# 立法會

## Legislative Council

LC Paper No. CB(2) 1729/08-09

Ref : CB2/H/5/08

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

Minutes of the 25th meeting held in the Legislative Council Chamber at 2:30 pm on Friday, 29 May 2009

#### **Members present:**

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)

Hon Fred LI Wah-ming, JP (Deputy Chairman)

Hon Albert HO Chun-yan

Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP

Hon LEE Cheuk-yan

Dr Hon David LI Kwok-po, GBM, GBS, JP

Hon James TO Kun-sun

Hon CHEUNG Man-kwong

Hon CHAN Kam-lam, SBS, JP

Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP

Hon LEUNG Yiu-chung

Dr Hon Philip WONG Yu-hong, GBS

Hon WONG Yung-kan, SBS, JP

Hon LAU Kong-wah, JP

Hon LAU Wong-fat, GBM, GBS, JP

Hon Emily LAU Wai-hing, JP

Hon Andrew CHENG Kar-foo

Hon TAM Yiu-chung, GBS, JP

Hon Abraham SHEK Lai-him, SBS, JP

Hon LI Fung-ying, BBS, JP

Hon Tommy CHEUNG Yu-yan, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon Audrey EU Yuet-mee, SC, JP

Hon Vincent FANG Kang, SBS, JP

Hon WONG Kwok-hing, MH

Hon LEE Wing-tat

Dr Hon Joseph LEE Kok-long, JP

Hon Jeffrey LAM Kin-fung, SBS, JP

Hon Andrew LEUNG Kwan-yuen, SBS, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon CHEUNG Hok-ming, SBS, JP

Hon WONG Ting-kwong, BBS

Hon Ronny TONG Ka-wah, SC

Hon CHIM Pui-chung

Prof Hon Patrick LAU Sau-shing, SBS, JP

Hon KAM Nai-wai, MH

Hon Cyd HO Sau-lan

Hon Starry LEE Wai-king

Dr Hon LAM Tai-fai, BBS, JP

Hon CHAN Hak-kan

Hon Paul CHAN Mo-po, MH, JP

Hon CHAN Kin-por, JP

Hon Tanya CHAN

Hon CHEUNG Kwok-che

Hon WONG Sing-chi

Hon WONG Kwok-kin, BBS

Hon WONG Yuk-man

Hon IP Wai-ming, MH

Hon IP Kwok-him, GBS, JP

Hon Mrs Regina IP LAU Suk-yee, GBS, JP

Dr Hon PAN Pey-chyou

Hon Paul TSE Wai-chun

Dr Hon Samson TAM Wai-ho, JP

#### **Members absent:**

Dr Hon Margaret NG Hon Timothy FOK Tsun-ting, GBS, JP Hon Albert CHAN Wai-yip Dr Hon Priscilla LEUNG Mei-fun Dr Hon LEUNG Ka-lau

#### **Clerk in attendance:**

Mrs Vivian KAM Clerk to the House Committee

#### **Staff in attendance:**

Ms Pauline NG Secretary General
Mr Arthur CHEUNG Acting Legal Adviser

Mrs Constance LI Assistant Secretary General 1
Mrs Justina LAM Assistant Secretary General 3

Mrs Percy MA Assistant Secretary General (Special Duty)

Miss Erin TSANG Acting Principal Council Secretary (Complaints)

Mr Jimmy YUEN Acting Chief Public Information Officer

Miss Odelia LEUNG
Ms Miranda HON
Chief Council Secretary (2)6
Ms Miranda HON
Chief Council Secretary (3)3
Mr Stephen LAM
Assistant Legal Adviser 4
Miss Winnie LO
Assistant Legal Adviser 7
Ms Amy YU
Senior Council Secretary (2)3
Mr Arthur KAN
Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 24th meeting held on 22 May 2009 (LC Paper No. CB(2) 1665/08-09)

The minutes were confirmed.

#### II. Matters arising

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

Visit by a Legislative Council (LegCo) delegation to Sichuan in connection with reconstruction support for the earthquake

- 2. <u>The Chairman</u> said that after the last House Committee meeting, she had written to CS to convey Members' wish to visit Sichuan in connection with the reconstruction support for the earthquake. During her meeting with CS last Monday, CS indicated that he had already conveyed Members' proposal to the Central People's Government and the Sichuan Provincial Government.
- 3. <u>The Chairman</u> further said that before the House Committee meeting, she had requested the LegCo Secretariat to enquire with the Administration about the progress of the matter. The Administration had advised that the reply had yet to be received. <u>The Chairman</u> added that she would continue to follow up the matter.

#### III. Business arising from previous Council meetings

- (a) Legal Service Division report on bills referred to the House Committee in accordance with Rule 54(4)
  - (i) Village Representative Election Legislation (Miscellaneous Amendments) Bill 2009

(LC Paper No. LS 72/08-09)

- 4. <u>The Chairman</u> said that the Bill sought to make miscellaneous amendments to the village representative election legislation to improve the arrangements for rural elections, in the light of the experience gained in the first two rounds of village ordinary elections held in 2003 and 2007 respectively, and to prepare for the next round of village ordinary election in 2011.
- 5. <u>The Chairman</u> further said that the Panel on Home Affairs had been briefed on the legislative proposals at its meeting on 14 November 2008, and members had raised various concerns and suggestions.
- 6. <u>Mr LEE Wing-tat</u> considered it necessary to form a Bills Committee to study the Bill.
- 7. <u>The Chairman</u> proposed that a Bills Committee be formed to study the Bill in detail. <u>Members</u> agreed. The following Members agreed to join: Mr LAU Wong-fat, Mr LEE Wing-tat, Miss Tanya CHAN and Mr WONG Sing-chi.
- 8. <u>The Chairman</u> said that as there were vacant slots, the Bills Committee could commence work immediately.

# (ii) Merchant Shipping (Safety) (Amendment) Bill 2009 (LC Paper No. LS 74/08-09)

- 9. The Chairman said that the Bill sought to amend the Merchant Shipping (Safety) Ordinance and its subsidiary legislation to, among other things, enable the use of a "Direct Reference Approach" in making subsidiary legislation under the Ordinance to achieve timely implementation of marine safety-related international conventions.
- 10. <u>The Chairman</u> further said that the Panel on Economic Development had been consulted on the legislative proposals at its meeting on 30 March 2009, and members generally supported the proposal for the adoption of the Direct Reference Approach.
- 11. <u>Members</u> did not raise objection to the resumption of the Second Reading debate on the Bill.
- (b) Legal Service Division report on subsidiary legislation gazetted on 22 May 2009 and tabled in Council on 27 May 2009
  (LC Paper No. LS 73/08-09)
- 12. <u>The Chairman</u> said that a total of five items of subsidiary legislation, including three Commencement Notices, were gazetted on 22 May 2009 and tabled in the Council on 27 May 2009.

- 13. Regarding the Air Pollution Control (Volatile Organic Compounds) (Amendment) Regulation 2009, the Chairman said that its main purpose was to extend certain prohibitions and requirements relating to volatile organic compound contents to vehicle refinishing paints, vessel paints, pleasure craft paints, adhesives and sealants. The Panel on Environmental Affairs had been briefed on the Regulation at its meeting on 24 November 2008. Members noted that the proposal would be implemented by phases during the period from 1 January 2010 to 1 April 2012, and had expressed concern about the impact on the trades concerned.
- 14. <u>Mr Vincent FANG</u> considered it necessary to form a subcommittee to study the Regulation.
- 15. <u>The Chairman</u> proposed that a subcommittee be formed to study the Regulation in detail. <u>Members</u> agreed. The following Members agreed to join: Ms Miriam LAU, Ms Audrey EU, Mr Vincent FANG and Mr KAM Nai-wai.
- 16. <u>Members</u> did not raise any queries on the other four items of subsidiary legislation.
- 17. <u>The Chairman</u> reminded Members that the deadline for amending these items of subsidiary legislation was 24 June 2009, or the first meeting of the next session if extended by resolution.

#### IV. Further business for the Council meeting on 3 June 2009

#### **Members' motions**

(a) Proposed resolution to be moved by Hon James TO Kun-sun under section 34(4) of the Interpretation and General Clauses Ordinance relating to nine items of subsidiary legislation relating to consular matters

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 634/08-09 dated 26 May 2009.)

- 18. <u>The Chairman</u> said that Mr James TO, Chairman of the relevant Subcommittee, would move a motion at the Council meeting to extend the scrutiny period of the nine items of subsidiary legislation to 24 June 2009.
- (b) Proposed resolution to be moved by Hon Paul TSE Wai-chun under section 34(4) of the Interpretation and General Clauses Ordinance relating to the:

- (i) Race Discrimination (Formal Investigations) Rules; and
- (ii) Race Discrimination (Investigation and Conciliation) Rules (Wording of the proposed resolution issued vide LC Paper No. CB(3) 636/08-09 dated 26 May 2009.)
- (c) Proposed resolution to be moved by Hon Paul TSE Wai-chun under the Race Discrimination Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 637/08-09 dated 26 May 2009.)

19. <u>The Chairman</u> said that Mr Paul TSE, Chairman of the relevant Subcommittee, would move the above two motions at the Council meeting to extend the scrutiny period of the two items of subsidiary legislation and the Code of Practice to 8 July 2009.

#### V. Business for the Council meeting on 10 June 2009

- (a) <u>Questions</u> (LC Paper No. CB(3) 630/08-09)
- 20. <u>The Chairman</u> said that 20 questions (six oral and 14 written) had been scheduled for the meeting.
- (b) Bills First Reading and moving of Second Reading
- 21. The Chairman said that no notice had been received yet.
- (c) Government motion
- 22. The Chairman said that no notice had been received yet.
- (d) Members' motions
  - (i) Proposed resolution to be moved by Hon TAM Yiu-chung under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Wording of the motion issued vide LC Paper No. CB(3) 633/08-09 dated 26 May 2009.)
- 23. The Chairman said that at the last House Committee meeting, Members noted that Mr TAM Yiu-chung, Chairman of the Committee on Rules of Procedure, would move a motion at the Council meeting to amend Rule 29 of the Rules of Procedure in relation to the notice periods for motions to amend

or extend the scrutiny period of subsidiary legislation which was subject to a scrutiny mechanism very similar to section 34 of the Interpretation and General Clauses Ordinance.

- (ii) Motion to be moved by Hon IP Kwok-him (Wording of the motion issued vide LC Paper No. CB(3) 642/08-09 dated 29 May 2009.)
- 24. The Chairman said that the subject of the motion to be moved by Mr IP Kwok-him was "Improving environmental hygiene in the community" and the wording of the motion had been issued to Members.
  - (iii) Motion on "Immediately reviewing the Pre-primary Education Voucher Scheme" (Wording of the motion issued vide LC Paper No. CB(3) 639/08-09 dated 27 May 2009.)
- 25. <u>The Chairman</u> said that the above motion would be moved by Mr CHEUNG Man-kwong and the wording of the motion had been issued to Members.
- 26. <u>The Chairman</u> reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 3 June 2009.

### VI. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1666/08-09)

27. <u>The Chairman</u> said that there were six Bills Committees, 10 subcommittees under the House Committee (i.e. seven subcommittees on subsidiary legislation and three subcommittees on policy issues) and eight subcommittees under Panels in action.

#### VII. Report of the Parliamentary Liaison Subcommittee

#### **Proposed visit to Eastern Europe**

(LC Paper No. CB(3) 627/08-09)

28. Mr Abraham SHEK, Chairman of the Subcommittee, said that the paper sought Members' views on the proposal for a delegation of LegCo Members to be formed to undertake a visit to Eastern Europe, viz. Prague of Czechoslovakia, Zagrab of Croatia and Budapest of Hungary in September 2009. The Subcommittee proposed that the delegation should comprise eight fully-sponsored Members and a maximum of seven self-financing Members.

He referred Members to paragraphs 7 and 10 of the paper for details of the budget for the visit and the proposed mechanism for deciding how the eight fully-sponsored places and the seven self-financing places should be allocated.

- 29. Mr SHEK elaborated that under the proposed mechanism, Members would be divided into four groups. He referred Members to Appendix II to the paper for details of the proposed grouping of Members and the allocation of places among the four groups. He added that subject to the House Committee's approval, the Secretariat would make the necessary arrangements, including liaising with the consulates concerned, and invite Members to join the delegation for the visit, which would last for about 10 to 12 days, tentatively from 13 to 23 September 2009.
- 30. <u>The Chairman</u> invited Members' views on the recommendations of the Subcommittee. She added that Members had been consulted on the proposed mechanism for selecting Members to join such delegations.
- 31. In response to Dr Philip WONG's enquiry on the rationale for selecting the three places for the visit, <u>Mr Abraham SHEK</u> said that the Subcommittee considered it worthwhile to organize a visit to countries with emerging democracy, such as those in Eastern Europe, and draw experience from how they managed the changes during the democratization process. A visit to the three selected countries was recommended by the Subcommittee as all three were undergoing democratic transition and consolidation.
- 32. <u>Members</u> endorsed the recommendations of the Subcommittee as set out in the paper.

#### VIII. Safety at the Legislative Council Carpark

(Letter dated 22 May 2009 from Hon Emily LAU Wai-hing to the Chairman of the House Committee (LC Paper No. CB(2) 1667/08-09(01))

33. Ms Emily LAU said that an accident had occurred at the LegCo Carpark shortly before the start of the Chief Executive (CE)'s Question and Answer Session on 14 May 2009. To her understanding, CS's car had run over the foot of a security staff in the Carpark. On behalf of Members belonging to the Democratic Party, she expressed sympathy and concern for the security staff. She enquired about the injury sustained by him and the investigation conducted by the Police into the accident. She considered it necessary for the Secretariat to review the arrangements concerning the use of the Carpark, in particular when large crowds were gathered there, with a view to preventing recurrence of similar accidents.

- 34. At the invitation of the Chairman, <u>Secretary General</u> (SG) thanked Members for their concern for Mr Jimmy KWAN, the Security Officer who was injured during the accident, and the security staff. She said that the video recording showed that the accident happened shortly before 3:00 pm, when Mr KWAN was walking across the Carpark, without noticing that CS's car was approaching behind him. When he turned around, his foot was run over by the car. Shortly after the accident, he felt pain in the foot and was taken to the hospital. Upon examination, it was found that a bone of his right foot had been fractured and his foot was cast in plaster of Paris. He was currently on sick leave. <u>SG</u> added that the accident had been reported to the Police for investigation, and the Police would take an oral statement from Mr KWAN on 2 June 2009.
- 35. SG further said that although it did not appear that CS's car was at a speed higher than usual, the Secretariat had been exploring ways to further lower the speed of vehicles entering the LegCo Carpark. She pointed out that when vehicles entered the Carpark cutting across Des Voeux Road Central, they might need to accelerate to avoid approaching buses from their left. Carpark traffic was heavy, such as on the days of Council and House Committee meetings, the drop bar at the entrance of the Carpark would remain lifted and incoming vehicles tended to be driven through the entrance without The Secretariat was considering relocating the drop bar further into the Carpark, in order to provide sufficient space for two vehicles to stop before This would obviate the need for vehicles to scramble while the drop bar. entering the Carpark. In addition, the Secretariat was considering lowering the drop bar every time after a vehicle had passed through in order to help reduce the speed of vehicles entering the Carpark. On the suggestion of installing speed bumps as mentioned in Ms Emily LAU's letter, SG said that there was concern about the danger of pedestrians tripping over the speed She added that the Secretariat would explore different options and submit proposals for enhancing safety in the LegCo Carpark for the consideration of The Legislative Council Commission.
- 36. <u>Ms Emily LAU</u> considered that apart from The Legislative Council Commission, other Members should also be informed of the outcome of the Police's investigation into the accident. She enquired whether Mr KWAN's health insurance was adequate to cover the medical expenses incurred.
- 37. At the invitation of the Chairman, <u>SG</u> said that the Secretariat had taken out insurance for all staff. As a staff member of the Secretariat, Mr KWAN also enjoyed the medical benefits provided by the Government. These should be sufficient to cover his medical needs arising from the accident. <u>SG</u> added that the Secretariat would report to Members on the results of the Police's investigation.

- 38. Ms Audrey EU said that the matter should be handled with care to prevent recurrence of similar incidents. She said that under the present arrangement, the Secretariat would inform Members not to park their cars in the LegCo Carpark when large crowds were expected to gather there. She considered that Members should be alerted in advance as early as possible. Likewise, Government officials concerned should be informed not to drive their cars into the Carpark. She sought clarification on whether the Administration would be notified similarly under the present arrangement.
- 39. At the invitation of the Chairman, <u>SG</u> said that government vehicles were only allowed to drop off officials but not allowed to station at the LegCo Carpark. She undertook to consider Ms EU's suggestion of informing the Administration that government vehicles should not enter the Carpark when large crowds of demonstrators were anticipated.
- 40. <u>Ms Audrey EU</u> said that the issue was not whether government vehicles could station at the LegCo Carpark. In her view, they should not go into the Carpark if many people had gathered there to avoid causing possible danger.
- 41. In response to the Chairman, <u>SG</u> reiterated that the Secretariat would explore Ms Audrey EU's suggestion in paragraph 38 above.
- 42. Mr Jeffrey LAM said that he observed that at times some demonstrators stepped out of the designated demonstration area in the LegCo Carpark, and some reporters also stepped out onto the driveway while covering news. He considered that the Secretariat's review should also cover demonstration and reporting areas and activities in the Carpark with a view to ensuring safety overall. He had reservations about the suggestion of installing speed bumps in the Carpark, as vehicles would need to accelerate while crossing the speed bumps, which might pose an even greater risk.
- 43. At the invitation of the Chairman, <u>SG</u> said that the Secretariat would also look into the issues raised by Mr Jeffrey LAM.
- 44. <u>The Chairman</u> said that to her understanding, the accident had nothing to do with the demonstrations or demonstrators gathered in the Carpark at that time.
- 45. At the invitation of the Chairman, <u>SG</u> confirmed the Chairman's understanding.
- 46. <u>Ms Cyd HO</u> said that although the accident had nothing to do with the demonstrators, she considered the best way to avoid accidents was to separate demonstrators from traffic in the Carpark. She said that it had all along been LegCo's practice to accommodate the requests of demonstrators as far as

practicable. She stressed the importance of maintaining such a practice. She pointed out that as LegCo was accountable to the public, the public's needs should always take precedence over those of Government officials. She expressed support for the proposal of informing Members and the Administration in advance as early as possible not to drive into the Carpark should it be anticipated that many people would gather there. She added that Government officials could use the entrance facing the Statute Square if they did not want to face demonstrators gathered in the Carpark.

- 47. Mr WONG Yuk-man said that SG had confirmed that the accident had nothing to do with the demonstrators in the Carpark. He considered that this should be borne in mind in conducting the review.
- 48. <u>Mr Paul TSE</u> said that consideration could be given to re-designating the demonstration area to the entrance facing the Statute Square and advising the Government to use this entrance as well. In his view, such an arrangement could enhance the safety of demonstrators as no vehicles would pass through that area.
- 49. <u>Ms Cyd HO</u> reiterated that as LegCo was answerable to the public, the public's needs should take precedence over those of the Administration. She considered it inappropriate to ask members of the public to demonstrate at the entrance facing the Statute Square which she considered to be the backdoor of the LegCo Building.
- 50. In concluding the discussions, the Chairman requested the Secretariat to take account of Members' views in formulating proposals to enhance the safety of all parties concerned at the Carpark and report to Members in due course. She also requested the Secretariat to report to Members on the results of the Police's investigations. SG undertook to do so.

LegCo Secretariat

# IX. Proposed adjournment debate under Rule 16(4) of the Rules of Procedure at the Council meeting on 3 June 2009 regarding the selection of candidates for the post of Chief Executive of the Hong Kong Monetary Authority

(Letter dated 25 May 2009 from Hon Ronny TONG Ka-wah to the Chairman of the House Committee (LC Paper No. CB(2)1667/08-09(02))

51. At the invitation of the Chairman, Mr Ronny TONG said that there was recently wide public concern about the appointment of the successor to the incumbent Chief Executive (CE) of the Hong Kong Monetary Authority (HKMA). He was concerned that at the last meeting of the Panel on Financial Affairs, the Financial Secretary (FS) had provided certain information about the matter which might be misleading. He therefore proposed the moving of a

motion for adjournment under Rule 16(4) of the Rules of Procedure (RoP) at the Council meeting on 3 June 2009, for the purpose of enabling Members to speak on the matter. He also proposed that FS should attend the adjournment debate and provide a response.

- 52. <u>The Chairman</u> invited Members' views on the following:
  - (a) the adjournment debate be held in addition to two other debates on Members' motions with no legislative effect; and
  - (b) the President to be requested to consider exercising his discretion to extend the duration of the adjournment debate beyond one and a half hours, in order to enable all Members wishing to speak at the adjournment debate to do so.
- 53. Mr Jeffrey LAM said that the functions of HKMA were equivalent to those of a Central Bank. It had the responsibility to maintain the stability of the Hong Kong dollars and manage the Exchange Fund. As the CE of HKMA was in possession of sensitive information, he had to have a wide spectrum of experience and knowledge in financial matters and work closely with the Administration, in particular officials responsible for finance matters. Referring to overseas practices in the United States, the United Kingdom, Australia, Japan and Singapore, Mr LAM said that the Heads of their Central Banks were all appointed by their governments without open recruitment or consultation. Likewise, the CE of HKMA was appointed by FS, as provided under the Exchange Fund Ordinance. He considered the existing appointment mechanism in order and that the Government's credibility was not an issue. In his view, the Legislature should not interfere with the As two Members' motions had already been scheduled for the appointment. Council meeting on 3 June 2009, he considered that there was no urgency for the matter to be discussed or indeed for it to be discussed at all. He disagreed with the proposal for holding an adjournment debate.
- 54. Mr LEE Wing-tat considered it inappropriate to make reference to the appointment of the Heads of Central Banks in overseas countries as their governments were elected by and accountable to their people. He said that unlike those countries, CE and FS were not elected by Hong Kong people. Members of the public had queried the widely-speculated appointment of Mr Norman CHAN as the CE of HKMA. As Mr CHAN was a staff member of the Chief Executive's Office and had assisted CE in his campaign for the CE election, the appointment would be perceived as being tailor-made for Mr CHAN and could possibly involve a transfer of interests. Mr LEE supported the proposal for holding an adjournment debate on the matter.

- 55. Mr Ronny TONG said that the crux of the issue was not the person to be appointed as the CE of HKMA but the transparency of the selection and appointment procedure and the channels through which the relevant information was released to LegCo Members and the public without creating misunderstanding. Given that the subject of an adjournment debate was neutrally-worded, Mr Jeffrey LAM could express his views during the debate. Mr TONG considered that the matter was urgent as FS could announce the appointment of the CE-designate of HKMA any time. In his view, the holding of an adjournment debate would also send a message to the public that the matter was of concern to LegCo.
- 56. <u>Dr Philip WONG</u> considered it inappropriate to politicize the appointment of the CE of HKMA. In his view, the Heads of Central Banks was a professional post. Should the appointment be politicized, it would be difficult for the post-holder to discharge the duties.
- 57. Mr Albert HO said that the appointment of a post-holder serving in the Chief Executive's Office as the CE of HKMA would in itself be politicized. In his view, Members should facilitate the availability of opportunities for free expression of different views in LegCo. An adjournment debate was neutrally-worded and was not binding on Members. Should the proposal for the holding of the adjournment debate be rejected, he might consider moving a resolution for the appointment of a select committee to investigate into the matter, in which case each Member would have 15 minutes to speak on the motion. He appealed to Members to be cool-headed in considering the proposal.
- 58. <u>SG</u> said that Mr Ronny TONG's proposal for moving a motion for adjournment was made under RoP 16(4) and would be for the purpose of debating a matter concerning public interest; whether or not the matter was of urgent public importance was not an issue as in the case of RoP 16(2). As two Members' motions had been scheduled for the Council meeting, Mr TONG had sought the support of the House Committee for recommending to the President the holding of an adjournment debate in addition to the two motions. The question under consideration by Members was whether there should be two motion debates and an adjournment debate.
- 59. <u>Ms Emily LAU</u> supported the proposal for holding the adjournment debate as the matter was worthy of discussion. In her view, the appointment to the post in question was politicized. She considered that politics was a fact of life and of legitimate concern to members of the public. She pointed out that she had all along advocated the adoption of an arrangement similar to that of the United States whereby the nominations of important posts in the government had to be scrutinized by the legislature. This would ensure proper checks and balances. She stressed that Members should respect each

other and should not be hostile. She could not accept any attempt to forestall the expression of views in LegCo on a subject of public importance.

- 60. Mr TAM Yiu-chung considered it unnecessary and inappropriate to criticize and make bitter remarks about Members who held different views on the proposal for holding the adjournment debate. He said that Members were only discussing the proposal for the holding of an adjournment debate and were not debating on the matter. In his view, an adjournment debate provided a platform for Members to express their views on a subject matter, and the subject matter itself would not be put to a vote. Given Members' diverse views on the importance of different subject matters, he indicated that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong did not object to the proposal.
- 61. Mr LEUNG Kwok-hung shared the view that an adjournment debate provided a platform for Members to express their views on a subject matter and to discharge their duties in so doing. He said that given the importance of the matter, normally the debate should not be in the form of an adjournment debate. He considered that as there was no precedent in the selection of candidates for the post of the CE of HKMA, the matter involved not only the selection of candidates but also systemic issues. He supported the proposal for holding an adjournment debate.
- 62. Mr Jeffrey LAM did not accept the remarks of Ms Emily LAU and Mr Albert HO. He stressed that he had not made any attempt to thwart the expression of views. He only indicated his disagreement with the proposal. He said that Members should have the freedom to express different views on a matter.
- 63. Given the diverse views expressed on the proposal, <u>the Chairman</u> sought Members' views on the need to put the proposal to a vote.
- 64. Mr IP Kwok-him considered it unnecessary to put the proposal to a vote as Members had already expressed their views on the proposal. He added that Members should respect each other for having different views on a matter and should not adopt a hostile attitude.
- 65. <u>Mr Jeffrey LAM</u> did not object to not putting the proposal to a vote.
- 66. <u>Dr Philip WONG</u> said that he had not indicated objection to the proposal.
- 67. The Chairman said that as the majority of Members wished to have an opportunity to debate on the matter, the House Committee supported the proposal for the holding of an adjournment debate in addition to two other

debates on Members' motions with no legislative effect at the Council meeting on 3 June 2009. <u>Members</u> agreed that the President should be requested to consider exercising his discretion to extend the duration of the adjournment debate beyond one and a half hours, in order to enable all Members wishing to speak at the adjournment debate to do so. <u>Members</u> also agreed that FS should be requested to attend the adjournment debate and provide a response.

#### IX. Any other business

68. There being no other business, the meeting ended at 3:17 pm.

Council Business Division 2
<u>Legislative Council Secretariat</u>
3 June 2009