

立法會
Legislative Council

LC Paper No. CB(2)1401/12-13

Ref : CB2/H/5/12

House Committee of the Legislative Council

**Minutes of the 29th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 14 June 2013**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)

Hon Ronny TONG Ka-wah, SC (Deputy Chairman)

Hon Albert HO Chun-yan

Hon LEE Cheuk-yan

Hon James TO Kun-sun

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Tommy CHEUNG Yu-yan, SBS, JP

Hon Frederick FUNG Kin-kee, SBS, JP

Hon Vincent FANG Kang, SBS, JP

Hon WONG Kwok-hing, MH

Dr Hon Joseph LEE Kok-long, SBS, JP

Hon WONG Ting-kwong, SBS, JP

Hon Cyd HO Sau-lan

Hon Starry LEE Wai-king, JP

Dr Hon LAM Tai-fai, SBS, JP

Hon CHAN Hak-kan, JP

Hon CHAN Kin-por, BBS, JP

Dr Hon Priscilla LEUNG Mei-fun, JP

Dr Hon LEUNG Ka-lau

Hon CHEUNG Kwok-che

Hon WONG Kwok-kin, BBS

Hon IP Kwok-him, GBS, JP

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

Hon Paul TSE Wai-chun, JP

Hon Alan LEONG Kah-kit, SC

Hon LEUNG Kwok-hung

Hon Albert CHAN Wai-yip
Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin
Hon WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK
Hon CHAN Chi-chuen
Hon CHAN Han-pan
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, BBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Frankie YICK Chi-ming

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mrs Justina LAM	Acting Secretary General
Ms Connie FUNG	Acting Legal Adviser
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
Ms Emily PANG	Acting Head (Public Information)
Miss Betty MA	Chief Council Secretary (2)1
Ms Alice LEUNG	Chief Council Secretary (2)2
Ms Amy YU	Chief Council Secretary (2)6
Mr Kelvin LEE	Assistant Legal Adviser 1
Mr Timothy TSO	Assistant Legal Adviser 2
Mr Bonny LOO	Assistant Legal Adviser 3
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Josephine SO	Senior Council Secretary (2)2
Mr Jove CHAN	Senior Council Secretary (2)6
Ms Judy TING	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

**I. Confirmation of the minutes of the 28th meeting held on 7 June 2013
(LC Paper No. CB(2)1322/12-13)**

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that he had informed CS that Dr Kenneth CHAN had written to the House Committee ("HC") expressing dissatisfaction with the arrangement for the delivery of the Chief Executive's ("CE") Policy Address. CS had undertaken to relay to the

Action

Financial Secretary Dr CHAN's views as well as the relevant views raised by the Deputy Chairman at their last meeting. CS had also advised that the Administration would soon inform the Legislative Council ("LegCo") Secretariat of the dates for the delivery of the Policy Address and the Budget in the next session. The Chairman further said that the Deputy Chairman had conveyed to CS the requests that the Administration should inform Members of the timing for its consultations on next year's Policy Address and Budget as early as possible, and that the timing of such consultations should not overlap with that on the consultation on constitutional reform.

III. Legal Service Division report on subsidiary legislation gazetted on 7 June 2013

(LC Paper No. LS60/12-13)

3. At the invitation of the Chairman, Acting Legal Adviser briefed Members on the two items of subsidiary legislation, namely the Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2013 (L.N. 101) and the Hospital Authority Ordinance (Amendment of Schedule 1) Order 2013 (L.N. 102), which were gazetted on 7 June 2013 and would be tabled in the Council on 19 June 2013.

4. Members did not raise any question on the two items of subsidiary legislation.

5. The Chairman reminded Members that the deadline for amending the subsidiary legislation was 17 July 2013.

IV. Further business for the Council meeting of 19 June 2013

Members' motions

(a) Proposed resolution to be moved by Hon SIN Chung-kai under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:

(i) Trade Descriptions (Powers Not Exercisable by Communications Authority) Notice; and

(ii) Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (Commencement) Notice

(Wording of the proposed resolution issued vide LC Paper No. CB(3)678/12-13 dated 13 June 2013.)

Action

6. The Chairman said that Mr SIN Chung-kai, Chairman of the Subcommittee on the above two Notices, would move a proposed resolution at the Council meeting to extend the scrutiny period of the two Notices to the Council meeting of 17 July 2013.

(b) Proposed resolution to be moved by Hon WONG Ting-kwong under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the:

(i) Companies (Revision of Financial Statements and Reports) (Amendment) Regulation 2013;

(ii) Companies (Disclosure of Information about Benefits of Directors) (Amendment) Regulation 2013;

(iii) Companies (Model Articles) Notice;

(iv) Company Records (Inspection and Provision of Copies) Regulation;

(v) Companies (Non-Hong Kong Companies) Regulation; and

(vi) Companies (Fees) Regulation

(Wording of the proposed resolution issued vide LC Paper No. CB(3)665/12-13 dated 7 June 2013)

7. The Chairman said that Mr WONG Ting-kwong, Chairman of the Subcommittee on Subsidiary Legislation Made under the New Companies Ordinance, would move a proposed resolution at the Council meeting to extend the scrutiny period of the above six items of subsidiary legislation to the Council meeting of 17 July 2013.

V. Business for the Council meeting of 26 June 2013

(a) Questions
(LC Paper No. CB(3)668/12-13)

8. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

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

Waste Disposal (Amendment) Bill 2013

9. The Chairman said that the Administration had given notice to present the above Bill to the Council on 26 June 2013. HC would consider the Bill at its meeting on 28 June 2013.

(c) **Government motion**

Proposed resolution to be moved by the Secretary for Home Affairs under section 7(a) of the Legal Aid Ordinance (Cap. 91)
(Wording of the proposed resolution issued vide LC Paper No. CB(3)666/12-13 dated 7 June 2013)

10. The Chairman said that the Secretary for Home Affairs had given fresh notice to move the above proposed resolution at the Council meeting of 26 June 2013. The Subcommittee on the proposed resolution would report its deliberations under agenda item VI(c) below.

(d) **Members' motions**

(i) **Motion under the Legislative Council (Powers and Privileges) Ordinance to be moved by Hon LEUNG Kwok-hung**
(Wording of the motion issued vide LC Paper No. CB(3)675/12-13 dated 13 June 2013)

11. The Chairman said that Mr LEUNG Kwok-hung would move the above motion to seek LegCo's authorization to appoint a select committee to inquire into the surrender by the Hong Kong Mercantile Exchange Limited of its authorization to provide automated trading services and related issues. The Chairman reminded Members that the speaking time limit for each Member at the above motion debate was 15 minutes.

(ii) **Motion on "Concern about the expenditure of the West Kowloon Cultural District project" to be moved by Hon Christopher CHUNG**
(Wording of the motion issued vide LC Paper No. CB(3)676/12-13 dated 13 June 2013.)

(iii) **Motion on "Enhancing the quality and quantity of local tertiary education" to be moved by Dr Hon Kenneth CHAN**
(Wording of the motion issued vide LC Paper No. CB(3)677/12-13 dated 13 June 2013.)

Action

12. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above motions was Wednesday, 19 June 2013.

Report of HC on Consideration of Subsidiary Legislation

13. The Chairman invited Members to note the list containing 12 items of subsidiary legislation tabled at the meeting, the period for amendment of which would expire on 26 June 2013. Members who wished to speak on the subsidiary legislation should indicate their intention by 5:00 pm on Tuesday, 18 June 2013.

VI. Report of Bills Committees and subcommittees

(a) Report of the Bills Committee on Betting Duty (Amendment) Bill 2013

(LC Paper No. CB(2)1330/12-13)

14. Mr MA Fung-kwok reported the deliberations of the Bills Committee on behalf of Mr Tommy CHEUNG, Chairman of the Bills Committee. Mr MA said that the Bills Committee had held four meetings with the Administration and received public views at one of these meetings. He referred Members to the Bills Committee's report for details of its deliberations.

15. Mr MA Fung-kwok further said that the purpose of the Bill was to abolish the betting duty for bets accepted outside Hong Kong in relation to the conduct of authorized betting on local horse races and to charge a duty at a flat rate of 72.5% on the net stake receipts from the conduct of authorized betting on non-local horse races, subject to a guaranteed amount of \$175 million per year during the three-year guarantee period. According to the Administration, the proposed betting duty structure would facilitate the conduct of two-way commingling on horse race betting. The commingling arrangement would reduce the possibility of illegal bookmakers taking advantage of arbitrage of odds differences, thus discouraging off-shore and illegal bookmaking activities.

16. Mr MA Fung-kwok informed the meeting that while members supported the proposed amendments in the Bill to combat illegal gambling activities, they were concerned whether the two-way commingling arrangement might encourage more people to participate in gambling activities and whether the proposed betting duty structure would affect the Government's tax revenue. A member suggested that the

Action

Administration should review the new betting duty structure before the expiry of the proposed three-year guarantee period, so as to ensure that there was no loss of revenue to the Government from the racing business in the long run.

17. Mr MA Fung-kwok added that the Bills Committee did not raise objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 3 July 2013.

18. The Chairman reminded Members that the deadline for giving notice of Committee stage amendments ("CSAs"), if any, was Saturday, 22 June 2013.

**(b) Report of the Bills Committee on Inland Revenue (Amendment)
(No. 2) Bill 2013**

(LC Paper No. CB(1)1256/12-13)

19. Mr Kenneth LEUNG, Chairman of the Bills Committee, said that the purpose of the Bill was to amend the Inland Revenue Ordinance (Cap. 112) to give effect to the proposed tax concessions in the 2013/14 Budget, including increasing the child allowance from \$63,000 to \$70,000 for each eligible child per annum and the additional one-off child allowance in the year of birth for each eligible child also from \$63,000 to \$70,000; enhancing the deduction ceiling for expenses of self-education from \$60,000 to \$80,000; and reducing salaries tax, tax under personal assessment and profits tax for the year of assessment 2012/13 by 75%, subject to a ceiling of \$10,000 per case.

20. Mr Kenneth LEUNG reported that the Bills Committee had held one meeting with the Administration. The Bills Committee supported the Bill in principle. The major issues examined by the Bills Committee included justifications for and financial implications of the tax concession proposals, how the Administration had worked out the proposed tax concessions, and eligibility for claiming the child allowance and the dependent parent allowance.

21. Mr Kenneth LEUNG further reported that the Bills Committee would not propose any CSA to the Bill. The Administration would move CSAs to introduce technical amendments to clauses 3, 4 and 7 regarding the numbering of section 89(11) of and Schedules 28 and 29 to the Inland Revenue Ordinance. The Bills Committee supported the Administration's proposed CSAs and the resumption of the Second Reading debate on the Bill at the Council meeting of 26 June 2013.

Action

22. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, was Monday, 17 June 2013.

(c) **Report of the Subcommittee on Proposed Resolution under Section 7(a) of the Legal Aid Ordinance (Cap. 91)**

(LC Paper No. CB(4)768/12-13)

23. Mr Dennis KWOK reported the deliberations of the Subcommittee on behalf of Mr Albert HO, Chairman of the Subcommittee. Mr KWOK said that the Subcommittee had completed its work, and referred Members to the Subcommittee's report for details of its deliberations.

24. Mr Dennis KWOK reported that the Subcommittee considered it necessary to review the financial eligibility limits ("FELs") for the Ordinary Legal Aid Scheme ("OLAS") and the Supplementary Legal Aid Scheme ("SLAS"). According to the Administration, preparatory work for the relevant reviews had commenced, and it planned to report progress of the reviews to the Panel on Administration of Justice and Legal Services in the 2013-2014 session. Some members suggested expanding the scope of OLAS and SLAS to cover defamatory libel cases. The Administration agreed to convey the suggestion to the Legal Aid Services Council for consideration.

25. Mr Dennis KWOK added that the Subcommittee did not raise objection to the Administration giving fresh notice for moving the proposed resolution to seek LegCo's approval for raising the FELs for OLAS from \$260,000 to \$269,620 and for SLAS from \$1,300,000 to \$1,348,100.

26. The Chairman reminded Members that the deadline for giving notice of amendments, if any, was Wednesday, 19 June 2013.

(d) **Report of the Subcommittee on Business Registration Ordinance (Amendment of Schedule 2) Order 2013**

27. Mr WONG Ting-kwong, Chairman of the Subcommittee, gave a verbal report on the deliberations of the Subcommittee. Mr WONG said that the Subcommittee had completed its scrutiny work. The object of the Order was to reduce the levy rates payable in relation to the registration of a business from \$450 to \$250 for a one-year business registration certificate, and from \$1,350 to \$750 for a three-year business registration certificate. All money received from the levy should be paid to the Protection of Wages on Insolvency Fund ("the Fund").

Action

28. Mr WONG Ting-kwong reported that the Subcommittee had held one meeting with the Administration, and members did not raise objection to the proposed reduction of levy rates. Some members considered that the Administration should review the coverage of the Fund, in view of the sound financial position of the Fund. The Administration undertook to commence the review of the Fund in the second half of 2013.

29. Mr WONG Ting-kwong further reported that the Subcommittee would not propose any amendment to the Order, and would provide its written report later.

30. The Chairman reminded Members that as the deadline for amending the Order was 26 June 2013, the deadline for giving notice of amendments, if any, was Wednesday, 19 June 2013.

VII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1323/12-13)

31. The Chairman said that as at 13 June 2013, there were 14 Bills Committees, 10 subcommittees under HC (i.e. seven subcommittees on subsidiary legislation, one subcommittee on policy issues and two subcommittees on other Council business) and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues under Panels are on the waiting list.

VIII. Nomination and election of Members for appointment to the Select Committee to Inquire into Matters Relating to Mr Timothy TONG's Duty Visits, Entertainment, and Bestowing and Receipt of Gifts during his Tenure as Commissioner of the Independent Commission Against Corruption

(LC Paper No. CB(4)748/12-13) issued vide LC Paper No. CB(2)1302/12-13 dated 6 June 2013]

32. The Chairman said that at the last HC meeting, Members agreed to the procedure for the nomination and election of Members for appointment to the Select Committee, as set out in paragraphs 11 and 12 as well as Appendix V to LC Paper No. CB(4)748/12-13.

33. The Chairman invited Members to make nominations for appointment to the Select Committee. The following Members were nominated. As there was no other nomination, the Chairman declared them elected for appointment to the Select Committee -

Action

Mr CHAN Hak-kan
Ir Dr LO Wai-kwok
Mr CHUNG Kwok-pan
Mr Dennis KWOK
Mr WONG Yuk-man
Mr Kenneth LEUNG
Mr IP Kwok-him
Mr James TO
Ms Cyd HO
Mr WONG Kwok-kin
Dr Priscilla LEUNG
Mr Tony TSE
Mr Paul TSE

34. The Chairman suspended the meeting for about 10 minutes to enable the 13 nominated members to decide among themselves the members to be nominated as the Chairman and Deputy Chairman of the Select Committee.

(The meeting was suspended at 2:53 pm and resumed at 2:59 pm.)

35. The Chairman informed Members that Mr IP Kwok-him and Ms Cyd HO were nominated for appointment as the Chairman and Deputy Chairman of the Select Committee respectively.

36. Members endorsed the proposed composition of the Select Committee.

37. The Chairman said that the chairmanship, deputy chairmanship and membership of the Select Committee would be submitted to the President for appointment.

IX. Activation of select committees required to be established under Rule 20(6) of the Rules of Procedure pursuant to the presentation of a petition

(Paragraphs 19 to 25 of the minutes of the 28th House Committee meeting held on 7 June 2013)

(LC Paper No. CB(2)1344/12-13)

38. The Chairman said that in response to Members' request at the last HC meeting, the Secretariat had prepared a paper on the arrangements for activation of select committees established under the Rules of Procedure ("RoP") without being authorized to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). He invited Members' views on the proposal that the number of

Action

such select committees that might be in operation at any one time be capped at one.

39. The Deputy Chairman said that while he appreciated the pressure on the manpower of the Secretariat should more such select committees be formed in the future, he considered it important that flexibility should be provided for Members to deal with unexpected incidents of public concern. He suggested that in the event that more than one such select committee was formed at any one time, the activation of the second one should be considered by HC on a case-by-case basis. Should HC agree that there was urgency for that select committee to commence work at the same time, the Secretariat should seek additional resources from The Legislative Council Commission ("LCC") to cope with the servicing work.

40. Ms Emily LAU said that she did not object to the Deputy Chairman's suggestion. However, manpower resources should be readily available for coping with the servicing work should HC agree that more than one such select committee should be in operation at any one time, so that LegCo's work would not be delayed by manpower constraint.

41. The Chairman said that he had discussed the matter with the Deputy Chairman and the Secretariat that morning. According to his understanding, it was the Deputy Chairman's proposal that should more than one such select committee be formed, the activation of the second one should be considered by HC on a case-by-case basis having regard to the availability of resources of the Secretariat and the urgency of the matter. At the same time, the Secretariat would seek LCC's approval to bid for additional resources in the Resource Allocation Exercise ("RAE").

42. At the invitation of the Chairman, Acting Secretary General said that LCC normally considered in July each year the need to bid for additional resources in RAE to meet operational needs. Should Members consider that there was a need to make provision in the Secretariat's staffing complement for servicing such select committees, LCC's approval would be sought to bid for additional resources in the coming RAE.

43. Ms Emily LAU reiterated that it was important to ensure that manpower resources were readily available for servicing such select committees should HC agree to their activation.

44. Mr IP Kwok-him said that apart from the availability of manpower resources of the Secretariat, Members should also take into account their availability for participating in the work of the select committees. In his

Action

view, the number of such select committees operating at any one time should be capped at one, and the activation of more than one such select committee should be allowed by HC only under exceptional circumstances.

45. The Deputy Chairman said that he trusted that Members would not lightly invoke the procedure under RoP 20(6) to form select committees.

46. Members agreed to the above arrangements for activation of select committees.

X. Request of Hon MA Fung-kwok to discuss his proposal of asking an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 19 June 2013 relating to "Allegations of hacking into computers in Hong Kong by the government of the United States of America"

(Letter dated 13 June 2013 from Hon MA Fung-kwok (LC Paper No. CB(2)1369/12-13(01)))

47. At the invitation of the Chairman, Mr MA Fung-kwok said that according to press reports, Mr Edward Snowden, a former analyst of the Central Intelligence Agency of the United States ("US"), had alleged that the US government had been hacking into computers in Hong Kong for years and the targets included the computer systems of The Chinese University of Hong Kong, which was a major internet data exchange hub in Hong Kong, public officials, enterprises and students. He noted that the US government had not denied the truth of the claims made by Mr Snowden, and considered that there were reasons to believe that his claims were supported by facts. Mr MA also expressed concern that the alleged hacking was still ongoing. Given that cyber security was at stake, Mr MA considered that there was urgency to ask an oral question at the Council meeting of 19 June 2013 to request information from the Administration on how it would handle the matter, including the measures it would take to prevent recurrence of similar incidents and the extradition arrangements between US and Hong Kong. Mr MA hoped that the President would allow sufficient time for Members to raise supplementary questions.

48. The Deputy Chairman said that the occurrence of an unexpected incident did not necessarily warrant the asking of an urgent oral question. He recalled that Mr CHAN Hak-kan had proposed to ask an urgent oral question on a fatal tree falling incident last year, but Members considered that there was no urgency in asking the proposed question which focused on the relevant government policy. Instead of asking an urgent oral

Action

question on the matter under discussion, the Deputy Chairman proposed that a motion for adjournment under RoP 16(4) be moved by the Chairman of HC, given the much higher threshold required for an urgent oral question to be asked (i.e. the matter should be of an urgent character and of public importance). The holding of an adjournment debate would allow more time for Members to express their views and the Administration would be required to give a response. Subject to Members' views, the President's approval could be sought for waiving the requisite notice for holding the proposed adjournment debate at the next Council meeting of 19 June 2013.

49. Mr CHAN Han-pan expressed support for Mr MA Fung-kwok's proposal, given the grave public concern and the seriousness of the matter. Mr CHAN added that his email account for dealing with LegCo business might have been the target of hacking and he understood that the same had also happened to some other Members.

50. Ms Claudia MO expressed support for the proposal of the Deputy Chairman to hold an adjournment debate. She criticized CE for repeatedly refusing to respond to media questions on the matter. As the US Government was alleged to have hacked into computers in Hong Kong, Ms MO considered that there was urgency for the Administration to respond to the matter.

51. Mr James TO said that there was urgency for LegCo to follow up the matter as significant public interests were involved. Mr TO further said that he had written to the Chairman of the Panel on Security requesting discussion of the matter at a Panel meeting and that Mr Snowden be invited to attend the meeting. He added that alternatively, a special HC meeting could be held to discuss the matter.

52. Mr Charles MOK expressed support for the proposed adjournment debate as it would allow more time for Members to express their views and public officials concerned would be required to provide a response. Mr MOK further said that he had been allocated an oral question slot at the Council meeting of 26 June 2013 and would raise the matter in his oral question.

53. Mr SIN Chung-kai said that the proposals of asking an urgent oral question and holding an adjournment debate were not mutually exclusive. He supported both proposals having regard to the great public concern and the need for the Administration to respond to the matter.

Action

54. Ms Starry LEE shared the view that the two proposals were not mutually exclusive. She supported both proposals in view of the urgency of the matter and the significant public interests involved. She pointed out that there were cases in the past where both urgent oral questions were asked and an adjournment debate was held on the same subject at the same Council meeting. The information provided by the Administration in its reply to the oral question could provide the basis for further discussion at the adjournment debate.

55. Mr WONG Yuk-man said that he would not object to inviting Mr Snowden to a meeting of the Panel on Security so long as he was willing to attend and his personal safety could be guaranteed. He, however, doubted whether the Administration was able to answer Members' questions on the matter given that the alleged hacking of computers in Hong Kong was carried out by the US government.

56. Mr Christopher CHUNG said that he was agreeable to both the asking of an urgent oral question and the holding of an adjournment debate. He cautioned that Members should have regard to the personal safety of Mr Snowden in considering the suggestion of inviting him to a meeting of the Panel on Security.

57. Ms Emily LAU said that Members belonging to the pan-democratic camp supported the proposal for the Chairman of HC to move an adjournment motion to enable Members to discuss the matter at the Council meeting of 19 June 2013. Ms LAU further said that she had requested the Secretariat to prepare a background paper on Hong Kong's extradition mechanism and related legal provisions for Members' information. She added that the Chairman of the Panel on Security, Mr IP Kwok-him, agreed that such a background paper be prepared for the Panel members and copied to other Members for information. Ms LAU added that she was also supportive of some Members' proposal of asking an urgent oral question as well as holding an adjournment debate on the matter.

58. Referring to the comment he made earlier, the Deputy Chairman clarified that while the incident under discussion in itself might be of an urgent character, a question on the relevant government policy was not necessarily so. As a request for asking an urgent oral question was in effect jumping the queue, Members should examine what information was being sought in the question when considering whether such requests should be acceded to.

Action

59. Mr Paul TSE said that Mr MA Fung-kwok's question appeared to focus on cyber security, while some other Members considered that it was also necessary to follow up the Administration's handling of Mr Snowden's incident. Having regard to the importance of the matter and the public interests involved, he supported the asking of the proposed urgent oral question, the holding of the proposed adjournment debate, and the proposal to discuss the matter at a meeting of the Panel on Security. He considered it necessary for LegCo to follow up the matter expeditiously through various channels. Mr TSE added that CE's failure to respond to media questions on the matter during his duty visit to New York was disappointing.

60. Mr Alan LEONG said that he found it depressing that CE repeatedly refused to comment on Mr Snowden's incident during his New York visit. He considered that there was a need for LegCo to follow up the matter and expressed support for the proposal to hold an adjournment debate to elicit a response from the Administration.

61. Mr IP Kwok-him said that he, as Chairman of the Panel on Security, was open-minded about Mr James TO's proposal to discuss the matter at a meeting of the Panel. However, in his view, it would be meaningful to hold such a meeting only if Mr Snowden was willing to attend. Mr IP added that so far he had not yet received Mr James TO's letter.

62. Mr James TIEN said that Members belonging to the Liberal Party supported both the asking of the proposed urgent oral question and the holding of the proposed adjournment debate.

63. Dr LAM Tai-fai said that he was open-minded about the various proposals put forward by Members to follow up the matter. However, since CE had insisted on declining to comment on individual incidents, Members belonging to the pro-establishment camp might wish to consider whether their actions contradicted CE's stance on the matter.

64. Mr James TO said that his proposal to invite Mr Snowden to a meeting of the Panel on Security was based on the consideration of public interest. It was for Mr Snowden himself to decide whether to attend. Should Mr Snowden raise concern about his personal safety in coming to LegCo, the Police and the Security Bureau could provide protection to him.

65. The Chairman said that Mr James TO's proposal should be considered by the Panel on Security.

Action

66. Ms Emily LAU said that Members belonging to the pan-democratic camp had agreed to write to the Chairman of the Panel on Security requesting the Panel to convene a meeting to discuss cyber security. The letter would be sent to the Chairman of the Panel on Security soon. They considered that the Administration and relevant experts should also be invited to the meeting, and hoped that the Panel would agree to discuss the matter even if Mr Snowden was not able to attend the meeting.

67. The Chairman said that he gathered from the discussions that Members supported both Mr MA Fung-kwok's proposal to ask an urgent oral question at the Council meeting of 19 June 2013 and the Deputy Chairman's proposal for him, as the Chairman of HC, to move a motion for adjournment under RoP 16(4) for the purpose of enabling Members to debate on the issue of cyber security at the same Council meeting. The President's approval would be sought for dispensing with the requisite notice for holding the proposed adjournment debate and extending the duration of the adjournment debate beyond one and a half hours in order to enable all Members wishing to speak to do so.

68. Mr Paul TSE opined that apart from cyber security, the wording of the motion should also include the Administration's handling of Mr Snowden's incident. The Chairman said that an adjournment motion should be neutrally worded. Members could express their views freely on the matter at the adjournment debate.

XI. Any other business

69. There being no other business, the meeting ended at 3:28 pm.