

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1799/15-16

Ref : CB2/H/5/15

**House Committee of the Legislative Council**

**Minutes of the 29th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 17 June 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 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  
Dr Hon LEUNG Ka-lau  
Hon CHEUNG Kwok-che  
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 LEUNG Kwok-hung

Hon Albert CHAN Wai-yip  
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  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, 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  
Hon Alvin YEUNG Ngok-kiu

**Members absent:**

Hon LEE Cheuk-yan  
Dr Hon LAU Wong-fat, GBM, GBS, JP  
Hon Alan LEONG Kah-kit, SC  
Hon WONG Yuk-man  
Hon CHAN Han-pan, JP  
Hon Dennis KWOK  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Hon SIN Chung-kai, 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)
Mr Colin CHUI	Chief Council Secretary (2)4
Ms Maisie LAM	Chief Council Secretary (2)5
Ms Alice LEUNG	Chief Council Secretary (2)6
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
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 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 28th meeting held on 10 June 2016**  
(*LC Paper No. CB(2)1741/15-16*)

The minutes were confirmed.

**II. Matters arising**

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

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2. The Chairman said that there was nothing special to report.
3. Ms Cyd HO asked the Chairman to convey her request to the Chief Secretary for Administration ("CS") at his meeting with CS next week that CS, together with relevant government officials including the Secretary for Security and the Commissioner of Police, should attend a special meeting of the House Committee ("HC") as soon as possible to answer Members' questions on whether there was a case of cross-border law enforcement related to the incident of the alleged disappearance of shareholders and staff members of Causeway Bay Books ("the Causeway Bay Books incident").
4. Dr KWOK Ka-ki said that Hong Kong people were very concerned that the account given by Mr LAM Wing-kee, manager of Causeway Bay Books, at the press conference on the day before this HC meeting was totally different from what the Security Bureau and the Police had told the public about the Causeway Bay Books incident. He agreed that in view of the account made by Mr LAM, CS should be invited to attend a special HC meeting as early as possible to answer Members' questions on the matter.
5. Mr Albert HO said that he supported Ms HO's request of inviting CS to attend a special HC meeting to answer Members' questions on the matter so as to clear the public's doubts surrounding the Causeway Bay Books incident. He further said that according to a media report, the relevant Mainland authority would follow up the case of Mr LAM Wing-kee through an established working mechanism with the Hong Kong Police. The public was very concerned about the personal safety of Mr LAM and the details about the established working mechanism that the relevant Mainland authority would use to follow up Mr LAM's case.
6. The Chairman said that he would convey the request to CS.

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

#### **Legal Service Division report on subsidiary legislation gazetted on 10 June 2016 and tabled in Council on 15 June 2016** (*LC Paper No. LS57/15-16*)

7. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the nine items of subsidiary legislation (i.e. L.N. 92 to L.N. 100) which were gazetted on 10 June 2016 and tabled in Council on 15 June 2016.

8. Members did not raise any question on these items of subsidiary legislation. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation would be the Council meeting of 13 July 2016.

#### **IV. Further business for the Council meeting of 22 June 2016**

##### Meeting arrangement for the Council meeting of 22 June 2016

9. Members noted that the meeting would start at 11:00 am and be suspended at around 8:00 pm on Wednesday, 22 June 2016. The meeting would resume at 9:00 am and be suspended at around 8:00 pm on Thursday, 23 June 2016. The meeting would resume at 9:00 am and be adjourned at around 1:00 pm on Friday, 24 June 2016.

##### Report No. 21/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

10. The Chairman said that the Report covered nine items of subsidiary legislation and the period for amending those items would expire at the Council meeting of 22 June 2016. The Chairman further said that as Mr IP Kwok-him, Chairman of the Subcommittee on Immigration (Unauthorized Entrants) (Amendment) Order 2016, had indicated his intention to speak on the Amendment Order (L.N. 66), he would, in his capacity as the HC Chairman, move a motion to take note of the Report in relation to the Amendment Order at that Council meeting.

##### **(a) Bill - resumption of debate on Second Reading, Committee Stage and Third Reading**

11. The Chairman said that the Second Reading debate on the Financial Institutions (Resolution) Bill would be resumed at the meeting.

##### **(b) Government motion**

**Proposed resolution under section 37(1) of the West Kowloon Cultural District Authority Ordinance (Cap. 601) to be moved by the Secretary for Home Affairs**  
(LC Paper No. CB(3)689/15-16)

12. The Chairman said that the proposed resolution would be dealt with at the meeting.

**V. Business for the Council meeting of 29 June 2016**

**(a) Questions**

*(LC Paper No. CB(3)691/15-16)*

13. 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**

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

**(c) Government motion**

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

**(d) Members' motions**

16. Members noted that Members' motions which had been scheduled for debate at previous Council meetings would stand over until the following Council meetings, with each Council meeting dealing with two such motions without legislative effect.

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

**(a) Report of the Bills Committee on Employment (Amendment) Bill 2016**

*(LC Paper No. CB(2)1748/15-16)*

17. Mr WONG Ting-kwong, 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 would not propose any Committee stage amendments ("CSAs") to the Bill, and raised no objection to the resumption of the Second Reading debate on the Bill. Mr WONG informed Members that Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung and Mr SIN Chung-kai had respectively indicated their intention to propose CSAs to the Bill in respect of the proposed amount of the further sum which the court or Labour Tribunal might order the employer to pay to the employee in the event of non-compliance with the order for reinstatement or re-engagement by the employer. Mr LEE Cheuk-yan would also propose CSAs to other provisions of the Bill. Mr WONG added that the Administration's advice on the date for the resumption of the Second Reading debate on the Bill was awaited.

(*Post-meeting note*: With the concurrence of the HC Chairman, a letter dated 22 June 2016 from the Secretary for Labour and Welfare advising that the Government did not envisage that the Second Reading debate on the Employment (Amendment) Bill 2016 would be able to be resumed within the current Legislative Council ("LegCo") term was issued to Members on the same day vide LC Paper No. CB(2)1816/15-16.)

**(b) Report of the Bills Committee on Private Columbaria Bill**

18. Mr IP Kwok-him, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. Mr IP informed Members that the Bills Committee held 35 meetings and received views from deputations and individuals at one of these meetings. During its deliberations, members of the Bills Committee were mainly concerned that the Private Columbaria Licensing Board ("the Licensing Board") or enforcement agencies might encounter difficulties in enforcing certain provisions of the Bill. In response, the Administration undertook to keep in view the implementation of the Bill upon its enactment ("the Ordinance") and propose amendments to it as and when necessary. A review of the Ordinance would in any event be conducted around three years after its implementation. The Administration would incorporate the above undertaking in the speech of the Secretary for Food and Health ("SFH") for the resumption of the Second Reading debate on the Bill ("SFH's speech").

19. Mr IP said that the Bills Committee noted that certain requirements imposed by the Licensing Board and the Administration were not subsidiary legislation and therefore would not be subject to scrutiny or amendment by LegCo. While members were concerned about the serious consequences (i.e. criminal sanctions) for non-compliance cases, they were aware that criminal sanctions were necessary in order to have sufficient deterrent effect. Members considered that as non-compliance cases would be handled by the court, the court could play the role of "gatekeeper" in deciding the penalties to be imposed on the offenders concerned. In view of the above, the Bills Committee accepted the Administration's proposal, and requested that the Bills Committee's concerns about the above proposal and its rationale for accepting it should be covered in SFH's speech.

20. Mr IP further said that some members were concerned about whether private columbaria operators would abuse the arrangement for land premium exemption. These members took the view that operators who had been exempted from paying land premium should be forbidden

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to charge consumers extortionate fees or to resell niches. According to the Administration, it had plans to impose restrictions against changes of ashes interred or to be interred in these columbaria, and to impose conditions to restrict the imposition of any additional fees. Members, however, noted that such conditions could not preclude operators from charging consumers additional fees if the terms in the agreements for the sale of an interment right allowed them to do so. As such, members suggested that the Administration should put in place a mechanism to require operators to provide templates of their agreements with consumers when applying for land premium exemption, so that the Administration would examine these agreements to ensure that the objectives of the proposed conditions could be met. At the Bills Committee's request, SFH's speech would cover members' concerns about this issue and the Administration's response.

21. Mr IP further advised that apart from the above concerns, the Administration would propose more than 530 CSAs in response to other concerns of the Bills Committee. The Bills Committee raised no objection to these CSAs. The Bills Committee noted that Mr LEE Cheuk-yan had indicated his intention to propose a CSA to require the Licensing Board to have regard to whether the columbarium concerned had not complied with the land-related requirements, planning-related requirements or building-related requirements when determining applications for a licence, exemption or temporary suspension of liability. Ms Cyd HO had also indicated her intention to propose a CSA to include the same-sex partner in the definition of "relative" of a deceased person for the purposes of claiming for the return of the ashes of that deceased person. Members noted that the Bills Committee supported the resumption of the Second Reading debate on the Bill at the Council meeting of 6 July 2016, and would submit its written report in due course.

22. 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, 25 June 2016.

**(c) Report of the Bills Committee on Fire Services (Amendment) Bill 2015**

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23. Mr Tony TSE, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. Members noted that the Bill sought to expand the scope of the Fire Services Ordinance (Cap. 95) to introduce the Registered Fire Engineer ("RFE") Scheme; empower the Chief Executive ("CE") in Council to make regulations for the RFE Scheme and for regulating RFEs; and make other related and consequential amendments.



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24. Mr TSE said that members of the Bills Committee in general supported the proposed RFE Scheme, which would leverage professional engineers and qualified persons in the market for the provision of fire safety risk assessment and certification services, offering licence applicants of the prescribed premises an additional option to the existing services provided by the Fire Services Department. However, a majority of members were concerned that if the Bill was passed, the implementation details of the RFE Scheme would be set out in a new regulation to be made under Cap. 95 through the negative vetting procedure. These members were of the view that the new regulation should be subject to the positive vetting procedure, as it would provide for such matters as the registration and duties of RFEs, their inclusion in and removal from the register, and the disciplinary and appeal mechanisms. In response, the Administration would propose CSAs to the Bill to stipulate that the details of the proposed RFE Scheme (except for matters relating to the fees for registration and de-registration of RFEs) would be specified by a new regulation which would be subject to the positive vetting procedure.

25. Mr TSE further said that the Bills Committee noted that the qualification requirements of RFEs would be provided for in the new regulation as appropriate. In the Administration's initial proposal, a person applying to become an RFE had to be a Registered Professional Engineer of relevant disciplines under the Engineers Registration Ordinance (Cap. 409), or possessed relevant fire engineering qualification and experience as considered appropriate by the Director of Fire Services. Some members, however, shared the view of some relevant professional bodies and stakeholders that in addition to Registered Professional Engineers, persons who possessed relevant professional qualification and experience (such as Building Surveyors and Authorized Persons) might also apply to be registered as RFEs.

26. Having considered the views of members and further consulted the relevant professional bodies and stakeholders, the Administration proposed that the following persons might also apply to be registered as RFEs: persons with undergraduate degrees relevant to the duties of the three classes of RFEs (i.e. RFE (Risk Assessment), RFE (Fire Service Installation) and RFE (Ventilating System)) and had completed courses relating to the class of RFE they applied to register during the course of their degree programmes; and practitioners with sufficient experience and had completed the relevant top-up courses. The Administration undertook to continue to engage the relevant professional bodies in formulating the detailed qualifications and experience requirements of the RFE Scheme.

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27. Members noted that the Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 29 June 2016. The Bills Committee would submit its written report in due course.

**(d) Report of the Bills Committee on Medical Registration (Amendment) Bill 2016**

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28. Mr Vincent FANG, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. Members noted that members of the Bills Committee in general supported the objectives of the Bill to increase lay participation in the Medical Council of Hong Kong ("the Medical Council"); to improve the Medical Council's complaint investigation and disciplinary inquiry mechanism; and to facilitate the admission of non-locally trained doctors, in particular specialists, to practise in Hong Kong.

29. Mr FANG said that the Bills Committee members supported the proposal of increasing the number of lay members on the Medical Council from four to eight so as to enhance the openness and public accountability of the Medical Council. Some members considered that the appointees for the proposed four additional lay members should include representatives of patients and consumers. After considering members' suggestion, the Administration advised that in respect of the four additional lay members to be appointed by CE, the Administration would propose CSAs to the Bill to the effect that three such members would be elected by organizations representing patients' interests and one such member would be nominated by the Consumer Council.

30. Mr FANG informed Members that some members of the Bills Committee were concerned about the election arrangement in respect of the three lay members proposed to be elected by organizations representing patients' interests. These members took the view that the Bill should clearly define the eligibility of a patient group or a patient support group for becoming an elector and also specify the detailed election arrangements. After consulting major patient groups, the Administration advised that to allow sufficient flexibility for refining the relevant arrangements taking into account the future development, it would be inappropriate for the legislation to be specific on such issues. The Administration, however, undertook to state clearly the factors that would be taken into account (but not limited to) by SFH in recognizing which organizations were eligible for nominating and electing candidates for CE's appointment to the Medical Council to represent patients' interests in SFH's speech for the resumption of the Second Reading debate on the Bill.

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31. Mr FANG said that some members had pointed out that there was a strong view in the medical profession that the ratio between elected and appointed members at 1:1 under the current regime should be maintained after the addition of four lay members. In response, the Administration agreed to propose CSAs to the Bill to convert the two existing appointed members nominated by the Hong Kong Academy of Medicine ("HKAM") to two members to be elected by HKAM, in order to maintain an equal ratio of elected and appointed members in the Medical Council. However, Dr KWOK Ka-ki and Dr LEUNG Ka-lau considered that the proposed amendments could not enhance the elected element in the composition of the Medical Council. They had respectively indicated their intention to propose CSAs to the Bill to increase the number of registered medical practitioner members in the Medical Council elected by registered medical practitioners with full registration and limited registration.

32. Mr FANG further said that the Bills Committee was gravely concerned about the long processing time (i.e. an average of 58 months) taken by the Medical Council in handling complaints and conducting disciplinary inquiries and the "bottlenecks" of the existing mechanism of the Medical Council as identified by some deputations. The majority of members agreed that if the Bill was passed, the Medical Council could set up more than one Preliminary Investigation Committee ("PIC") and appoint more than one legal adviser to handle complaint cases, which would help shorten the processing time for conducting complaint investigation and disciplinary inquiries. The Administration had also undertaken to provide additional resources to the Medical Council Secretariat in order to improve the efficiency of the Medical Council. The Bills Committee noted that the existing mechanism for handling conflict of interest when dealing with complaint investigation and disciplinary inquiries had been refined.

33. Mr FANG further advised that under the Bill, the number of assessors would increase from 14 to 34 to facilitate the Medical Council to conduct more inquiries. Some members were concerned about the factors to be taken into consideration by SFH in nominating the 14 lay assessors and the rationale for requiring that the 20 assessors who were registered medical practitioners must be nominated by the Director of Health, the Hospital Authority, HKAM, the University of Hong Kong and The Chinese University of Hong Kong. Dr KWOK Ka-ki and Dr LEUNG Ka-lau had respectively indicated their intention to propose CSAs to the Bill to add representatives of the Hong Kong Medical Association in the panel of assessors. Furthermore, Dr LEUNG Ka-lau was concerned about the existing arrangement of the Medical Council for

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conducting an inquiry through a roster system and the proposed adjustment to the quorum of a PIC meeting, and would propose CSAs to the relevant provision of the Bill.

34. Mr FANG added that out of the 32 members of the Bills Committee, 29 members did not object to the resumption of the Second Reading debate on the Bill at the Council meeting of 29 June 2016, while one member indicated his objection. The Bills Committee would submit its written report in due course.

35. The Chairman reminded Members that the deadline for giving notice of CSAs, if any, proposed to be moved to the above two Bills would be Monday, 20 June 2016.

**(e) Report of the Subcommittee on Four Regulations under the Merchant Shipping (Safety) Ordinance (Cap. 369) Gazetted on 6 May 2016**

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*(LC Paper No. CB(4)1118/15-16)*

36. Mr Frankie YICK, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr YICK said that the Subcommittee in general supported the four Regulations and had not proposed any amendment to them. The Subcommittee, however, was concerned about a discrepancy between the English and Chinese texts of section 4(17) of L.N. 53 and called on the Administration to rectify the discrepancy before L.N. 53 came into operation on 1 July 2016. In response to the Subcommittee's concern, the Administration had made the necessary amendment.

**(f) Report of the Subcommittee on Waste Disposal (Charges for Disposal of Construction Waste) Regulation (Amendment of Schedules) Notice 2016**

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*(LC Paper No. CB(1)1039/15-16)*

37. Mr Tony TSE, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Members noted that the Subcommittee had no objection to the Amendment Notice and had not proposed any amendment.

**(g) Report of the Subcommittee to Follow Up Issues Relating to the Three-runway System at the Hong Kong International Airport**  
*(LC Paper No. CB(4)1123/15-16)*

38. The Chairman, in his capacity as Chairman of the Subcommittee, briefed Members on the work of the Subcommittee as detailed in its report. Members noted that the Subcommittee had concluded its work and made a total of 45 recommendations, one of which was that a subcommittee should be appointed under HC in the next LegCo term to continue to follow up the recommendations and issues relating to the Three-runway System at the Hong Kong International Airport ("the Three-runway System").

39. Mr WU Chi-wai said that three members of the Subcommittee (he himself, Mr Albert HO and Mr SIN Chung-kai) considered that the Subcommittee report, which represented the views of the majority of the Subcommittee members on the Three-runway System, did not reflect their diverse views on the subject matter. They had therefore set out their observations on the Subcommittee report and their views on issues relating to the subject matter in a report submitted to the Subcommittee. He requested that the report submitted by them be made available to Members for reference.

40. The Chairman informed Members that the Subcommittee had issued the report provided by the three Subcommittee members to all Subcommittee members and copied to other LegCo Members.

**VII. Position on Bills Committees and subcommittees**  
*(LC Paper No. CB(2)1742/15-16)*

41. The Chairman said that as at 16 June 2016, there were four Bills Committees, 11 subcommittees under HC and six subcommittees on policy issues under Panels in action.

**VIII. Amendment to Rule 83 of the Rules of Procedure proposed by the Committee on Members' Interests**  
*(LC Paper No. CMI/47/15-16)*

42. Mr IP Kwok-him, Chairman of the Committee on Members' Interests ("CMI"), briefed Members on the amendment to Rule 83 of the Rules of Procedure ("RoP") proposed by CMI, details of which were set out in the paper. Mr IP said that CMI had sought the views of all

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Members on the proposed amendment which sought to align the deadlines for Members to register election donations under RoP with the 60-day deadline for lodging election returns under section 37 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554). The consultation outcome showed that a clear majority of Members supported the proposed amendment to RoP 83. CMI had consulted the Committee on Rules of Procedure ("CRoP") on the proposed amendment to RoP 83 and CRoP also supported the proposed amendment.

43. Members agreed to the amendment to RoP 83 proposed by CMI. Members also noted that Mr IP Kwok-him would, in his capacity as Chairman of CMI, move a motion to amend RoP 83 at the Council meeting of 6 July 2016. The wording of the motion was in Appendix IV to the paper.

**IX. Any other business**

Proposals for asking urgent oral questions at the Council meeting of 22 June 2016 on issues arising from the incident concerning the personal safety of Causeway Bay Books manager Mr LAM Wing-kee

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44. The Chairman informed Members that the letters from Mr Alvin YEUNG and Mr Gary FAN on the above proposals were received at around noon on the day of the meeting, and the proposals of Mr WU Chi-wai and Mr CHAN Chi-chuen were only submitted at the meeting. The Chairman further said that according to rule 10 of the House Rules, to assist the President in considering requests for asking urgent questions without the required notice, the Member concerned should, where practicable, first seek the agreement of HC. He had therefore given approval for discussing the four Members' proposals under "Any Other Business".

*(Post-meeting note: The four Members' proposals tabled at the meeting were issued to Members vide LC Paper No. CB(2)1784/15-16 dated 20 June 2016.)*

45. Mr Alvin YEUNG said that the Causeway Bay Books incident and the account given by its manager, Mr LAM Wing-kee, at a press conference held on the day before the meeting had been widely reported by international media. Mr YEUNG considered that the crux of the matter was a Hong Kong resident having been deprived of his rights in a non-Hong Kong jurisdiction. As Mr LAM had indicated that he returned to Hong Kong under the escort of the relevant Mainland authority, there was urgency in asking the proposed question to ascertain

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what measures the Hong Kong Special Administrative Region Government ("HKSAR Government") would take to safeguard the personal safety of Mr LAM and what actions it would take to render assistance to the other shareholders and staff members of Causeway Bay Books.

46. Mr Gary FAN said that the account given by Mr LAM Wing-kee had seemingly revealed that Mr LEE Po had been taken away against his will from Hong Kong by some Mainland law enforcement officers. The actions taken by the Mainland not only contravened the "One Country, Two Systems" principle but had also posed a serious threat to the personal safety of Hong Kong people and undermined the freedom of speech in Hong Kong. Mr FAN further said that the HKSAR Government had the duty to tell the public whether the Mainland law enforcement officers had taken enforcement actions in Hong Kong.

47. Mr WU Chi-wai said that the account given by Mr LAM Wing-kee had sparked worries among the Hong Kong public about whether the "One Country, Two Systems" principle had been undermined. Given that the public were most concerned about the personal safety of Mr LAM, Mr WU considered it necessary to request the Administration to state clearly whether it would attach importance to the matter and what measures it would take to ensure Mr LAM's personal safety. Furthermore, as it had been reported that the relevant Mainland authority would follow up Mr LAM's case with the Hong Kong Police through an established working mechanism, the Administration should be requested to provide details of such mechanism and to ensure that the rights and freedom of Hong Kong residents would be adequately safeguarded.

48. Mr CHAN Chi-chuen said that noting from the account given by Mr LAM Wing-kee that information on the customers of Causeway Bay Books had been provided to the relevant Mainland authority, he hoped to ask an urgent oral question on how the Administration would ensure that the personal safety and freedom of those Hong Kong customers of Causeway Bay Books in the Mainland would be adequately safeguarded. Mr CHAN added that it was necessary to have the Administration's urgent reply to his proposed question in the light of the new developments on and the public concern about the Causeway Bay Books incident.

49. Ms Claudia MO said that Hong Kong people were deeply worried that acts that were permitted under the laws of Hong Kong might violate the laws of the Mainland. In her view, the HKSAR Government was duty bound to ensure the personal safety of Mr LAM Wing-kee. Ms MO also expressed regret at the Chairman's decision not to exercise discretion to accede to her urgent request, which was made on the day before this

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HC meeting, for HC to discuss at this meeting her proposal to seek the Council's authorization for the appointment of a select committee to inquire into issues relating to the detention of Mr LAM Wing-kee and other relevant staff members/shareholders of Causeway Bay Books in the Mainland. She hoped that her proposal would be discussed at the next HC meeting.

50. Mr WONG Kwok-kin said that given the wide public concern about the case of LAM Wing-kee and the personal safety of Mr LAM, Members belonging to the Hong Kong Federation of Trade Unions did not object to the asking of urgent oral questions on the relevant issues as it would provide an opportunity for the Administration to explain the matter clearly to the public. Mr WONG further said that Mr LAM should report to and seek the protection of the Hong Kong Police should he consider that his personal safety was under threat. Mr WONG also hoped that Mr LAM would provide more information to the HKSAR Government about his detention in the Mainland so that the matter could be followed up more effectively.

51. Ms Cyd HO said that the principle adopted by the President in determining if an urgent oral question had met the requirements laid down in the relevant rule of RoP was whether there would be any irreversible consequences if the question was not asked at that Council meeting. In her view, as the subject matter of the urgent questions to be raised by the four Members was related to the personal safety of Mr LAM Wing-kee, the four Members' proposals would satisfy the criteria for asking urgent oral questions. Furthermore, the public had the right to know as to whether the HKSAR Government had followed up the Causeway Bay Books incident with the Mainland authorities and what assistance had been provided to the shareholders and staff members of Causeway Bay Books. She hoped that the President would allow Members to request the Administration to respond to questions relating to the above matter.

52. Mr Albert CHAN said that according to Mr LAM Wing-kee, Mr LEE Po had told Mr LAM in private that Mr LEE, against his will, had indeed been taken by some Mainland law enforcement officers to the Mainland. Mr CHAN said that the account of the Causeway Bay Books incident made by Mr LAM had aroused wide public concern about their personal safety and freedom in Hong Kong. He considered that there was indeed urgency in asking the proposed questions raised by the four Members.



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53. Mr LEUNG Kwok-hung said that the shareholders and staff members of Causeway Bay Books had given their accounts of what had occurred with respect to the Causeway Bay Books incident. He opined that the account made by Mr LAM Wing-kee was more reliable as Mr LAM could be contacted for further information whereas the other shareholders and staff members involved in the incident could not be contacted to ascertain what had really happened.

54. Mr IP Kwok-him said that Mr LAM Wing-kee should seek protection from the Police should he have concern about his personal safety. He noted that Mr LEE Po had responded to the account given by Mr LAM about what Mr LEE had told Mr LAM in private. He trusted that the President would make rulings on the four Members' applications for asking questions without notice according to the relevant rule of RoP. Mr IP added that Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong had no views on the four Members' proposals.

55. The Chairman sought Members' views as to whether the four proposals from Mr Alvin YEUNG, Mr Gary FAN, Mr WU Chi-wai and Mr CHAN Chi-chuen respectively for asking urgent oral questions under RoP 24(4) at the Council meeting of 22 June 2016 on issues arising from the incident concerning the personal safety of Causeway Bay Books manager Mr LAM Wing-kee should be supported. As no Members had raised objection to the proposals, the Chairman declared that the four Members' proposals were supported.

56. There being no other business, the meeting ended at 3:13 pm.