

立法會
Legislative Council

LC Paper No. CB(2) 2394/11-12

Ref : CB2/H/5/11

House Committee of the Legislative Council

**Minutes of the 27th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 15 June 2012**

Members present:

Hon Miriam LAU Kin-ye, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, 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
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
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, SBS, 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, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP

Hon WONG Ting-kwong, BBS, JP
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, JP
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun, JP
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Tanya CHAN
Hon WONG Yuk-man

Members absent:

Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon Timothy FOK Tsun-ting, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon Albert CHAN Wai-yip

Clerk in attendance :

Miss Odelia LEUNG Clerk to the House Committee

Staff in attendance :

Ms Pauline NG Secretary General
Mr Jimmy MA, JP Legal Adviser

| | |
|-------------------|---|
| Mr Andy LAU | Assistant Secretary General 1 |
| Mrs Justina LAM | Assistant Secretary General 3 |
| Mrs Percy MA | Assistant Secretary General 4 |
| Ms Connie FUNG | Senior Assistant Legal Adviser 1 |
| Mr Kelvin LEE | Acting Senior Assistant Legal Adviser 2 |
| Mr KAU Kin-wah | Senior Assistant Legal Adviser 3 |
| Mr Stephen LAM | Acting Senior Assistant Legal Adviser 4 |
| Mr Thomas WONG | Principal Council Secretary (Select Committee)(2) |
| Miss Erin TSANG | Acting Principal Council Secretary (Complaints) |
| Mr Simon WONG | Chief Public Information Officer |
| Miss Flora TAI | Chief Council Secretary (2)3 |
| Ms Amy YU | Chief Council Secretary (2)6 |
| Miss Carrie WONG | Assistant Legal Adviser 4 |
| Ms Wendy KAN | Assistant Legal Adviser 6 |
| Mr YICK Wing-kin | Assistant Legal Adviser 8 |
| Miss Evelyn LEE | Assistant Legal Adviser 10 |
| Miss Josephine SO | Senior Council Secretary (2)7 |
| Ms Judy TING | Council Secretary (2)6 |
| Ms Anna CHEUNG | Senior Legislative Assistant (2)3 |
| Mr Arthur KAN | Legislative Assistant (2)8 |

Action

I. Confirmation of the minutes of the 26th meeting held on 8 June 2012
(*LC Paper No. CB(2) 2346/11-12*)

The Chairman said that as the last House Committee ("HC") meeting lasted for about four and a half hours and more time was required for the preparation of the minutes, the above minutes did not include agenda item IX "Requests for discussing issues relating to the hotel accommodation arrangements for the Chief Executive's duty visits outside Hong Kong". The relevant part would be issued to Members later. Members noted.

2. The minutes were confirmed.

II. Matters arising

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

Legislative timetable

3. The Chairman said that CS had indicated that based on normal

Action

circumstances, the legislative process of all the remaining bills could be completed before the end of the current term Government on 30 June 2012. Even if the legislative work could not be completed within the tenure of the current term Government, it could be completed before the Council was to stand prorogued on 18 July 2012.

(b) Planning of Council business to be dealt with at Council meetings before 18 July 2012 (position as at 13 June 2012)
(LC Paper No. CB(3) 912/11-12)

4. The Chairman said that pursuant to Members' decision at the last HC meeting, the Secretariat had prepared an updated plan on items of business to be dealt with at Council meetings before the prorogation of the Council on 18 July 2012, in the light of the latest progress of the work of the Council.

5. At the invitation of the Chairman, Secretary General ("SG") said that the updated plan was worked out on the basis that the proceedings on the Competition Bill, the Mediation Bill, the Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2011 and the Construction Industry Legislation (Miscellaneous Amendments) Bill 2012 could be concluded at the Council meeting of 13 June 2012. According to the Secretariat's estimation, the proceedings on most of the Government bills for which notice had been given for the resumption of their Second Reading debates could be completed at the Council meeting of 4 July 2012, and debates on Members' motions, including those to be moved by Members in the capacity of committee chairman, individual Members' motions and adjournment motions, could start. Based on the assumption that the Council meeting of 11 July 2012 would continue every day until its prorogation on 18 July 2012, it was estimated that the Council would be able to clear the backlog and the new items of business scheduled for July 2012 at that Council meeting. SG added that the Secretariat would keep the plan under constant review, including the need for the Council to meet on Saturdays and Sundays, having regard to the progress of each Council meeting.

6. In response to Dr Margaret NG, SG said that the proposed resolution relating to the re-organization of the Government Secretariat was scheduled to be dealt with at the Council meeting of 20 June 2012 as the last item of the 17 Government motions on the Agenda of that Council meeting. Subject to the progress of the proceedings on the Government Bills, the Secretariat estimated that the legislative process of the proposed resolution, which was estimated to take about 30 hours, could be completed at the Council meeting of 20 June 2012.

Action

7. Referring to the 17 Government motions scheduled to be transacted at the Council meeting of 20 June 2012, Dr Margaret NG asked whether it was possible for the proposed resolution relating to the re-organization of the Government Secretariat to jump the queue and be transacted ahead of the first two proposed resolutions respectively relating to senior judicial appointments and the Legal Aid Ordinance.

8. At the invitation of the Chairman, SG said that so far, the Secretariat had not received any notification from the Administration of its intention to change the order of business on the Agenda of the Council meeting of 20 June 2012.

9. In response to Dr Margaret NG's further enquiry, SG said that it was procedurally permissible for the Administration to request the Council to deal with the proposed resolution relating to the re-organization of the Government Secretariat ahead of other Government motions including the proposed resolution relating to senior judicial appointments made under the Basic Law. To effect such a change, the Administration had to give notice to move a motion to suspend Rule 18 of the Rules of Procedure ("RoP") at the Council meeting of 20 June 2012.

10. In response to Ms Audrey EU, SG said that should the motion to suspend RoP 18 be moved by a Member, its passage would require a majority vote of each of the two groups of Members present: Members returned by functional constituencies and those returned by geographical constituencies through direct elections. Should the motion be moved by the Administration, its passage would require a majority vote of the Members present.

11. Dr Margaret NG requested to put on record her strong objection to any proposal for changing the order of the business for the Council meeting of 20 June 2012, to the effect that the proposed resolution relating to the re-organization of the Government Secretariat could jump the queue and be transacted ahead of the two proposed resolutions respectively relating to senior judicial appointments and the Legal Aid Ordinance. She said that the proposed resolution relating to the Legal Aid Ordinance was carried over from the Council meeting of 2 May 2012 and the legislative process of the proposed resolution relating to senior judicial appointments should not take a long time to complete. She stressed that there should not be any further delay in the handling of these two resolutions.

Action

12. The Chairman said that most of the Government motions were unfinished business carried over from previous Council meetings and each Member might have his/her own view on their relative urgency. The proposed resolution relating to the Import and Export Ordinance was also urgent as the relevant fee reduction was originally scheduled for implementation on 1 June 2012. The Administration should refrain from making significant changes to the order of the Government motions.

13. In response to Ms Emily LAU, SG said that the requisite notice period for the moving of a motion to suspend RoP 18 was 12 clear days, unless the President approved the waiving of the notice requirement.

14. Ms Emily LAU considered that the Administration should follow the established rules and procedure for seeking the Legislative Council ("LegCo")'s approval for the re-organization proposals. She requested the Secretariat to notify Members at the earliest possible time should request be received from the Administration for changing the order of the items of business for the Council meeting of 20 June 2012.

15. Mr TAM Yiu-chung considered the proposed resolution relating to the re-organization of the Government Secretariat time-critical. In his view, consideration could be given to advancing the transaction of the proposed resolution at the Council meeting of 20 June 2012 if considered necessary.

16. Mr LEUNG Kwok-hung did not subscribe to the view that the proposed resolution relating to the re-organization of the Government Secretariat was time-critical.

17. The Chairman reiterated that so far, the Administration had not given any notice for changing the order of business on the Agenda for the Council meeting of 20 June 2012. The Secretariat should inform Members in the first instance should any such request be made by the Administration.

III. Business arising from previous Council meetings

- (a) **Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)**

Supplementary Appropriation (2011-2012) Bill
(*LC Paper No. LS 79/11-12*)

Action

18. The Chairman said that the Bill sought to provide for a supplementary appropriation of \$54,135,414,808.13 for the services of the Government in the financial year ending on 31 March 2012 in addition to the sum appropriated by the Appropriation Ordinance 2011.

19. Members 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 8 June 2012 and tabled in Council on 13 June 2012**
(*LC Paper No. LS 78/11-12*)

20. The Chairman said that only one item of subsidiary legislation, i.e. the Mutual Legal Assistance in Criminal Matters (Indonesia) Order (Commencement) Notice (L.N. 104), was gazetted on 8 June 2012 and tabled in the Council on 13 June 2012.

21. Members did not raise any queries on the Commencement Notice.

22. The Chairman reminded Members that the deadline for amending the Commencement Notice was 11 July 2012.

IV. Further business for the Council meeting of 20 June 2012

(a) **Tabling of papers**

Report No. 23/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(*LC Paper No. CB(2) 2348/11-12 issued vide LC Paper No. CB(3) 909/11-12 dated 13 June 2012*)

23. The Chairman said that the Report covered seven items of subsidiary legislation, the period for amendment of which would expire on 20 June 2012. No Member had indicated intention to speak on the subsidiary legislation.

24. Members noted the Report.

(b) **Questions**
(*LC Paper No. CB(3) 907/11-12*)

25. The Chairman said that Mr IP Wai-ming and Mr WONG Kwok-hing had replaced their oral questions.

V. Business for the Council meeting of 27 June 2012

(a) Questions

(LC Paper No. CB(3) 906/11-12)

26. 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

27. The Chairman said that no notice had been received yet.

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

(i) Companies Bill

(ii) Residential Properties (First-hand Sales) Bill

(iii) Trade Descriptions (Unfair Trade Practices) (Amendment) Bill 2012

28. The Chairman said that the Bills Committees on the above three Bills had reported to HC at the last meeting, and Members did not raise objection to the resumption of the Second Reading debates on these three Bills.

29. Ms Audrey EU said that the Bills Committee on Companies Bill completed its work earlier than the Bills Committee on Residential Properties (First-hand Sales) Bill. However, she was given to understand that the resumption of the Second Reading debate on the Companies Bill was scheduled for the Council meeting of 4 July 2012, while that on the Residential Properties (First-hand Sales) Bill for the earlier Council meeting of 27 June 2012. She sought clarification on whether this was the case.

30. At the invitation of the Chairman, SG said that the Administration had given notices to resume the Second Reading debates on the two Bills at the same Council meeting of 27 June 2012. According to the order of business for that Council meeting, the Second Reading debate on the Companies Bill would be resumed first, followed by the Residential Properties (First-hand Sales) Bill.

Action

31. Ms Audrey EU said that she had learnt from sources that the order of resuming the Second Reading debates on the above two Bills had been swapped. She sought clarification as to whether the Administration had made such a request.

32. At the invitation of the Chairman, Assistant Secretary General 3 ("ASG3") said that the Administration had given notices to resume the Second Reading debates on the Companies Bill and the Residential Properties (First-hand Sales) Bill at the same Council meeting of 27 June 2012. According to the standing arrangement, the order of resuming the Second Reading debates on bills at a Council meeting would be in the order of precedence of the public officers in charge of the bills, unless otherwise requested by the Administration and acceded to by the President. So far, no such request had been received.

33. In response to the Chairman, ASG3 confirmed that the Second Reading debate on the Companies Bill would be resumed before that on the Residential Properties (First-hand Sales) Bill at the Council meeting of 27 June 2012. Any unfinished proceedings on the Bills at the Council meeting of 27 June 2012 would be carried forward to the following Council meeting of 4 July 2012.

34. Ms Audrey EU expressed concern that during the Bills Committee's clause-by-clause examination of the Residential Properties (First-hand Sales) Bill, there was often no quorum. She also expressed dissatisfaction with the hasty manner in which the Administration's proposed Committee Stage amendments to the Bill were submitted to the Bills Committee and that there was insufficient time for their detailed scrutiny by members. Given that a number of substantive issues remained unresolved, she requested to put on record her disagreement to the Bills Committee reporting to HC before its completion of the clause-by-clause examination of the Bill.

(d) **Government motions**

35. The Chairman said that no notice had been received yet.

(e) **Members' motions**

(i) **Motion on "Vote of no confidence in the President of the Legislative Council"**

(Wording of the motion issued vide LC Paper No. CB(3) 916/11-12 dated 14 June 2012.)

Action

(ii) **Motion on "Addressing the problem of small houses and village houses in the New Territories"**

(Wording of the motion issued vide LC Paper No. CB(3) 915/11-12 dated 13 June 2012.)

36. The Chairman said that the above motions would be moved by Mr WONG Yuk-man and Mr LEE Wing-tat respectively, and the wording of the motions had been issued to Members.

37. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 19 June 2012.

VI. Report of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Amendments to Subsidiary Legislation on Discipline Made under Disciplined Services Ordinances**

(LC Paper No. CB(1) 2152/11-12)

38. Mr LAU Kong-wah, Chairman of the Subcommittee, reported that the Subcommittee had held four meetings to discuss the six amendment regulations/rules which sought to amend six pieces of subsidiary legislation on discipline made under relevant Ordinances governing the disciplined services (L.N. 58 to L.N. 63). The Subcommittee had also received views from various organizations.

39. Mr LAU Kong-wah further reported that one of the major amendments was to allow an accused to apply for, subject to the approval of the concerned disciplinary authority, representation at his/her disciplinary hearing by a barrister or solicitor or by another person. The six amendment regulations/rules were made after a review had been conducted by the Administration on the relevant Ordinances governing disciplined services following a decision of the Court of Final Appeal in March 2009. The Administration had also taken the opportunity to introduce many other amendments, including conduct of hearings in absentia and inclusion of deferment or stoppage of increments as one of possible punishments for staff of the Traffic Warden grade. He referred Members to the Subcommittee's report for details of its deliberations.

40. Mr LAU Kong-wah said that the Subcommittee was of the view that as the amendments proposed in the six amendment regulations/rules involved important policy, legal and drafting issues, it was not feasible to complete their scrutiny within the tight timeframe under the negative vetting procedure. The Subcommittee had therefore requested the

Action

Administration to consider narrowing the scope of the current amendment exercise.

41. Mr LAU Kong-wah further said that owing to the heavy agenda of the Council meetings, the motion to extend the scrutiny period of the six items of subsidiary legislation was not dealt with before the expiry of the 28-day scrutiny period. Subsequently, the Administration wrote to the Subcommittee on 2 June 2012 advising that it would not bring the six items of subsidiary legislation into operation. It also assured the Subcommittee that individual disciplined services departments ("DSDs") would continue to process applications for legal and other forms of representation administratively. The Administration had also undertaken to consult the management and staff sides of the DSDs again and would introduce the revised amendment regulations/rules into LegCo to replace the current ones.

42. Mr LAU Kong-wah added that the Subcommittee had no objection in principle to the arrangement proposed by the Administration and recommended that the Panel on Public Service should follow up with the Administration on its responses to issues raised by the Subcommittee. In addition, the Subcommittee had requested the Administration to consult the Panel on Public Service early on the draft version of the amendment regulations/rules, so that Members' views could be taken into account before the amendment regulations/rules were made and gazetted. The Panel on Public Service was also invited to consider setting up a subcommittee in the Fifth LegCo for the purpose of following up the Administration's work in this regard and scrutinizing the draft version of the amendment regulations/rules.

43. Dr Margaret NG expressed dissatisfaction with the Administration's approach in submitting the legislative amendments to LegCo for scrutiny. She pointed out that apart from the amendments relating to allowing an accused to apply for legal or other forms of representation at a disciplinary hearing and the conduct of hearings in absentia, the amendment regulations/rules also introduced considerable amendments to the wording of the provisions of the existing six pieces of subsidiary legislation. It would not be feasible to complete the scrutiny of the amendment regulations/rules within the tight timeframe under the negative vetting procedure even with the scrutiny period extended.

44. While not objecting to the Administration's decision not to bring the six items of subsidiary legislation into operation for the time being and to continue processing applications for legal and other forms of representation administratively, Dr Margaret NG pointed out that this could have been avoided had the Administration made better

Action

arrangements for the scrutiny of the legislative amendments by LegCo. The Panel on Public Service had been urging the Administration to introduce the amendments into LegCo since 2009 but to no avail. Furthermore, some staff of the DSDs had indicated that the Administration had not consulted all the staff concerned on the proposed amendments. She requested that the views of the Subcommittee as well as those expressed by Members at the HC meeting should be taken into consideration by the relevant committee/subcommittee in scrutinizing the revised regulations/rules in future.

(b) Report of the Subcommittee to Study the Proposed Legislative Amendments Relating to the Re-organisation of the Government Secretariat

(LC Paper No. CB(2) 2350/11-12)

45. The Chairman said that Mr TAM Yiu-chung, Chairman of the Subcommittee, had made a verbal report at the last HC meeting. A written report was provided for the HC meeting.

46. Dr Margaret NG said that she wished to put on record that she and some other Members had strong views against the proposals on the re-organisation of the Government Secretariat and their scrutiny process.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 2347/11-12)

47. The Chairman said that there was one Bills Committee, eight subcommittees under HC (i.e. five subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and six subcommittees under Panels in action.

48. In response to Dr Margaret NG, the Chairman said that subcommittees on policy issues or other Council business formed under HC should report to HC before the end of the current term.

VIII. Request for priority allocation of a debate slot to the Chairman of the Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues

(LC Paper No. CB(2) 2336/11-12)

49. Mr IP Kwok-him, Chairman of the Select Committee, said that since its commencement of work in March 2012, the Select Committee

Action

had held a total of eight meetings and six public hearings to take evidence from 17 witnesses. The Select Committee had reached its final stage of work and planned to table its report at the Council meeting of 27 June 2012.

50. Mr IP Kwok-him further said that as the study of the Select Committee had been of wide public concern, the Select Committee considered it necessary to provide an opportunity for all Members and the Administration to express their views on its findings and observations. The Select Committee agreed to seek the approval of HC under rule 14A(h) of the House Rules for priority allocation of a debate slot to him, in his capacity as Chairman of the Select Committee, for moving a motion for debate on its report at the Council meeting of 11 July 2012. The wording of the motion was set out in the Appendix to the paper. He appealed to Members to support the Select Committee's request.

51. Members agreed to the Select Committee's request for priority allocation of a debate slot to its Chairman for moving a motion on its report at the Council meeting of 11 July 2012.

52. Mr KAM Nai-wai asked whether any minority report would be issued by members of the Select Committee, as in the case of the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products.

53. Mr IP Kwok-him said that the Select Committee had yet to complete its work. It was working in full gear with a view to completing the drafting of the report and submitting it to the Council on 27 June 2012.

Valedictory motion

54. The Chairman said that it was the past practice for her, as Chairman of HC, to move a valedictory motion at the last Council meeting of a LegCo term. The normal speaking time limits stipulated in rule 17(b) of the House Rules would apply, i.e. 15 minutes for the mover of the motion and seven minutes for other Members. However, arrangement had been adopted in the past where the speaking time limit for each Member at the valedictory motion debate was 15 minutes. She invited Members' view in this regard.

55. The Chairman further said that given the large number of Members' motions carried over from previous meetings to be dealt with at the last Council meeting of 11 July 2012, Members might wish to consider whether there should be any other motion without legislative

Action

effect to be moved by individual Members for debate at that Council meeting, in addition to the motion debates on the Select Committee's report and the valedictory motion.

56. Dr Margaret NG sought clarification on whether Members could propose amendments to the valedictory motion.

57. The Chairman replied in the affirmative. She informed Members that the draft wording of the motion, which was in line with that of the previous LegCo term, was "That this Council concludes its work and wishes for the smooth formation of the Fifth Legislative Council to continue to serve the people of the Hong Kong Special Administrative Region".

58. Members agreed to the proposed wording of the valedictory motion to be moved by the Chairman of HC at the Council meeting of 11 July 2012.

59. Mr TAM Yiu-chung said that given the large amount of unfinished business on the Agenda of the Council, he suggested a speaking time limit of seven minutes for each Member at the valedictory motion debate. In his view, a Member's speech could better capture the attention of others if it was concise and to the point.

60. In response to Ms Emily LAU's enquiry, the Chairman said that should Members agree that, other than the debates on the Select Committee's report and the valedictory motion, there should be no other motion debates without legislative effect to be moved by individual Members at the Council meeting of 11 July 2012, a total of 17 Members' motions would be scheduled for that meeting.

61. Members raised no objection to the proposal that other than the motion debate on the Select Committee's report, only the valedictory motion debate would be held at the Council meeting of 11 July 2012.

62. Ms Emily LAU was concerned whether the Council could finish all the items of business on the Agenda before the prorogation of the Council on 18 July 2012.

63. At the invitation of the Chairman, SG referred Members to pages 4 and 5 of LC Paper No. CB(3) 912/11-12 and said that other than the question session and a Government bill for which notice was anticipated to be given for the resumption of its Second Reading debate, the last Council meeting commencing on 11 July 2012 would be dealing mainly with Members' business. Should Members agree to meet every day

Action

thereafter until the Council's prorogation on 18 July 2012, the total number of hours available for holding that Council meeting would amount to 89 hours, which exceeded the estimated 69.5 hours required for dealing with all the business on the Agenda of the Council, with 19.5 hours left.

64. In response to Ms Emily LAU's further enquiry, SG said that as an estimated 19.5 hours would be left, depending on the progress of the upcoming Council meetings, it might not be necessary for the Council meeting of 11 July 2012 to continue on Saturday and Sunday of the week.

65. Ms Emily LAU considered that the Secretariat should include in its estimate the time to be spent on the ringing of the quorum bell and the division bell.

66. The Chairman said that it was difficult for the Secretariat to predict with accuracy the number of times Members might request the counting of the quorum of the Council. The Secretariat would keep the work plan under constant review having regard to the progress of each Council meeting. Adjustments would have to be made to the plan, if and when necessary.

67. Ms Emily LAU sought clarification on whether the Council meeting of 20 June 2012 would continue on Saturday, 23 June 2012 and Sunday, 24 June 2012.

68. At the invitation of the Chairman, SG replied in the negative, adding that the Secretariat proposed to resume the Council meeting of 20 June 2012 on Thursday and Friday of the week as well as the following Monday and Tuesday (i.e. 21, 22, 25 and 26 June 2012).

69. Mr LEUNG Kwok-hung criticized that the Council should not meet day after day because of the need to scrutinize the Chief Executive-elect ("CE-elect")'s re-organization proposals. Expressing concern about the impact of holding too frequent and lengthy meetings on the health of Members, he suggested that medical officers and psychologists should be engaged to stand by during the upcoming Council meetings. He also cautioned that Members could be prone to making mistakes when they were exhausted.

70. Mr IP Kwok-him said that had some Members not requested the counting of the quorum of the Council, time would not have been wasted. Regarding the planning of Council business for the upcoming Council meetings prepared by the Secretariat, he considered the estimation made by the Secretariat too optimistic. Given the huge backlog of Council

Action

business and the uncertainties with the progress of the Council meetings, he considered a speaking time limit of seven minutes for each Member at the valedictory motion debate more appropriate. He considered it necessary for the Secretariat to keep the Council's work plan under review and make adjustments in the light of developments.

71. At the invitation of the Chairman, SG said that the tentative plan for handling all items of business as set out in the paper was worked out based on the information provided by committee clerks and the average time taken for similar debates and items of business in the past under normal circumstances. The Secretariat would keep the tentative plan under review having regard to the progress of work of each Council meeting.

72. The Chairman said that in view of the concerns expressed by some Members, she suggested that HC might defer its decision on the speaking time limit for Members at the valedictory motion debate until nearer the Council meeting of 11 July 2012.

73. Mr Jeffrey LAM asked whether the two days of 25 and 26 June 2012 reserved for the continuation of the Council meeting commencing on 20 June 2012 could be released for holding additional meetings of the Finance Committee ("FC"), in case the latter could not finish the business on its agenda for the meetings scheduled for 15, 16, 18 and 19 June 2012.

74. The Chairman pointed out that there would be a long Agenda for the Council meeting of 20 June 2012. Unless Members agreed to continue the Council meeting on the Saturday and Sunday of the week, it would be difficult for that Council meeting to finish all the items of business on the Agenda if 25 and 26 June 2012 were released for FC meetings.

75. At the invitation of the Chairman, SG said that to provide sufficient time for the Council to deal with all the items of business on the Agenda for the Council meeting of 20 June 2012, it would be necessary for the Council to meet on 25 and 26 June 2012. Should FC need to hold meetings on these two days, Members would need to discuss whether adjustments should be made to the days of that Council meeting.

76. The Chairman suggested deferring the decision on the matter until the next HC meeting on 22 June 2012.

77. Dr PAN Pey-chyou said if the Council needed to meet on Saturday and Sunday, notice should be given to Members at the earliest possible time as they needed time to re-schedule other prior engagements.

Action

Regarding the valedictory motion to be moved by the Chairman at the Council meeting of 11 July 2012, he supported a speaking time limit of seven minutes for each Member.

78. Noting from the tentative plan that 17 debates on Members' motions with no legislative effect were scheduled for the last Council meeting of 11 July 2012, Mr Paul TSE opined that it would be meaningless to hold so many debates at the same Council meeting as Members would not be able to participate actively in them. He asked whether similar situation had happened in the past and whether consideration could be given to requesting the Members concerned to withdraw their motions voluntarily or by way of drawing lots.

79. The Chairman shared the view that it would be meaningless to schedule so many debates on Members' motions at one Council meeting. Subject to Members' view on Mr Paul TSE's proposal, the Secretariat might consult the Members concerned on their willingness to withdraw their motions. She suggested that Members might further consider Mr TSE's proposal later having regard to the progress of the Council meetings.

80. Mr TAM Yiu-chung expressed dissatisfaction that a small number of Members were mistreating other Members by making repetitive and non-sensible speeches at Council meetings and frequent requests for counting the quorum of the Council. He considered it difficult to estimate the time required for completing the Council business given that the Council was now operating under abnormal conditions. Citing the Council meeting held in the morning of 15 June 2012 as an example, he said that a lot of time had been wasted on the counting of quorum.

81. Mr CHAN Kam-lam said that it would facilitate the Secretariat in coming up with a more accurate estimate on the time required for handling all the items of business at the Council meeting of 11 July 2012 if Members could make a decision at this HC meeting on the speaking time limit for each Member at the valedictory motion debate. In his view, the normal speaking time limit of seven minutes would be sufficient for Members to give a concise and succinct speech.

82. Mr WONG Kwok-hing criticized some Members for abusing their right to request the counting of the quorum of the Council, which had wasted a lot of time. He said that according to the information provided by the Secretariat and his rough estimation, during the legislative process of the Competition Bill which lasted for five days, the quorum bell had been rung a total of 51 times. Taking 10 minutes as the average time spent on each occasion when the quorum bell was rung, a total of 8.5

Action

hours had been wasted. He stressed that this had not done any good to LegCo or the public. Given the limited time left before the prorogation of the Council, he appealed to Members belonging to different political parties and groupings to co-operate in completing the work of the Council.

83. Mr WONG Yuk-man said that had there been sufficient quorum at the Council meetings, he and some other Members would not have requested the counting of the quorum. He stressed that Members had the right and responsibility to express their views on important bills, such as the Competition Bill and the Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2012. He made preparations for his speeches at Council meetings and all his speeches had substance.

84. Mr LEUNG Kwok-hung said that had the Administration not introduced the Legislative Council (Amendment) Bill 2012, he and some other Members would not have resorted to filibuster to demonstrate their protest. Criticizing the CE-elect for pushing hard for the passage of his re-organization proposals before 1 July 2012 regardless of Members' grave reservation about the proposals, he stressed that Members should give priority to the bills which had been scrutinized by the relevant Bills Committees for many years, rather than the re-organization proposals, which, in his view, had no urgency.

85. Ms Emily LAU said that should Members wish to hold FC meetings on 25 and 26 June 2012 for discussion of the financial proposals relating to the re-organization of the Government Secretariat, decision should be made as early as possible.

86. The Chairman said that it would depend on whether FC could finish the discussions on the financial proposals at its meeting on 19 June 2012, and Members could further discuss the matter at the next HC meeting having regard to the progress of the FC and Council meetings in the following week. The Chairman also suggested deferring the decision on the speaking time limit for each Member at the valedictory motion debate until nearer the Council meeting of 11 July 2012. Members agreed.

IX. Proposal from Hon LEUNG Kwok-hung for moving a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting of 20 June 2012 for the purpose of debating the following issue: the suicide of LI Wang-yang

(Letter dated 8 June 2012 from Hon LEUNG Kwok-hung to the Chairman of the House Committee (LC Paper No. CB(2) 2337/11-12(01)))

Action

87. Mr LEUNG Kwok-hung said that he raised the proposal on 8 June 2012 for moving a motion for adjournment under RoP 16(4) at the Council meeting of 20 June 2012 to debate on the case of LI Wang-yang. Owing to the grave concern of Hong Kong people, there had been some progress on the matter. Some Hong Kong delegates to the National People's Congress ("NPC") and the Chinese People's Political Consultative Conference ("CPPCC") had written to the Mainland Authorities to express their concern. Nevertheless, Mr LI's death was still a mystery. Given the wide public concern about the matter, he considered it necessary for LegCo to discuss it. Should the matter have been resolved when the Council was to discuss it, the debate would not take long. He appealed to Members to support his proposal.

88. The Chairman said that should Members accede to Mr LEUNG Kwok-hung's request, the adjournment debate would unlikely be held at the Council meeting of 20 June 2012 having regard to the Agenda for that Council meeting. It was estimated that the adjournment debate could be held at the Council meeting of 4 July 2012 at the earliest.

89. Mr LEUNG Kwok-hung said that he did not mind holding the adjournment debate at the Council meeting of 4 July 2012.

90. Ms Emily LAU said that Members belonging to the Democratic Party supported Mr LEUNG Kwok-hung's proposal. She noted that the Chief Executive ("CE") had raised doubts about LI Wang-yang's death during the CE's Question and Answer Session ("Q&A Session") held the day before the HC meeting, and the Secretary for Food and Health had also expressed the view that there were suspicious circumstances surrounding Mr LI's death. Many Members had also expressed concern about the matter. She considered it necessary for LegCo to discuss and follow up on the matter.

91. Ms Cyd HO said that she had written to the President on 14 June 2012 seeking his approval for moving an adjournment debate under RoP 16(2) at the Council meeting of 20 June 2012 between two items of business. After writing to the President, she was informed by the Secretariat of Mr LEUNG Kwok-hung's proposal to move an adjournment debate on the same subject matter at the same Council meeting under RoP 16(4). She noted that as an adjournment debate under RoP 16(4) could only be moved at the conclusion of all the business on the Agenda of the Council, it could unlikely be moved at the Council meetings of 20 or 27 June 2012 given the heavy agenda for those Council meetings. In her view, the adjournment debate should be held as soon as possible before 1 July 2012, so that Members' views on the matter could be reflected to President HU Jin-tao who reportedly would

Action

be visiting Hong Kong on 1 July 2012. Hence, her request to the President for moving an adjournment debate under RoP 16(2) at the Council meeting of 20 June 2012.

92. Mr LEUNG Kwok-hung said that it would not be necessary to discuss his proposal should the President approve Ms Cyd HO's request.

93. The Chairman said that it was for the President to decide on Ms Cyd HO's request, which was not on the agenda of the HC meeting. HC could only make a recommendation to the President on Mr LEUNG Kwok-hung's proposal.

94. Ms Audrey EU said that while the incident happened in the Mainland, it took place after LI WANG-yang had been interviewed by Hong Kong media. Many people had attended the candlelight vigils to mourn his death. Many Hong Kong delegates to NPC and CPPCC had written to the Mainland Authorities on the matter, and CE had also expressed his concern about it during the CE's Q&A Session. She considered it incumbent upon LegCo to discuss and reflect the strong public concern on the matter. She further said that there was urgency in discussing the matter. Apart from the need to find out the truth of Mr LI's death, there was also grave concern about the whereabouts and personal safety of Mr LI's sister and other family members. Members belonging to the Civic Party supported Mr LEUNG Kwok-hung's proposal and hoped that the debate could be held as early as possible.

95. Ms Cyd HO indicated support for Mr LEUNG Kwok-hung's proposal. She believed that both she and Mr LEUNG shared the same goal that the adjournment debate be held expeditiously given the public concerns about the truth of LI Wang-yang's death and the safety and liberty of his family.

96. Members agreed to Mr LEUNG Kwok-hung's proposal for moving an adjournment debate under RoP 16(4) for debating on LI Wang-yang's case. Members also agreed that subject to the President's approval, the adjournment debate be held at the Council meeting of 4 July 2012.

97. The Chairman informed Members that as it was estimated that the adjournment debate on issues relating to fare increase by MTRCL to be moved by Mr CHEUNG Hok-ming originally scheduled for the Council meeting of 2 May 2012 would also be held at the Council meeting of 4 July 2012, two adjournment debates would be held at the same Council meeting. According to past practice, if there was more than one adjournment debate at the same Council meeting, the Chairman of HC should move one adjournment debate for debating the two subjects. The

Action

same arrangement would be adopted for the two adjournment debates proposed by Mr CHEUNG Hok-ming and Mr LEUNG Kwok-hung respectively. Members agreed to the arrangements.

98. Members further agreed to seek the President's approval for extending the duration of the adjournment debate beyond one and a half hours, and that each Member might speak once in each of the two sessions of the debate, subject to a speaking time limit of five minutes in each session.

99. There being no other business, the meeting ended at 3:52 pm.

Council Business Division 2
Legislative Council Secretariat
21 June 2012