

立法會
Legislative Council

LC Paper No. CB(2)12/15-16

Ref : CB2/H/5/14

House Committee of the Legislative Council

**Minutes of the 32nd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 9 October 2015**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon Albert HO Chun-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, GBS, 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 CHEUNG Kwok-che
Hon WONG Kwok-kin, SBS
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Albert CHAN Wai-yip

Hon WONG Yuk-man
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon James TIEN Pei-chun, GBS, JP
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, 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, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung
Hon Dennis KWOK
Hon Christopher CHEUNG Wah-fung, SBS, JP
Hon SIN Chung-kai, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon POON Siu-ping, BBS, MH
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Christopher CHUNG Shu-kun, BBS, MH, JP
Hon Tony TSE Wai-chuen, BBS

Members absent:

Hon LEE Cheuk-yan
Dr Hon LAU Wong-fat, GBM, GBS, JP
Dr Hon LEUNG Ka-lau
Hon Frankie YICK Chi-ming, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon Martin LIAO Cheung-kong, SBS, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Rachel DAI	Assistant Legal Adviser 2
Miss Carrie WONG	Assistant Legal Adviser 4
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Winnie LO	Assistant Legal Adviser 7
Mr YICK Wing-kin	Assistant Legal Adviser 8
Miss Evelyn LEE	Assistant Legal Adviser 10
Miss Karen LAI	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Mr Richard WONG	Council Secretary (2)6
Ms Theresa CHEUNG	Senior Legislative Assistant (2)2
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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I. Confirmation of minutes/verbatim transcript of meetings

(a) Minutes of the 31st meeting held on 3 July 2015

(LC Paper No. CB(2)2187/14-15)

(b) Verbatim transcript of the special meeting held on 1 September 2015

(LC Paper No. CB(2)2185/14-15)

The above two sets of minutes/verbatim transcript of meetings 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.

III. Business arising from previous Council meetings

Legal Service Division reports on bills referred to the House Committee in accordance with Rule 54(4)

(a) **Chinese Permanent Cemeteries (Amendment) Bill 2015**
(*LC Paper No. LS87/14-15*)

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

4. Ms Cyd HO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Ms Cyd HO, Dr Kenneth CHAN and Dr Helena WONG agreed to join the Bills Committee.

(b) **Supplementary Appropriation (2014-2015) Bill**
(*LC Paper No. LS88/14-15*)

5. At the invitation of the Chairman, LA briefed Members on the LSD report on the Bill.

6. Members considered it not necessary to form a Bills Committee to study the Bill and did not raise objection to the resumption of the Second Reading debate on the Bill.

(c) **Kai Tak Cruise Terminal Bill**
(*LC Paper No. LS85/14-15*)

7. At the invitation of the Chairman, LA briefed Members on the LSD report on the Bill.

8. Ms Cyd HO considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr James TO, Mr CHAN Kam-lam, Ms Cyd HO, Mr WONG Kwok-kin, Mr YIU Si-wing, Mr SIN Chung-kai and Ir Dr LO Wai-kwok.

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(d) Promotion of Recycling and Proper Disposal (Product Container) (Amendment) Bill 2015

(LC Paper No. LS86/14-15)

9. At the invitation of the Chairman, LA briefed Members on the LSD report on the Bill.

10. Ir Dr LO Wai-kwok considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. The following Members agreed to join the Bills Committee: Mr Tommy CHEUNG, Mr Vincent FANG, Ms Cyd HO, Mr CHAN Hak-kan, Dr Kenneth CHAN, Ir Dr LO Wai-kwok and Mr Tony TSE.

IV. Legal Service Division report on subsidiary legislation gazetted between 3 July and 25 September 2015

(LC Paper No. LS83/14-15)

11. At the invitation of the Chairman, LA briefed Members on the LSD report on 51 items of subsidiary legislation which included (a) 25 items of subsidiary legislation (i.e. L.N. 130 to L.N. 154) gazetted on 3 July 2015 and tabled in the Council on 8 July 2015; and (b) 26 items of subsidiary legislation (i.e. L.N. 155 to L.N. 169 and L.N. 172 to L.N. 182) gazetted between 17 July and 25 September 2015, of which 20 items would be tabled in the Council on 14 October 2015 and the remaining six items were not required to be tabled.

12. Regarding the Live Television Link (Witnesses outside Hong Kong) Rules (L.N. 145) and the Rules of the High Court (Amendment) (No. 2) Rules 2015 (L.N. 146), Mr Albert HO considered it necessary to form a subcommittee to study the two items of subsidiary legislation in detail. Members agreed. Mr Albert HO and Mr Dennis KWOK agreed to join the proposed subcommittee.

13. As regards the six items of subsidiary legislation (L.N. 147 to L.N. 152) relating to the handling of suitors' funds in various courts and tribunals, Mr Dennis KWOK considered it necessary to form a subcommittee to study them in detail. Members agreed. Mr Albert HO, Ms Cyd HO and Mr Dennis KWOK agreed to join the subcommittee.

14. Mr SIN Chung-kai considered it necessary to form a subcommittee to study the six items of subsidiary legislation (L.N. 155 to L.N. 160) relating to the implementation of the Competition Ordinance (Cap. 619) in detail. Members agreed. The Chairman, Mr Dennis KWOK and Mr SIN Chung-kai agreed to join the subcommittee.

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15. In respect of the five commencement notices relating to the implementation of the requirements for solicitors to account to clients for interest earned on money deposited with them under the Solicitors' Accounts Rules (Cap. 159F) (L.N. 161 to L.N. 165), Mr Dennis KWOK considered it necessary to form a subcommittee to study them in detail. Members agreed. Mr Dennis KWOK agreed to join the proposed subcommittee.

16. Regarding the three items of subsidiary legislation, i.e. the United Nations Sanctions (Yemen) Regulation 2015 (L.N. 166), the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2015 (L.N. 167) and the United Nations Sanctions (Côte d'Ivoire) Regulation 2015 (L.N. 168) which were made under the United Nations Sanctions Ordinance (Cap. 537) and not required to be tabled in Council, Members agreed that these three items of subsidiary legislation 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.

17. Mr Dennis KWOK considered it necessary to form a subcommittee to study the Trainee Solicitors (Amendment) Rules 2015 (L.N. 174) in detail. Members agreed. Mr Dennis KWOK agreed to join the proposed subcommittee.

18. Mr Albert HO considered it necessary to form a subcommittee to study the Rules of the High Court (Amendment) (No. 3) Rules 2015 (L.N. 175) and the Rules of the District Court (Amendment) Rules 2015 (L.N. 176) in detail. Members agreed. Mr Albert HO and Mr Dennis KWOK agreed to join the proposed subcommittee.

19. Regarding the Consular Relations (Additional Privileges and Immunities) (Cambodia) Order (L.N. 177) and the Consular Relations (Additional Privileges and Immunities) (Philippines) Order (L.N. 180), Mr James TO enquired the extent to which the additional privileges and immunities accorded to a consular post of the Kingdom of Cambodia and of the Republic of the Philippines, or to persons connected with the consular post, or to both, as specified in the respective order, were different from the privileges and immunities accorded to consular posts of other countries. LA said that the Consular Relations Ordinance (Cap. 557) made provisions for the implementation in Hong Kong of certain provisions of the Vienna Convention on Consular Relations and of other agreements concerning consular relations to which the Government of the People's Republic of China was a party and which were applied to Hong Kong by the Central People's Government. Under section 4(1) of the

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Ordinance, the Chief Executive ("CE") in Council might, by order in the Gazette, declare and specify additional privileges and immunities accorded to a State under an international agreement. LSD had not compared in detail the privileges and immunities accorded to consular posts of various countries in Hong Kong. Mr TO considered it necessary to form a subcommittee to study the two Orders in detail. Members agreed. Mr James TO agreed to join the proposed subcommittee.

20. Members did not raise any question on the other 24 items of subsidiary legislation.

21. The Chairman reminded Members that the deadline for amending the 25 items of subsidiary legislation which had been tabled in Council on 8 July 2015 was the Council meeting of 28 October 2015, or that of 18 November 2015 if extended by a resolution of the Council; and the deadline for amending the 20 items of subsidiary legislation which would be tabled in Council on 14 October 2015 was the Council meeting of 11 November 2015, or that of 2 December 2015 if extended by a resolution of the Council.

V. Legal Service Division report on subsidiary legislation gazetted on 2 October 2015

(LC Paper No. LS84/14-15)

22. At the invitation of the Chairman, LA briefed Members on the LSD report on the eight items of subsidiary legislation gazetted on 2 October 2015 (i.e. L.N. 183 to L.N. 190) which would be tabled in Council on 14 October 2015.

23. As regards the six Orders made under the Inland Revenue Ordinance (Cap. 112) to give effect to the agreements on information exchange relating to tax matters (L.N. 183 to L.N. 188), Mr James TO considered it necessary to form a subcommittee to study them in detail. Members agreed. Mr James TO and Mr Kenneth LEUNG agreed to join the proposed subcommittee.

24. Mr SIN Chung-kai considered it necessary to form a subcommittee to study the Specification of Arrangements (The Mainland of China) (Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income) (Fourth Protocol) Order (L.N. 189) in detail. Members agreed. Mr James TO and Mr SIN Chung-kai agreed to join the proposed subcommittee.

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25. Members did not raise any question on the remaining item of subsidiary legislation (i.e. L.N. 190).

26. The Chairman reminded Members that the deadline for amending these eight items of subsidiary legislation which would be tabled in Council on 14 October 2015 was the Council meeting of 11 November 2015, or that of 2 December 2015 if extended by a resolution of the Council.

VI. Business for the Council meeting of 14 October 2015

Meeting arrangement for the Council meeting of 14 October 2015

27. The Chairman informed Members that the Council meeting of 14 October 2015 would be suspended at around 8:00 pm on Wednesday, 14 October. Given that the first meetings of Panels would be held on Thursday, 15 October to elect the Panel Chairmen and Deputy Chairmen for the 2015-2016 session, the Council meeting would resume at 9:00 am on Friday, 16 October and if the President was of the opinion that the proceedings on the two motions under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") would unlikely be finished by around 2:00 pm, he would adjourn the Council at around 1:00 pm as the meetings of the House Committee ("HC") and FC had been scheduled for that afternoon.

28. Responding to Mr LEUNG Yiu-chung, the Chairman said that since no Council meeting would be held on 21 October 2015 which was a public holiday, if the Council could not finish dealing with the business by 1:00 pm on 16 October 2015, the unfinished items would be carried over to the following Council meeting scheduled for 28 October 2015.

Report No. 1/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

29. The Chairman said that the Report covered six items of subsidiary legislation, the period for amendment of which would expire at the Council meeting of 14 October 2015.

30. The Chairman further said that as Dr Helena WONG, member of the Subcommittee on Three Regulations Relating to Control Regime for the Import of Eggs had indicated her intention to speak on these three Regulations, the Chairman of HC would move a motion to take note of the Report in relation to the three Regulations at the Council meeting.

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(a) **Questions**
(LC Paper No. CB(3)13/15-16)

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

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

32. The Chairman said that the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Bill 2015 would be presented to the Council on 14 October 2015.

(c) **Government motions**

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

(d) **Members' motions**

(i) **Motion under the Legislative Council (Powers and Privileges) Ordinance to be moved by Hon Gary FAN**
(LC Paper No. CB(3)11/15-16)

(ii) **Motion under the Legislative Council (Powers and Privileges) Ordinance to be moved by Hon Cyd HO**
(LC Paper No. CB(3)11/15-16)

(iii) **Motion on "Seizing the opportunities brought about by 'One Belt One Road' and seeking new directions for Hong Kong's economy" to be moved by Hon Martin LIAO**
(LC Paper No. CB(3)9/15-16)

(iv) **Motion on "Legislating for safety of drinking water" to be moved by Dr Hon KWOK Ka-ki**
(LC Paper No. CB(3)8/15-16)

34. Members noted that debates on the above four Members' motions would be held at the meeting.

VII. The Chief Executive's Question and Answer Session on 22 October 2015

35. The Chairman said that CE's Question and Answer Session would be held from 9:30 am to 11:00 am.

VIII. Reports of Bills Committees and subcommittees

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

(LC Paper No. CB(4)1506/14-15)

36. Mr Jeffrey LAM, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Members noted that the Bills Committee had raised no objection to the Committee stage amendments ("CSAs") proposed to be moved by the Administration to the Bill. The Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 28 October 2015, subject to the moving of the proposed CSAs by the Administration. Members also noted that Mr Tony TSE had indicated his intention to consider moving CSA(s) to the Bill.

37. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above Bill would be Saturday, 17 October 2015.

(b) **Report of the Subcommittee on Foreign Lawyers Practice (Amendment) Rules 2015, Solicitors' Practice (Amendment) Rules 2015 and Limited Liability Partnerships (Top-up Insurance) Rules**

(LC Paper No. CB(4)1403/14-15)

38. Mr Dennis KWOK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee did not object to the three items of subsidiary legislation, which would come into operation on the day on which the Legal Practitioners (Amendment) Ordinance 2012 came into operation.

(c) **Report of the Subcommittee on Three Regulations Relating to Control Regime for the Import of Eggs**

(LC Paper No. CB(2)2123/14-15)

39. Mr Steven HO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that while a majority of members had no strong views against the three items of subsidiary legislation, two members belonging to the Liberal Party considered the making of these three items of subsidiary legislation unnecessary. Members also noted that the Administration and the Subcommittee had not proposed to move any amendment to the three items of subsidiary legislation.

40. The Chairman reminded Members that the period for amending the six items of subsidiary legislation studied by the above two Subcommittees would expire at the Council meeting of 14 October 2015.

(d) Proposed extension of period of work of subcommittees on policy issues

(LC Paper No. CB(2)2188/14-15)

41. The Chairman invited Members to consider the proposed extension of period of work of seven subcommittees on policy issues as detailed in paragraph 5 of the paper. He highlighted that pursuant to the broad principles for activation, operation and extension of period of work of subcommittees on policy issues agreed to be adopted by HC at its meeting in November 2013, where a subcommittee considered it necessary to extend the period of its work but there were subcommittees on the waiting list awaiting activation, HC might, if considered appropriate, give permission for the subcommittee to extend the period of its work for three months in the first instance, after which it would, if necessary, be placed on the waiting list for re-activation of work for the remainder of the extension period it had sought.

42. Members noted that at present, there were three subcommittees on the waiting list, and the Panel on Development had agreed in July 2015 in principle for the appointment of a subcommittee under the Panel to study issues relating to redevelopment of buildings developed under the Civil Servants' Cooperative Building Society Scheme, which, if formed in end October 2015, would be put on the waiting list. Members supported the proposal that the seven subcommittees be given permission to extend the period of their work for three months, after which they would, if necessary, be placed on the waiting list for re-activation of work for the remainder of the extension period they had sought.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)2189/14-15)

43. The Chairman said that as at 8 October 2015, there were 11 Bills Committees (three of which would need to work beyond three months since its commencement), seven subcommittees under HC and seven subcommittees on policy issues under Panels in action. Three subcommittees on policy issues were on the waiting list.

X. Procedure for nomination and election of Members of the Legislative Council to serve on the Council of The Chinese University of Hong Kong and the Court of the University of Hong Kong
(*LC Paper No. CB(2)2190/14-15*)

44. Members endorsed the proposed amendment to the procedure for nomination and election of Members to serve on the Council of The Chinese University of Hong Kong and the Court of the University of Hong Kong as set out in paragraph 5 of the paper. Members also agreed that the nomination and election be held at the next House Committee meeting on 16 October 2015.

XI. Proposals to seek the Council's authorization for the appointment of a select committee to inquire into lead in drinking water incidents and related issues

(a) **Proposal of Hon Gary FAN**
(*LC Paper No. CB(3)11/15-16*)

(b) **Proposal of 27 Members**
(*LC Paper No. CB(2)2021/14-15(02)*)
(*LC Paper No. CB(3)11/15-16*)

45. At the invitation of the Chairman, Mr Gary FAN said that while the Chief Secretary for Administration ("CS") claimed that the Administration had adhered to three principles, viz. keeping information open and transparent, adopting a people-oriented approach and carrying out thorough investigations, in handling the incidents of lead in drinking water, the Administration had not looked into the responsibility that should be borne by individual government departments and contractors involved in the incidents. He pointed out that at the special HC meeting held on 1 September 2015, CS had clearly indicated that the issues to be studied by the Commission of Inquiry into Excess Lead Found in Drinking Water ("CoI") appointed by CE in Council as stated in its terms of reference did not include ascertaining who should be responsible for the incidents.

46. Mr Gary FAN further said that as revealed in the report of the Review Committee on Quality Assurance Issues Relating to Fresh Water Supply of Public Housing Estates ("the Review Committee") of the Hong Kong Housing Authority ("HA") on its interim findings, there were as many as six occasions in the Government's quality control mechanism in relation to the fresh water supply system of public rental

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housing ("PRH") estates where actions could have been taken by the relevant government departments to prevent the occurrence of lead in drinking water incidents. However, CS had, at the special HC meeting on 8 October 2015, made the remark that the occurrence of the incidents was mainly due to the inadequacies of the existing quality control mechanism in relation to the fresh water supply system of PRH estates. Mr FAN expected that CoI would, as in the case of the independent expert panel established by the Administration to review the implementation and monitoring mechanism of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project ("the XRL project"), be unable to hold the relevant parties responsible. He had therefore proposed the moving of a motion under the P&P Ordinance to seek the Council's authorization for the appointment of a select committee to conduct a full inquiry into the matter.

47. At the invitation of the Chairman, Ms Cyd HO said that as Mr Ronny TONG had vacated his office as Legislative Council ("LegCo") Member, she hoped that HC would support the proposal, which now represented the position of 26 incumbent Members, for the Chairman of HC to move the motion proposed by her in Council to seek the Council's authorization for the appointment of a select committee to inquire into the matter. This, she believed, would show clearly to the public that Members belonging to different political groups were gravely concerned about the lead in drinking water incidents.

48. Referring to the account given by CS at the special HC meeting on 8 October 2015, Ms Cyd HO said that the 26 Members considered it unacceptable that CS had, before the ongoing investigations/reviews had been completed, come to the view that no public officer should be held responsible for the incidents of lead in drinking water. Even if the occurrence of the incidents was due to inadequacies of the existing quality control mechanism in relation to the fresh water supply system of PRH estates, those who were responsible for formulating the mechanism should be held responsible for the matter. While a proposal had been put forth by Mr Gary FAN in July 2015 to seek the Council's authorization for the appointment of a select committee to inquire into the incidents of lead in drinking water in PRH estates, her proposed motion had been drawn up to widen the scope of investigation to cover both public and private buildings as it was subsequently revealed that excess lead was also found in drinking water samples taken from private residential buildings, schools and hospitals. Ms HO appealed to Members belonging to different political groups to duly discharge their monitoring role and support the appointment of a select committee by LegCo to inquire into the cause of excess lead in drinking water for the benefit of the community.

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49. Dr Helena WONG expressed support for the appointment of a select committee to conduct a comprehensive inquiry into lead in drinking water incidents and related issues. She pointed out that the issues to be studied by CoI, the Review Committee and the Task Force led by the Water Supplies Department ("WSD") did not include ascertaining the responsibilities of the respective government officials, contractors and licensed plumbers involved in the matter, nor had these committees been empowered to ascertain whether any person/party was at fault. She opined that while leaded solder joints were the source of excess lead in drinking water in the PRH estates concerned, the investigations and reviews being conducted should seek to find out not only the source of excess lead, but also, and more importantly, the cause. She therefore considered it necessary for Members to invoke the powers under the P&P Ordinance to find out the truth about the matter, so as to facilitate the taking of appropriate disciplinary/regulatory actions against the persons/parties who were found responsible for the incidents, to plug the loopholes in the existing monitoring and regulatory mechanism in respect of drinking water supply in Hong Kong, and to better ensure the safety of drinking water.

50. Mr James TO said that he noted that Mr Gary FAN and Ms Cyd HO had given notices to respectively move a motion in Council to seek the Council's authorization for the appointment of a select committee to inquire into lead in drinking water incidents and related issues. Given that the President had ruled that the contents of the motion proposed by Mr Gary FAN and that proposed by Ms Cyd HO on behalf of 26 Members were substantially the same, and Mr FAN was also among the 26 Members, he hoped that Mr FAN would consider withdrawing his proposed motion to be moved in Council, which, in his view, would be more proper from the procedural point of view.

51. Mr LEUNG Kwok-hung said that unlike CoI and the Review Committee which were bound to study those issues within their terms of reference, the proposed select committee with the powers under the P&P Ordinance, if appointed, could draw up the scope of the inquiry to be conducted. Given that CS had indicated before the completion of the relevant investigations/reviews that no public officer should be held responsible for the incidents of lead in drinking water, he considered that all Members should support invoking the powers under the P&P Ordinance to conduct an inquiry into the matter.

52. Mr Alan LEONG expressed support for the two proposals for the appointment of a select committee to exercise the powers under the P&P Ordinance to inquire into lead in drinking water incidents and related

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issues. He pointed out that the major difference between the proposed inquiry to be conducted by the select committee and the investigations/reviews being conducted respectively by CoI, the Review Committee and the Task Force led by WSD was that while the three ongoing investigations/reviews would not look into the criminal and/or civil liabilities of individual parties involved in the incidents, the proposed inquiry would seek to, among others, ascertain the respective responsibility of the parties involved in the matter.

53. The Chairman reminded Members that Mr Gary FAN and Ms Cyd HO had already given notices to respectively move a motion under the P&P Ordinance at the Council meeting of 14 October 2015 to seek the Council's authorization for the appointment of a select committee to inquire into the lead in drinking water incidents and related issues. He clarified that the issue for consideration by HC was whether the Chairman of HC should, on behalf of Members, move the motions proposed respectively by Mr Gary FAN or Ms Cyd HO in Council.

54. Ir Dr LO Wai-kwok declared that he was a member of the Review Committee. He informed Members that the work of the Review Committee included reviewing comprehensively the present arrangements for quality control and monitoring in relation to the installation of fresh water supply systems in PRH estates and identifying areas for improvement. The Review Committee had submitted to HA a report on its interim findings and recommendations on the measures that should be put in place immediately by HA to prevent the recurrence of similar incidents. He further pointed out that the preliminary findings of the Task Force led by WSD, which were the outcome of numerous scientific tests and analyses, had clearly revealed the cause of excess lead in drinking water in the PRH estates concerned. He added that as CoI would soon commence hearing, it was premature to conclude that CoI would not be able to carry out its work effectively. He therefore did not support invoking the powers under the P&P Ordinance to initiate an inquiry into the matter at the present stage. In his view, it was more appropriate to consider the need for LegCo to conduct the proposed inquiry at least after the initial findings of CoI were available.

55. Mr Frederick FUNG said that it was unacceptable for CS to merely attribute the problems to inadequate awareness among the relevant government departments about the risk of lead in water and come to a conclusion that no public officer should be held responsible for the matter. In his view, inadequate awareness should not be used by the relevant government departments as an excuse for shirking their responsibilities, and they were clearly at fault for not introducing checks of whether the solder joints used for PRH estates contained lead even

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though it was specified in the relevant contracts that the solder joints used should be lead-free. Given the above considerations, he supported invoking the powers under the P&P Ordinance to conduct an inquiry into the matter and also the proposal for the Chairman of HC to move the proposed motion on behalf of Members, which would reflect Members' consensual stance on the matter.

56. Ms Emily LAU considered that if the motion to seek the Council's authorization for the appointment of a select committee to inquire into lead in drinking water incidents and related issues was to be moved by the Chairman of HC, it would convey to the community a clear message that LegCo Members were greatly concerned about and had a consensual view on the matter. She hoped that Members would support the proposal for the Chairman of HC to move the relevant motion in Council which, in her view, would stand a better chance of being carried.

57. Mr LEUNG Yiu-chung said that the Administration was trying to play down the problem of lead in drinking water by claiming that there was inadequate awareness among the relevant government departments about the risk of lead in water. Given that CoI, the Review Committee and the Task Force led by WSD would not look into the responsibility of individual parties involved in the recent incidents of lead in drinking water, he considered it necessary for LegCo to conduct an inquiry into the matter to find out the truth. He also shared the view of Ms Emily LAU that it would be more appropriate for the Chairman of HC to move a motion in Council to seek the Council's authorization for the appointment of a select committee to inquire into the matter, which would not only indicate LegCo's consensual view but also convey to the community an important message that LegCo attached great importance to the matter.

58. Mr TAM Yiu-chung said that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") were greatly concerned about the recent incidents of lead in drinking water and had taken various follow-up actions such as arranging for blood lead tests and water sampling tests as well as urging the Administration to expedite its work in these areas. However, as CoI was just about to commence hearing, and the investigation and review undertaken respectively by the Task Force led by WSD and the Review Committee were still in progress, Members belonging to DAB considered it not necessary to invoke the powers under the P&P Ordinance to inquire into the matter at the present stage. It would be more appropriate to consider the need to do so after the ongoing inquiry, investigation and review had been completed and the relevant reports became available. Furthermore, given that Mr Gary FAN and Ms Cyd

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HO had already given notices to respectively move their proposed motions at the Council meeting of 14 October 2015, Mr TAM considered it not necessary for the Chairman of HC to move the motions proposed respectively by Mr FAN or Ms HO in Council.

59. Mr Albert CHAN said that LegCo had the responsibility to monitor the work of the Executive Authorities and conduct inquiries into any acts of misconduct on their part in an open and transparent manner. He considered it hypocritical of Members belonging to the pro-establishment camp to criticize the Administration over its handling of the incidents of lead in drinking water in districts on the one hand but oppose the proposal to seek the Council's authorization for the appointment of a select committee to investigate the matter on the other hand. He stressed that LegCo was duty bound to exercise its powers to initiate an inquiry to find out the truth about the matter.

60. In response to Mr James TO's suggestion in paragraph 50 above, Mr Gary FAN said that he would not withdraw his proposed motion to be moved at the Council meeting of 14 October 2015.

61. Ms Cyd HO said that she did not realize until around 30 minutes before the deadline for giving notice to move motions at the Council meeting of 14 October 2015 that Mr Gary FAN had revised his proposed motion and the wording of his revised motion was very similar to that of her proposed motion. Given the imminent deadline, she had proceeded to give notice to move her proposed motion which was agreed upon by 26 Members.

62. The Chairman first put to vote the proposal for the Chairman of HC to move the motion proposed by Mr Gary FAN in Council to seek the Council's authorization for the appointment of a select committee to inquire into lead in drinking water incidents and related issues. Mr Gary FAN requested a division.

The following Members voted in favour of the proposal:

Mr Frederick FUNG, Prof Joseph LEE, Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Mr Gary FAN and Mr CHAN Chi-chuen.

(7 Members)

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The following Members voted against the proposal:

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr Abraham SHEK, 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, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, 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 POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.

(35 Members)

The following Members abstained from voting:

Mr Albert HO, Mr James TO, Ms Emily LAU, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Dr Kenneth CHAN, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Mr SIN Chung-kai, Dr Helena WONG and Mr IP Kin-yuen.

(16 Members)

63. The Chairman declared that seven Members voted for and 35 Members voted against the proposal, and 16 Members abstained from voting. The Chairman declared that the proposal was not supported.

64. The Chairman proposed that the meeting would proceed to vote immediately on the other proposal without the ringing of the five-minute voting bell if a division was claimed. Members agreed.

65. The Chairman then put to vote the proposal for the Chairman of HC to move the motion proposed by Ms Cyd HO in Council to seek the Council's authorization for the appointment of a select committee to inquire into lead in drinking water incidents and related issues. Ms Cyd HO requested a division.

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, 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,

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Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Mr SIN Chung-kai, Dr Helena WONG and Mr IP Kin-yuen.

(24 Members)

The following Members voted against the proposal:

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr Abraham SHEK, 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, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, 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 POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Christopher CHUNG and Mr Tony TSE.

(35 Members)

66. The Chairman declared that 24 Members voted for and 35 Members voted against the proposal, and no Member abstained from voting. The Chairman declared that the proposal was not supported.

XII. Proposal of Hon Gary FAN to seek the House Committee's agreement for asking an urgent oral question at the Council meeting of 14 October 2015 on issues relating to the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project
(LC Paper No. CB(2)2173/14-15(01))

67. At the invitation of the Chairman, Mr Gary FAN said that the delay and cost overrun of the XRL project had exposed the inability of the MTR Corporation Limited ("MTRCL") to take forward the construction works as scheduled and the failure of the Government to closely monitor MTRCL's implementation of the XRL project. It had also aroused public concern as to whether the Government and MTRCL had deliberately covered up the delay and the financial situation of the project. He pointed out that according to the quarterly report on the progress update and financial situation of the XRL project for the period ending 30 June 2015 provided by the Transport and Housing Bureau, the cumulative expenditure of the XRL project for awarded contracts and substantiated claims amounted to \$46.8 billion and \$20.8 billion respectively, exceeding the budget of \$55 billion approved by FC in 2010. In view of the escalating cost of the XRL project and given that its total expenditure could not exceed the amount approved by FC, he appealed to Members to support his proposal.

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68. Mr Gary FAN further said that he had moved a motion under the P&P Ordinance in Council in June 2014 to seek the Council's authorization for the appointment of a select committee to exercise the powers of the P&P Ordinance to inquire into the delay of the XRL project but Members belonging to the pro-establishment camp did not support the motion. Given the significant public interest involved, LegCo was duty bound to take the earliest possible opportunity to seek the Administration's response to relevant issues.

69. Mr CHAN Han-pan said that while the delay and cost overrun of the XRL project were important issues, there was no urgency in asking the question proposed by Mr Gary FAN. He said that the Subcommittee on Matters Relating to Railways was liaising with the Administration to arrange a meeting to follow up the matter and the Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("the Select Committee") was established to inquire into the background of and reasons for the project delay and related issues, including the performance and accountability of the Government and MTRCL relating to the project delay.

70. Ms Claudia MO said that the Government and MTRCL were evading their responsibility for the serious cost overrun of the XRL project. She expressed support for Mr FAN's proposal given that there was an urgent need to seek the Government's explanation for the ever increasing cost of the project. Ms MO said that she was a member of the Select Committee. In her view, without being authorized to exercise the powers under the P&P Ordinance, the Select Committee was not able to obtain key information essential for the effective conduct of the inquiry.

71. Mr LEUNG Kwok-hung said that he did not agree to the view expressed by Mr CHAN Han-pan that there was no urgency in asking the proposed question raised by Mr Gary FAN. Given that Members were vested with the responsibility of scrutinizing public expenditure and closely monitoring the progress of related works, Mr FAN's proposal of asking an urgent question on the delay and cost overrun of the XRL project at the Council meeting of 14 October 2015 should be supported.

72. Mr Alan LEONG expressed support for Mr FAN's proposal to address public concerns on the cost overrun of the XRL project. He said that LegCo had the constitutional duty to monitor the public expenditure and the Government's performance. Mr LEONG further pointed out that there would be irreversible consequences if the question was not raised at

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the Council meeting of 14 October 2015 since the problem of cost overrun in relation to the outstanding claims with the contractors concerned might be further aggravated.

73. Ms Cyd HO shared the view that there would be irreversible consequences if the urgent oral question proposed by Mr FAN could not be raised at the Council meeting of 14 October 2015. She said that she had also given notice for asking a question on the same subject but the earliest opportunity for asking the question would be a Council meeting in mid November 2015.

74. Mr Gary FAN stressed that since the Administration had not proposed measures to resolve the cost overrun problem and provided explanation on the accountability of the Government/MTRCL since the announcement of the cost overrun and project delay in April 2014, and the delay of the commissioning of XRL would have significant adverse impacts on the economic benefits of Hong Kong, there was an urgent need to ask his proposed question at the Council meeting of 14 October 2015.

75. The Chairman put to vote the proposal of Mr Gary FAN to seek the House Committee's agreement for him to ask an urgent oral question at the Council meeting of 14 October 2015 on issues relating to the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link project. Mr Gary FAN requested a division.

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, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN, Ms Claudia MO, Mr Michael TIEN, 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, Mr SIN Chung-kai and Mr IP Kin-yuen.

(23 Members)

The following Members voted against the proposal:

Mr CHAN Kam-lam, 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, Mr WONG Kwok-kin, Mr IP Kwok-him, Mrs Regina IP, Mr Paul TSE, Mr James TIEN, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Miss CHAN

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Yuen-han, Mr LEUNG Che-cheung, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Christopher CHUNG.
(32 Members)

The following Member abstained from voting:

Mr Tony TSE
(1 Member)

76. The Chairman declared that 23 Members voted for and 32 Members voted against the proposal and one Member abstained from voting. The Chairman declared that the proposal was not supported.

XIII. Election of the Chairman and Deputy Chairman of the House Committee for the 2015-2016 session

Election of Chairman

77. The Chairman, called for nominations for the chairmanship of HC for the 2015-2016 session. Mr Andrew LEUNG was nominated by Ir Dr LO Wai-kwok and the nomination was seconded by Mr IP Kwok-him. Mr Andrew LEUNG accepted the nomination.

78. As the Chairman was nominated, and given that the resignation of Mr Ronny TONG, the former Deputy Chairman, had taken effect on 1 October 2015, Mr Albert HO, the Member present who had the highest precedence, took over from the Chairman to preside over the election. He invited other nominations for the chairmanship. Mr SIN Chung-kai was nominated by Ms Emily LAU and the nomination was seconded by Mr Charles MOK. Mr SIN Chung-kai accepted the nomination. No further valid nominations were made.

79. Ms Emily LAU suggested that the two candidates be given time to present their election platforms and answer questions from Members.

80. At the suggestion of the presiding Member, Members agreed that each candidate would be given one minute to present their election platform, to be followed by questions from Members, and two minutes would be allowed for each question and the replies from the two candidates. Members also agreed that in line with the usual practice, the election forum would be recorded in verbatim.

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81. Mr Andrew LEUNG and Mr SIN Chung-kai made their respective presentations. Mr Albert HO then invited questions from Members. Mr Andrew LEUNG and Mr SIN Chung-kai responded to questions put forward by Ms Emily LAU, Mr Alan LEONG, Ms Cyd HO, Ms Claudia MO, Mr LEUNG Kwok-hung and Mr LEUNG Yiu-chung. (Verbatim transcript of the presentation of platforms and answering of questions is in the **Appendix**.)

82. Mr Albert HO announced a vote by secret ballot. The result of the vote was that 37 Members voted for Mr Andrew LEUNG and 23 Members voted for Mr SIN Chung-kai. Mr HO declared Mr Andrew LEUNG elected as the Chairman of HC for the 2015-2016 session. Mr Andrew LEUNG then took the chair.

Election of Deputy Chairman

83. The Chairman called for nominations for the deputy chairmanship of HC for the 2015-2016 session. Mr MA Fung-kwok was nominated by Dr LAM Tai-fai and the nomination was seconded by Ir Dr LO Wai-kwok. Mr MA Fung-kwok accepted the nomination. The Chairman called for other nominations.

84. Mr SIN Chung-kai was nominated by Ms Cyd HO and the nomination was seconded by Mr Alan LEONG. Mr SIN Chung-kai accepted the nomination.

85. As there was more than one nomination, the Chairman announced a vote by secret ballot. The result of the vote was that 32 Members voted for Mr MA Fung-kwok, 27 Members voted for Mr SIN Chung-kai, and one blank vote was cast. The Chairman declared Mr MA Fung-kwok elected as the Deputy Chairman of HC for the 2015-2016 session.

XIV. Any other business

Up-to-date position on the signification of membership of Panels

86. The Chairman reminded Members that the deadline for signification of membership of 18 Panels was 12:00 noon, Saturday, 10 October 2015.

87. There being no other business, the meeting ended at 4:42 pm.

附錄 Appendix

何俊仁議員：如果是這樣的話，我看看兩位候選人有沒有意見。我相信發言一分鐘，談談自己的抱負，這是沒有問題的，但如果

有議員想提問，兩位候選人是否有興趣回答？梁議員。

梁君彥議員：我沒有問題。

何俊仁議員：沒有問題，即你願意回答提問。單仲偕議員呢？

單仲偕議員：願意。

何俊仁議員：願意。如果是這樣的話，每位議員只可以.....由於時間問題，我想看看有多少位議員想提問。我建議每位議員提問連答覆時間為兩分鐘，好嗎？短問短答。有5位議員打算提問。每位候選人先發言一分鐘。請梁君彥議員先發言。

梁君彥議員：我會一如過往3年，盡力協助立法會主席處理大會的事務。在處理內會事務的時候，我亦會按照《議事規則》和《內務守則》的規定辦事，亦會參考以往的慣例。這方面，我一直都有聽取秘書處的意見。在主持會議的時候，我應該讓議員明白，要給議員充分機會表達其意見，但作為內務委員會的主席，我亦有責任確保議程的各項事務都可以有秩序和有效率地妥善處理。我會一如過往，繼續盡心盡力處理內會事務，以及協助立法會主席處理立法會的事務。

何俊仁議員：我想提醒大家，其實由現在開始，根據慣例，有關程序是會予以逐字記錄的。大家留意這一點。單仲偕議員。

單仲偕議員：當然要按《議事規則》主持會議，但作為內會主席，在主持內會的時候，我覺得更重要的，是有充分的機會讓議員發表意見，更不應經常妄言趕人離場。更重要的是，我們覺得內會主席應該要團結各黨派，做好監察政府的工作，這是《基本法》賦予我們的權力，我們作為立法機關，應該充分發揮監察政府的職能。與此同時，我們覺得，內會主席應該能夠

協調不同黨派，在立法會的工作中，能夠多讓不同的黨派有發揮的空間，不是"拉一派、打一派"。

何俊仁議員：現在開始提問，請首先說明你打算向哪位候選人發問，然後開始提問，連問連答兩分鐘，希望大家精簡。劉慧卿議員。

毛孟靜議員：主席。

何俊仁議員：是。

毛孟靜議員：你說在兩分鐘之內連問連答，那麼，可否同時向兩位候選人提問呢？我同一個問題，他們兩位回答也是可以的嗎？

何俊仁議員：可以，當然可以。劉慧卿議員。

劉慧卿議員：主席，我想問梁君彥議員，梁議員每次都說，他其中一項工作是與政府溝通，但我們很多次內會開會，他在第一部分差不多都是匯報："我沒有事情匯報"。其實立法會對政府有很多意見，無論民主派或你們建制派，我不知你怎樣與政府溝通，每次回來只說沒有事情匯報，我們真的覺得，是否可以做得好一點呢？

再者，有時候你真的很有效率，趕人離場，很兇惡，無論內會也好，有時候你擔任立法會大會的主席，大家看到都會說："這個人為何這樣'狠'？"你自己有否檢討呢？謝謝主席。

何俊仁議員：梁君彥議員。

梁君彥議員：首先我想說，我在任何時間都會不時檢討，如果你翻看我趕人離場的紀錄，都是議員嚴重違反《議事規則》的情況。有一次特別會議，有3位議員衝向"林鄭"司長投擲東西。所以，我是按照《議事規則》來做，而且內會秘書是很盡責的，

我有時候稍為動氣，她都會嘗試平息我的怒氣，提醒我鎮定一點。所以，這些都是根據《議事規則》做的。

為何很多次與司長會面後都沒有甚麼事情匯報？大家亦會記得，很多時候，議員提出意見後，我是即時與司長會面，然後下次會議便會提供答案。但一般而言，我與司長會面其實都只是談及內部事務，例如今天開會之後，沒有議員有甚麼特別的意見要我反映。我們通常反映的，都是政府很多時候遲了提交法案等事情，我都是即時反映的.....而且每次會面亦不單只是我與司長會面，通常我會和副主席.....

何俊仁議員：好了，不如.....

梁君彥議員：.....和秘書處的職員一起與司長會面，所以不是關上門，可以隱瞞會面的內容。

何俊仁議員：梁家傑議員。

梁家傑議員：多謝主席。梁君彥議員行事，我相信是非常嚴謹的，而內務委員會當然是一個嚴肅的場合，但嚴肅的場合也不一定要神情肅穆的，但梁君彥議員坐在主席的位置上，我一直覺得他是完全沒有笑容的，其實不一定要這樣主持會議的。

我第一個問題是想問他，因為他說一如過往，即是在未來一年都會一如過往，而我們又會看到"玄壇"的面孔坐在這裏，逢星期五兩點半便是這樣。對此，他說不時會檢討、時刻檢討，我想問，他在這點上會不會有些改變呢？

第二個比較實質的問題，就是因為內務委員會主席在立法會秘書處決定是否召喚警方、提升顏色警號等方面，是有特別位置的。我想問，他一旦當選，在新一年度，他會怎樣處理這方面的角色呢？多謝主席。

何俊仁議員：梁君彥議員。

梁君彥議員：十分感謝梁議員的意見。當然，每人處事都有不同的做法，我也可以很幽默、很喜歡開玩笑，但在主持內會會議時，全香港市民可以看到，而好像今天的會議，有59項附屬法例加上數條bills，我一定不可以錯，等於湯議員……到了法庭，也不會嬉皮笑臉吧！所以，大家都有一種處事的方式，與你飲酒、說笑，我同樣可以，我在英國讀書，幽默是少不了的。

何俊仁議員：何秀蘭議員。

何秀蘭議員：謝謝主席。我想問，梁君彥議員行使他的權力，運用第……

梁君彥議員：聽不到，可否再說？

何秀蘭議員：那是因為其他同事正在說話，不是因為我的聲音小，請補10秒給我，主席。

我想問梁君彥議員，有關他根據《議事規則》第45(2)條行使權力的準則，就是當議員行為極不檢點時，主席可以命令議員立即退席的條文。其實在過去一年多，我發覺有不下三、四次，議員只是在座位上追問——因為時間到了，5分鐘連問連答——所以會出現與官員搶白的情況。議員感到心急，其實我相信各位議員都可以理解，但我記得曾經有三數次的情況，梁君彥議員都是在這些情況下威嚇正在追問的議員，表示要運用第45(2)條趕議員離場。

我在此請梁君彥議員公開承諾，你以後不會因為議員不斷追問，而出言要動用第45(2)條趕議員離場，你可不可以在這裏作出承諾呢？

梁君彥議員：在我的記憶之中，我從沒有因為議員追問而動用第45(2)條，即你所說的條文，趕議員離場。

何秀蘭議員：你沒有動用，不過你有出言說過："你再這樣說話，我便趕你出去"。

梁君彥議員：我們要主持會議，當議員違反《議事規則》時，便一定要警告，我一定要這樣說。我最記得，剛才也說過，當有議員嚴重違反《議事規則》時，作為主席，一定.....

何秀蘭議員：那麼追問是否很嚴重行為不檢點呢？

梁君彥議員：但我也要警告，指出議員的追問是違反了《議事規則》，對嗎？

何秀蘭議員：是否值得.....

梁君彥議員：再者，議員追問也會阻礙其他同事的發問或發言時間，所以，我在這方面要平衡。大家如果有意見，我樂意去檢討。

何秀蘭議員：梁議員，你自己也超時10多秒.....

何俊仁議員：好了.....

何秀蘭議員：.....你也應該有親身體會為甚麼會超時了。

何俊仁議員：毛孟靜議員。

毛孟靜議員：謝謝主席。"親疏有別、欺善怕惡"，這8個字的印象和感覺都是很負面、很差的，我亦沒有點名。我當然想先問梁君彥議員，但為免單仲偕議員覺得比較寂寞，沒有人向他提問，如果還有時間，單議員也可以回答我這8個字。你可不可以今天承諾，你不會"親疏有別、欺善怕惡"？

何俊仁議員：哪位先回答？

毛孟靜議員：當然是梁君彥議員。

何俊仁議員：梁君彥議員。

毛孟靜議員：如果有時間，才請……

梁君彥議員：我擔任內會主席，處理事情一定沒有親疏有別，因為事實上不是我一個人決定，很多時候要根據秘書處的建議去做。我是按照《議事規則》去做的。

我一定不會欺善怕惡，立法會有那麼多惡人，我也沒有一個是感到害怕的。所以，我一定不會欺善怕惡。

何俊仁議員：單仲偕議員。

毛孟靜議員：主席，我想他承諾，他不會做這8個字。

何俊仁議員：她想你承諾不會做，你會怎樣回應這個要求？

梁君彥議員：我一定不會欺善怕惡，我是在惡人谷出身的，這11年在惡人谷中，我都未曾欺善怕惡。

何俊仁議員：單仲偕議員。

單仲偕議員：我會用同一把尺來主持會議，處理所有議員的事宜。所以，我一定不會有所謂的親疏有別，更不會欺善怕惡。

毛孟靜議員：說完，不要浪費時間。

何俊仁議員：梁國雄議員。

梁國雄議員：主席，我想兩位候選人評論一下，因為我不停地引入競爭，又提名田北俊議員，又提名"睬佢都傻"議員……

何俊仁議員：請對着咪高峰說話，聽不清楚。

梁國雄議員：我不停地想大家有競爭，於是我便提名了田北俊議員，但他回答："我不做了"。還有一個"睬你都傻"議員，他則說"睬你都傻"。你們有何評價呢？永遠選這些好像"隔夜燒賣"的人，怎麼辦？

何俊仁議員：你問兩位嗎？

梁國雄議員：請兩位評論一下。

何俊仁議員：這次請單仲偕議員先回答，有何評價？

梁國雄議員："隔夜燒賣"，就是"整定"、"漚臭"的意思。

單仲偕議員：我想在立法會內，建制是主導，是多數。但是，大家看看，其實在很多議會中，都會尊重反對派或少數派或在野派在議會中的工作和職能，而不是透過所謂議員的數目，壓迫少數派。

希望建制派的議員今天在這個前提下考慮，如何可以改善立法會內部的工作關係。這是長遠的，不是我剛才所說的"拉一派、打一派"，這對香港的政治發展無甚好處。

何俊仁議員：梁議員。

梁君彥議員：我不明白梁國雄議員的說話，我不是燒賣，也不是蝦餃，我真的不知道你想說甚麼。不過，在立法會內，任何選舉都是公平競爭，這個我是願意接受的。

何俊仁議員：最後一個問題，梁耀忠議員。

梁耀忠議員：主席，剛才毛孟靜議員問梁君彥議員，會否欺善怕惡，我也覺得他不一定是欺善怕惡，但會否濫用權力呢？對此，我則認為有問號存在。因為剛才梁議員回答何秀蘭議員時說，如果有些議員追問的話，你要平衡這個議會，但就平衡和濫用權力而言，你究竟如何平衡這兩件事呢？

事實上，我自己本身是受害人之一，我在追問官員問題時，你說："如果你再追問，我便趕你走"。你是這樣說過的。你這種態度，怎能成為我們會議的主持人呢？你怎能領導這個會議呢？你怎能帶領這個會議和平衡各方面的意見呢？

剛才何俊仁議員主持這個會議時，你的回答過時，他有沒有這樣呼喝你？有沒有趕你走？沒有的，這就是平衡了，視乎你回答的問題，是否應該讓你繼續下去、回答下去或者問下去，這便是平衡。你將來是否懂得，以及會否這樣做呢？

梁君彥議員：我懂得的，你回看昨天的特別會議，我是懂得的。你看到昨天大家的答問，我也盡量不阻止議員追問，當官員的回答超過5分鐘的時候，因為我覺得某些回答的內容十分重要，我也是會容許的。

但是，亦有一些時候，例如昨天，只有13位議員可以提問，如果我讓每人多一分鐘時間，可能只有十一、二位議員可以提問，但我看到有十四、五位議員正在等候提問。所以，這個平衡是不容易的。

所以，為何我處事時會比較嚴肅呢？因為我考慮很多事情才去做，所以不能擺出一副嬉皮笑臉來主持會議，但我會繼續檢討的。

何俊仁議員：政綱陳述和問答環節現在完結。