

**立法會**  
***Legislative Council***

LC Paper No. CB(2)951/13-14

Ref : CB2/H/5/13

**House Committee of the Legislative Council**

**Minutes of the 16th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 21 February 2014**

**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 Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Frederick FUNG Kin-kee, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Prof Hon Joseph LEE Kok-long, SBS, JP, PhD, RN  
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, SBS, 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-yee, 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 Frankie YICK Chi-ming  
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 Vincent FANG Kang, SBS, JP

**Clerk in attendance :**

Miss Flora TAI

Clerk to the House Committee

**Staff in attendance :**

Mr Kenneth CHEN, SBS	Secretary General
Mr Jimmy MA, JP	Legal Adviser
Mrs Justina LAM	Deputy Secretary General
Mr Andy LAU	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Dora WAI	Principal Council Secretary 1
Ms Emily PANG	Chief Public Information Officer
Ms Amy YU	Chief Council Secretary (2)6
Mr Arthur LEUNG	Chief Council Secretary (3)3
Ms Anita SIT	Chief Council Secretary (4)1
Miss Carrie WONG	Assistant Legal Adviser 4
Mr Stephen LAM	Assistant Legal Adviser 11
Mr Jove CHAN	Senior Council Secretary (2)2
Miss Josephine SO	Senior Council Secretary (2)6
Miss Jasmine TAM	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 15th meeting held on 7 February 2014**

*(LC Paper No. CB(2)908/13-14)*

The minutes were confirmed.

**II. Matters arising**

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

Consultation on population policy

2. The Chairman said that CS noted the wish of some Members for her to attend at the earliest opportunity another special meeting of the

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House Committee ("HC") to exchange views with Members on the subject of population policy. CS advised that she agreed in principle to attend another HC meeting for that purpose. As the public consultation exercise on population policy would end soon, CS suggested meeting with Members again after the University of Hong Kong had completed its analysis on the views received during the consultation period.

3. Ms Emily LAU said that she was unable to raise questions at the last two special HC meetings on population policy. She hoped that the meeting arrangements would be reviewed and the duration of the next special meeting could be extended, so as to allow more Members to raise questions. The Chairman undertook to convey Ms LAU's request for extending the meeting duration to CS.

2013-2014 Legislative Programme

4. The Chairman said that he had pointed out to CS that the Administration had only introduced five bills into the Legislative Council ("LegCo") in the first half of the current session, far fewer than the 11 bills originally planned. The Deputy Chairman had also expressed concern that Members might not have sufficient time to scrutinize the backlog of bills, given their tight work schedule during the second half of the session.

5. The Chairman further said that CS had responded that she was also concerned about the progress of the Legislative Programme and had reminded the relevant Secretaries of Departments and Directors of Bureaux to expedite their work. However, as the consultation work on some legislative proposals was more complicated than expected, the schedule had been affected.

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

**Legal Service Division report on subsidiary legislation gazetted on 14 February 2014 and tabled in Council on 19 February 2014**

*(LC Paper No. LS26/13-14)*

6. At the invitation of the Chairman, Legal Adviser briefed Members on the Legal Service Division report on the five items of subsidiary legislation (i.e. L.N. 17 to L.N. 21) which were gazetted on 14 February 2014 and tabled in Council on 19 February 2014.

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7. The Chairman considered it necessary to form a subcommittee to study in detail the Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation (L.N. 17), the Toys and Children's Products Safety Regulation (Repeal) Regulation (L.N. 18) and the Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice (L.N. 19). Members agreed. The Chairman agreed to join the proposed subcommittee.

8. Members did not raise any questions on the other two items of subsidiary legislation.

9. The Chairman reminded Members that the deadline for amending these five items of subsidiary legislation was the Council meeting of 19 March 2014, or that of 9 April 2014 if extended by a resolution of the Council.

#### **IV. Business for the Council meeting of 26 February 2014**

##### **(a) Tabling of papers**

##### **Report No. 12/13-14 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**

*(LC Paper No. CB(2)910/13-14 issued vide LC Paper No. CB(3)411/13-14 dated 19 February 2014)*

10. The Chairman said that the Report covered three items of subsidiary legislation, including the Antiquities and Monuments (Declaration of Historical Buildings) (No. 2) Notice 2013 (L.N. 206/2013), the period for amendment of which would expire at the Council meeting of 26 February 2014.

11. The Chairman further said that as Dr KWOK Ka-ki, Chairman of the Subcommittee on the above Notice, had indicated intention to speak on the Notice, he would move a motion in his capacity as Chairman of HC to take note of the Report in relation to the Notice at that Council meeting after the Financial Secretary ("FS") had delivered his Budget speech.

##### **(b) Questions**

*(LC Paper No. CB(3)403/13-14)*

12. The Chairman said that upon the expiry of the deadline for giving notice of questions, two written question slots had not been taken up. As such, only 20 written questions had been scheduled for the Council meeting.

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

**The Administration has advised the Clerk to the Legislative Council that the Financial Secretary intends to present to the Council at the meeting:**

- (i) the Appropriation Bill 2014; and**
- (ii) the Estimates of Expenditure for the year ending 31 March 2015**

13. The Chairman said that FS would present to the Council on 26 February 2014 the Appropriation Bill 2014 and the Estimates of Expenditure for the year ending 31 March 2015.

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

**Second report of the Subcommittee on Fugitive Offenders (Czech Republic) Order, Mutual Legal Assistance in Criminal Matters (Spain) Order and Mutual Legal Assistance in Criminal Matters (Czech Republic) Order**

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*(LC Paper No. CB(2)914/13-14)*

14. On behalf of Mr James TO, Chairman of the Subcommittee, Mr SIN Chung-kai briefed Members on the deliberations of the Subcommittee in relation to the Mutual Legal Assistance in Criminal Matters (Spain) Order and the Mutual Legal Assistance in Criminal Matters (Czech Republic) Order as detailed in its report. Members noted that the Subcommittee raised no objection to the two Orders, and that the Administration would give fresh notices for moving the proposed resolutions to seek the Council's approval of the Orders.

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

*(LC Paper No. CB(2)909/13-14)*

15. The Chairman said that as at 20 February 2014, there were seven Bills Committees, five subcommittees under HC and eight subcommittees on policy issues under Panels in action. Four subcommittees on policy issues were on the waiting list.

## **VII. Proposals of the Committee on Members' Interests to amend the Registration Form on Members' Interests**

*(LC Paper No. CMI/23/13-14)*

16. Mr IP Kwok-him, Chairman of the Committee on Members' Interests ("CMI"), said that CMI had consulted all Members on the proposed amendments to the requirements for registration of Members' interests ("registration requirements"). In the light of the consultation outcome, CMI proposed to amend the Registration Form on Members' Interests ("Registration Form") to take forward certain proposed amendments to the registration requirements which were agreed to by a majority of the responding Members. Under the proposed amendments, Members would be required to register the following additional particulars -

- (a) the start dates of having and the dates of ceasing to have, during the term, registrable interests under the categories of "directorships", "remunerated employment, offices, etc." and "clients";
- (b) the dates of ceasing, during the term, to own/hold shares of each company which had been registered; and
- (c) the reasons for participation in sponsored overseas visits.

17. Mr IP Kwok-him further said that a majority of the responding Members also agreed that the layout of the Registration Form should be revised. As the Council had passed on 8 January 2014 the resolution to amend Rule 83(5)(a) and (h) of the Rules of Procedure ("RoP") with effect from the commencement of the new Companies Ordinance (Cap. 622) on 3 March 2014, consequential amendments were required to be made to the relevant pages of the Registration Form. CMI therefore proposed that the amended Registration Form should take effect from 3 March 2014. CMI also proposed that the requirements for Members to provide the additional particulars should have no retrospective effect. Mr IP added that subject to the views of HC, the amended Registration Form would be submitted to the President for approval under RoP 83(1).

18. Members agreed to the proposals of CMI to amend the Registration Form.

**VIII. Proposals to seek the Council's authorization for the appointment of a select committee to inquire into the termination of LI Wei-ling's contract by Commercial Radio and related matters; and that in the performance of its duties the select committee be authorized to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance**

**(a) Letter from Hon Claudia MO**

*(Letter dated 15 February 2014 from Hon Claudia MO (LC Paper No. CB(2)916/13-14(01)))*

**(b) Letter from Hon Albert CHAN**

*(Letter dated 19 February 2014 from Hon Albert CHAN (LC Paper No. CB(2)934/13-14(01)))*

19. The Chairman said that Ms Claudia MO and Mr Albert CHAN had written to him separately to put forward their requests for discussing their proposals to seek the Council's authorization to appoint a select committee to inquire into the termination of Ms LI Wei-ling's contract and related matters. Mr CHAN's letter was received in the morning of the day before this HC meeting, after the deadline for proposing agenda items for the meeting. However, having regard to the fact that Ms MO's proposal had been put on the agenda and the subject matter of Mr CHAN's proposal was substantially the same as that of Ms MO's proposal, he had exceptionally given approval to include Mr CHAN's proposal in the agenda, so that Members could consider both proposals together at this meeting.

20. The Chairman further said that should HC support the proposed appointment of a select committee, the motion to seek the Council's authorization for its appointment would be moved by him in his capacity as Chairman of HC.

21. Ms Claudia MO said that Ms LI Wei-ling had clearly stated that she was dismissed because Hong Kong Commercial Broadcasting Company Limited ("Commercial Radio") had succumbed to political pressure in return for the renewal of its licence. Ms MO expressed concern about the high-handed manner of the dismissal of Ms LI, who was not even allowed to go back to her office to pack her personal belongings, which included journalistic materials. Ms MO further said that according to Ms LI, she had been warned by someone close to the Chief Executive ("CE") to "mind her job". Ms MO queried whether the cause of Ms LI's dismissal was her outspoken style in hosting radio programmes and her critical stance against the Government, which the Government found



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worrying, particularly when the Occupy Central Movement was about to be launched. She appealed to Members for support of her proposal to appoint a select committee to inquire into the matter, so that all relevant parties could be summoned to give evidence before it.

22. Mr Albert CHAN said that he had lodged a complaint with the former Broadcasting Authority some years ago against Ms LI Wei-ling for making unfair criticism against him, and the complaint was substantiated. He proposed to appoint a select committee to conduct a thorough inquiry into the matter having regard to the gravity of the allegations made by Ms LI and the far-reaching implications on the core values of freedom of speech and freedom of the press. In his view, the alleged interference with the freedom of the press in the present case was much more serious and unreasonable than the alleged interference with academic freedom in the case involving Dr Robert CHUNG of the University of Hong Kong. Mr CHAN stressed that the proposed inquiry by LegCo, which would be conducted in an open, fair and just manner, was the best way to clear public doubts on the matter and do justice to all parties concerned.

23. The Chairman invited Members' views on the proposals.

24. Mr WONG Kwok-hing said that he objected to the proposed invocation of the powers under Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") to inquire into the matter, as the allegations made by Ms LI Wei-ling were not substantiated by any concrete evidence. In his view, the matter involved supervisor and subordinate relationship, as well as personal style and corporate culture, which had been politicized and blown out of proportion. He further said that LegCo's inquiry into the matter was also a form of interference with the editorial independence of Commercial Radio, and it was not worth the resources to conduct the proposed inquiry.

25. Mr Gary FAN expressed support for the proposed appointment of a select committee to inquire into the matter. He considered that as freedom of the press and freedom of speech were at stake, it was necessary for Commercial Radio to give a clear explanation of its decision to terminate Ms LI Wei-ling's contract. Citing a number of recent incidents involving various media organizations, such as Ming Pao Daily News, South China Morning Post, am730, Apple Daily and Hong Kong Television Network Limited, which showed signs of suppression of freedom of speech, Mr FAN stressed that it was incumbent upon LegCo to follow up the matter by conducting the proposed inquiry.

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26. Mr WONG Kwok-kin said that it was clear that the matter was merely an internal staffing dispute within Commercial Radio, which had been played up as a matter involving freedom of the press and freedom of speech. Furthermore, Ms LI Wei-ling had so far failed to provide concrete evidence to support her claims. Mr WONG added that Members belonging to the Hong Kong Federation of Trade Unions therefore did not support the proposed invocation of the powers under the P&P Ordinance to conduct an inquiry into the matter.

27. Mr WONG Ting-kwong said that he did not know Ms LI Wei-ling. He considered her a person of no significance and the termination of her contract was not an important matter worthy of the conduct of an inquiry by LegCo. In his view, it was only a dispute between an employer and an employee, and there was no evidence to support the serious allegations made by Ms LI. He therefore did not support the proposals of Ms Claudia MO and Mr Albert CHAN.

28. Mr NG Leung-sing said that it would arouse grave concern and worries in the business community if LegCo interfered in staff changes within a commercial organization lightly. In his view, the dismissal of Ms LI Wei-ling had been politicized as a matter involving public interests or the public's right to know, and an inquiry by LegCo was not warranted.

29. Mr Albert HO said that Ms LI Wei-ling was widely known to people in the political arena and media community and the nature of the issues was grave. He pointed out that allegations made by an individual could be substantiated if supported by other evidence such as circumstantial evidence. If a select committee was to be appointed by LegCo, it could summon Ms LI and other relevant parties to give evidence and Members could then decide whether her allegations were substantiated. Mr HO considered that LegCo should invoke the powers under the P&P Ordinance to conduct an inquiry into the matter to find out the truth.

30. Mr Frederick FUNG said that the termination of Ms LI Wei-ling's contract should not be taken simply as a business decision. He stressed that the media had all along been regarded as the "fourth estate" to monitor the Government. He regretted to note that according to the World Press Freedom Index released by Reporters Without Borders, Hong Kong had recorded a significant decline in press freedom in the last decade, from 18th in 2002 down to 61st in 2014. He considered it highly important to safeguard freedom of the press as it was closely related to freedom of speech. He expressed support for the proposed appointment of a select committee to inquire into the allegations made by Ms LI.

31. Ms Cyd HO said that freedom of the press and freedom of speech had been eroded in recent years. She cautioned that ultimately, the people of Hong Kong would be the ones to suffer if editorial independence of the media was infringed upon. In her view, Commercial Radio, being a broadcaster licensed to use public airwaves, owed the public an explanation of its immediate dismissal of Ms LI Wei-ling. She supported the conduct of an inquiry by LegCo to find out the truth of the matter.

32. Mr CHAN Chi-chuen said that the purpose of the proposed inquiry by LegCo was to find out whether the Government had, through licence renewal, interfered with the editorial independence of Commercial Radio and prompted Commercial Radio to dismiss Ms LI Wei-ling. Ms LI had made serious allegations against the management of Commercial Radio and CE, but so far neither of these parties had provided satisfactory answers to the public. Given that freedom of the press was at stake, Mr CHAN considered it necessary for LegCo to appoint a select committee to conduct an inquiry to clear the doubts surrounding the matter and do justice to all parties concerned.

33. Mr CHAN Han-pan said that while he cherished Hong Kong's freedom of the press, he did not consider that Ms LI Wei-ling's dismissal had anything to do with it. He stressed that the powers under the P&P Ordinance should not be invoked lightly, and opposed the proposed appointment of a select committee to inquire into the matter.

34. Dr Helena WONG stressed that the case of Ms LI Wei-ling was not an isolated incident. In view of the gravity of the allegations made against CE and the significant public interests involved, Members belonging to the Democratic Party supported the proposed invocation of the powers under the P&P Ordinance to inquire into the matter as it could do justice to all parties concerned.

35. Ms Emily LAU said that in the wake of recent incidents which had impact on Hong Kong's core values of freedom of the press and freedom of speech, the Hong Kong Journalists Association would stage a rally on the coming Sunday to support freedom of expression and resist attempts to silence the media. It was her understanding that Ms LI Wei-ling was willing to appear before a select committee to give evidence if she was accorded the protection under the P&P Ordinance. As the matter had aroused grave public concern, she considered it necessary for LegCo to conduct an inquiry to find out whether Commercial Radio's dismissal of Ms LI was related to its licence renewal and whether the Government or the Mainland Authorities had exerted pressure on Commercial Radio.

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36. Mr Kenneth LEUNG said that he could not subscribe to some Members' view that the matter was simply a dispute between an employer and an employee. He pointed out that Commercial Radio was granted a licence by the Government to use public airwaves, and Ms LI Wei-ling was known for her critical stance against the Government. He cautioned that Ms LI's case was a manifestation of the gradual erosion of freedom of the press in Hong Kong, which was also borne out by the fact that Hong Kong's international ranking in press freedom had been dropping over the past decade.

37. Mr Alan LEONG said that the dismissals of Mr Albert CHENG and Mr WONG Yuk-man in 2004 and the recent termination of Ms LI Wei-ling's contract by Commercial Radio both happened at times when Commercial Radio was about to seek renewal of its licence. It seemed too much of a coincidence that Ms LI's case, as well as the recent replacement of the chief editors of Ming Pao Daily News, South China Morning Post and Hong Kong Economic Journal and the withdrawal of advertisements from am730 and Apple Daily, were merely isolated incidents involving business decisions. Mr LEONG stressed that LegCo had the responsibility to find out for the public whether freedom of the press had been undermined. In his view, the onus of proof lay not only on Ms LI but also on Commercial Radio, which, as a licensed broadcasting service provider, should provide clear explanations of the matter. He added that Members belonging to the Civic Party supported Ms Claudia MO's proposal.

38. Mr Tommy CHEUNG declared that his wife's family had shares in Commercial Radio. Mr CHEUNG further said that he had appeared on programmes of Commercial Radio in the past, and that he had no liking for the programmes hosted by Ms LI Wei-ling.

39. Mr James TIEN said that Members belonging to the Liberal Party ("LP") noted that while the subjects of inquiries conducted by the select committees appointed by LegCo in the past were mainly government departments and/or public bodies, the proposed inquiry under discussion involved Commercial Radio, which was a private company. They were of the view that while there was a case for following up the matter given that Commercial Radio was also a broadcasting licensee over which the Government could have influence, the matter should first be taken up by the Panel on Information Technology and Broadcasting ("ITB Panel"), which could invite all relevant parties including Ms LI Wei-ling and representatives of Commercial Radio to a meeting of the Panel to discuss the matter. Members belonging to LP therefore did not support the proposed appointment of a select committee to inquire into the matter at the present stage.

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40. Mr LEUNG Yiu-chung queried whether it would be of much use to discuss the matter at a meeting of the ITB Panel as the parties concerned would be unwilling to speak out without the protection afforded under the P&P Ordinance. Mr LEUNG further said that it was irrelevant whether or not Members knew or liked Ms LI Wei-ling, as the matter concerned not the personal behaviour of Ms LI but the editorial independence of a broadcasting licensee which was using the public airwaves to provide broadcasting service for the public, and the proposed inquiry sought to find out whether or not freedom of the press had been suppressed. He appealed to Members to support the proposed invocation of the powers under the P&P Ordinance to inquire into the matter.

41. Mr IP Kin-yuen shared the view that it was not relevant whether Members knew Ms LI Wei-ling. He said that the prime consideration should be whether significant public interests were involved. Referring to the case of alleged Government interference with the dismissals of the teaching staff of the Hong Kong Institute of Education in 2007 in which he was involved, Mr IP pointed out that LegCo had actively considered conducting an inquiry into the matter even though most LegCo Members did not know him at the material time. He considered that academic freedom and freedom of the press were equally important.

42. Ir Dr LO Wai-kwok said that the General Manager of Commercial Radio had already explained the matter publicly. He considered that the dismissal of Ms LI Wei-ling arose out of her disputes with the management of Commercial Radio, and that it was doubtful whether the matter had anything to do with protection of freedom of the press. Ir Dr LO further said that while there were some recent cases of staff movements in individual media organizations, he did not see any sign of freedom of the press or freedom of expression being restricted or infringed upon. In his view, the relevant Panel would be the appropriate avenue should Members wish to follow up the matter.

43. Mr Charles MOK did not agree to the view that Ms LI Wei-ling's case was merely an internal staffing dispute. He considered that LegCo was duty-bound to follow up the matter given that the licence of Commercial Radio was issued by CE in Council and its operation involved significant public interests. Mr MOK expressed support for the proposed invocation of the powers under the P&P Ordinance as it could afford protection to the parties concerned to come forward to tell the truth.

44. Dr Priscilla LEUNG said that she had known Ms LI Wei-ling for over 20 years and had filed a complaint with the former Broadcasting Authority against her. In her view, Members who wished to find out more about the dismissal of Ms LI should do so through the ITB Panel,

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rather than invoking the powers under the P&P Ordinance. She trusted that Ms LI could speak out without fear before the ITB Panel even without the protection afforded under the P&P Ordinance so long as she was telling the truth.

45. Mr WU Chi-wai said that the rally to be held by the Hong Kong Journalists Association on the coming Sunday to resist attempts to silence the media demonstrated clearly the grave concern of the media community about interference with freedom of the press in Hong Kong. He expressed concern that the case of Ms LI Wei-ling, coupled with other recent cases involving various media organizations, would have a "chilling effect" on freedom of the press. He supported the proposed invocation of the powers under the P&P Ordinance, as it would provide an opportunity for all parties concerned, including the Government, to clarify the matter.

46. Mr CHAN Kam-lam said that many people had expressed dissatisfaction with Ms LI Wei-ling for abusing public airwaves to criticize Government officials and public figures without factual basis. He shared Ir Dr LO Wai-kwok's view that there was no sign that the dismissal of Ms LI had in any way restricted freedom of the press or freedom of expression in Hong Kong. Mr CHAN considered that Ms LI should produce concrete evidence to substantiate her claim that CE was behind her dismissal, and that there was no justification to support the proposed invocation of the powers under the P&P Ordinance to inquire into the matter.

47. Mr Paul TSE said that while the matter involved the important core values of freedom of the press and freedom of speech, it was necessary to consider whether there was a prima facie case to support the invocation of the powers under the P&P Ordinance to inquire into the matter. He noted that Ms LI Wei-ling had stated that her allegations against CE were based completely on her feelings and that she herself was the witness. In his view, no prima facie case had been made out by Ms LI to justify the conduct of an inquiry by LegCo. Mr TSE added that Ms LI was well-known for her outspoken character and he did not see the need to invoke the powers under the P&P Ordinance to afford protection for her to speak out on the matter.

48. Mr Albert CHAN reiterated that the focus of the proposed inquiry was whether or not CE or other Government officials had interfered with the editorial independence of Commercial Radio. He stressed that it was important for Members to support the proposed appointment of a select committee to uphold freedom of the press.

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49. Ms Claudia MO said that she had already written to the Chairman of the ITB Panel requesting discussion of the matter. However, based on past experience, she reckoned that the Panel would unlikely accede to her request. Responding to some Members' view that Ms LI Wei-ling had failed to produce any solid evidence to substantiate her claims, Ms MO said that journalists had to abide by high standards of integrity in their work and Ms LI could not be expected to have tape-recorded her dialogues with supervisors during work.

50. The Chairman put to vote the proposal for the HC Chairman to move a motion in Council to seek the Council's authorization to appoint a select committee to inquire into the termination of Ms LI Wei-ling's contract by Commercial Radio and related matters; and that in the performance of its duties the select committee be authorized to exercise the powers under section 9(1) of the P&P Ordinance. Mr LEUNG Yiu-chung, Mr Albert CHAN and Ms Claudia MO requested a division.

51. In response to Mr Paul TSE's enquiry, the Chairman clarified that as the subject matter of the proposals of Ms Claudia MO and Mr Albert CHAN was substantially the same, Members would be asked to vote only on the question of whether the HC Chairman should move on behalf of Members a motion to seek the Council's authorization for the appointment of a select committee to inquire into the matter. Should the proposal be supported, Members would be invited to consider the wording of the motion to be moved by the HC Chairman in Council for the purpose.

The following Members voted in favour of the proposal:

Mr Albert HO, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Prof 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 Gary FAN, Mr Charles MOK, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr SIN Chung-kai, Dr Helena WONG and Mr IP Kin-yuen.

(26 Members)

The following Members voted against the proposal:

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr Tommy CHEUNG, Mr WONG Kwok-hing, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Dr LAM Tai-fai, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr James TIEN, Mr NG

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Leung-sing, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Miss CHAN Yuen-han, Mr LEUNG Che-cheung, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.

(37 Members)

52. The Chairman declared that 26 Members voted for the proposal and 37 Members voted against it and no Member abstained from voting. The Chairman declared that the proposal was negated.

**IX. Any other business**

Business for the Council meeting of 19 March 2014

53. The Chairman said that the President had directed that the two Members' motions not intended to have legislative effect originally scheduled for the Council meeting of 19 February 2014, which were to be moved by Mr MA Fung-kwok and Mr CHUNG Kwok-pan respectively, would be carried forward to the Council meeting of 19 March 2014. Members agreed that only these two motion debates without legislative effect would be held at the Council meeting of 19 March 2014.

54. There being no other business, the meeting ended at 3:47 pm.

Council Business Division 2  
Legislative Council Secretariat  
27 February 2014