

立法會
Legislative Council

LC Paper No. CB(2)1243/14-15

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 20th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 10 April 2015**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Ronny TONG Ka-wah, SC (Deputy Chairman)
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, 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, JP
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
Hon WONG Kwok-kin, SBS
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 WU Chi-wai, MH
Hon YIU Si-wing
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, JP
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, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, 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, BBS

Members absent:

Hon Albert HO Chun-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Abraham SHEK Lai-him, GBS, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon Frankie YICK Chi-ming
Hon Charles Peter MOK, JP
Dr Hon Elizabeth QUAT, JP
Dr Hon CHIANG Lai-wan, 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
Ms Anita SIT	Assistant Secretary General 1
Miss Odelia LEUNG	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Acting Senior Assistant Legal Adviser 1
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Mr KAU Kin-wah	Senior Assistant Legal Adviser 3
Ms Dora WAI	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Amy YU	Chief Council Secretary (2)6
Ms YUE Tin-po	Chief Council Secretary (4)3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
Miss Josephine SO	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Karen LAI	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 19th meeting held on 20 March 2015
(*LC Paper No. CB(2)1169/14-15*)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on his meeting with the Chief Secretary for Administration

2. The Chairman said that there was nothing special to report.

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3. Noting that the Chief Secretary for Administration ("CS") had told the media that she would soon make a statement to the Legislative Council ("LegCo") on the report on the second round of the public consultation exercise on constitutional reform ("the statement"), Ms Emily LAU asked whether CS had indicated to the Chairman at which Council meeting she would do so. She also enquired about the notice period which CS was required to give for making the statement in Council and the relevant meeting arrangement.

4. The Chairman said that while CS had not mentioned the matter to him, he noted from media reports that CS intended to make the statement at the Council meeting of 15 April 2015 or that of 22 April 2015. The Chairman further advised that as no oral questions were scheduled for those two Council meetings, should CS intend to make the statement at either of the meetings, the statement would be made at the beginning of the meeting.

5. At the invitation of the Chairman, the Secretary General ("SG") advised that while a designated public officer who wished to make a statement at a Council meeting was only required under the Rules of Procedure ("RoP") to inform the President of his wish before the beginning of the meeting, it had been the past practice for public officers concerned to inform the President one day beforehand.

6. In response to Mr James TIEN and Mr Jeffrey LAM, SG advised that Members would be notified as soon as possible once CS had informed the President of the Council meeting at which she wished to make the statement. SG further advised that according to RoP 28(2), after CS had made the statement, the President might allow short and succinct questions to be put to CS for the purpose of elucidation.

7. Ms Cyd HO considered it insufficient to give only one day's notice for making the statement. She stressed that CS should give notice as early as possible to facilitate Members to make planning for attending the Council meeting concerned. The Chairman and the Deputy Chairman said that they would relay Ms HO's view to CS at their next meeting.

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)**

Inland Revenue (Amendment) Bill 2015
(LC Paper No. LS56/14-15)

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8. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Bill.

9. Mr SIN Chung-kai considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr Kenneth LEUNG and Mr SIN Chung-kai agreed to join the proposed Bills Committee.

(b) Legal Service Division report on subsidiary legislation gazetted on 20 March 2015 and tabled in Council on 25 March 2015
(*LC Paper No. LS54/14-15*)

10. At the invitation of the Chairman, LA briefed Members on the LSD report on the five items of subsidiary legislation (i.e. L.N. 53 to L.N. 57) which were gazetted on 20 March 2015 and tabled in Council on 25 March 2015.

11. Dr Kenneth CHAN considered it necessary to form a subcommittee to study the Merchant Shipping (Prevention and Control of Pollution) (Fees) (Amendment) Regulation 2015 (L.N. 53) and the Merchant Shipping (Control of Harmful Anti-Fouling Systems on Ships) Regulation (L.N. 54) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr Albert CHAN, Mr Steven HO, Mr WU Chi-wai, Dr Kenneth CHAN and Mr Tony TSE. As the deadline for amending the two Regulations was the Council meeting of 22 April 2015 unless extended by a resolution of the Council, Members also agreed that the Chairman should, in his capacity as Chairman of the House Committee ("HC"), move a proposed resolution at the Council meeting of 15 April 2015 to extend the scrutiny period of the two Regulations to the Council meeting of 13 May 2015, so as to allow sufficient time for the subcommittee to scrutinize the Regulations.

12. In response to Ms Cyd HO's enquiry about whether Members would still have the opportunity to speak on the Places of Public Entertainment (Exemption) (Amendment) Order 2015 (L.N. 55) in Council should HC consider it not necessary to form a subcommittee to study the Order in detail, the Chairman advised that Members who wished to speak on the Order in Council could so indicate when the Secretariat issued a circular inviting Members to indicate their intention to speak on the subsidiary legislation covered in the relevant report of HC on Consideration of Subsidiary Legislation and Other Instruments at a debate on the report in Council.

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13. Members did not raise any further question on L.N. 55 and the remaining two items of subsidiary legislation (i.e. L.N. 56 and L.N. 57). The Chairman reminded Members that the deadline for amending these three items of subsidiary legislation would be the Council meeting of 22 April 2015.

IV. Legal Service Division report on subsidiary legislation gazetted on 27 March 2015

(LC Paper No. LS55/14-15)

14. At the invitation of the Chairman, LA briefed Members on the LSD report on the four items of subsidiary legislation which were gazetted on 27 March 2015. Of these, two items (i.e. L.N. 67 and L.N. 68) would be tabled in Council on 15 April 2015 and the other two items (i.e. L.N. 69 and L.N. 70) were regulations made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in Council.

15. Members agreed that the United Nations Sanctions (Liberia) Regulation 2015 (L.N. 69) and the United Nations Sanctions (Liberia) Regulation 2014 (Repeal) Regulation (L.N. 70) 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 they came within the Subcommittee's terms of reference.

16. Members did not raise any question on the remaining two items of subsidiary legislation (i.e. L.N. 67 and L.N. 68). The Chairman reminded Members that the deadline for amending these two items of subsidiary legislation would be the Council meeting of 13 May 2015.

V. Business for the Council meeting of 15 and 16 April 2015

Meeting arrangement for the Council meeting of 15 and 16 April 2015

17. The Chairman informed Members that it was anticipated that the business on the agenda for the meeting would likely be finished by 8:00 pm on 16 April 2015. Members would be informed of the meeting arrangement after its approval by the President.

(a) **Tabling of papers**

Report No. 16/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2)1171/14-15)

18. The Chairman said that the Report covered eight items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 15 April 2015. No Member had indicated intention to speak on the subsidiary legislation.

(b) **Questions**

(LC Paper No. CB(3)571/14-15)

19. Members noted that 22 written questions had been scheduled for the meeting.

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

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

(d) **Bills - resumption of debate on Second Reading**

Appropriation Bill 2015

(Members speak)

21. The Chairman informed Members that in accordance with RoP 36(5), the speaking time limit for each Member at the debate was 15 minutes.

(e) **Government motion**

Proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Competition (Turnover) Regulation to be moved by the Secretary for Commerce and Economic Development

(LC Paper No. CB(3)574/14-15)

22. Members noted that the Administration would move the above proposed resolution at the meeting.

VI. Business for the Council meeting of 22 April 2015

(a) **Questions**

(LC Paper No. CB(3)572/14-15)

23. Members noted that 22 written questions had been scheduled for the meeting.

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

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

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

Appropriation Bill 2015

(Response by the Administration)

25. The Chairman said that the Administration would respond to Members' comments on the Appropriation Bill 2015.

Report of HC on Consideration of Subsidiary Legislation

26. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)580/14-15), which contained five items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 22 April 2015. He reminded Members to indicate their intention by 5:00 pm on Tuesday, 14 April 2015, should they wish to speak on any of the items of subsidiary legislation.

VII. Advance information on business for the Council meeting of 29 April 2015

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

27. The Chairman said that the Inland Revenue (Amendment) (No. 2) Bill 2015 would be presented to the Council on 29 April 2015.

(b) **Government motions**

Two proposed resolutions under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the establishment of the Innovation and Technology Bureau to be moved by the Secretary for Commerce and Economic Development

(LC Paper No. CB(3)577/14-15)

(LC Paper No. LS57/14-15)

28. At the invitation of the Chairman, LA briefed Members on the LSD report on the above two proposed resolutions, which sought to repeal ("the Repeal Resolution") the resolution passed by LegCo under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) on 29 October 2014 ("the Original Resolution") and effect the transfer of statutory functions under the Electronic Transactions Ordinance (Cap. 553) pursuant to the proposed establishment of the Innovation and Technology Bureau ("the New Resolution"). Members noted that in view of the concern raised by LSD about the legal status of the Original Resolution, the Administration had decided not to proceed with the proposed resolution it originally intended to move to amend the Original Resolution ("the Amending Resolution"), and would instead introduce the Repeal Resolution and New Resolution.

29. The Chairman said that the subcommittee which had been formed under HC earlier on to study the Amending Resolution would report its deliberations under agenda item VIII(b) below.

30. Mr Albert CHAN considered it necessary to form a subcommittee to study the two proposed resolutions in detail. Members agreed. The following Members agreed to join the subcommittee: Ms Cyd HO, Mrs Regina IP, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr CHAN Chi-chuen and Ir Dr LO Wai-kwok.

31. The Chairman said that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notices for moving the two proposed resolutions to allow sufficient time for the subcommittee to scrutinize the resolutions.

VIII. Reports of Bills Committees and subcommittees

(a) **Report of the Bills Committee on Arbitration (Amendment) Bill 2015**

(LC Paper No. CB(4)717/14-15)

32. Mr Kenneth LEUNG, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Administration would move a Committee stage amendment to the Bill. Members also noted that the Bills Committee did not object to the resumption of Second Reading debate on the Bill.

(b) **Report of the Subcommittee on Proposed Resolution Relating to the Establishment of the Innovation and Technology Bureau**

(LC Paper No. CB(4)713/14-15)

33. Ir Dr LO Wai-kwok, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that while some members of the Subcommittee considered that the Subcommittee should continue its scrutiny work and be tasked with examining the Repeal Resolution and the New Resolution to be introduced by the Administration in relation to the establishment of the Innovation and Technology Bureau, a majority of the members were of the view that the Subcommittee should be dissolved after reporting its deliberations to HC given the Administration's decision not to proceed further with the Amending Resolution.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)1170/14-15)

34. The Chairman said that as at 9 April 2015, there were 10 Bills Committees, seven subcommittees under HC and nine subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

35. Pointing out that the Panel on Economic Development ("ED Panel") had recently passed a motion requesting that a subcommittee be set up under LegCo to follow up issues relating to the three-runway system at the Hong Kong International Airport ("the proposed subcommittee"), Mr Dennis KWOK enquired why the proposed subcommittee was not included as one of the subcommittees on policy issues on the waiting list. Mr KWOK further sought clarification whether the proposed

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subcommittee would be set up under ED Panel or HC. He added that while he had no strong views on the two options, in view of the significant public interests involved, he hoped that consideration would be given to priority activation of the proposed subcommittee so that Members could follow up the matter with the Administration as early as practicable.

36. At the invitation of the Chairman, Mr Jeffrey LAM, Chairman of ED Panel, said that the Panel had discussed how the proposed subcommittee should be set up to follow up issues relating to the three-runway system. There was an inclination to appoint the proposed subcommittee under the ED Panel, and the matter would be further dealt with by the Panel. The Secretariat was preparing a paper on the proposed terms of reference ("TOR") and work plan of the proposed subcommittee, which would be provided for Panel members' consideration in due course.

37. Mr Albert CHAN was concerned that if the proposed subcommittee was set up under ED Panel, the issues to be studied would be limited to those within the TOR of the Panel. As the development of the three-runway system involved various issues, such as development of economic infrastructure, provision of air transport facilities and services, and impact on the environment, which straddled the policy areas of several Panels, he considered it more appropriate for the proposed subcommittee to be appointed under the relevant Panels jointly or HC.

38. Dr KWOK Ka-ki shared the view that the development of the three-runway system involved not only issues within the TOR of ED Panel but also other issues of concern such as the relevant financial arrangements as well as environmental and planning issues. He considered it more appropriate for the proposed subcommittee to be set up under HC, so that its membership could be open to all Members. He also considered it necessary for HC to discuss whether priority should be accorded to the activation of the proposed subcommittee.

39. The Chairman said that as ED Panel had passed a motion on the setting up of the proposed subcommittee, the proper procedure would be for ED Panel to first discuss, in conjunction with other relevant Panel(s) if considered necessary, how the proposed subcommittee should be set up. After discussion by the relevant Panel(s), if the recommendation concerned matters which required consideration by HC such as priority activation of the proposed subcommittee, a proposal could then be submitted by the relevant Panel(s) to HC for consideration.

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40. Mr LEE Cheuk-yan said that as issues relating to the three-runway system straddled different policy areas, he supported the appointment of the proposed subcommittee under HC to provide a platform for focused discussion of the relevant issues. He also shared the view that priority should be accorded to the activation of the proposed subcommittee.

41. Mr LEUNG Kwok-hung said that given the complexity of the issues involved in the development of the three-runway system and its far-reaching impacts, he agreed that it was more appropriate to set up the proposed subcommittee under HC.

42. Mr James TIEN said that while Members belonging to the Liberal Party supported the development of the three-runway system, they were concerned about the proposed financial arrangements for the project. He hoped that the proposed subcommittee could be set up expeditiously to follow up the relevant issues.

43. Mr Jeffrey LAM clarified that when the subject of the development of the three-runway system was discussed by ED Panel, the discussion had touched on a wide range of issues covering not only those relating to economic development but also environmental issues and funding arrangements, etc. Given the wide scope of issues involved in the development of the three-runway system, ED Panel would need to discuss the issues to be studied by the proposed subcommittee and HC's endorsement would be sought where necessary.

44. At the invitation of the Chairman, SG advised that while ED Panel had passed a motion regarding the setting up of the proposed subcommittee, pursuant to the established mechanism for the appointment and activation of subcommittees on policy issues, the relevant Panel(s) would need to discuss and agree on the TOR, work plan and time frame of the proposed subcommittee before it could be formally appointed. As there were currently three subcommittees on the waiting list pending activation, any proposal on priority activation of the proposed subcommittee would require the approval of HC.

X. Proposal of Hon Claudia MO to ask an urgent oral question under Rule 24(4) of the Rules of Procedure at the Council meeting of 15 April 2015 on issues relating to change of shareholding in and licence renewal of Asia Television Limited
(*LC Paper No. CB(2)1192/14-15(01)*)

45. At the invitation of the Chairman, Ms Claudia MO said that the decision of the Chief Executive in Council ("CE in Council") on 1 April

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2015 concerning the domestic free television programme service ("free TV") licence application of Asia Television Limited ("ATV") and the Administration's decision to invite Radio Television Hong Kong ("RTHK") to provide another programme channel in analogue format following the expiry of ATV's licence had aroused wide public concern. While she noted that the Panel on Information Technology and Broadcasting ("ITB Panel") would hold a meeting on 13 April 2015 to discuss, among others, issues relating to the non-renewal of ATV's licence, she did not expect that the information to be provided by the Communications Authority and the Administration at the meeting would clear all the doubts surrounding the matter. Furthermore, the matter involved issues of public importance, such as allegations of dissemination of false information to manipulate share prices and possible damage caused to freedom of the press, which fell within the TOR of other Panels. As the question slots for the Council meeting of 15 April 2015 would all be for written questions and given the urgency of the matter, she appealed to Members to support her proposal to ask an urgent oral question on the matter at that Council meeting.

46. Mr IP Kwok-him said that while Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") appreciated that there was wide public concern over the non-renewal of ATV's licence, they had reservations about the proposal to follow up the matter by way of asking an urgent oral question in Council. In their view, the matter could not be resolved simply by eliciting a reply from the Administration to an urgent oral question. They considered it more appropriate to follow up the matter at the meeting of the ITB Panel on 13 April 2015, which would provide a forum for more interactive discussions between Members and the Administration. Mr IP added that Members belonging to DAB did not support Ms Claudia MO's proposal.

47. Mr Dennis KWOK said that it was necessary to follow up the matter to ascertain, among others, whether any public broadcaster had made use of its broadcasting license to disseminate false information to the public in a bid to boost share prices and whether further investigation by the Securities and Futures Commission ("SFC") was warranted. Given the wide public concern over the matter, he considered that LegCo was duty bound to take the earliest possible opportunity to seek the Administration's response to relevant issues. He expressed support for Ms Claudia MO's proposal.

48. Mr Paul TSE said that the first and second parts of the proposed question concerned respectively the Administration's knowledge of ATV's possible change of shareholding and its handling of ATV's licence renewal application, both of which were past events and could be

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followed up by Members at various other forums. While the third part of the proposed question concerned the contingency measures to be taken by the Administration if ATV surrendered its licence before its expiry on 1 April 2016, there was no sufficient evidence showing that ATV intended to surrender the licence in the near future. He therefore did not consider that the proposed question was of an urgent character and fulfilled the criteria for permitting urgent questions being asked without notice.

49. Mr James TIEN said that while he agreed that it was necessary to follow up issues relating to ATV's possible change of shareholding and the Administration's handling of ATV's licence renewal application, he did not consider it appropriate to do so through asking an urgent oral question at next week's Council meeting, particularly given that CE in Council had already decided on 1 April 2015 not to renew ATV's licence. In his view, ITB Panel would provide a better forum for Members to follow up the matter more thoroughly. Alternatively, Ms Claudia MO might consider applying for a debate slot for moving a motion without legislative effect on the matter in Council.

50. Dr LAM Tai-fai queried the urgency in and the effectiveness of asking the question proposed by Ms Claudia MO, given that CE in Council had already made a clear decision not to renew ATV's licence and it was for SFC to investigate whether the recent incidents relating to the possible change of shareholding in ATV had prejudiced public interest. He considered that Members should instead urge the Administration to explain clearly to the public the way forward following the non-renewal of ATV's free TV licence, including whether RTHK was capable of providing analogue TV service in place of ATV and how the Administration would enhance the transparency of the vetting and approval mechanism for free TV licence applications.

51. Mr LEUNG Kwok-hung said that there was wide public concern that ATV might cease operation at any time. While the Administration had asked RTHK to take over from ATV the provision of analogue TV service from 1 April 2016, the Secretary for Commerce and Economic Development had indicated that RTHK would not be able to produce television newscasts in the near future. Given the gravity of these issues, he considered it necessary to ask the proposed urgent question.

52. Mr Alan LEONG said that according to Mr LAU Lan-cheong, ATV's Senior Vice President, ATV could close down at any time if no new capital was being injected. Furthermore, queries had been raised as to whether RTHK could provide analogue TV service in just one year's time. Should ATV cease operation, the Hong Kong public might be left with only one broadcaster providing free analogue TV service. In Mr

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LEONG's view, these were urgent issues of public concern which warranted the asking of an urgent question.

53. Mr Gary FAN expressed support for Ms Claudia MO's proposal. He shared the view that as ATV might cease operation at any time, there was urgency in asking the proposed question which related to various issues that might arise from ATV's closure, such as the employment rights of ATV's staff and whether RTHK was ready to provide analogue TV service in place of ATV. He further criticized the Commerce and Economic Development Bureau ("CEDB") for dragging its feet in handling ATV's licence renewal application and not taking earlier actions to tackle the relevant issues.

54. Mr WONG Yuk-man opined that ATV might cease to operate at any time and it was likely that free analogue TV service would be provided by only one broadcaster in the foreseeable future. He stressed that the matter involved important issues, such as distribution of TV spectrum and capability of RTHK to provide analogue TV service, which required urgent discussion. In his view, the time of one hour allotted for discussion of the matter at the regular meeting of the ITB Panel on 13 April 2015 was hardly enough. The proposed urgent question could provide another opportunity for the Administration to explain to the public what actions it would take to ensure that the public had a wider choice of quality free TV programmes.

55. Mr LEE Cheuk-yan said that Members belonging to the Labour Party supported Ms Claudia MO's proposal, given the urgency to discuss the contingency measures to be taken in the event that ATV surrendered its licence before 1 April 2016, which could occur at any time. He questioned whether RTHK had the resources to provide analogue TV service in place of ATV and expressed concern that the public's right to choice of free TV programmes would be undermined.

56. Mr CHAN Chi-chuen said that there had been problems with ATV's operation for a long time. He criticized CEDB for its dereliction of duties in monitoring ATV's operation and failure to make proper preparation for possible cessation of service by ATV. He supported Ms Claudia MO's proposal as it would provide an opportunity for Members to press the Administration to clearly explain the relevant issues, including how it arrived at the decision to invite RTHK to provide analogue TV service until 2020.

57. Ms Emily LAU said that the public was very concerned about the availability of choice of free TV programmes. She shared the view that there would not be sufficient time for discussion of the matter at the

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meeting of the ITB Panel on 13 April 2015 and expressed support for the asking of the proposed urgent question. She further proposed that the Chairman of HC should, on behalf of Members, move an adjournment motion on the matter to provide a forum for Members to express their views.

58. Mr WONG Kwok-kin said that Members belonging to Hong Kong Federation of Trade Unions did not support Ms Claudia MO's proposal. He pointed out that Members would already have an opportunity to discuss the matter at the meeting of the ITB Panel on 13 April 2015 without having to wait until the Council meeting of 15 April 2015. Should Members wish to further discuss the matter, consideration could be given to holding a motion debate as suggested by Mr James TIEN.

59. Mr TAM Yiu-chung said that the matter under consideration was whether HC supported the proposal to ask an urgent oral question in Council, the ultimate decision on which rested with the President. Given the limited time available for the asking of an urgent oral question, he considered it more appropriate for the matter to be followed up at the meeting of the ITB Panel on 13 April 2015.

60. Mr Albert CHAN said that for urgent oral questions, there were precedents where the President had exercised discretion to extend the time limit to enable more Members to ask supplementary questions. He added that it was incumbent upon LegCo to follow up matters of public concern.

61. Ms Claudia MO stressed that since ATV might cease to operate at any time and there were serious doubts about the capability of RTHK to take over the provision of analogue TV service from ATV, there was an urgent need to ask her proposed question in Council.

62. The Chairman put to vote the proposal of Ms Claudia MO to ask an urgent oral question under RoP 24(4) at the Council meeting of 15 April 2015 on issues relating to change of shareholding in and licence renewal of ATV. Ms Claudia MO requested a division.

The following Members voted in favour of the proposal:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Frederick FUNG, Prof Joseph LEE, Mr Ronny TONG, Mr Alan LEONG Kah-kit, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Ms Claudia MO, Mr WU Chi-wai, Mr Gary FAN, Mr CHAN Chi-chuen, Dr Kenneth CHAN, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Dr Helena WONG and Mr IP Kin-yuen.
(20 Members)

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The following Members voted against the proposal:

Mr TAM Yiu-chung, Mr Tommy CHEUNG, Mr Vincent FANG, 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, Mr Paul TSE, Mr Michael TIEN, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.

(29 Members)

63. The Chairman declared that 20 Members voted for and 29 Members voted against the proposal, and no Member abstained from voting. The Chairman declared that the proposal was not supported.

XI. Any other business

64. There being no other business, the meeting ended at 3:37 pm.