

立法會
Legislative Council

LC Paper No. CB(2)621/15-16

Ref : CB2/H/5/15

House Committee of the Legislative Council

**Minutes of the 11th meeting
held in Conference Room 1 of the Legislative Council Complex
at 4:00 pm on Friday, 8 January 2016**

Members present:

Hon Andrew LEUNG Kwan-yuen, GBS, JP (Chairman)
Hon MA Fung-kwok, SBS, JP (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, 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
Dr Hon LAM Tai-fai, SBS, 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 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, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Dr Hon Kenneth CHAN Ka-lok
Hon CHAN Yuen-han, SBS, JP
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Dr Hon KWOK Ka-ki
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
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
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

Members absent:

Dr Hon LAU Wong-fat, GBM, GBS, JP
Hon Starry LEE Wai-king, JP
Hon CHAN Hak-kan, JP
Dr Hon LEUNG Ka-lau
Hon IP Kwok-him, GBS, JP
Hon CHAN Han-pan, JP
Hon Alice MAK Mei-kuen, BBS, JP
Hon KWOK Wai-keung
Hon POON Siu-ping, BBS, MH
Hon Tony TSE Wai-chuen, BBS

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
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Jasmine TAM	Senior Council Secretary (2)8
Mr Richard WONG	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of verbatim transcript/minutes of meetings

- (a) **Verbatim transcript of the special meeting held on 4 December 2015**
(LC Paper No. CB(2)580/15-16)
- (b) **Minutes of the 10th meeting held on 18 December 2015**
(LC Paper No. CB(2)581/15-16)

The two sets of verbatim transcript/minutes 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 he had conveyed to the Chief Secretary for Administration ("CS") Members' concern about the incident of the tilting of a glazed canopy near the side door of Members' Entrance 2 of the Legislative Council Complex ("the Complex") which happened on 18 December 2015, as well as Members' hope that the Administration would expeditiously examine the condition of other similar glazed canopies within the Complex to ensure their structural safety. CS had indicated that she would instruct the Architectural Services Department to investigate the matter seriously and submit a detailed report to her as soon as possible.

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) Fixed Penalty (Public Cleanliness Offences) (Amendment) Bill 2015 *(LC Paper No. LS23/15-16)*

3. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the Bill.

4. Members did not consider it necessary to form a bills committee to study the Bill and raised no objection to the resumption of the Second Reading debate on the Bill.

(b) Bank of Communications (Hong Kong) Limited (Merger) Bill *(LC Paper No. LS24/15-16)*

5. The Chairman said that the House Committee ("HC") would decide on the need to form a Bills Committee after the Bill had been read the first and second times and was referred to HC in accordance with Rule 54(4) of the Rules of Procedure ("RoP"). Members noted the arrangement.

IV. Business for the Council meeting of 13 January 2016

Meeting arrangement for the Council meeting of 13 January 2016

6. The Chairman informed Members that the Council meeting of 13 January 2016 would be adjourned after the Chief Executive ("CE") had presented the 2016 Policy Address.

(a) Tabling of papers

Report No. 10/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(*LC Paper No. CB(2)583/15-16*)

7. The Chairman said that the Report covered four items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 13 January 2016. No Member had indicated intention to speak on these items of subsidiary legislation.

(b) The Chief Executive's Policy Address

8. The Chairman said that CE would deliver his Policy Address at the Council meeting of 13 January 2016.

V. The Chief Executive's Question and Answer Session on 14 January 2016

9. The Chairman said that the CE's Question and Answer Session on the Policy Address would be held on 14 January 2016, from 10:30 am to 12:00 noon.

VI. Business for the Council meeting of 20 January 2016

(a) Questions

(*LC Paper No. CB(3)275/15-16*)

10. 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

11. The Chairman said that HC would consider the Inland Revenue (Amendment) Bill 2016 at its meeting on 22 January 2016.

(c) **Government motion**

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

(d) **Members' motions**

13. The Chairman said that the Members' motions which had been scheduled for debate at previous Council meetings would stand over to the following Council meetings, with each Council meeting dealing with two such motions without legislative effect.

VII. Reports of Bills Committees and subcommittees

Proposed extension of period of work of the Subcommittee on Poverty

(LC Paper No. CB(2)547/15-16)

14. At the invitation of the Chairman, Dr Fernando CHEUNG, Chairman of the Subcommittee on Poverty ("the Subcommittee"), briefed Members on the paper which sought HC's permission for extending the period of the Subcommittee's work until the end of the 2015-2016 session in mid-July 2016.

15. The Chairman informed Members 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 on 15 November 2013, where a subcommittee considered it necessary to extend the period of 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 to allow time for it to wrap up its current stage of work, 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.

16. Members noted that as there were currently five subcommittees including one new subcommittee on the waiting list pending activation/re-activation, it was anticipated that there would not be any vacant slot for the Subcommittee to re-activate its work by the end of the current term. Members agreed that the Subcommittee be given permission to extend the period of its work for three months until 30 April 2016 to conclude its work.

VIII. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)582/15-16)

17. The Chairman said that as at 7 January 2016, there were 16 Bills Committees, seven subcommittees under HC and seven subcommittees on policy issues under Panels in action. One Bills Committee and five subcommittees on policy issues were on the waiting list.

IX. Requests to seek the House Committee's recommendation for an adjournment debate under Rule 16(4) of the Rules of Procedure at a Council meeting on the incident of the alleged disappearance of the shareholders and staff members of Causeway Bay Books

(a) **Letter from Hon Claudia MO**
(LC Paper No. CB(2)588/15-16(01))

(b) **Letter from Dr Hon KWOK Ka-ki**
(LC Paper No. CB(2)588/15-16(02))

18. The Chairman said that Ms Claudia MO and Dr KWOK Ka-ki had respectively written to him on their requests to seek HC's recommendation for an adjournment debate under Rule 16(4) of RoP at the Council meeting of 13 January 2016 and that of 20 January 2016 on the incident of the alleged disappearance of the shareholders and staff members of Causeway Bay Books ("the incident in question"). The Chairman further said that as the Council meeting of 13 January 2016 would be adjourned after CE had presented the 2016 Policy Address, should Members support the holding of the proposed adjournment debate, the earliest opportunity for moving the relevant adjournment motion would be the Council meeting of 20 January 2016 and the deadline for giving notice of such a motion would be 11 January 2016.

19. At the invitation of the Chairman, Ms Claudia MO said that it was her understanding that in the previous two sessions, Members' motions had been dealt with at the Council meetings at which CE delivered his Policy Address. She had therefore put forward a request for moving a motion for adjournment of the Council under Rule 16(4) of RoP, which was also a Members' motion, at the Council meeting of 13 January 2016. She sought clarification from the Secretary General ("SG") why a decision had been made by the President that the Council meeting of 13 January 2016 would be adjourned after CE had delivered his Policy Address before HC considered her request.

20. SG advised that the President had sought the views of Members of different political parties and groupings through the Secretariat on the meeting arrangement for the Council meeting of 13 January 2016. Taking into account Members' views, the President had directed that the meeting would be adjourned after CE had presented the 2016 Policy Address. SG further clarified that according to past practice, only motions with legislative effect, and not Members' motions without legislative effect, had been dealt with at the Council meetings at which CE delivered his Policy Address. The Chairman added that under Rule 16(4) of RoP, a motion for adjournment of the Council might only be moved after the conclusion of all the business on the Agenda of a Council meeting.

21. Dr KWOK Ka-ki said that the incident in question had aroused grave concern in the Hong Kong community and dealt a severe blow to the principle of "One Country, Two Systems". Furthermore, an editorial recently published by Global Times ("the Global Times editorial") seemed to have confirmed that some "powerful" public security officers from the Mainland had used their own ways to take Mr LEE Po and another four shareholders/staff members of Causeway Bay Books to the Mainland to make them assist in their so-called "investigations". Given the importance of and public concern about the matter, he considered it incumbent upon Members to debate the incident in question in Council as early as practicable in accordance with RoP. Apart from seeking Members' support for holding an adjournment debate on the incident under Rule 16(4) of RoP, he also hoped that Members would support the moving of a motion under Rule 91 of RoP at the Council meeting of 20 January 2016 to suspend the relevant rules of RoP, so as to enable the proposed adjournment debate to be held ahead of the proceedings on the Copyright (Amendment) Bill 2014 at that meeting.

22. Mr LEUNG Kwok-hung considered it ridiculous for CE to appeal to Mr LEE Po, who was allegedly being detained in the Mainland, to provide information on his whereabouts to the Hong Kong Special Administrative Region ("HKSAR") Government. He added that it was necessary for the Legislative Council ("LegCo") to continue to monitor the development of the incident in question and he supported the holding of the proposed adjournment debate.

23. Mr Albert HO opined that the incident in question was one of the most serious incidents that had happened since Hong Kong's reunification with China as it seriously threatened the continued implementation of "One Country, Two Systems" in Hong Kong. He further said that while a notification mechanism between the Mainland authorities and the HKSAR Government in respect of Hong Kong residents detained in the Mainland ("the notification mechanism") was in place and the HKSAR

Action

Government had made enquiries with the Mainland authorities on the well-being and whereabouts of the individuals concerned, no reply had been received so far. Pointing out that the incident had already been widely reported by international media and even the European Union had issued a statement expressing concern over the incident, he stressed that LegCo was duty bound to hold a debate on the matter as early as possible in order to urge the HKSAR Government to request the Central Government to answer the questions raised over the incident and to release the individuals concerned if they were, as alleged, detained by the Mainland authorities.

24. Mr James TO said that Members were gravely concerned about the incident in question and had made various attempts to follow up the matter, including making requests for asking urgent questions on the incident at the last Council meeting and discussing the matter at the meeting of the Panel on Security on 5 January 2016, but to no avail. In his view, the proposed adjournment debate would not only provide a platform for Members to discuss the incident in question but also provide an opportunity for the HKSAR Government to respond to the queries raised over the incident, which was of wide public concern.

25. Dr Fernando CHEUNG said that the incident in question had aroused grave public concern and worries as it had revealed that the laws of Hong Kong and the local law enforcement departments might not be able to safeguard the well-being of Hong Kong residents and other individuals who were within the territory. It was particularly worrying that the Global Times editorial seemed to have confirmed that Mr LEE Po, against his will, had indeed been taken by some Mainland public security officers to the Mainland to assist in their so-called "investigations". He supported Ms Claudia MO's request for holding an adjournment debate on the incident as early as possible and he also considered it necessary for LegCo to continue to find out the truth of the incident for the public.

26. Mr Dennis KWOK said that there was an urgency for holding the proposed adjournment debate so as to provide an opportunity for Members to elicit replies from the HKSAR Government to dispel public concerns and queries about the incident in question, including whether Mr LEE Po was being detained by the Mainland authorities as alleged, and whether there were some "powerful" Mainland public security officers getting round the law as implied in the Global Times editorial published earlier. Having regard to wide public concern over whether there was a breach of "One Country, Two Systems", he considered it incumbent upon LegCo to discuss the incident in question and urged Members belonging to the pro-establishment camp to support the holding of the proposed adjournment debate.

Action

27. The Chairman said that he, on behalf of Members belonging to the pro-establishment camp, had already conveyed the message that they would support the holding of the proposed adjournment debate.

28. Mr WONG Yuk-man said that he was convinced that the incident in question involved public security officers from the Mainland carrying out their duties in Hong Kong, which had violated the principle of "One Country, Two Systems". He supported the holding of the proposed adjournment debate at the Council meeting of 20 January 2016. However, in view of the long Agenda for the Council meeting of 20 January 2016, it would be highly unlikely that the proposed adjournment debate, even if included in the Agenda for the meeting, could actually be held at that Council meeting.

29. Dr Helena WONG said that she supported the holding of the proposed adjournment debate as early as possible, having regard to the consideration that the incident in question had undermined public confidence in the continued implementation of "One Country, Two Systems" in Hong Kong. She considered it imperative to seek official response to public concerns over various issues surrounding the incident, including whether Mainland public security officers were, as alleged, involved in the incident in question, and whether the principle of "One Country, Two Systems" had been violated.

30. Mr Alan LEONG said that the incident in question had aroused public concerns about whether Hong Kong people's freedoms of speech, of the press and of publication safeguarded by the Basic Law had been jeopardized. In his view, the holding of the proposed adjournment debate could provide an opportunity for Members to elicit replies from the HKSAR Government to the various queries surrounding the incident. He also considered it appropriate to make the necessary special arrangement such that the proposed adjournment debate could be held at the earliest possible opportunity, and he would support the moving of a motion under Rule 91 of RoP at the Council meeting of 20 January 2016 for that purpose.

31. Mr WU Chi-wai expressed grave concern about the Global Times editorial which seemed to indicate that some "powerful" public security officers from the Mainland had illegally transported Mr LEE Po to the Mainland to make him assist in their so-called "investigations". If it was really the case, it would have violated the principles of "One Country, Two Systems", "Hong Kong people ruling Hong Kong" and "a high degree of autonomy" which should continue to be implemented in Hong Kong. He supported the holding of the proposed adjournment debate so that the HKSAR Government could take this opportunity to clarify its position on issues surrounding the incident in question and respond to the concerns raised by the public.

32. Mr Frederick FUNG considered that the Central Government and the HKSAR Government should explain to the public on the incident in question as early as possible. He pointed out that the Global Times editorial had caused many Hong Kong people to worry about whether the Central Government would continue to uphold the principle of "One Country, Two Systems" and whether the laws of Hong Kong could protect their rights and freedoms. He therefore supported the holding of the proposed adjournment debate.

33. Mr Kenneth LEUNG said that the incident in question had caused concerns in the local business sector and the international community over the implementation of "One Country, Two Systems" in Hong Kong, and might have adverse impact on the status of Hong Kong as the financial centre of the region. He considered it necessary for LegCo to hold the proposed adjournment debate as it would provide an opportunity for the government officials to address public's worries and various concerns arising from the incident, including the upholding of the freedoms of speech and of publication provided under the Basic Law.

34. Ms Emily LAU said that the notification mechanism had failed to function effectively as the HKSAR Government had not yet received any response from the Mainland authorities concerning the disappearance of Mr LEE Po and other shareholders and staff members of Causeway Bay Books. She was worried that the incident in question had created a sense of insecurity among Hong Kong people, particularly those in the publishing sector. She hoped that Members would give unanimous support to the holding of the proposed adjournment debate at the earliest possible opportunity.

35. Mr Charles MOK was concerned about the adverse impact of the incident in question on the confidence of Hong Kong people in the continued implementation of "One Country, Two Systems" in Hong Kong. He considered that LegCo should take on the responsibility of urging the HKSAR Government to safeguard the rights and freedoms of Hong Kong residents and provide the necessary assistance to the five shareholders and staff members of Causeway Bay Books who were allegedly being detained in the Mainland. He was supportive of the proposal for holding an adjournment debate on the incident in Council.

36. Mr LEUNG Yiu-chung said that the incident in question had aroused concern about whether the personal safety of Hong Kong residents could still be safeguarded under the Basic Law and other laws of Hong Kong, and the recent surge in the number of applications for renewal of British National (Overseas) Passports had revealed that more

Action

and more Hong Kong people were losing confidence in the future of Hong Kong. He considered that the holding of the proposed adjournment debate would put pressure on the HKSAR Government to follow up the matter seriously with the Central Government and to step up efforts to uphold the principle of "One Country, Two Systems".

37. Mr LEE Cheuk-yan said that the incident in question was the most serious incident that had happened since Hong Kong's reunification with China, which in his view was even more alarming than the introduction of the legislative proposal to implement Article 23 of the Basic Law into LegCo in 2003. He stressed that it would be a fatal blow to the "One Country, Two Systems" principle and the personal safety of Hong Kong people would be at stake if the "powerful" public security officers from the Mainland were allowed to carry out their duties in Hong Kong. In view of the gravity of the matter, he suggested that the Panel on Security should urgently convene a special meeting in the following week to discuss the matter before the holding of the proposed adjournment debate at the Council meeting of 20 January 2016.

38. Mr CHAN Chi-chuen said that he would support any proposal for Members to exercise the powers of LegCo and make use of the established mechanism to follow up, at the earliest possible opportunity, the incident in question as well as the related issues. As it was stated in the Global Times editorial that "all powerful agencies in the world had their ways to get round the law to make people under investigation cooperate", he considered that the Security Bureau and the Hong Kong Police Force should be requested to explain to LegCo whether there were any examples of Mainland public security officers doing so in Hong Kong and whether the HKSAR Government had deliberately hid information relating to the incident from LegCo.

39. Mr IP Kin-yuen said that given the public concern about the incident in question, he considered it appropriate for LegCo to hold the proposed adjournment debate. The public generally hoped that LegCo would discuss whether the incident involved possible cross-boundary law enforcement by Mainland public security officers, and whether more could be done by the HKSAR Government to follow up the incident as well as to uphold the "One Country, Two Systems" principle. He appealed to Members to support the holding of the proposed adjournment debate to clear the doubts surrounding the incident in question for the public.

Action

40. Mr SIN Chung-kai expressed concern that even if HC supported the holding of the proposed adjournment debate, it would be highly unlikely that the debate could be held at the Council meeting of 20 January 2016 if it was to be dealt with after the proceedings on bills and other Members' motions had been completed under the relevant rules of RoP. He suggested that apart from inviting Members to indicate whether they supported the holding of the proposed adjournment debate, Members' views should also be sought on whether special arrangement should be made to enable the proposed adjournment debate to be held before the proceedings on bills and other Members' motions at the Council meeting of 20 January 2016 through, for instance, the moving of a motion at that meeting to suspend the relevant rules of RoP.

41. Referring to the Chairman's earlier remark about the support of Members belonging to the pro-establishment camp for the holding of the proposed adjournment debate, Ms Claudia MO said that it was hypocritical of those Members to give such support considering that the proposed adjournment debate would not be permitted to be held at the Council meeting of 13 January 2016, and that it would be highly unlikely that the debate could be held at the Council meeting of 20 January 2016 given the anticipated prolonged proceedings on the Copyright (Amendment) Bill 2014 to be dealt with at that meeting.

42. The Chairman clarified that the Agenda and the meeting arrangement for the Council meetings of 13 January 2016 and 20 January 2016 were decided by the President. If permission was given by the President for including the proposed adjournment debate in the Agenda for the Council meeting of 20 January 2016, whether or not the debate could be held at that meeting would largely depend on whether Members belonging to the pro-democracy camp would end their filibuster on the Copyright (Amendment) Bill 2014.

43. Dr KWOK Ka-ki said that while Members belonging to the pro-democracy camp generally hoped that the proposed adjournment debate could be held as early as practicable, they would not seek to facilitate the holding of the proposed adjournment debate by way of curtailing the debate on the Copyright (Amendment) Bill 2014 at the Council meeting of 20 January 2016. He reiterated his view that a motion should be moved under Rule 91 of RoP at the Council meeting of 20 January 2016 to suspend the relevant rules of RoP, so as to enable the proposed adjournment debate to be held ahead of the proceedings on the Copyright (Amendment) Bill 2014 at that meeting.

Action

44. In response to Dr KWOK Ka-ki, the Chairman advised that under Rule 91 of RoP, individual Members could give notice to move a motion at a Council meeting to suspend the relevant rules of RoP if they so wished.

45. After consulting Ms Claudia MO and Dr KWOK Ka-ki, Members agreed to support the moving of the proposed adjournment motion, in addition to the two Members' motions, by Hon Claudia MO at the Council meeting of 20 January 2016 for the purpose of debating the incident in question.

X. Any other business

46. There being no other business, the meeting ended at 4:52 pm.

Council Business Division 2
Legislative Council Secretariat
14 January 2016