motion proposed by Mr LEE Wing-tat, and have the outcome of the vote recorded in the Official Record of Proceedings of that meeting. Mr LEE Cheuk-yan further said that LegCo had the responsibility to monitor the work of the Government, and Members should not object to holding a debate on the motion, on the ground that they did not agree to the wording of the motion.

81. Mr Jasper TSANG said that no Member could object to another Member moving a motion for debate at a Council meeting, as it was Members' right to move motions for debates under RoP. However, he had reservations about departing from the tradition of LegCo of not scheduling debates on motions with no legislative effect for Council meetings at which the debate on the Budget was to be held. Mr TSANG added that Mr LEE could apply for a debate slot under the normal procedure.

82. Mr Martin LEE said that as there was no Council meeting on 13 April 2005, the earliest possible time for holding the motion debate was the Council meeting of 20 April 2005. He further said that Acting CE was not present

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when the adjournment debate was held at the meeting of 6 April 2005, and a debate on Mr LEE Wing-tat's motion would enable Members to give their views for further consideration by the Government and NPCSC. He added that Members could move amendments to the motion, if they did not agree with Mr LEE Wing-tat that LegCo should express regret over the HKSAR Government's proposal to the State Council.

83. Mr LEE Cheuk-yan said that NPCSC would consider the HKSAR Government's request for an interpretation of the Basic Law at its meeting to be held from 25 to 28 April 2005. Members should express their views on the matter before the NPCSC meeting.

84. Mr CHIM Pui-chung said that it was not necessary to hold another debate on the same subject as that of the adjournment debate. Moreover, the motion proposed by Mr LEE Wing-tat did not have any binding effect. Mr CHIM added that it was unlikely that Members would be persuaded to change their minds at this meeting, and a vote should be taken on Mr LEE's request as soon as possible.

85. Mr CHAN Kam-lam agreed that it was not necessary to conduct another debate on the same subject as that of the adjournment debate held at the meeting of 6 April 2005. Mr CHAN added that Members should be rational in considering Mr LEE Wing-tat's request.

86. Mr Albert HO said that LegCo should uphold another important tradition, which was to allow Members to fully express their views on matters of public importance. Mr HO further said that as the adjournment debate at the Council meeting of 6 April 2005 was an impromptu debate, many Members might not have sufficient time to make preparations to speak at the debate. Moreover, many Members, including himself, did not have the opportunity to respond to some of the points made by the public officers who spoke at the debate. Another debate on the subject should therefore be held. Mr HO added that those Members who did not want to repeat their views could choose not to speak at the debate proposed by Mr LEE Wing-tat.

87. Mr LEUNG Kwok-hung suggested that Members belonging to political parties who did not want to repeat their views could appoint a Member to state their views on their behalf at the debate.

88. Mr LEE Wing-tat said that it was Members' duty to monitor the work of the Government. As a Member, he would strive to protect the right of other Members to express their views, even though he might not agree to their views.

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89. The Chairman put Mr LEE Wing-tat's request to vote. The outcome was that 17 Members voted in favour of the proposal, 25 Members voted against the proposal, and no Member abstained from voting.

90. The Chairman said that the House Committee would not make a recommendation to the President on Mr LEE's request.

**VIII. Any other business**

91. There being no other business, the meeting ended at 4:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 April 2005

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