

**立法會**  
**Legislative Council**

LC Paper No. CB(4)1460/16-17  
(These minutes have been seen  
by the Administration)

Ref : CB4/BC/3/16

**Bills Committee on Apology Bill**

**Minutes of the fourth meeting  
held on Friday, 9 June 2017 at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Holden CHOW Ho-ding (Chairman)  
Hon James TO Kun-sun  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon Dennis KWOK Wing-hang  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon CHIANG Lai-wan, JP  
Hon CHUNG Kwok-pan  
Dr Hon Junius HO Kwan-yiu, JP  
Hon YUNG Hoi-yan  
Hon CHEUNG Kwok-kwan, JP  
Dr Hon YIU Chung-yim
- Members absent** : Hon Paul TSE Wai-chun, JP  
Hon WU Chi-wai, MH

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public Officers** : Item I  
**attending**

Department of Justice

Mr Simon LEE  
Deputy Law Officer (Civil Law)

Miss Ada CHEN  
Senior Assistant Law Officer (Civil Law)

Miss Shandy LIU  
Senior Assistant Law Draftsman

Mr William LIU  
Senior Government Counsel

**Clerk in** : Ms Angel WONG  
**attendance** : Chief Council Secretary (4)4

**Staff in** : Mr Bonny LOO  
**attendance** : Assistant Legal Adviser 4

Mr KWONG Kam-fai  
Senior Council Secretary (4)4

Ms Sandy HAU  
Legislative Assistant (4)4

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Action

**I. Meeting with the Administration**

Issues arising from previous meeting

(LC Paper No. CB(4)1085/16-17(01) -- List of follow-up actions arising from the discussion at the meeting on 9 May 2017

LC Paper No. CB(4)1085/16-17(02) -- Administration's response to issues raised at the meeting on 9 May 2017)

Action

Other relevant papers

- |                                  |    |  |
|----------------------------------|----|--|
| (LC Paper No. CB(3)294/16-17     | -- | The Bill   |
| File Ref.: CD/MED 012/1          | -- | Legislative Council Brief issued by the Department of Justice                            |
| LC Paper No. LS29/16-17          | -- | Legal Service Division Report  |
| LC Paper No. CB(4)609/16-17(02)  | -- | Assistant Legal Adviser's letter dated 6 February 2017 to the Administration             |
| LC Paper No. CB(4)609/16-17(03)  | -- | Background brief prepared by the Legislative Council Secretariat                         |
| LC Paper No. CB(4)669/16-17(01)  | -- | Administration's reply to Assistant Legal Adviser's letter dated 6 February 2017         |
| LC Paper No. CB(4)669/16-17(02)  | -- | List of follow-up actions arising from the discussion at the meeting on 24 February 2017 |
| LC Paper No. CB(4)669/16-17(03)  | -- | Administration's response to issues raised at the meeting on 24 February 2017            |
| LC Paper No. CB(4)966/16-17(01)  | -- | List of follow-up actions arising from the discussion at the meeting on 15 March 2017    |
| LC Paper No. CB(4)966/16-17(02)  | -- | Assistant Legal Adviser's letter dated 20 March 2017 to the Administration               |
| LC Paper No. CB(4)1038/16-17(01) | -- | Administration's response to issues raised at the meeting on 15 March 2017               |

Action

LC Paper No. CB(4)1086/16-17(01) -- Administration's reply to Assistant Legal Adviser's letter dated 20 March 2017)

The Bills Committee deliberated (index of proceedings attached at **Annex**).

Clause-by-clause examination of the Bill

2. The Bills Committee completed the examination of clauses 1 to 3 of the Bill.

Committee stage amendments to the Bill

3. Members in principle agreed that the Administration should propose a Committee stage amendment ("CSA") to the Schedule to exclude specifically the proceedings of the Legislative Council (including the proceedings of its committees, panels and subcommittees) from the application of the Bill. All Members should be informed of the proposed arrangement.

*(Post-meeting note: Members were informed of the Administration's proposal to move a CSA to the Schedule to the Bill vide LC Paper No. CB(4)1225/16-17 on 13 June 2017.)*

4. Members noted the Administration's proposal to move a CSA to clause 8(2) to address members' concerns. Members in general agreed to the direction of the proposed CSA but considered that the requirements could be further revised.

Follow-up actions by the Administration

5. The Administration was requested to:

- (a) explain the legal basis for asserting that the expression "rule of law" under clause 10(3) of the Bill could refer to other clauses, such as clause 8(2), of the same Bill; and
- (b) re-consider how to address members' concerns on clause 8(2) of the Bill.

*(Post-meeting note: The Administration's written response was issued to members vide LC Paper Nos. CB(4)1248/16-17(01) and CB(4)1248/16-17(03) on 16 June 2017.)*

Action

Date of next meeting

6. Members agreed that the next two meetings of the Bills Committee would be scheduled for 13 June 2017 at 4:30 pm and 19 June 2017 at 8:30 am to continue the clause-by-clause examination of the Bill.

**II. Any other business**

7. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 4  
Legislative Council Secretariat  
24 July 2017

**Proceedings of the fourth meeting of the  
Bills Committee on Apology Bill  
on Friday, 9 June 2017 at 10:45 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s)	Action required
<b>Agenda Item I –Meeting with the Administration</b>			
000701 - 000951	Chairman	Opening remarks	
000952 - 002010	Chairman Administration Assistan Legal Adviser ("ALA4")	Briefing by the Administration on its written response to issues arising from the meetings on 15 March 2017 and 9 May 2017 [LC Paper Nos. CB(4)1038/16-17(01) and CB(4)1085/16-17(02)]  Briefing by the Administration on its proposed Committee stage amendments ("CSAs") to clause 8(2) of and the Schedule to the Bill [LC Paper No. CB(4)1210/16-17(01)]	
002011 - 004952	Chairman Administration Mr James TO Dr CHIANG Lai-wan Dr Priscilla LEUNG Ms Claudia MO Mr CHEUNG Kwok-kwan Mr Dennis KWOK Mr CHUNG Kwok-pan ALA4	Discussion on whether the proceedings of the Legislative Council ("LegCo") were applicable proceedings for the purposes of the Bill. ALA4 advised that for the avoidance of doubt, it would be prudent for the Schedule to exclude specifically LegCo proceedings from the application of the Bill.  The Bills Committee agreed to inform all LegCo Members of the Administration's proposal to move a CSA to the Schedule	
004953 - 012650	Chairman Dr CHIANG Lai-wan Administration Ms Claudia MO Dr Priscilla LEUNG Mr CHEUNG Kwok-kwan Mr Michael TIEN	Discussion on the Administration's proposed CSA to clause 8(2)	
012651 - 013520	Chairman Dr Junius HO Administration	Discussion on whether the safeguard applied to insurance cover under clause 10(1) would be affected by the decision maker's discretion to admit statements of fact as evidence under clause 8(2)  Discussion on the Administration's proposed CSA to clause 8(2)  The Administration was requested to explain the legal basis for asserting that the expression "rule of law" under clause 10(3) of the Bill could refer to other clauses, such as clause 8(2), of the same Bill	Paragraph 5 of the minutes refers

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
013521 - 015250	Chairman Mr CHEUNG Kwok-kwan Administration Dr CHIANG Lai-wan	Discussion on the Administration's proposed CSA to clause 8(2)	
<i>Clause-by-clause examination</i>			
015201 - 015327	Chairman Administration	<u>Examination of clauses 1 to 3</u>  Members raised no question	
015328 - 015832	Chairman Dr CHIANG Lai-wan Administration ALA4	<u>Examination of clause 4</u>  Discussion on the meaning of apology	
015833 - 020015	Chairman Mr James TO	Mr TO's view on the Administration's proposed CSA to clause 8(2)	
020016 - 010434	Chairman ALA4 Administration Dr CHIANG Lai-wan	<u>Examination of clause 4</u>  Discussion on the effect of clause 4(3)	
020435 - 020603	Chairman	Date of next meeting	
020604 - 020904	Dr CHIANG Lai-wan Administration	Dr CHIANG's view on clause 8(2)	
<b>Agenda Item II - Any other business</b>			
020905 - 020940	Chairman	Closing remarks	