

# LEGISLATIVE COUNCIL

## MINUTES

### No. 2

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**Minutes of the meeting held on Thursday 13 October 2011 at 3:00 pm**

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#### **Present:**

The Hon Donald TSANG, GBM  
The Chief Executive of the Hong Kong Special Administrative Region

#### **Members present:**

President

The Hon Jasper TSANG Yok-sing, GBS, JP

The Hon Albert HO Chun-yan

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

The Hon LEE Cheuk-yan

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

The Hon Fred LI Wah-ming, SBS, JP

Dr the Hon Margaret NG

The Hon James TO Kun-sun

The Hon CHEUNG Man-kwong

The Hon CHAN Kam-lam, SBS, JP

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

The Hon LEUNG Yiu-chung

Dr the Hon Philip WONG Yu-hong, GBS

The Hon WONG Yung-kan, SBS, JP

The Hon LAU Kong-wah, JP

The Hon LAU Wong-fat, GBM, GBS, JP

The Hon Miriam LAU Kin-yea, GBS, JP

The Hon Emily LAU Wai-hing, JP

The Hon Andrew CHENG Kar-foo

The Hon Timothy FOK Tsun-ting, GBS, JP

The Hon TAM Yiu-chung, GBS, JP

The Hon Abraham SHEK Lai-him, SBS, JP

The Hon LI Fung-ying, SBS, JP

The Hon Tommy CHEUNG Yu-yan, SBS, JP

The Hon Frederick FUNG Kin-kee, SBS, JP

The Hon Audrey EU Yuet-mee, SC, JP

The Hon Vincent FANG Kang, SBS, JP

The Hon WONG Kwok-hing, MH

The Hon LEE Wing-tat

Dr the Hon Joseph LEE Kok-long, SBS, JP

The Hon Jeffrey LAM Kin-fung, GBS, JP

The Hon Andrew LEUNG Kwan-yuen, GBS, JP

The Hon CHEUNG Hok-ming, GBS, JP

The Hon WONG Ting-kwong, BBS, JP

The Hon Ronny TONG Ka-wah, SC

The Hon CHIM Pui-chung

Prof the Hon Patrick LAU Sau-shing, SBS, JP

The Hon KAM Nai-wai, MH

The Hon Cyd HO Sau-lan

The Hon Starry LEE Wai-king, JP

Dr the Hon LAM Tai-fai, BBS, JP

The Hon CHAN Hak-kan

The Hon Paul CHAN Mo-po, MH, JP

The Hon CHAN Kin-por, JP

Dr the Hon Priscilla LEUNG Mei-fun, JP

Dr the Hon LEUNG Ka-lau

The Hon CHEUNG Kwok-che

The Hon WONG Sing-chi

The Hon WONG Kwok-kin, BBS

The Hon IP Wai-ming, MH

The Hon IP Kwok-him, GBS, JP

The Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Dr the Hon PAN Pey-chyou

The Hon Paul TSE Wai-chun, JP

Dr the Hon Samson TAM Wai-ho, JP

The Hon Alan LEONG Kah-kit, SC

The Hon LEUNG Kwok-hung

The Hon Tanya CHAN

The Hon Albert CHAN Wai-yip

The Hon WONG Yuk-man

**Public officers attending:**

The Hon Stephen LAM Sui-lung, GBS, JP

The Chief Secretary for Administration

The Hon John TSANG Chun-wah, GBM, JP

The Financial Secretary

The Hon WONG Yan-lung, SC, JP

The Secretary for Justice

The Hon Michael SUEN Ming-yeung, GBS, JP

Secretary for Education

The Hon Ambrose LEE Siu-kwong, GBS, IDSM, JP

Secretary for Security

Dr the Hon York CHOW Yat-ngok, GBS, JP  
Secretary for Food and Health

The Hon Denise YUE Chung-yee, GBS, JP  
Secretary for the Civil Service

The Hon TSANG Tak-sing, GBS, JP  
Secretary for Home Affairs

The Hon Matthew CHEUNG Kin-chung, GBS, JP  
Secretary for Labour and Welfare

Prof the Hon K C CHAN, SBS, JP  
Secretary for Financial Services and the Treasury

The Hon Mrs Carrie LAM CHENG Yuet-ngor, GBS, JP  
Secretary for Development

The Hon Edward YAU Tang-wah, GBS, JP  
Secretary for the Environment

The Hon Eva CHENG, GBS, JP  
Secretary for Transport and Housing

The Hon Gregory SO Kam-leung, JP  
Secretary for Commerce and Economic Development

The Hon Raymond TAM Chi-yuen, JP  
Secretary for Constitutional and Mainland Affairs

Prof LAU Siu-kai, JP  
Head, Central Policy Unit

**Clerk in attendance:**

Ms Pauline NG Man-wah, Secretary General

## **The Chief Executive's Question and Answer Session**

The Chief Executive attended the Council meeting.

When the Chief Executive was about to address the Council, Hon LEUNG Kwok-hung and Dr Hon LAM Tai-fai remained standing while holding up exhibits. The President ordered them to sit down and put down the exhibits.

The Chief Executive addressed the Council.

Hon WONG Yuk-man asked a question. When the Chief Executive was about to reply, a Member spoke aloud. The President reminded Members that they should observe the Rules of Procedure and then invited the Chief Executive to reply.

After the Chief Executive had replied, Hon WONG Yuk-man spoke aloud to the Chief Executive and stated that the Chief Executive did not answer his question. The President ordered Hon WONG Yuk-man to sit down and invited the Chief Executive to reply.

The Chief Executive made some remarks about the conduct of Mr WONG Yuk-man.

Hon WONG Yuk-man repeated his question and requested the Chief Executive to give a reply. Hon LEUNG Kwok-hung then stood up, intending to raise a point of order. The President ordered Hon WONG Yuk-man and Hon LEUNG Kwok-hung to immediately withdraw from the Council as he considered that the behaviour of the two Members had made it impossible for the Question and Answer Session to proceed smoothly.

While Hon WONG Yuk-man and Hon LEUNG Kwok-hung were assisted by security staff in leaving the Chamber, Hon LEUNG Kwok-hung threw an egg in the direction before him. The President ordered Mr LEUNG to withdraw from the Council immediately. With the assistance of security staff, Hon WONG Yuk-man and Hon LEUNG Kwok-hung left the Chamber.

Hon LEE Cheuk-yan raised two points of order. First, he did not agree to the President's ruling of ordering Hon LEUNG Kwok-hung to withdraw from the Council as Mr LEUNG only intended to raise a point of order. Second, he requested the President to make a ruling on whether the Chief Executive had used offensive language about Mr WONG yuk-man in his remarks and hence contravened the Rules of Procedure.

Hon James TO also raised a point of order on whether the Chief Executive had used offensive language about Hon WONG Yuk-man.

Hon LEUNG Yiu-chung said that Hon LEUNG Kwok-hung had clearly indicated his intention to raise a point of order, but the President did not listen to him and ordered the immediate withdrawal of Hon LEUNG Kwok-hung. Hon LEUNG Yiu-chung considered that the President's handling of the matter was not appropriate and requested the President to withdraw the relevant ruling.

The President stated that the reason for him to order the immediate withdrawal of Hon LEUNG Kwok-hung was that Mr LEUNG had neither raised his hand nor made any indication that he intended to speak. The President added that he had reminded Members twice that they must observe the Rules of Procedure, but Hon LEUNG Kwok-hung did not heed his advice and spoke a number of times behind his placard. Further, Hon LEUNG Kwok-hung made repeated attempts to interrupt the meeting while Hon WONG Yuk-man was asking his question. He considered Hon LEUNG Kwok-hung's conduct to be grossly disorderly and therefore ordered him to withdraw from the Council in order to ensure that the proceedings of the meeting would not be affected.

Hon Albert HO said that the President seemed to have tightened the enforcement of the Rules of Procedure, as it had been the practice of the President to listen to Members who wished to raise a point of order. Mr HO considered that the way the President had handled the matter was unfair and hoped that the President would reconsider the matter. Mr HO also requested the President to seriously deal with the issue of whether the Chief Executive had used offensive language about Hon WONG Yuk-man.

Dr Hon Margaret NG said that according to the President's usual practice, when a Member wished to raise a point of order, the Member would rise and the President would invite the Member to raise the matter. Dr NG also expressed concern about the approach of security staff in handling the two Members when they were ordered by the President to withdraw from the Council.

Hon Audrey EU also requested the President to withdraw his order of removing Hon LEUNG Kwok-hung from the meeting. Ms EU said that it had been the practice of the President to give prior warnings to Members whose conduct was grossly disorderly before ordering them to withdraw from the Council, but the President did not do so this time.

Hon LAU Kong-wah said that he was supportive of the President's ruling, as the two Members had disrupted the order of the meeting and contravened the Rules of Procedure. He considered that the accusation against security staff was unfair, as they were only discharging their duty to maintain the order in the Chamber. As regards the issue of how meetings should be conducted, Hon LAU Kong-wah suggested that it might be discussed by the House Committee.

Hon Albert CHAN raised a point of order that the President's ruling of ordering Hon WONG Yuk-man to withdraw from the Council was unfair and unjust. He said that Hon WONG Yuk-man had repeatedly requested the President to invite the Chief Executive to respond to his question, but the President failed to handle his requests.

The President stated that the reason for him to order Hon LEUNG Kwok-hung to withdraw from the Council had been explained earlier at the meeting. In response to the views expressed by some Members about the remarks made by the Chief Executive, the President said that such remarks referred to a specific occasion and certain acts, he therefore did not think that the Chief Executive had offended a specific Member of the Council. For this reason, he did not see the need for him to deal with the matter.

Hon LEUNG Yiu-chung expressed dissatisfaction at the President's decision. He considered that the President should not tighten the enforcement of the Rules of Procedure without informing Members in advance.

The President stated that if Members disagreed with his decision, they were welcome to discuss with him outside the meeting. The President then ordered the meeting to continue.

Dr Hon Margaret NG said that if the Chief Executive's remarks referred to a specific occasion, then whether such remarks had offended this Council.

The President responded that the Chief Executive's remarks did not refer to this Council and he therefore did not consider the Chief Executive's remarks to be offensive. The President then ordered the meeting to continue and reminded Members to observe the Rules of Procedure.

Hon Albert CHAN said that although the Chief Executive had not directly criticized a specific Member, the remarks made by the Chief Executive were innuendoes and thus offensive.



The President stated that he was prepared to listen to Members' criticisms about the manner in which he conducted the meeting and how he enforced the Rules of Procedure. However, he hoped that Members would respect the rights of other Members to put questions to the Chief Executive at this Question and Answer Session. He then ordered the meeting to continue.

After the President had called upon Hon WONG Kwok-hing to ask a question, Hon Albert CHAN stood up and spoke aloud. The President ordered Hon Albert CHAN to withdraw immediately from the Council. Hon Albert CHAN then left the Chamber.

Hon Ronny TONG said that the remarks made by the Chief Executive were about Hon WONG Yuk-man. He considered the President's ruling unacceptable but would respect it.

Hon Emily LAU suggested that as the matter was controversial, the President might suspend the meeting to watch the video recording on the relevant proceedings.

The President ordered the meeting to continue. He then called upon Hon WONG Kwok-hing to ask his question.

Hon WONG Kwok-hing asked a question.

Before replying to Hon WONG Kwok-hing's question, the Chief Executive said that he and all public officers attending meetings of the Legislative Council should enjoy the same rights conferred on Members by the Rules of Procedure. He added that he felt offended by Hon WONG Yuk-man many times during this meeting. The Chief Executive then answered Hon WONG Kwok-hing's question.

Ten more Members asked questions and the Chief Executive replied.

When the President was about to adjourn the meeting, the Chief Executive said that he wished to express his views on the incidents occurred at this meeting. The Chief Executive stated that he felt offended and insulted by Hon WONG Yuk-man and Hon CHAN Wai-yip. Moreover, he felt scared when Hon LEUNG Kwok-hung threw the egg in his direction. The Chief Executive added that he and all public officers attending meetings of the

Legislative Council should be accorded the same protection and treatment as those enjoyed by Members. Regarding the issue of whether his remarks were offensive, the Chief Executive hoped that it could be dealt with in a fair manner.

The President stated that public officers and Members attending meetings of the Legislative Council should similarly observe the Rules of Procedure and enjoy the same rights conferred by the Rules of Procedure. As President, he would conduct meetings in accordance with the Rules of Procedure.

**Next meeting**

The President declared that the next meeting of the Council would be held on 19 October 2011 at 11:00 am.

The Council was adjourned at 4:36 pm.

(Jasper TSANG Yok-sing)  
President  
Legislative Council

Council Chamber  
Hong Kong

16 February 2012