

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1455/12-13

Ref : CB2/H/5/12

**House Committee of the Legislative Council**

**Minutes of the 30th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 21 June 2013**

**Members present:**

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

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

Hon LEE Cheuk-yan

Hon CHAN Kam-lam, SBS, JP

Hon LEUNG Yiu-chung

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

Hon Emily LAU Wai-hing, JP

Hon TAM Yiu-chung, GBS, JP

Hon Abraham SHEK Lai-him, SBS, 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 Jeffrey LAM Kin-fung, GBS, 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

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 James TIEN Pei-chun, GBS, JP  
Hon NG Leung-sing, SBS, JP  
Hon Steven HO Chun-yin  
Hon Frankie YICK Chi-ming  
Hon WU Chi-wai, MH  
Hon YIU Si-wing  
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 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  
Hon IP Kin-yuen  
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:**

Hon Albert HO Chun-yan  
Hon James TO Kun-sun  
Dr Hon LEUNG Ka-lau  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Gary FAN Kwok-wai  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, JP

**Clerk in attendance :**

Miss Flora TAI

Clerk to the House Committee

**Staff in attendance :**

Mrs Justina LAM	Acting Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mr Andy LAU	Assistant Secretary General 1
Ms Dora WAI	Acting Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
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)
Mr Simon WONG	Head (Public Information)
Ms Joanne MAK	Chief Council Secretary (2)3
Ms Amy YU	Chief Council Secretary (2)6
Mr Bonny LOO	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Mr YICK Wing-kin	Assistant Legal Adviser 8
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Stephen LAM	Assistant Legal Adviser 11
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

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**I. Confirmation of the minutes of the 29th meeting held on 14 June 2013**

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

The minutes were confirmed.

## II. Matters arising

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

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2. The Chairman informed Members that CS had advised that the Administration had proposed the following dates for delivering the 2013-2014 Policy Address and Budget -

- (a) the Chief Executive ("CE") would present the 2014 Policy Address on 15 January 2014;
- (b) the CE's Question and Answer session on the 2014 Policy Address would be held on 16 January 2014; and
- (c) the Financial Secretary would present the Budget on 26 February 2014. The second Budget meeting would be held on 9 and 10 April 2014, and the third Budget meeting on 16 April 2014.

3. The Chairman further said that the above Council meeting dates would be determined by the President.

## 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 (2012-2013) Bill** *(LC Paper No. LS62/12-13)*

4. At the invitation of the Chairman, Legal Adviser ("LA") said that the Bill was introduced in accordance with section 9 of the Public Finance Ordinance (Cap. 2) to seek final legislative authority for the supplementary appropriation for the specified heads of expenditure approved by the Finance Committee or under the powers delegated by it in the financial year that ended on 31 March 2013 in addition to the sum appropriated by the Appropriation Ordinance 2012.

5. 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 14 June 2013**

*(LC Paper No. LS61/12-13)*

6. At the invitation of the Chairman, LA briefed Members on the seven items of subsidiary legislation which were gazetted on 14 June 2013. These included six items of subsidiary legislation tabled in the Council on 19 June 2013 and one Regulation made under the United Nations Sanctions Ordinance (Cap. 537) ("UNSO") which was not required to be tabled in the Council.

7. Regarding the United Nations Sanctions (Iran) (Amendment) Regulation 2013 (L.N. 109) made under UNSO which was not subject to amendment by the Legislative Council ("LegCo"), the Chairman suggested that it be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as it came within the Subcommittee's terms of reference. Members agreed.

8. Members did not raise any question on the other six items of subsidiary legislation (i.e. L.N. 103 to L.N. 108).

9. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation (except the subsidiary legislation not required to be tabled in the Council) was 17 July 2013.

**IV. Further business for the Council meeting of 26 June 2013**

**(a) Tabling of papers**

**Report No. 19/12-13 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2)1403/12-13 issued vide LC Paper No. CB(3)701/12-13 dated 20 June 2013)*

10. The Chairman said that the Report covered 12 items of subsidiary legislation, including the Business Registration Ordinance (Amendment of Schedule 2) Order 2013 ("the Order"), the period for amendment of which would expire on 26 June 2013. As two Members had indicated their intention to speak on the Order, he, as Chairman of the House Committee ("HC"), would move a motion to take note of the report in relation to the Order.

(b) **Questions**  
(*LC Paper No. CB(3)693/12-13*)

11. The Chairman said that Mr Charles MOK and Dr Kenneth CHAN had replaced their oral questions.

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

**Inland Revenue (Amendment) (No. 2) Bill 2013**

12. The Chairman said that the Bills Committee on the above Bill had reported to HC at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motion**

**Proposed resolution to be moved by the Chief Secretary for Administration under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484)**

(*Wording of the proposed resolution issued vide LC Paper No. CB(3)688/12-13 dated 17 June 2013.*)

13. The Chairman said that the Subcommittee on Proposed Senior Judicial Appointments reported to HC at the meeting on 24 May 2013, and Members did not raise objection to the recommended appointments.

**V. Business for the Council meeting of 3 July 2013**

(a) **Questions**  
(*LC Paper No. CB(3)692/12-13*)

14. 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**

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

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

**Betting Duty (Amendment) Bill 2013**

16. The Chairman said that the Bills Committee on the above Bill had reported to HC at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motion**

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

(e) **Members' motions**

(i) **Motion on "Facing up to the aspirations of the people participating in the march on 1 July" to be moved by Hon Sin Chung-kai**

*(Wording of the motion issued vide LC Paper No. CB(3)700/12-13 dated 19 June 2013)*

(ii) **Motion on "Formulating a population policy" to be moved by Hon IP Kwok-him**

*(Wording of the motion issued vide LC Paper No. CB(3)699/12-13 dated 19 June 2013)*

18. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Tuesday, 25 June 2013.

**VI. Report of Bills Committees and subcommittees**

(a) **Report of the Bills Committee on Inland Revenue and Stamp Duty Legislation (Alternative Bond Schemes) (Amendment) Bill 2012**

*(LC Paper No. CB(1)1337/12-13)*

19. Mr CHAN Kam-lam, Chairman of the Bills Committee, reported that the Bills Committee had held seven meetings and had met with deputations at one of these meetings. The Bills Committee supported the Bill, and noted the support from market players and practitioners for the early passage of the Bill with a view to promoting Hong Kong as an issuance platform of Islamic bonds ("sukuk").

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20. Mr CHAN Kam-lam said that the main issues deliberated by the Bills Committee included operation of an alternative bond scheme; investment arrangements and tax treatment in relation to the five most common types of sukuk covered in the Bill; tax administration matters such as record keeping requirements to address tax avoidance concerns and infrastructures to support the development of Islamic finance in Hong Kong such as protection and education of investors of Islamic bonds.

21. Mr CHAN Kam-lam added that the Bills Committee would not move any Committee stage amendment ("CSA") to the Bill and supported the CSAs to be moved by the Administration. The Bills Committee also supported the resumption of the Second Reading debate on the Bill at the Council meeting of 10 July 2013.

**(b) Report of the Bills Committee on Air Pollution Control (Amendment) Bill 2013**

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22. Mr Charles MOK, Chairman of the Bills Committee, gave a verbal report on the deliberations of the Bills Committee. He said that the Bill proposed to repeal the power of the Secretary for the Environment to promulgate Air Quality Objectives ("AQOs") in a technical memorandum. Instead, a set of updated AQOs, which was subject to review at least once every five years, was to be provided in the Air Pollution Control Ordinance (Cap. 311). According to the Administration, the new AQOs were benchmarked against a combination of both the interim and the ultimate targets of the Air Quality Guidelines released by the World Health Organization and were broadly comparable to the air quality standards adopted in the European Union and the United States.

23. Mr Charles MOK reported that in the course of deliberations, members raised concern about the impact of the new AQOs on the public as well as different trades and industries. The Administration advised that in updating the AQOs, it had endeavoured to strike a balance between protecting public health and ensuring that the operation of different trades and industries were not affected.

24. Mr Charles MOK further reported that the Bills Committee noted that when implementing the new AQOs, the Administration would make a transitional arrangement for projects with Environmental Permits ("EPs") granted under the Environmental Impact Assessment Ordinance (Cap. 499) before the commencement of the new AQOs (i.e. 1 January 2014). For these projects, an application for variation of EPs lodged within 36 months of the commencement of the new AQOs would be

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considered on the basis of the current AQOs. According to the Administration, the transitional arrangement served to preserve the integrity of the environmental impact assessment ("EIA") system and provide regulatory certainty for project proponents who had already completed the EIA process.

25. Mr Charles MOK added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 10 July 2013. Both the Administration and the Bills Committee would not move any CSA to the Bill. The Bills Committee would provide its written report later.

(c) **Report of the Bills Committee on Arbitration (Amendment) Bill 2013**

*(LC Paper No. CB(4)796/12-13)*

26. Dr Priscilla LEUNG, Chairman of the Bills Committee, said that the Bills Committee had completed its scrutiny work. She referred Members to the Bills Committee's report for details of its deliberations.

27. Dr Priscilla LEUNG reported that in response to members' views, the Administration agreed to move CSAs to improve the drafting of the Bill. Details of these CSAs were set out in paragraph 16 of the report.

28. Dr Priscilla LEUNG further reported that according to the Administration, the Bill, if enacted, would come into operation in two phases. The Administration would move CSAs to provide for the phased commencement of the Bill. It would also move a CSA to add "Myanmar" to the Schedule to the Arbitration (Parties to New York Convention) Order (Cap. 609 sub. leg. A).

29. Dr Priscilla LEUNG also informed the meeting that the Bills Committee urged the Administration to actively explore the implementation of an arrangement of reciprocal recognition and enforcement of arbitral awards between Hong Kong and Taiwan similar to that between Hong Kong and Macao. The Bills Committee also called on the Administration to implement other measures, apart from enacting the Bill, to promote Hong Kong as a regional arbitration centre.

30. Dr Priscilla LEUNG added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 10 July 2013.

**(d) Report of the Bills Committee on Inland Revenue (Amendment) Bill 2013**

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31. Mr CHAN Kin-por gave a verbal report on the deliberations of the Bills Committee on behalf of Mr Kenneth LEUNG, Chairman of the Bills Committee. Mr CHAN said that the main purpose of the Bill was to put in place a legal framework to enable Hong Kong to enter into tax information exchange agreements ("TIEAs") with other jurisdictions, and to amend the existing statutory requirements for exchange of information ("EoI") in relation to tax, with a view to bringing the EoI regime on par with the prevailing international EoI standard and enabling Hong Kong to enter into comprehensive avoidance of double taxation agreements ("CDTAs") with more jurisdictions.

32. Mr CHAN Kin-por reported that the Bills Committee supported the proposals in the Bill to help maintain Hong Kong's reputation on tax transparency and enhance the competitiveness of Hong Kong. In the course of its deliberations, the Bills Committee had considered the impact which the proposals in the Bill might have on taxpayers. According to the Administration, it had no plan to amend the existing requirement under the Inland Revenue Ordinance (Cap. 112) that business transaction and rent records should be retained for a period of not less than seven years. The Administration also advised that the existing safeguards on taxpayers' privacy and confidentiality of information exchanged provided under the Inland Revenue (Disclosure of Information) Rules (Cap. 112 sub. leg. BI) would be applicable to both CDTAs and TIEAs.

33. Mr CHAN Kin-por further reported that some members had proposed to set up an independent oversight body to monitor the handling of EoI requests by the Inland Revenue Department. The Administration advised that a review system was already in place to handle taxpayers' appeals. As Hong Kong was undergoing a review by the Organization for Economic Cooperation and Development, there was an urgent need for Hong Kong to put in place the legal framework for TIEAs proposed in the Bill before September 2013, failing which Hong Kong might run the risk of being labeled as an uncooperative jurisdiction. The Administration was unable to introduce structural changes to the existing oversight mechanism within such a short period of time, but undertook to continue to solicit views to improve the oversight mechanism.

34. Mr CHAN Kin-por added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 10 July 2013. Neither the Administration nor the Bills Committee would move any CSA to the Bill. The Bills Committee would provide its written report later.

**(e) Report of the Bills Committee on Hong Kong Arts Development Council (Amendment) Bill 2013**

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35. Mr IP Kwok-him, Chairman of the Bills Committee, gave a verbal report on the deliberations of the Bills Committee. He said that the Bill sought to repeal the existing restriction that the relevant organization or group of organizations might only nominate one representative for the arts interest represented by that organization or group of organizations, and amend section 3(4) and section 3(5) of the Hong Kong Arts Development Council Ordinance (Cap. 472) ("HKADCO") to change the existing arrangement of specifying organizations or groups of organizations to specifying organizations or individuals (or both) for each of the arts interests listed in section 3(5) of HKADCO.

36. Mr IP Kwok-him reported that the Bills Committee had held two meetings and had completed its scrutiny work. Members noted that section 3 of HKADCO provided for the nomination of arts representatives for appointment to the Hong Kong Arts Development Council ("HKADC"), while details of the nomination process were implemented by way of administrative arrangements. According to the Administration, certain existing administrative arrangements were not consistent with the relevant provisions of HKADCO; hence, the Bill was introduced to amend HKADCO. Besides discussing this issue, members were generally concerned about the eligibility criteria for individuals and organizations taking part in the nomination of arts interests representatives and had raised different views and suggestions in this regard. Some members requested the Administration to consider relaxing the eligibility criteria to enable more members of the arts community to take part in the nomination exercise. The Bills Committee would refer members' views and suggestions to the Panel on Home Affairs for discussion and follow-up.

37. Mr IP Kwok-him further reported that in respect of the proposal of the Bills to amend section 3(5) of HKADCO to change from specifying "organizations or groups of organizations" to specifying "organizations or individuals", a member considered that a definition of "individuals" should be provided in HKADCO to facilitate members of the arts community to consider whether they met the relevant eligibility criteria.

38. Mr IP Kwok-him added that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 10 July 2013, and would not move any CSA to the Bill. The Bills Committee would provide its written report later.

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39. Ms Cyd HO said that the lack of a statutory definition for "individuals" and "organizations" in HKADCO was far from satisfactory. She would consider proposing CSAs to the Bill in this regard.

40. The Chairman reminded Members that the deadline for giving notice of CSAs to the above five Bills, which were scheduled for resumption of Second Reading debates at the Council meeting of 10 July 2013, was Saturday, 29 June 2013.

**VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)1402/12-13)*

41. The Chairman said that as at 20 June 2013, there were 12 Bills Committees, eight subcommittees under HC (i.e. five 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 were on the waiting list.

**VIII. Priority allocation of a debate slot to a Duty Roster Member**

*(LC Paper No. CP861/12-13)*

42. At the invitation of the Chairman, Dr Fernando CHEUNG said that he, as a Duty Roster Member ("DRM"), proposed on behalf of himself and six other DRMs and invited Members (including Dr Joseph LEE, Mr Alan LEONG, Ms Emily LAU, Mr KWOK Wai-keung, Mr IP Kin-yuen and Mr TANG Ka-piu) to seek the agreement of HC for priority allocation of a debate slot for a debate on the issues highlighted by a complaint case handled under the LegCo Redress System.

43. Dr Fernando CHEUNG informed the meeting that on 3 June 2013, the seven Members met with a deputation of parents of autistic children and children who were mildly or moderately mentally handicapped to listen to their accounts of the hardships suffered by their children. Dr CHEUNG said that due to inadequate resources provided by the Government, these children had to wait for years for allocation of places in Day Activity Centres or sheltered workshops after they had graduated from special schools. During the prolonged waiting, these children might forget what they had learnt in special schools and the skills they had acquired. Not only was their best learning time missed, resources devoted to their training in special schools were also wasted. The lack of support from the Government had also put many of these parents under

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immense pressure, and some suffered from mental illness as a result and had to seek psychiatric treatment. Some of these parents had even contemplated suicide to end their own and their children's miseries.

44. Dr Fernando CHEUNG further said that given the urgent need for the Government to address without further delay the issues highlighted by the complaint case, i.e. the serious shortfall of places in Day Activity Centres and sheltered workshops as well as the immense hardships faced by persons with such disabilities and their parents, the seven Members agreed unanimously that the agreement of HC be sought for priority allocation of a debate slot under Rule 14(i) of the House Rules ("HR") for him, in his capacity as a DRM, to move a motion for debate on the subject at the Council meeting of 17 July 2013, to enable Members to express their views and to urge the Administration to take immediate follow-up actions. They also proposed that should HC accede to the request, the debate slot should not be counted as his own slot.

45. The Chairman said that he had discussed the matter with the Secretariat before the meeting. As the Chairman of HC, he would like to draw Members' attention to the relevant procedural arrangements. He pointed out that under the existing mechanism, DRMs could refer policy issues to the relevant Panels or subcommittees for follow-up. If considered necessary, the committee concerned might seek the agreement of HC under HR 14A for priority allocation of a debate slot. In his view, it was not desirable for HC to consider whether exceptional arrangement should be made on a case-by-case basis each time a request for allocation of a debate slot to a DRM was made. The Chairman further said that in response to Ms Emily LAU's suggestion, The Legislative Council Commission had earlier requested the Secretariat to review the operation of the LegCo Redress System. Should Members consider it necessary to explore the need to put in place a mechanism for allocation of debate slots to DRMs to move motions for debate on issues involved in complaint cases handled under the Redress System, the matter could be referred to the Committee on Rules of Procedure for consideration.

46. Ms Emily LAU said that she had indeed requested a review of the LegCo Redress System. She pointed out that it was stipulated in the Basic Law that one of the powers and functions of LegCo was to receive and handle complaints from members of the public. Under the existing mechanism, while DRMs could refer policy issues to relevant Panels, the issues were seldom followed up by the Panels due to their heavy commitments. She would propose that policy issues of great public concern highlighted by complaint cases should be debated in Council, and the review on the Redress System should consider her proposal. She added that the seven Members from different political parties and

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groupings who handled the complaint case under discussion were of the view that the Government had committed a serious policy mistake, and agreed unanimously to seek the agreement of HC for priority allocation of a debate slot for a debate on the issues at the last Council meeting of the current session. She appealed to Members to support their proposal.

47. Mr IP Kwok-him said that the issues highlighted by the complaint case were of concern to all Members. It was his understanding that the relevant Panel and subcommittee were following up the issues. Mr IP further said that there was an established mechanism for priority allocation of debate slots to chairmen of committees, and DRMs concerned could also follow up the issues with the Administration through case conferences under the Redress System. In his view, as the proposed allocation of a debate slot to DRMs involved changes to the existing mechanism, it should be considered in the context of the review of the Redress System. Having regard to the above considerations, Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong did not support the proposal under discussion. Mr IP added that should any Member consider that there was urgency to debate the issues in Council, he could make an application for allocation of a debate slot through the established queuing mechanism.

48. Mr James TIEN said that while all Members were concerned about the inadequate support of the Government to socially disadvantaged groups, the problem highlighted by the complaint case had existed for years and there was no urgency to hold a debate on the matter in Council. Mr TIEN further said that as Members' motions passed by the Council were not binding on the Administration, it was questionable whether the proposed motion debate could help resolve the problem. Members belonging to the Liberal Party therefore would not support the proposal. Mr TIEN stressed that not supporting the proposal under discussion should not be regarded as not caring about the disadvantaged groups. There were many issues of public concern and Members should adhere to the established mechanism in following up the issues highlighted by the complaint case.

49. Mr LEUNG Kwok-hung considered it necessary to change the existing LegCo system for handling complaint cases. Given the seriousness of the issues involved, he supported the proposal of the DRMs, which would enable Members to express their views in Council and demonstrate to the public their concern about the issues. He added that these seven DRMs were representing LegCo in handling the complaint case.

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50. Mr Jeffrey LAM said that there were many issues of grave public concern at the moment, such as the impact of the plan of the Federal Reserve of the United States to scale back its economic stimulus programme on the economy of Hong Kong. Members had different issues of concern to them and should follow the established mechanism for allocation of debate slots for debate on the issues. He did not support the proposal under discussion, as it was in effect jumping the queue for debate slots. He added that the issues highlighted by the complaint case had been discussed for a long time and queried whether the proposed motion debate could produce any fruitful outcome.

51. Mr Alan LEONG said that he was one of the seven Members who met with the deputation. They considered the proposal, which involved changes to the existing mechanism, worth pursuing having regard to the serious policy mistake on the part of the Executive and the need for the Legislature to discharge its duty of monitoring the work of the Executive. Mr LEONG further said that should Members agree to consider proposals of DRMs for allocation of debate slots, it would be for HC to determine whether priority should be given to debating the specific subjects proposed for debate.

52. Dr KWOK Ka-ki said that he could not subscribe to some Members' view that it was useless for Members to debate the issues in Council. Although Members' motions passed by the Council were not binding on the Administration, the Administration would be required to provide responses to the issues raised in the debates. As the relevant committees already had a long list of outstanding items for discussion, it was unlikely that the issues highlighted by the complaint case could be dealt with within the current session. The holding of the proposed motion debate would show Members' concern for these children and their parents and elicit a response from the Administration at the last Council meeting of the current session. Dr KWOK expressed support for the proposal under discussion on account of the special circumstances of the complaint case. He added that not every complaint case dealt with under the Redress System warranted a motion debate in Council and other Members could also make proposals to HC for priority allocation of debate slots for debating other important issues.

53. Mr LEE Cheuk-yan considered that as HR currently provided for an individual Member to apply for priority allocation of a debate slot, DRMs should be allowed to make use of the existing mechanism to discharge their duties under the Redress system to help complainants. Members should respect the proposal of the seven Members concerned and it was unjustifiable for Members who had not handled the complaint case to object to the proposal. He stressed that it was incumbent upon Members to press the Administration to take actions to improve the situation.

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54. Mr WU Chi-wai said that it was the responsibility of DRMs to make their best endeavours to follow up complaint cases, and Members should support the proposal of the seven Members for priority allocation of a debate slot at the Council meeting of 17 July 2013. Although a Member's motion passed by the Council had no binding effect on the Administration, it would reflect the consensual view of Members and put pressure on the Administration to address the issues. He added that Members were duty bound to debate on issues of public concern. He therefore appealed to Members to support the proposal.

55. Ms Claudia MO said that while there were many issues of public concern, not all issues warranted priority allocation of debate slots. In view of the hardships suffered by the parents concerned some of whom were even contemplating suicide, she considered that the exceptional and compelling circumstances of the complaint case justified the proposal to give priority to Dr Fernando CHEUNG to move a motion for debate on the issues. The proposed motion debate would enable Members to express their views and urge the Administration to take actions to address the issues expeditiously.

56. Dr Kenneth CHAN expressed support for the proposal. He stressed that the proposal was not the attempt of an individual Member to jump the queue, but the unanimous decision of seven Members of different political affiliations handling the complaint case in a bid to help the complainants who had been suffering from prolonged hardships caused by maladministration and the lack of support from the Government. It was a special case requiring special attention. Should HC support the proposal, it would send a strong message to the Administration on the need to tackle the issues expeditiously. He appealed to Members to support the proposal.

57. Dr Fernando CHEUNG said that there was urgency to debate the issues in Council as many children with disabilities had been waiting for allocation of places in Day Activity Centres or sheltered workshops for more than five years and some of the parents were suffering from mental illness due to the immense stress in taking care of their children. With the imminent approach of the summer break, the seven Members agreed unanimously that the issues should be addressed without further delay. It would be regrettable if Members failed to speak for one of the most vulnerable groups in society.

58. Given Members' diverse views, the Chairman put to vote the proposal to allocate a debate slot to Dr Fernando CHEUNG, in his capacity as a DRM, for moving a motion on "The shortfall of places in Day Activity Centres and sheltered workshops and the well-being of persons with disabilities" at the Council meeting of 17 July 2013. Ms Emily LAU requested a division.

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The following Members voted in favour of the proposal:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Dr Joseph LEE, Mr Ronny TONG, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr SIN Chung-kai, Mr IP Kin-yuen and Mr POON Siu-ping.

(21 Members)

The following Members voted against the proposal:

Mr CHAN Kam-lam, Dr LAU Wong-fat, Mr TAM Yiu-chung, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Miss CHAN Yuen-han, Miss Alice MAK, Mr Christopher CHEUNG, Mr Martin LIAO, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.

(28 Members)

The following Member abstained from voting:

Dr Priscilla LEUNG.

(1 Member)

59. The Chairman declared that 21 Members voted for and 28 Members voted against the proposal and one Member abstained from voting. The Chairman declared that the proposal was negated.

**IX. Any other business**

60. There being no other business, the meeting ended at 3:29 pm.