

立法會
Legislative Council

LC Paper No. CB(2) 2365/06-07

Ref : CB2/H/5/06

House Committee of the Legislative Council

**Minutes of the 31st meeting
held in the Legislative Council Chamber
at 2:30 pm on Friday, 29 June 2007**

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, SBS, 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, SBS, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, GBS, JP
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Dr Hon YEUNG Sum
Hon LAU Chin-shek, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon LI Fung-ying, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP

Mrs Pandora CHAN	Acting Principal Council Secretary (Complaints)
Mr Simon WONG	Chief Public Information Officer
Mr Andy LAU	Chief Council Secretary (1)2
Miss Odelia LEUNG	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Ms Connie FUNG	Assistant Legal Adviser 3
Mr Stephen LAM	Assistant Legal Adviser 4
Miss Monna LAI	Assistant Legal Adviser 7
Ms Amy YU	Senior Council Secretary (2)3

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I. Confirmation of the minutes of the 30th meeting held on 22 June 2007
(*LC Paper No. CB(2) 2270/06-07*)

The minutes were confirmed.

II. Matters arising

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

2. A verbatim record of the discussion under this item is in the Appendix.

III. Business arising from previous Council meetings

Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)

(a) **Attachment of Income Order (Application to Government and Miscellaneous Amendments) Bill 2007**
(*LC Paper No. LS 92/06-07*)

3. The Chairman said that the Bill sought to amend the Guardianship of Minors Ordinance, Separation and Maintenance Orders Ordinance and Matrimonial Proceedings and Property Ordinance (collectively referred to as the Attachment of Income Order (AIO) legislation) to provide for the application of AIOs to the Government as an income source.

4. The Chairman further said that the Panel on Home Affairs had been briefed on the proposal at its meeting on 13 April 2007, and members were in general supportive of the proposal.

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5. The Legal Adviser said that the Legal Service Division was awaiting the Administration's reply to clarify some legal and drafting points relating to the Bill.
6. Mr James TO considered that a Bills Committee should be formed to study the Bill.
7. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Mr James TO, Ms Audrey EU and Dr Fernando CHEUNG.
8. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(b) Mandatory Provident Fund Schemes (Amendment) Bill 2007
(*LC Paper No. LS 98/06-07*)

9. The Chairman said that the Bill sought to amend the Mandatory Provident Fund Schemes Ordinance, the Mandatory Provident Fund Schemes (General) Regulation and the Mandatory Provident Fund Schemes (Exemption) Regulation to implement proposals recommended by the Mandatory Provident Fund Authority.
10. The Chairman further said that the Panel on Financial Affairs had been briefed on the legislative proposals at its meeting on 12 April 2007.
11. Mr WONG Kwok-hing considered that a Bills Committee should be formed to study the Bill.
12. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr SIN Chung-kai, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr WONG Kwok-hing, Mr Andrew LEUNG and Mr WONG Ting-kwong.
13. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

(c) Domestic Violence (Amendment) Bill 2007
(*LC Paper No. LS 94/06-07*)

14. The Chairman said that the Bill sought to amend the Domestic Violence Ordinance to enhance protection for victims of domestic violence.
15. The Chairman further said that the Subcommittee on Strategy and Measures to Tackle Family Violence and the Panel on Welfare Services had

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discussed the preliminary proposals, and members had raised various issues of concern on the proposals.

16. The Chairman added that the Legal Service Division was still scrutinizing the legal and drafting aspects of the Bill.

17. Dr Fernando CHEUNG considered that a Bills Committee should be formed to study the Bill.

18. The Chairman proposed that a Bills Committee be formed to study the Bill in detail. Members agreed. The following Members agreed to join: Mr Albert HO, Mr James TO, Dr YEUNG Sum, Ms Miriam LAU and Dr Fernando CHEUNG.

19. The Chairman said that as there were vacant slots, the Bills Committee could commence work immediately.

IV. Business for the Council meeting on 11 July 2007

(a) **Questions**
(*LC Paper No. CB(3) 748/06-07*)

20. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

(b) **Bills – First Reading and moving of Second Reading**

Independent Police Complaints Council Bill

21. The Chairman said that the Administration had given notice to present the above Bill to the Council on 11 July 2007. The House Committee would consider the Bill at the last meeting of the current session to be held after the summer recess.

(c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

Hazardous Chemicals Control Bill

22. The Chairman said that the Bills Committee on the above Bill had presented its report to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

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(d) **Government motions**

Four proposed resolutions to be moved by the Secretary for Environment, Transport and Works under the Mass Transit Railway Ordinance and the Kowloon-Canton Railway Corporation Ordinance relating to the following subsidiary legislation respectively:

- (i) **the Mass Transit Railway (Amendment) Bylaw 2007;**
- (ii) **the Mass Transit Railway (North-west Railway) Bylaw;**
- (iii) **the Mass Transit Railway (Transport Interchange) (Amendment) Bylaw 2007; and**
- (iv) **the Kowloon-Canton Railway Corporation (Suspension of Bylaws) Bylaw 2007**

*(Wording of the proposed resolutions issued vide LC Paper No. CB(3) 735/06-07 dated 26 June 2007.)
(LC Paper No. LS 99/06-07)*

23. The Chairman said that the Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger would make a report on the four sets of Bylaws under agenda item V(b). She suggested that Members could consider the need for setting up a subcommittee to examine these Bylaws after receiving the Subcommittee's report. Members agreed.

(e) **Members' motions**

- (i) **Motion on "Rights and interests of ethnic minorities"**
(Wording of the motion issued vide LC Paper No. CB(3) 755/06-07 dated 27 June 2007.)
- (ii) **Motion on "Developing co-operative relationship with the Mainland"**
(Wording of the motion issued vide LC Paper No. CB(3) 753/06-07 dated 27 June 2007.)

24. The Chairman said that the above motions would be moved by Mr Fred LI and Mr Jasper TSANG respectively, and the wording of the motions had been issued to Members.

25. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 4 July 2007.

V. Report of Bills Committees and subcommittees

(a) Report of the Subcommittee on Fugitive Offenders (Malaysia) (Amendment) Order 2007 and Fugitive Offenders (Suppression of the Financing of Terrorism) Order

(LC Paper No. CB(2) 2291/06-07)

26. Mr James TO, Chairman of the Subcommittee, referred Members to paragraphs 7 to 10 of the Subcommittee's report for details of its deliberations, and reported that the Subcommittee had completed its work and supported the two Orders.

(b) Report of the Subcommittee to Study the Draft Subsidiary Legislation Relating to the Rail Merger

(LC Paper No. CB(1) 1997/06-07)

27. The Chairman, in her capacity as Chairman of the Subcommittee, reported on its deliberations. She said that the House Committee agreed at its meeting on 25 May 2007 to form a subcommittee to study the eight items of draft subsidiary legislation relating to the rail merger. The four items of subsidiary legislation which were subject to negative vetting had been dealt with at the House Committee meeting on 15 June 2007. As for the remaining four items of subsidiary legislation which were subject to positive vetting, the Administration had given notices on 20 June 2007 for the Secretary for Transport and Housing to move four proposed resolutions at the Council meeting on 11 July 2007.

28. The Chairman further said that the Subcommittee noted the need to consolidate the existing bylaws of the railway companies following the merger exercise. She highlighted that apart from the concern about the drafting of certain provisions in the bylaws which were obsolete, members had also expressed concern about the proposed maximum penalty levels for various offences under the bylaws. After deliberations, the MTR Corporation Limited (MTRCL) had agreed to take on board members' suggestions, except those relating to the penalty for illegal hawking, and would make amendments to the bylaws accordingly.

29. The Chairman pointed out that MTRCL had undertaken to conduct a comprehensive review of the bylaws of the railway companies after the merger, and would report the outcome of the review to LegCo within 12 months after the merger. The Subcommittee accepted the proposal.

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30. The Chairman further said that Mr James TO would move amendments to certain provisions of the bylaws, including the provisions concerning the use of abusive language, entry into railway premises in a state of intoxication, loitering and handling of lost property under the Mass Transit Railway (North-west Railway) Bylaw. He also proposed to add provisions on mandatory review to provide that after 15 months of the enactment of the Mass Transit Railway (North-west Railway) Bylaw, LegCo might, upon reviewing the Bylaw, pass a resolution to cause the Bylaw to cease to take effect.

31. The Chairman added that as the Subcommittee had completed scrutiny of the draft subsidiary legislation, it considered that there was no need for the House Committee to set up another subcommittee to study the four proposed resolutions.

32. Mr James TO said that he did not agree with the view that it was not an opportune time to undertake a comprehensive review of the bylaws of the railway companies in the merger exercise. On the contrary, he considered that MTRCL should have reviewed the bylaws before proceeding with the merger so that new bylaws would be implemented upon the formation of a new company after the merger. He disagreed with the approach taken by MTRCL to make piecemeal amendments to the bylaws in the merger exercise and to conduct a comprehensive review only after the merger. Mr TO did not consider this the right approach for effecting a merger of public services.

33. Mr James TO further said that as there was insufficient time for him to propose exhaustive amendments to the bylaws, he would only propose amendments to those provisions he found most objectionable. To ensure that MTRCL would honour its undertaking to review comprehensively the bylaws, he would propose to add a sunset clause to the effect that LegCo might by resolution cause the Mass Transit Railway (North-west Railway) Bylaw to cease to take effect 15 months after its enactment.

34. Members agreed that it was not necessary to set up a new subcommittee to study the four proposed resolutions, nor was it necessary for the Administration to withdraw the notices for moving the resolutions.

35. Members did not raise objection to the Administration moving the proposed resolutions at the Council meeting on 11 July 2007.

(c) **Report of the Subcommittee on Mutual Legal Assistance in Criminal Matters (Malaysia) Order**

(LC Paper No. CB(2) 2319/06-07)

36. Mr James TO, Chairman of the Subcommittee, referred Members to paragraphs 8 to 19 of the Subcommittee's report for details of its deliberations. He said that the Subcommittee had concluded scrutiny of the Order. In examining the Order, the Subcommittee had made an article-by-article comparison of the provisions of the Order with those in the Model Agreement for the Hong Kong Special Administrative Region on mutual legal assistance in criminal matters. Mr TO added that the Subcommittee supported the Secretary for Security giving fresh notice to move the motion on the Order at a future Council meeting.

(d) **Report of the Subcommittee on Hotel and Guesthouse Accommodation (Revision of Licence Fees) Regulation 2007**

37. Mr SIN Chung-kai, Chairman of the Subcommittee, reported that the Subcommittee had held a meeting with the Administration the day before the House Committee meeting. While members noted that the Federation of Hong Kong Hotel Owners Limited, the Tourist Guest Houses Federation of Hong Kong Limited and the Hong Kong Hotel Association had raised no objection to the proposed fee revision, they expressed concern about its impact on the operators of small-scale guesthouses, and had requested the Administration to explain the methodology of cost computation.

38. Mr SIN further said that according to the Administration, several departments were involved in the licensing process, including the Office of the Licensing Authority under the Home Affairs Department, the Fire Services Department and the Lands Department. Staff of these departments had to inspect the relevant premises to ensure their compliance with fire and building safety standards. All the staff and administrative costs incurred in conducting such inspections were factored into the calculation of the cost.

39. Mr SIN elaborated that in order to facilitate the operation of the business of small-scale guesthouses, members requested the Administration to streamline the procedures for licence application and to reduce the number of inspections as far as possible so as to compress the staff cost involved. In this regard, the Subcommittee noted that the Licensing Authority was working with the Efficiency Unit to review and identify measures to streamline the procedures for processing licence applications with a view to reducing the cost involved. The saving in staff and administrative costs would be reflected in the next annual costing exercise. The Administration had also undertaken to step up enforcement actions against unlicensed guesthouses so that the business of lawful operators would not be affected.

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40. Mr SIN added that having considered the Administration's explanations, the Subcommittee did not raise objection to the Regulation. The Subcommittee would provide a written report at the next House Committee meeting.

(e) Report of the Subcommittee on Building Management (Fee Revision) Regulation 2007

41. Mrs Selina CHOW, Chairman of the Subcommittee, reported that the Subcommittee had held a meeting in the morning and had completed the scrutiny of the Regulation. The Regulation sought to achieve an increase of 20% for all the eight fee items prescribed in the Schedule to the Principal Regulations in accordance with the "user pays" principle.

42. Mrs CHOW said that notwithstanding the 20% increase, most of the items had yet to achieve full cost recovery. Of the eight fee items, a major one was the proposed increase in fee from \$1,080 to \$1,300 for the issue of a certificate of registration of corporation to a newly formed owners' corporation. The Subcommittee noted the Administration's explanation that the impact of such fee increase on the owners of buildings would be minimal, as the cost incurred by owners' corporations would be subsidised by the Administration.

43. Mrs CHOW further said that the remaining fee items related mostly to land search in connection with property transactions, and the amounts involved were small. Nevertheless, the Subcommittee had requested the Land Registry to implement efficiency initiatives to reduce as far as possible the cost involved with a view to minimising the level of future fee increase.

44. Mrs CHOW added that the Subcommittee supported the Regulation, and would provide a written report at the next House Committee meeting.

VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2292/06-07)

45. The Chairman said that there were eleven Bills Committees and eight subcommittees under the House Committee in action.

VII. Proposed overseas duty visit by the Panel on Manpower

(LC Paper No. CB(2) 2293/06-07)

46. Mr LAU Chin-shek, Chairman of the Panel, said that the Panel sought the House Committee's permission to visit the United Kingdom (UK) and

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France from 23 to 29 September 2007 for the purpose of understanding their experience in implementing statutory minimum wage. He added that during the visit, the delegation would hold meetings with relevant government officials and other relevant organizations such as employer associations and labour unions.

47. The Chairman proposed that permission be given for the Panel to undertake the duty visit under rule 22(v) of the House Rules (HR). Members agreed.

48. Noting that the visit would be conducted in late September 2007, Ms Emily LAU was concerned whether the election of Panel Chairmen for the next session would be held around that time.

49. The Chairman replied in the negative. She advised that the election of Panel Chairmen would be held after the first Council meeting of a new session at which the Chief Executive (CE) would deliver his Policy Address. CE had yet to specify the date on which the 2007-2008 ordinary session of LegCo was to begin.

VIII. Proposed overseas duty visit by the Subcommittee to Study the Subject of Combating Poverty

(LC Paper No. CB(2) 2230/06-07)

50. Mr Frederick FUNG, Chairman of the Subcommittee, said that the Subcommittee sought the House Committee's permission to visit UK and Spain from 16 to 22 September 2007 to study the experience of the development of social enterprise in these countries.

51. Mr FUNG referred Members to the paper for details of the visit, and said that 10 Members (including two non-Subcommittee Members) had indicated interest in joining the visit. A report would be submitted to the House Committee after the visit.

52. In response to Ms Margaret NG, the Chairman said that the subject of study of the duty visit was social enterprise development, which was different from that of the previous duty visit undertaken by the Subcommittee.

53. Mr James TIEN said that he supported the proposed duty visits of the Subcommittee and the Panel on Manpower. However, he noted that the two visits would be held consecutively and there was overlap in the countries to be visited. He enquired whether the two committees could conduct a joint visit.

54. Mr Frederick FUNG pointed out that the subject of study of the two

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visits was different, and the government officials and organizations to be visited would also be different.

55. The Chairman said that some Members were interested in both studies and would join the two visits consecutively.

56. The Chairman proposed that permission be given for the Subcommittee to undertake the duty visit under rules 22(v) and 26(f) of HR. Members agreed.

IX. Paper of the Committee on Rules of Procedure (CRoP)

Proposed amendments to the Rules of Procedure regarding the speaking order of designated public officers during motion debates initiated by Members

(LC Paper No. CROP 48/06-07)

57. Mr Jasper TSANG, Chairman of CRoP, said that CRoP had studied the speaking order of designated public officers during motion debates initiated by Members at Council meetings.

58. Mr TSANG elaborated that under the current arrangement, a designated public officer attending a motion debate initiated by a Member was called upon to speak towards the end of the debate to respond to Members' views expressed during the debate. CRoP proposed that a designated public officer attending such a motion debate should speak twice during the debate, i.e. in the early part of the debate to state or explain the Administration's stance on the motion and the amendment(s), if any, and towards the end of the debate to respond to Members' views expressed during the debate, so that the debate would be more focused and meaningful. To implement the proposed arrangement, amendments to the Rules of Procedure (RoP) were required. The proposed amendments were set out in the Appendix to the paper.

59. Mr TSANG further said that CRoP proposed that the arrangement be implemented with effect from the next session. Subject to the House Committee's support for CRoP's proposal, he would move a resolution at the Council meeting of 11 July 2007 to amend the relevant provisions of RoP. He also sought the House Committee's support for seeking the President's leave to dispense with the requisite notice for moving the resolution.

60. Members endorsed the speaking arrangement proposed by CRoP and the proposed amendments to Rule 33 of RoP. Members also supported the seeking of the President's leave to dispense with the requisite notice for moving the resolution at the Council meeting of 11 July 2007.

X. Report of the Commission of Inquiry on allegations relating to The Hong Kong Institution of Education

(Letter dated 21 June 2007 from Dr Hon YEUNG Sum to the Chairman of the House Committee (LC Paper No. CB(2) 2296/06-07(01))

61. Dr YEUNG Sum said that the Commission of Inquiry (the Commission) had recently released its report on the allegations relating to The Hong Kong Institution of Education (HKIED) (the Report). The next meeting of the Panel on Education (the Panel) was scheduled for 9 July 2007, and the last Council meeting of the current session would be held on 11 July 2007. In view of the short time before the end of the current session, he proposed that a motion be moved by the Chairman of the House Committee, on behalf of Members, for debate on the Report at the Council meeting on 11 July 2007.

62. Dr YEUNG elaborated that the Commission found that there had been improper interference with the academic freedom by a Government official, which was a very serious matter. The Commission made various recommendations, including the establishment of a board independent of the Government to, inter alia, resolve disputes between the Administration and Teacher Education Institutions. This indicated that the University Grants Committee (UGC), which should perform such a function, had fallen short of its role as a firewall between the Administration and the publicly-funded higher education institutions, and a review of the role and operation of UGC was called for.

63. Dr YEUNG further said that given the in-depth investigation conducted by the Commission, he did not consider it necessary for LegCo to appoint a select committee to inquire into the matter. Nevertheless, it was important that lessons be learned to avoid recurrence of infringement of academic freedom in future. An opportunity should be provided for Members belonging to various political groups to express views on the Report and on the way forward. Under these circumstances, he had proposed the moving of a motion for debate on the Report by the Chairman of the House Committee.

64. Dr YEUNG stressed that the motion would be neutrally-worded. Members with different stances could express their views freely, and the Administration could make reference to Members' views. He pointed out that there had been previous cases of the Chairman of the House Committee moving a motion in Council for debate on important consultation documents. He appealed to Members to support his proposal.

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65. The Chairman invited Members' views on Dr YEUNG's proposal for the Chairman of the House Committee to move a motion for debate on the Report at the Council meeting on 11 July 2007.

66. Mr LAU Kong-wah said that while he could understand Dr YEUNG's intentions, he did not support the proposal for the Chairman of House Committee to move a motion for debate on the Report at the present stage. He pointed out that Members generally respected the findings and conclusions of the Commission. As far as the allegations about interference with academic freedom were concerned, they should be regarded as settled. He, therefore, considered it inappropriate for Members to further debate on the findings and conclusions of the Commission. As regards the recommendations of the Commission, Mr LAU was of the view that a better arrangement was for the Panel to discuss them first and exchange views with the Administration. Should the Panel arrive at a consensual view after thorough discussion, it could then make a request to the House Committee for allocation of a slot for debate on the subject.

67. Mrs Selina CHOW said that Members belonging to the Liberal Party considered that the Commission had conducted a thorough and independent investigation into the matter, and accepted its findings and conclusions. The Report raised a number of fundamental issues which were concerned not solely with HKIEd and warranted in-depth deliberations. Mrs CHOW further said that the Panel had been following up on the matter, and had met with various organizations in the past few months. She considered it appropriate for the Panel to continue to follow up on the subject. If a motion debate was indeed considered necessary, it would be more fruitful for it to be held after the Panel had considered the views of various parties. As such, she considered it not an opportune time for moving a motion for debate on the Report.

68. Mr Albert HO pointed out that the Panel had already received the views of many organizations on the matter. He did not consider that the Panel should receive further views on the subject as this would be tantamount to reviving the investigation and hence prolonging the matter. The best way would be for Members to hold a collective debate on the matter at the present juncture after which the matter would be drawn to a close. There had been numerous occasions at which a neutrally-worded motion was moved on an important Government report or consultation paper. He considered that the same should be done in respect of the Report. Mr HO added that Members belonging to the Democratic Party would not propose amendments to the motion.

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69. Ms Margaret NG concurred with Mr Albert HO. She opined that the moving of a neutrally-worded motion for debate would provide an opportunity for Members to express their views freely on the matter, after which the matter would come to a close. The Panel could then study other education-related issues in the next session. Ms NG considered that the most respectful way of handling the Report was to have a motion debate on it at a Council meeting. She supported Dr YEUNG Sum's proposal.

70. Dr Fernando CHEUNG expressed support for Dr YEUNG Sum's proposal. He said that the matter was of great importance, otherwise the CE in Council would not have appointed the Commission to conduct an independent inquiry. Indeed, the Panel had once proposed the setting up of a select committee to inquire into the matter, but Members then decided to await the completion of the Commission's inquiry and to consider the Report first. While the general issue of academic freedom and institutional autonomy of higher education had been included as a standing item for regular meetings of the Panel, the specific allegations should be dealt with and concluded through the moving of a neutrally-worded motion for debate on the Report.

71. Mr CHEUNG Man-kwong said that Dr YEUNG's proposal was reasonable and moderate. Dr YEUNG had accepted that the Commission had collected and examined sufficient evidence on the matter, although how analysis should be made and conclusions drawn could vary. Indeed, the two Commissioners had drawn different conclusions on certain findings. A motion debate on the Report would be an appropriate wind-up of the allegations surrounding HKIEd in the current session. This would enable Members belonging to various political groups to express their views on the matter and on lessons to be learned. Mr CHEUNG stressed that such an approach would be far better than further discussions by the Panel which would prolong the matter.

72. Mr Jasper TSANG, Chairman of the Panel, said that the Panel had already decided to include the issue of academic freedom and institutional autonomy of higher education as a standing agenda item for discussion. The Panel had also scheduled to discuss the Report at its next regular meeting. He sought clarification on the statement made by some Members that the subject matter would come to a close upon the moving of a motion for debate on the Report.

73. Mr CHEUNG Man-kwong said that the focus of the motion debate and the Panel's discussion would be different. The Panel would concentrate its discussions on the role of UGC, whereas the motion debate would focus on the Report which examined the issue of academic freedom.

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74. Ms Audrey EU said that she was a member of the Panel and was well aware that the Panel would follow up on the issue of academic freedom at its regular meetings. She pointed out that apart from the fact that not all Members were Panel members, a motion debate at the Council was very different from discussion by the Panel. Given the importance of the Commission's inquiry and its Report, the public would be surprised if LegCo did not hold a timely debate on the implications and the issues raised in the Report, including the impact on the accountability system of Principal Officials. Ms EU considered that the Panel was not an appropriate forum for discussing such issues, nor was it appropriate for the Panel to receive views in this regard. It should be the responsibility of LegCo Members to consider all these implications. Therefore, a motion debate at a Council meeting held before the summer recess should be the best way of responding to the public expectation.

75. Dr YEUNG Sum appealed to Members to support his proposal. He said that should his proposal be supported, there would be three Members' motions at the Council meeting on 11 July 2007. Dr YEUNG stressed that the Report was important as it was concerned not only about the core value of academic freedom, but also the accountability system of Principal Officials. The scope of discussions would be restricted if the Report was discussed at the Panel level. Dr YEUNG clarified that he had no intention of re-opening the investigation into the allegations concerning HKIEd. His proposal was forward-looking, and would reflect the importance accorded by LegCo to the core value of academic freedom and institutional autonomy. As in the case of other important reports, a neutrally-worded motion for debate on the Report should be moved at the Council.

76. Mr LAU Kong-wah said that it appeared that Members of the Democratic Party had different views on the purpose of the motion debate. While Mr Albert HO and Mr CHEUNG Man-kwong considered the debate an opportunity for Members to express their views on the conclusions of the Report, Dr YEUNG Sum considered that the motion debate should be forward-looking. Mr LAU reiterated his respect for the conclusions of the Commission, and considered that they should not be debated further. Although he would not rule out the need for a motion debate on the subject in future, he was of the view that a forward looking approach was for the Panel to discuss the recommendations of the Report.

77. Ms Emily LAU said that LegCo seemed unwilling to get involved in the matter. She pointed out that when the allegations surrounding HKIEd first came to light, the House Committee had voted down the proposal of appointing a select committee to inquire into the matter. Now that the Commission's Report had been released, some Members had expressed objection to the proposal of moving a motion debate on the Report. Ms LAU was of the view that those Members who expressed support for the proposal

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had no intention of re-opening the investigation. She did not consider it fruitful for the Panel to discuss the matter and receive further views from the relevant persons. Indeed, the relevant persons had declined to offer views to the Panel because of the absence of legal immunity. In her view, the Report should be debated within the current session while it was still fresh in the public's mind. In the next session, other important issues, such as the constitutional reform and public service broadcasting, would have to be dealt with. Ms LAU added that if Members were worried that the moving of a motion by the Chairman of the House Committee would mean a collective stance on the Report, the motion which would be neutrally-worded could be moved by Dr YEUNG Sum.

78. Ms Margaret NG said that as CE in Council had rarely appointed a Commission of Inquiry, it would be proper for LegCo to accord due regard to the Commission's Report by moving a motion for debate on it at a Council meeting. She recalled that when the House Committee discussed whether to appoint a select committee to inquire into the matter, it was decided then that Members should await the completion of the Commission's inquiry before deciding on the further actions to be taken. Given that the Report had been released, it was only appropriate for Members to debate on it at a Council meeting. Ms NG considered that inaction on the part of LegCo would reflect its inertia.

79. Mr Albert HO reiterated that there had been many previous cases where a neutrally-worded motion was moved on an important Government report, such as the report on the commissioning of the New Airport. As LegCo had not appointed a select committee on the matter, it was all the more important for Members to debate on the Report. Mr HO pointed out that if a motion debate on the Report was not held in the current session, individual Members could move such a motion in the next session, and the motion might not be neutrally-worded. He called on Members to bring the matter to a close at the present juncture by supporting Dr YEUNG's proposal.

80. The Chairman said that should Dr YEUNG's proposal be supported, there would be three Members' motions at the Council meeting on 11 July 2007. Under rule 13(a) of HR, more than two debates initiated by Members might be allowed by the President under special circumstances upon the recommendation of the House Committee.

81. The Chairman put to vote the proposal that a motion be moved by the Chairman of the House Committee for debate on the Report at the Council meeting on 11 July 2007. The result was: 17 Members voted in favour of the proposal, 22 Members voted against the proposal and two Members abstained. The proposal was not supported.

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82. Dr YEUNG Sum expressed regret that Members did not have an opportunity to debate on the Report in the current session, giving the public the perception that LegCo did not attach much importance to academic freedom. He added that he would, on behalf of Members belonging to the Democratic Party, move a motion for debate on the subject in the next session.

XI. Any other business

83. There being no other business, the meeting ended at 4:05 pm.

Council Business Division 2
Legislative Council Secretariat
5 July 2007
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II. 續議事項

II. Matters arising

內務委員會主席匯報與政務司司長會面的情況

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

主席：續議事項是和政務司司長會面的情況，我沒有甚麼特別事情需要向各位匯報，不過，我有發送函件給司長，是關於上一次會議大家認為要邀請各位主要官員盡早與有關的事務委員會進行會議的情況。司長已經收到這個訊息。此外，我亦想在此向大家說說，議事規則委員會稍後會開會討論我們這些事務委員會是否需要修改職權範圍。無論結果如何，我希望現在徵詢大家的意見，議事規則委員會如何決定也好，職權是否更改也好，可否授權在議事規則委員會完成工作後，秘書處便會立即發出函件給各位主要官員，邀請他們出席事務委員會會議。這就是配合我和司長說的情況。李永達議員。

李永達議員：主席，我不是聽得太清楚，你的意思是……

主席：你大聲點……

李永達議員：我聽到你說話，不過我不太明白你的意思。你的意思是否這樣：如果更改事務委員會的職權範圍，就是因為我們……

主席：那是議事規則委員會會做的，議事規則委員會的主席也在這裏，我們稍後會討論是否需要更改職權範圍。

李永達議員：不，我聽到你說甚麼。

主席：如果不更改職權範圍的話，主要官員便可能需要出席數個，即不同的主要官員……

李永達議員：我便是說這點。我……

主席：如何決定也好，他們決定後，我在此徵詢大家的意見，就是秘書處可以發信給主要官員去出席有關委員會會議。

李永達議員：所以我想澄清的是：第一，這時間是非常短，由現在到一段時間……

主席：據我的理解，議事規則委員會是立即開會的。

李永達議員：不，主席，請你讓我先說完，你太心急了，不知道為甚麼今天你這麼心急。你所說的我是聽得明白的，你們會很快便開會，現在問題是在7月有很多事務委員會會議會召開。當然，我完全贊成主席你所說，關於要求局長出席委員會，我完全贊成，如果說要做一點更正的事而讓他們出席得到，我完全贊成。不過，我只是說出一個意見，如果有需要去變更事務委員會日後的安排的話，我希望有一段比較長的時間徵詢，因為現在的問題是相對複雜。短時間的事是很易做的，例如議事規則委員會是要求局長甚麼甚麼的，這可能會做到，我相信是；但長遠的事，我相信暑假前便不能改變。所以，我希望主席會否在這個問題上分開兩種處理方法……此外，我想很多事務委員會主席都可能發信給有關局長要求他出席會議，去簡報局長他們在新上任後就政策的想法。所以，希望主席一併處理這點。多謝主席。

主席：也許聽聽劉慧卿議員怎麼說。劉慧卿議員。

劉慧卿議員：我不是說這件事的，但我說的是有關司長的。主席。

主席：是說有關司長的。那麼……

劉慧卿議員：我想問司長上一次何時曾前來與我們內務委員會見面，為何他昨天在傳媒那兒如此批評我們，說我們甚麼“監察政府過界”。主席，我想你跟他說一說，如果他對議員有甚麼意見，他可以前來立法會說。我覺得他這樣做不太好，因為他工作多數天便完了，所以迫於一定要在今天說，下次說的話他已走了，主席，但你也沒有機會見他了。

主席：對，我剛想說下星期都是與新的司長會面，我不是見他。

劉慧卿議員：我覺得他真的很“離譜”，最後還這樣說。主席，我真的很有意見。主席，也許秘書長可以提醒我們，許司長何時曾前來內務委員會與我們溝通呢？

主席：秘書長。

秘書長：我要翻查資料才行。你現在即時問我，我不知道。

主席：記憶中，真的是……

劉慧卿議員：沒有，是嗎？

主席：是，是的。

劉慧卿議員：主席，你也記得是沒有，是嗎？我覺得他這樣真的很“離譜”。

主席：吳靄儀議員先說。

吳靄儀議員：主席，其實我也是說同一個問題。我覺得司長在最後一次記者訪問中這樣說立法會，實在很傷害行政和立法的感情，而且我個人視他的說話為很嚴重的指控。我們是在憲法的範圍內盡責，他說我們超越了我們的職權，越權是很大的指控，他不在立法會正式向我們提出，不經過內會主席跟我們商量，而對記者這樣說，不單跟記者這樣說，還要選擇兩個學生記者，沒有足夠傳媒經驗的記者，還要自己剪輯，令致只有他講而沒有其他人講，我覺得這種做法是很嚴重地損害了行政和立法的關係。他自己就走了，卻剩下這些遺留下來的感情——不好的感情——給下一任，我更加覺得非常令人失望，亦令人遺憾。主席，今天的會議，我相信署方在聽着的。我希望他明白這些，因為似乎你過去多次跟他溝通，但他也沒有跟你這樣說過，但忽然間“臨別秋波”，說些這樣的話，主席，我覺得做人也許不應該這樣過分，你說對不對？

主席：楊森議員。

楊森議員：主席，我對於司長這個說法，我自己覺得很遺憾。其實基本上，他完全漠視新聞界，竟然找兩個新聞系的學生，然後透過政府新聞處，用官方的渠道發表，這其實是破天荒的紀錄。我認為他是把整個新聞界放在一旁，亦不放在眼內。我想這是對新聞界的一種侮辱。其實，他廣泛地“一竹篙打死一船人”，說所有泛民的人監察政府過了“火位”，叫我們三思。其實……

譚耀宗議員：規程問題，說到那裏去了呢？

主席：譚耀宗議員。

譚耀宗議員：我想問我們現在談到那裏去了呢？談下去好像是談及……

主席：我們現在說的是跟政務司司長會面。

譚耀宗議員：但又談到採訪，是否恰當，找大學生還是找記者……

主席：我想讓同事說，或者這樣吧，大家可以談一談大家的不滿可在哪項議程中討論，還是……因為現在事實上是在談……我跟進李永達議員……

楊森議員：我們談與司長有關的事。

主席：不是，這是與司長會面的情況，跟進與主要官員會面的情況。

楊森議員：可否讓我先說完……

吳靄儀議員：原來你不明白。

楊森議員：主席，可否讓我先說完呢？主席，我繼續說下去。

主席：或者這樣吧，因為有同事說規程問題，所以我必須引領大家，讓大家的焦點放在現時討論的是甚麼項目。我們現在討論的是我與政務司司長會面的情況。當時的會面，我與司長最後會面的情況或接觸的情況，是關於主要官員來立法會這一事項，剛才李永達議員是第一位提問時，我還未回答他有關事務委員會的職權範圍。所以，大家可以討論一下，究竟我們可否在這裏繼續討論，現在既然有同事不同意在這裏討論……

楊森議員：主席，我想說主要官員……

主席：可以，可以，主要官員便可以。

楊森議員：我想秘書處為我們翻查過去的紀錄，看看許司長出席了多少次內務委員會會議，出席了多少次事務委員會會議。如果他的出席是非常貧乏的話，可能他根本不明白立法會本身的運作，因為他從來沒有置身其中。他只是在臨走時說一些風涼話，這其實是不負責任，也是很懦弱的表現。他作為一個這麼重要的主要官員，他出席立法會的次數是鳳毛麟角的話，如果有這個事實，希望能夠公布，讓市民知道他對泛民的批評是基於甚麼基礎。我說完了，主席。

主席：接着有3位同事……

楊森議員：要發表這個消息。

主席：對，秘書長會負責這事，他要翻查才知道。

楊森議員：出席率要公布。

主席：是的，要翻查的。

楊森議員：要公布他的出席率。

主席：是的、是的，需要翻查。還有3位同事，我想問一問，是否關於司長在上星期我與他會面後，他的一些言論，這方面未必在這個Item裏討論。吳靄儀議員。

吳靄儀議員：主席，我想解釋，我認為這裏是適宜的，但如果你認為不適宜，要稍後才討論，本人非常樂意把剛才的說話，再重複說一遍。

主席：不需要重複說一遍，因為已經記錄在案了。正如你剛才的說法，可能已經有官員在聽你發言，所以不需要再重複，OK。有3位，湯家驊議員，你是否也是說這事呢？

湯家驊議員：是的，主席，我是想……

主席：我希望先處理……

湯家驊議員：主席，你可否先聽聽我的說話，可以嗎？即我希望，我們想瞭解多些你每星期與司長溝通的作用在哪裏。因為司長有很多機會來這裏與我們溝通，他本應可以出席我們的會議，可以透過與你溝通來表達對立法會整體的意見。

主席： 恩。

湯家驊議員：他不採用這些渠道，但卻另外用這樣的手法來批評立法會，這肯定對行政立法關係完全沒有幫助。在這方面，既然你每星期都與他溝通，你有沒有、會不會在這方面，曾與司長討論他對我們不滿之處，例子在哪方面，可否舉出來跟我們討論呢？你還有沒有機會再跟他討論多一次，就這個問題表達我們的意見呢？

主席：我想跟大家說，為何我過去每星期都要跟司長溝通，其實我過去也解釋過了。因為每次的內會或者大家都有些意見等等，需要我向司長表達，然後再由司長向政府有關部門或有關官員表達，這就是為何過去我和副主席，需要每星期跟司長會面一次的原因。司長過去沒有透露他在數天前所說的那番話，亦沒有機會跟我商討過這事，所以我亦無從回答你。

湯家驊議員：主席，你在溝通期間有沒有談及立法會所處理的事項，包括我們的法案處理及法案審議等，你應該有機會談及這些的。如果他覺得我們每項法案審議都是為反對而反對，都是不會支持政府，那麼為何他不跟你說呢？

主席：但我無法回答。

湯家驊議員：為何我們這麼多個政策委員會討論問題的時候，他認為我們所說的都是廢話，那麼，為何他不跟你說呢？還是他說過，不過你沒有告訴我們呢？

主席：副主席，大罪了，副主席也在一起的，如果是這樣的話，我們便一起承擔這個罪吧！

湯家驊議員：是了，如果你不願意回答，便由副主席來回答吧。

主席：不過，湯議員……

湯家驊議員：如果你不願意回答，便由副主席來回答吧，是沒有問題的。

主席：我是無法回答你，因為他沒有說過，我已經回答了你，湯議員。你問我他為何這樣做，我是無法答你，湯議員，OK。副主席你有否補充？好了，涂謹申議員，你是否也是這個範疇呢？

涂謹申議員：是的。

主席：因為我想跟大家商量一下，我想先處理了主要官員這個課題，大家可以商量一下，我如何處理大家這麼多的不滿，因為我預計接着也有很多同事會相繼舉手，這樣便永遠無法完成這個議題，這樣好嗎？如果大家是這個議題的話……如果不談主要官員的部分，那麼，我們稍後才討論要如何處理，好嗎？

涂謹申議員：是，主席，我覺得要嚴肅處理這個問題，因為許仕仁先生他現在仍然是政務司司長。我第一點想到的是，他究竟是代表曾蔭權的政府，抑或是他的個人意見？因為有兩種可能性，我們平時也會說，如果一個離任的官員，可以有——當然，如果離任後會更好，但如果是在他離任前，而這是代表官方的立場話的，我覺得真的是相當大件事，因為這是代表整個政府的看法。可是，如果是他個人的意見——做官也有些感受的，對嗎——那便是另一回事。其實，我現在立刻想到的是，如果可以的話，是否要……因為是他自己說的，我覺得最理想的方法是，第一，主席緊急要求在他離職前這兩天澄清一下，究竟他是代表官方，即代表政府整體的立場，還是純粹只是他個人抒發感情罷了，因為他即將要離職了？我覺得兩件事是頗不同的。

如果是前者，我覺得要再很嚴肅地處理，舉一個例，即使唐英年司長接任了，我們仍然要跟他談談，因為那是整個政府的立場。但是，如果那純粹是某一個會離任的官員的看法，這樣的話，可能大家或傳媒之間會互相討論或辯論，那便會沒有問題。如果那是政府的立場，那可能會是正式與立法會的關係。

主席：OK，好的，郭家麒議員。

郭家麒議員：主席，我先談談李永達議員所說的，待新局長上任後再討論，我是贊成的。第二，我也想問一些資料，因為許仕仁司長昨天所說的話很不君子，而且相當鬼崇。但是，當中他提及一件事，是關於投票的，有很多我們泛民主派的議員在投票時不支持，所以，我要求秘書處找回我們過去的投票紀錄，我們在那一次曾支持政府的法案，因為絕大部分(95%)以上的法案我們也有支持的，我相信這方面要依靠秘書處來做。

第二件事，我相信要問主席可否做，現時，對於他那不負責任的言論，我們肯定很有意見。你還有兩天時間，除了我.....我贊成涂謹申所說，如果我們覺得他的言論是不負責任的話，我可否請求主席以書面將我們這種看法，在他尚未離任前對他說？因為事實上，他是藐視了，而且也沒有使用機制，他可以有很多機會說跟主席和副主席你說，但他卻沒有說，他選擇了這種做法，我覺得他是樹立了一個很不好、很壞的先例。我相信這一點一定要跟他說。無論我們對他所說的話的觀感如何，無論是有些同意或贊成，他這種選擇、這種做法，本身並非一個主要官員應有的處事態度，我請求你寫一封信。

主席：我稍後會處理你和涂謹申議員的意見。楊孝華議員。

楊孝華議員：我想說回正題，即關於高官會見委員會的事，我想報告一件事。由我擔任主席的公務員及資助機構事務委員會，在上次，本星期初開最後一次會議時，我也曾問過大家，因為我們委員會的局長並沒有變，工作範圍也沒有變，我們亦完成了所有於1年前定下的議題，所以我們委員會決定了無須邀請局長出席我們的委員會。當然，各個委員會的情況也不同，我只是想報告一下。

主席：我想立即在此回應你，秘書處在出那封信前，一定會諮詢各個委員會的主席，OK？所以，屆時你一定可以向他表達你的委員會的意見，OK？接着是張超雄議員。

張超雄議員：多謝主席。我正正想說，今天，我們立法會對於許仕仁昨天的言論，以及他一直也沒有出席我們的內會跟我們溝通這種做法，要向他表示遺憾，而應該以一封信的方式，以內會老人家你主席的身份，直接以書面形式交給他。因為如果再討論下去，他屆時已離任了，我們作為立法會，有文字紀錄是很重要的，否則，除了涂謹申議員剛才所說的澄清外，我們也要對他這種行為有一種清晰的態度。多謝主席。

主席：好的，譚耀宗議員。

譚耀宗議員：主席，許仕仁司長昨天所說的一番話，我並無任何特別感覺，因為我沒有將他的說話對號入座。我亦覺得你無須特別作出跟進。如果剛才有議員不同意的，你可以反罵他，不要緊，不過明天是他任期的最後一天。基於言論自由，如果你不同意他的言論，你可以表達意見，我相信內會無須代表我們表達這些意見。

主席：我先聽聽梁國雄議員的意見。梁國雄議員。

梁國雄議員：多謝主席。我本應在寫字樓工作，我聽到這件事也回來發言。

我覺得許司長很不負責任，他今天不在席，他應該出席訓斥我們，他走去跟一名記者說，他有沒有弄錯？現在不是我們要不給予他言論自由，他今天還是在任司長，老兄，他要出席這裏的會議，誰背頂罵皇帝？他到來這裏便可以立即辯駁，何須別人為他辯護，對嗎？他跟《東方日報》記者說我不出席立法會會議去了“溝女”，是《東方日報》記者告訴我的——這個就是他。這樣的人也有，我也有罵他——我當面罵他去馬場，後來，他說不是。這樣便算了，我向他說對不起，我以為他去了馬場。那麼要不得的人，還要在行政會議……今天的討論是有意義的，因為他還未“瓜得”，百足之蟲死而不僵，還要在行政會議內抹黑我們。他開行政會議時經常說，那羣人何用理會他們，那羣民建聯也不會幫我們，他們是沒有“幫襯”。他真是這樣說，我聽聞是這樣說的，並且表示，民建聯又何須理會他們……

主席：梁國雄議員，請你說回自己的意見，好嗎？

梁國雄議員：……尤其是那個譚耀宗，他只是笑裏藏刀而已，無須理會他，也可以的，老兄。是有這樣的人，背頂罵皇帝。我們不是這樣的，我經常罵他，我說“他也許仕仁，魂兮歸來。”我是當面的罵，當面時他可以立即罵我。其實，老實說，不要說做官，連做君子、做人的資格也沒有，要當面說，當然有言論自由啦，我現時希望他即刻回來，許仕仁，你即刻回來，即刻回來辯論，他應該收回那番說話。如果不是，曾蔭權，第一，要扣他“人工”，他作為問責局長，他這樣做是否破壞行政和立法關係？胡主席今天剛到港，先說要和諧，他即是不給胡主席“面子”，就一刀的插向我們。

主席，我正式希望曾蔭權特首要懲罰許仕仁司長，為他的不當行為記他過和扣他的“人工”，我正式、正式希望在這個會議留下紀錄。

主席：李柱銘議員。

李柱銘議員：主席，我本來不想發言的，不過，我聽到譚議員這樣說，我不能不說。他說他沒有對號入座，對的，因為他……我聽着他說的，他是批評民主派，他沒有批評“保皇黨”。第二，他其實是預先攝錄，是在上星期，所以他無須在昨天播出來，他再等兩天才播出是完全沒有問題的。所以，何時播放是由政府控制的。第三，大家同事也說要翻查紀錄，我也想翻查紀錄的，因為他其中有一句話，我認為真的很沒有理由，他說我們民主派應該是監察而已，但我們現時變為反對，所以便不對，他更說我們反對的理由是這樣的，經常說政府這羣高官又不是由普選產生，所以是沒有授權，所以做甚麼也錯的，所以我們

就反對。各位，我想翻查紀錄，有否任何民主派的議員試過任何一次是這樣發言的？這樣說直情是“砌生豬肉”，硬要“屈”我們，這是很“離譜”的。

因為他的任期現時剩下兩天，我覺得我們一定要在現時採取行動，譚議員有言論自由，他說沒有關係，無須行動。我反過來說一句，如果有些高官如此批評、無理地批評民建聯，我會是第一個提出要為他們抱不平，當然，譚議員未必會為我們這樣做，這是他的自由。

主席：OK，接着第二輪是郭家麒議員和吳靄儀議員，或許如果沒有新的意見，我們便……因為我還要時間處理大家剛才的要求。郭家麒議員和吳靄儀議員。

郭家麒議員：主席，我想回應譚耀宗議員。因為我們現在說的不是個人的事，個人的事是可以說的。他提到一個與立法會有關的問題。在憲制上，他是可以透過立法會的內委會主席每一次去討論這件事。而他選擇放棄這件事，然後在公開的場合中說了一些對於立法會來說我覺得是有侮辱性的說話。這是我們要維護立法會本身的尊嚴而要做的事，與不同黨派，正如剛才李柱銘議員所說，即使是談及任何一位議員，我都覺得是不適合的。因為他有正式的渠道但卻不用，他可以來這裏與我們討論，他可以與內委會主席及副主席會面，他過去這兩年沒有用這條渠道，到最後的一天、連最後一次見到內委會主席的機會也沒有說，但卻在公開場合說。如果我們容許政府主要官員用這個態度，我們立法會的尊嚴何在呢？我們現在要說的說不是為自己個人而說的，如果是個人的事，我們可以經致電phone-in節目或自己撰文去發表，但現在不是這樣。現在我們在憲制上覺得他藐視立法會和立法會內委會主席。他這樣做，他是藐視內委會主席和副主席，因為內委會主席和副主席是代表我們去與他會面，如果他有任何憲制上或在法案通過方面有任何問題，便經過一個合法的渠道去說，他為甚麼不說呢？這件事我們一定要堅持的。

主席：好的，吳靄儀議員。

吳靄儀議員：多謝主席。主席，我聽到譚耀宗議員剛才這樣說，我明白到我自己說得不清楚。任何人——不論是許仕仁或其他人也好，他喜歡去攻擊吳靄儀，我絕對歡迎，我立即可以反擊，不反擊也沒有所謂。如果他攻擊泛民，我相信任何人都可以回應，這不是問題。我甚至不是在說郭家麒議員所說的是否侮辱立法會的問題。我覺得，香港特別行政區的一名主要官員，一個這麼大的官，他的行為恍如一名小撥皮無賴，這是有辱國體。我唯恐他會令人覺得，特區官員的行徑是否這樣呢？這才是我真正關心所在。多謝。

主席：謝謝。劉江華議員。

劉江華議員：主席，你稍後要處理怎樣做，有些議員提出要寫一封信。

主席：是的，稍後會就此討論的。

劉江華議員：不過，譚耀宗議員已經說出我們的論點，便是不希望這樣做。剛才數位議員所說的，例如吳靄儀議員，指許仕仁司長對議員的攻擊並不對的。倒過來說，其實我認為議員對高官或任何一位公務員攻擊亦是不對的。但很可惜，這些事情每天都有發生。而這些發生攻擊的情況，可能議員攻擊官員，是以十倍、百倍、千倍計，這是事實。所以，如果吳靄儀議員反對這些攻擊的言論，其實吳靄儀議員或所謂泛民的議員以後不應該攻擊任何人，包括本會的同事。這是第一點。

第二點，郭家麒議員說，這是憲制的問題。如果任何一位官員要批評，便應該來到立法會的場所……

郭家麒議員：主席…

主席：你是……

郭家麒議員：澄清，point of order。因為我剛才沒有說過任何……

主席：你想澄清的話，請先讓他發言完畢，好嗎？他說完你才澄清……

郭家麒議員：我是說政務司司長。

主席：……澄清你剛才的發言吧。我把你的名字寫進輪候名單，你在吳靄儀議員之後。

劉江華議員：政務司司長或任何人如果要批評議員，應該都要在立法會批評，不應該在議會外批評。我又聽到，有時反對派，包括郭家麒議員在內，經常都在議會外批評一些官員。為甚麼議員可以這樣做，官員卻不可以做呢？道理何在呢？如果說破壞這些關係，為甚麼過往又在經常破壞呢？我覺得，我們都尊重言論自由，如果高官便不可以在外間再批評任何事，我們議員便限制了自己的言論自由。我自己很多時候都會在議會外作出批評的，一樣會這樣的。所以我覺得，我認為，現在到了這個地步，當然今天的議程不是討論這件事。

主席：不是討論這件事。

劉江華議員：如果大家都有個容人之量，其實大家都覺得，聽了一些批評意見，如果是真的話，便改善吧；如果不是的話，便一笑置之吧。更何況，其實我覺得許司長昨天的說話，我是非常贊同的，我是非常贊同的。事實就是如此。當然，你可以不同意他的觀點，我們議會中有部分同事，可能很同意他的觀點。所以，如果要內會發出一封這樣的信件，我覺得沒有這個需要。言論始終自由。

主席：這是為甚麼我稍後要處理。請未發言的議員發言，周梁淑怡議員。

周梁淑怡議員：主席，我覺得我們討論了這麼久，其實我們在這個議會中，經常都有些議員有些意見，請你老人家在與司長會面時說出來。我們有些同事對司長可能有些意見，其他同事又不認同這些意見，你便像以前一樣吧，如實說明甚麼人對他有甚麼意見，說我們在會中某某人對你有甚麼意見，那便算吧。你作為一個溝通的橋樑，你不外乎這樣做，而且你一向都這樣做。現在你都是這樣做，我們便不需要再在這裏討論了。

主席：好的，也許再聽聽吳靄儀議員怎樣說，請你簡短地說吧，我要處理了，請盡快，1分鐘。

吳靄儀議員：主席，如果你同意周梁淑怡議員說的話，事實上我們便不需要討論。

主席：不，我們稍後要討論怎樣做。

吳靄儀議員：我不清楚劉江華議員怎樣，但我自己一向攻擊他人光光明磊落的。我批評司長，是批評這樣的做法真的有欠光明磊落而已。

主席：OK。郭家麒議員，你是否有補充？是否想澄清？

郭家麒議員：有。我想澄清：第一，我沒有說過所有官員都須在這裏才能批評立法會。因為事實上他是政務司司長，而政務司司長跟內委會主席及副主席會面基本上是一個立法會和主要官員之間安排的恆常做法。他說的是立法會的事務，他不是說一些平常的其他事項。所以，我同意，我同意任何人均有言論自由，包括立法會議員，可以在任何

時候去批評任何人，這是可以的；但他今次說的話不只是批評任何人，而是有關立法會的工作、立法會的議員，以及與政府等等的關係，而這件事涉及.....我們已經說得很清楚，是有一個渠道，他可以經內委會主席及副主席。不過，是沒有意思的。如果有些.....

主席：你已經說過了，你在重複。首先，請秘書處擬備議員剛才提及希望得到的資料，下次.....

秘書長：主席，關於出席率方面的資料，我們當然可以找到。

主席：是。

秘書長：不過，郭家麒議員，我不知道需要我們去找甚麼資料。例如反對了多少、哪些議員、哪段期間、是甚麼.....

主席：你不如指明一個期間，如果這樣，全都可以在Hansard中看到。

郭家麒議員：最好就是他擔任政務司司長那段時間。我們亦很清楚，他是在說他任內的事情。

主席：但這是.....

秘書長：哪些議員反對？“泛民主派議員”意指哪些議員？

主席：周梁淑怡議員。這一點。

周梁淑怡議員：這些全部都在public record的了。

主席：對，public record，就是Hansard。你上網便可以看到了。

郭家麒議員：不是我上網，而是叫許仕仁上網。

主席：好吧，你看看應否在信件中提及，如果會發出信件的話，我們稍後討論。OK？首先我們處理了這件事，另外一件事，我想請問涂謹申議員，如果發信給司長的話，你想他澄清以私人身份，還是以特區政府主要官員的身份(即司長的身份)說話？這件事對.....

涂謹申議員：很簡短的，有時我們都覺得，在他快要離任時，如果是他自己，甚至可能他根本這樣的看法是主流政府不同意的，所以他被逼離開也說不定，他激氣便說出來了；又可能整個政府都是這樣看。

主席：好的。

涂謹申議員：這樣他仍然在履行司長的職責，代表政府說出來的。這兩個情況是很不同的。

主席：是的。另外，我下次與司長溝通不會與許司長溝通，而是與新的司長溝通。所以，如果是會面的話，我便不會與許司長會面。不過，另外一個方法就是，我發一封函件給許司長——他今天仍是許司長——表達議員今天對他的批評，當然會說清楚哪些議員對他有批評，除非這個意見，對他的批評，是全體立法會議員的。那麼，大家便要告訴我，究竟我發給他的信件，向他表達的方式如何。周梁淑怡議員。

周梁淑怡議員：主席，你本來應該在與他開會時說，那些議員對他說過甚麼，忠實地……

主席：我不會見到他，周梁淑怡議員。

周梁淑怡議員：不是這樣，主席，請你先聽我說完。既然你沒有機會與他會面，你現在提議以書面向他表達，你exactly本來預備怎樣表達，你便怎樣去表達吧。我們不需要再討論一次，寫信時應怎樣表達。你本來是向他說的，反映有這些議員曾經說過甚麼，你便在信中這樣說吧。

主席：好，多謝你，周梁淑怡議員。我準備這樣做。大家對這樣法是否有意見？沒有意見的話，我便照做了。黃定光議員。

黃定光議員：主席，我想你不能只說對許仕仁司長的批評，有些議員表達了不同的意見。如果你反映……

主席：我如實反映了所有今天發生的事，好嗎？OK？如果沒有其他的意見，我便會這樣做。我們回到……梁國雄議員。

梁國雄議員：主席，請你如實向他反映，他不做官也要做人，請他問自己的良心吧。記住說這句說話。

主席：都說完了嗎？如果是這樣的話，我便回去處理李永達議員的問題，這其實是我們本來的主題。李永達議員說，議事規則委員會和各事務委員會的職權範圍。現在我想告訴李議員，安排就是議事規則委員會會在今天會議後立即開會討論。然後，秘書處會擬備一份文件，我們下星期的內會便會有全面的、由議事規則委員會審議過的有關建議，然後由我們“扑鏈”。安排就是這樣。

李永達議員：主席，“扑鏈”是甚麼意思？

主席：即大家接受採用這個安排。議事規則委員會去探討研究，當然過程當中，它亦會徵詢各黨各派，你知道在議事規則委員會……

李永達議員：但你說下星期，即一個星期內你會作出決定嗎？

主席：不是我決定，是議事規則委員會建議……

李永達議員：議事規則委員會決定。

主席：我們下一次的內會才決定。因為……

李永達議員：我們下一次的內會是在下星期五，對嗎？

主席：對，下星期五。

李永達議員：我覺得這會否太快呢？我覺得，如果所有事都不改變，兩星期的話，便沒有人投訴的。任何要變的事，最好就是有多些諮詢，唯一是除非有些東西如果不變的話，不變的那件事令它不能執行工作。

主席：我的意思是這不是我的……

李永達議員：主席，我不知道你想決定甚麼。你用“扑鏈”的字眼，可以沒有東西改變，亦可以很多東西改變，所以我便只是憑空去想像你想決定的東西。

主席：我只是掌握時間的安排，議事規則委員會的主席是曾鈺成議員。

曾鈺成議員：主席，其實在上一次的議事規則委員的會議會中已經討論過這個問題。就是由於我們覺得需要審慎處理.....秘書處已經提出建議，在委員會中已經有相當大的共識。不過，我們覺得要審慎處理，將那些建議再與政府商討，稍後 —— 主席你是對的 —— 我們在內會完結後，議事規則委員會便會開會。在上次討論的時候，委員亦已充份考慮到，如果那些事務委員會的職能有甚麼大的變化的話，是需要審慎處理，是要充分聽我們同事的意見的。所以，今天我們再繼續討論，提出方案，我們亦會將這考慮在內，是不會在倉卒之間向大家提出一些未經充分諮詢的大變化。李永達議員都會知道，民主黨亦有代表在議事規則委員會，如果他對於問題的處理有甚麼建議，我相信他.....如果他未向李柱銘議員說出的話，便可以在稍後開會前盡量與李柱銘議員談談，讓李議員可以在會上反映。多謝主席。

主席：可以嗎？

李永達議員：我只同意一個原則，便是如有任何大的改變，需要多些諮詢。

主席：OK，好，多謝。如果沒有其他問題，我們便到議程的第三項，是立法會先前會議的續議事項。