

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 12 October 2016

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

THE HONOURABLE TOMMY CHEUNG YU-YAN, G.B.S., J.P.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE WONG TING-KWONG, S.B.S., J.P.

THE HONOURABLE STARRY LEE WAI-KING, S.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN, B.B.S., J.P.

THE HONOURABLE CHAN KIN-POR, B.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

THE HONOURABLE WONG KWOK-KIN, S.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

THE HONOURABLE LEUNG KWOK-HUNG[#]

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN, B.B.S.

THE HONOURABLE FRANKIE YICK CHI-MING, J.P.

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING, B.B.S.

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, B.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, B.B.S., J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK WING-HANG

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.

[#] 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.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, S.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

THE HONOURABLE JIMMY NG WING-KA, J.P.

DR THE HONOURABLE JUNIUS HO KWAN-YIU, J.P.

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE SHIU KA-CHUN

THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG

THE HONOURABLE LAU KWOK-FAN, M.H.

THE HONOURABLE KENNETH LAU IP-KEUNG, M.H., J.P.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE NATHAN LAW KWUN-CHUNG[#]

DR THE HONOURABLE YIU CHUNG-YIM[#]

THE HONOURABLE SIXTUS LEUNG CHUNG-HANG^{*}

THE HONOURABLE YAU WAI-CHING^{*}

DR THE HONOURABLE LAU SIU-LAI[#]

[#] 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.

^{*} According to the Judgement of the Court of First Instance of the High Court on 15 November 2016, Sixtus LEUNG Chung-hang and YAU Wai-ching 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.

CLERKS IN ATTENDANCE:

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

TAKING OF LEGISLATIVE COUNCIL OATH

CLERK (in Cantonese): Good morning. Members will please be seated and now proceed to take the Oath.

CLERK (in Cantonese): Members will please take the Oath in accordance with the order set out on the Agenda. When I call the name of a Member, will the Member please come forward to the table to take the Oath, and then sign on the printed version of the Oath or Affirmation.

CLERK (in Cantonese): During the oath-taking process, except the Member who is taking the Oath and the next Member waiting to do so, will all other Members please remain seated.

I now call upon the first Member to take the Oath.

The Honourable James TO Kun-sun took the Legislative Council Oath

The Honourable LEUNG Yiu-chung took the Legislative Council Affirmation

The Honourable Abraham SHEK Lai-him took the Legislative Council Oath

The Honourable Tommy CHEUNG Yu-yan took the Legislative Council Oath

Prof The Honourable Joseph LEE Kok-long took the Legislative Council Affirmation

The Honourable Jeffrey LAM Kin-fung took the Legislative Council Affirmation

The Honourable Andrew LEUNG Kwan-yuen took the Legislative Council Affirmation

The Honourable WONG Ting-kwong took the Legislative Council Affirmation⁽¹⁾

⁽¹⁾ The President of the Legislative Council ruled on 18 October 2016 that the affirmation taken by Mr WONG Ting-kwong at the meeting was invalid.

The Honourable Starry LEE Wai-king took the Legislative Council Oath

The Honourable CHAN Hak-kan took the Legislative Council Affirmation

The Honourable CHAN Kin-por took the Legislative Council Affirmation

Dr The Honourable Priscilla LEUNG Mei-fun took the Legislative Council Oath

The Honourable WONG Kwok-kin took the Legislative Council Affirmation

The Honourable Mrs Regina IP LAU Suk-yeek took the Legislative Council Oath

The Honourable Paul TSE Wai-chun took the Legislative Council Oath

The Honourable LEUNG Kwok-hung took the Legislative Council Affirmation

The Honourable Claudia MO took the Legislative Council Affirmation

The Honourable Michael TIEN Puk-sun took the Legislative Council Oath

The Honourable Steven HO Chun-yin took the Legislative Council Affirmation

The Honourable Frankie YICK Chi-ming took the Legislative Council Oath

The Honourable WU Chi-wai took the Legislative Council Affirmation

The Honourable YIU Si-wing took the Legislative Council Affirmation

The Honourable MA Fung-kwok took the Legislative Council Affirmation

The Honourable Charles Peter MOK took the Legislative Council Oath

The Honourable CHAN Chi-chuen took the Legislative Council Affirmation

The Honourable CHAN Han-pan took the Legislative Council Affirmation

The Honourable LEUNG Che-cheung took the Legislative Council Affirmation

The Honourable Kenneth LEUNG took the Legislative Council Affirmation

The Honourable Alice MAK Mei-kuen took the Legislative Council Oath

Dr The Honourable KWOK Ka-ki took the Legislative Council Affirmation

The Honourable KWOK Wai-keung took the Legislative Council Affirmation

The Honourable Dennis KWOK Wing-hang took the Legislative Council Oath

The Honourable Christopher CHEUNG Wah-fung took the Legislative Council Affirmation

Dr The Honourable Fernando CHEUNG Chiu-hung took the Legislative Council Affirmation

Dr The Honourable Helena WONG Pik-wan took the Legislative Council Oath

The Honourable IP Kin-yuen took the Legislative Council Affirmation

Dr The Honourable Elizabeth QUAT took the Legislative Council Affirmation

The Honourable Martin LIAO Cheung-kong took the Legislative Council Oath

The Honourable POON Siu-ping took the Legislative Council Affirmation

Dr The Honourable CHIANG Lai-wan took the Legislative Council Oath

Ir Dr The Honourable LO Wai-kwok took the Legislative Council Affirmation

The Honourable CHUNG Kwok-pan took the Legislative Council Oath

The Honourable Alvin YEUNG took the Legislative Council Affirmation

The Honourable Andrew WAN Siu-kin took the Legislative Council Affirmation

The Honourable CHU Hoi-dick took the Legislative Council Affirmation

The Honourable Jimmy NG Wing-ka took the Legislative Council Oath

Dr The Honourable Junius HO Kwan-yiu took the Legislative Council Oath

The Honourable HO Kai-ming took the Legislative Council Oath

The Honourable LAM Cheuk-ting took the Legislative Council Oath

The Honourable Holden CHOW Ho-ding took the Legislative Council Oath

The Honourable SHIU Ka-fai took the Legislative Council Oath

The Honourable SHIU Ka-chun took the Legislative Council Oath

Dr The Honourable YIU Chung-yim took the Legislative Council Affirmation⁽²⁾

The Honourable Wilson OR Chong-shing took the Legislative Council Affirmation

The Honourable YUNG Hoi-yan took the Legislative Council Affirmation

Dr The Honourable Pierre CHAN took the Legislative Council Oath

The Honourable CHAN Chun-ying took the Legislative Council Affirmation

The Honourable Tanya CHAN took the Legislative Council Affirmation

The Honourable CHEUNG Kwok-kwan took the Legislative Council Affirmation

The Honourable HUI Chi-fung took the Legislative Council Oath

⁽²⁾ The Clerk to the Legislative Council noticed that YIU Chung-yim had not subscribed the affirmation with the words of the oath prescribed by the Oaths and Declarations Ordinance (Cap. 11) and hence he declined jurisdiction to administer the affirmation; and as YIU Chung-yim had not completed the oath-taking in accordance with the Ordinance, by virtue of Rule 1 of the Rules of Procedure, he could not attend a meeting or vote therein (including the election of the President of the Legislative Council to be held later that day). The President of the Legislative Council ruled on 18 October 2016 that the affirmation taken by YIU Chung-yim at the meeting was invalid.

The Honourable Sixtus LEUNG Chung-hang took the Legislative Council Oath⁽³⁾

The Honourable LUK Chung-hung took the Legislative Council Affirmation

The Honourable YAU Wai-ching took the Legislative Council Affirmation⁽⁴⁾

Dr The Honourable LAU Siu-lai took the Legislative Council Affirmation⁽⁵⁾

The Honourable LAU Kwok-fan took the Legislative Council Affirmation

The Honourable Kenneth LAU Ip-keung took the Legislative Council Affirmation

Dr The Honourable CHENG Chung-tai took the Legislative Council Affirmation

The Honourable KWONG Chun-yu took the Legislative Council Oath

⁽³⁾ The Clerk to the Legislative Council noticed that Sixtus LEUNG Chung-hang had not taken the oath in accordance with the words of the oath prescribed by the Oaths and Declarations Ordinance (Cap. 11) and had displayed an object (a banner bearing the words "HONG KONG IS NOT CHINA") during his oath-taking, he thus had reasonable doubts as to whether Sixtus LEUNG Chung-hang understood the Legislative Council Oath and hence, he declined jurisdiction to administer the oath; and as Sixtus LEUNG Chung-hang had not completed the oath-taking in accordance with the Ordinance, by virtue of Rule 1 of the Rules of Procedure, he could not attend a meeting or vote therein (including the election of the President of the Legislative Council to be held later that day). The President of the Legislative Council ruled on 18 October 2016 that the oath taken by Sixtus LEUNG Chung-hang at the meeting was invalid.

⁽⁴⁾ The Clerk to the Legislative Council noticed that YAU Wai-ching had not subscribed the affirmation with the words of the oath prescribed by the Oaths and Declarations Ordinance (Cap. 11) and had displayed an object (a banner bearing the words "HONG KONG IS NOT CHINA") during her oath-taking, he thus had reasonable doubts as to whether she understood the Legislative Council Oath and hence, he declined jurisdiction to administer the affirmation; and as YAU Wai-ching had not completed the oath-taking in accordance with the Ordinance, by virtue of Rule 1 of the Rules of Procedure, she could not attend a meeting or vote therein (including the election of the President of the Legislative Council to be held later that day). The President of the Legislative Council ruled on 18 October 2016 that the affirmation taken by YAU Wai-ching at the meeting was invalid.

⁽⁵⁾ The President of the Legislative Council ruled on 18 October 2016 that the affirmation taken by LAU Siu-lai at the meeting was invalid.

The Honourable Jeremy TAM Man-ho took the Legislative Council Affirmation

The Honourable Nathan LAW Kwun-chung took the Legislative Council Affirmation

12:31 pm

Meeting suspended.

2:13 pm

Council then resumed.

ELECTION OF PRESIDENT

(Mr LEUNG Yiu-chung, the presiding Member, sat at a table set up for the purpose of the President election)

(Mr LEUNG Kwok-hung sat beside Mr LEUNG Yiu-chung, and Ms Claudia MO, Mr CHAN Chi-chuen, Mr Nathan LAW, Dr LAU Siu-lai, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Mr Sixtus LEUNG and Miss YAU Wai-ching stood behind and beside him)

MR LEUNG YIU-CHUNG (in Cantonese): The Secretariat announced just now that the Council would be resumed in five minutes, and now five minutes have passed. I would like to tell Members that the meeting today has two parts, the first part is the oath-taking process which we have just completed, and the second part is the election of the President of the Legislative Council. I understand that some Members have queries about the nationality of a candidate for the office of President, and they have requested the candidate to make clarification in certain aspects. As no procedure has been set for today's meeting to allow clarification, enquiries, debate or consultation by Members in the Chamber, such activities cannot be conducted.

However, in order to enable Members who are concerned about the issue to obtain clarification, I propose that Mr Andrew LEUNG give an account of his nationality to the press outside the Chamber in a moment; Members who are concerned about the issue may also go outside, listen to Mr LEUNG's explanation and put questions to him. Pursuant to the Rules of Procedure, I cannot allow Members to raise questions or hold discussion in the Chamber. I now invite Members who are concerned about the issue to go outside the Chamber to listen to Mr Andrew LEUNG's explanation. I expect that the Council will be formally resumed at 2:30 pm.

With such remarks, I now suspend the meeting.

2:16 pm

Meeting suspended.

2:35 pm

Council then resumed.

MR LEUNG YIU-CHUNG (in Cantonese): It is 2:35 pm now, five minutes later than the time I announced earlier for the resumption of the Council at 2:30 pm. As I do not want any further delay, I now announce the formal resumption of the Council.

Since the Council has resumed, I hope all Members will return to their seats, so that we will be able to proceed to the election of the President in an orderly manner. I once again urge all Members to return to their seats.

(At this moment, Mr LEUNG Kwok-hung sat beside Mr LEUNG Yiu-chung, Mr Sixtus LEUNG sat at one end of the table, and Mr CHAN Chi-chuen, Dr YIU Chung-yim, Ms Claudia MO, Mr Nathan LAW, Dr Fernando CHEUNG and Miss YAU Wai-ching stood on the two sides behind Mr LEUNG Yiu-chung)

(Some Members indicated that they wanted to raise a point of order)

MR LEUNG YIU-CHUNG (in Cantonese): Some Members want to raise a point of order, but will other Members please return to their seats first, so that the Clerk can do some clerical work for me. Without the Clerk's help, I have certain difficulties in handling. I hope that other Members will first return to their seats, so that we will be able to continue with the meeting. I will give Members time to raise their point of order, if they have any.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, may I ask whether the Secretariat has handled Mr Andrew LEUNG's nationality issue? He has just now ...

MR LEUNG YIU-CHUNG (in Cantonese): As I said just now, the issue relating to Mr Andrew LEUNG's nationality should not be discussed at today's meeting.

(Several Members raised a point of order again)

MR LEUNG YIU-CHUNG (in Cantonese): All right, may I speak first? As I said just now, in order to enable Members to have a better understanding of Mr Andrew LEUNG's nationality issue or to seek clarification from him, I have made a special arrangement for Mr LEUNG to meet the press outside the Chamber to give an account and make clarification. Members should learn about the situation if they had attended.

Despite the clarification and explanation made by the Member concerned, I cannot guarantee that all Members are satisfied at this meeting. As the presiding Member, I can only proceed in accordance with the rules governing Council proceedings. If Members want to ensure that they get satisfactory replies to their questions, they may raise such questions on other occasions. We simply cannot handle such questions at the meeting today.

May I ask which Members have raised hands just now to indicate their wish to raise a point of order? I cannot see clearly. Will the Clerk please give me a list of Members who have raised hands to indicate their wish to raise a point of order, for I cannot see clearly.

(Some Members made comments loudly)

MR LEUNG YIU-CHUNG (in Cantonese): Today I do not want to argue with Members over other issues, for I do not have the power to do so. I am merely enforcing the rules governing Council proceedings. In fact, I really do not want to preside at the meeting. However, according to the provisions of paragraphs 6 and 7 of Schedule 1 to the Rules of Procedure, I, who have the longest continuous service in the Council, should preside at the meeting.

Pursuant to the rules governing Council proceedings, I can only preside at the voting process, and cannot handle any other matters. If I do so, I will violate the rules governing Council proceedings and that is unlawful. As some Members have requested me to state whether this meeting is lawful or not, I can only say that the meeting is lawful under the rules governing Council proceedings.

For Members who wish to raise a point of order, I urge you again to return to your seats and I will invite you to speak.

MS CLAUDIA MO (in Cantonese): What if we do not leave?

MR LEUNG YIU-CHUNG (in Cantonese): If Members really do not return to their seats, so be it. But please do not cause any disturbance, so that the meeting can proceed.

According to the name list provided to me by the Clerk, the first Member to raise a point of order is Ms Claudia MO. According to the Rules of Procedure, only issues related to the election process can be raised today. If Members have any other questions, will they please raise such questions on other occasions. I would like to invite Ms Claudia MO to raise her point of order.

MS CLAUDIA MO (in Cantonese): Thank you, Chairman. I do not intend to put you in a difficult position or whatever, I even have to thank you for trying to arrange Members to listen to Mr Andrew LEUNG's explanation outside the Chamber. We have already listened to his explanation. According to him, the first letter was related to his nationality or foreign right of abode, and a Declaration of Renunciation of British Citizenship was enclosed. However, we

cannot find a copy of the relevant document as the letter was sent in the form of an email. The original copy will only come with the second letter, which he has yet to receive.

I would like to raise a point of order on this issue. As stipulated in the Basic Law, the President of the Legislative Council shall have no right of abode in any foreign country, and although the two letters were issued by the Government, they are not necessarily legal documents. We are most eager to see the Declaration of Renunciation of British Citizenship, which I also have a copy. Should we proceed with the election after his receipt of the relevant document and formal confirmation of all matters attained?

MR LEUNG YIU-CHUNG (in Cantonese): Okay, thank you, Ms Claudia MO. As I have just said, your question may only be related to the election procedures or election-related matters, but you have requested a clarification from Mr Andrew LEUNG on his nationality issue. I have already made a special arrangement for Mr Andrew LEUNG to clarify and give an account to Members and the general public. As regards whether his replies can answer your question, I am not in any position to give any comment.

Nonetheless, I wish to point out that since Mr Andrew LEUNG has provided information and made public his clarifications time and again, Members can therefore decide for themselves whether they will later vote for him. If Members think that Mr Andrew LEUNG's replies fail to answer your questions, you may decide to seek ...

MR CHAN CHI-CHUEN (in Cantonese): In that case, Edward LEUNG should not be disqualified, right?

MS CLAUDIA MO (in Cantonese): While I am still not certain if Mr Andrew LEUNG has the legitimate right to stand for the election, Mr LEUNG Yiu-chung asked us to decide on our own whether or not to vote for him.

MR CHAN CHI-CHUEN (in Cantonese): Can you also ask electors to decide for themselves whether they should vote for Edward LEUNG?

MR LEUNG YIU-CHUNG (in Cantonese): The election of the President of the Legislative Council must proceed in accordance with the procedures specified in Schedule 1 of the Rules of Procedure, and the relevant provision allows Members to discuss matters concerning the candidates at the meeting for electing the President. As a matter of fact, the relevant discussion was conducted yesterday at a specially arranged forum ...

MS CLAUDIA MO (in Cantonese): Chairman, I am not asking for a discussion, I just want to seek legal clarification. He should produce a formal copy of the Declaration of Renunciation of British Citizenship. It would be best to provide the original copy; if not, a copy is also acceptable for the time being. However, as clearly stated and as far as I understand it, he has yet to receive the relevant document. How then can we now proceed with the election now?

MR LEUNG YIU-CHUNG (in Cantonese): According to my understanding, the Basic Law stipulates that the President of the Legislative Council shall have no right of abode in any foreign country. The requirement is clearly stipulated, but there is no mention of the requirement on candidates. Today, I am not going to debate with Members on this matter, but if Members would like to seek clarification, they should follow up through other channels as I am not a Member with legal background, nor am I in a position to give an answer in my capacity as the presiding Member. I can only ...

MS CLAUDIA MO (in Cantonese): Sorry, I do not mean to put you in a difficult position, and I understand that it is impolite to interrupt ...

MR LEUNG YIU-CHUNG (in Cantonese): Never mind.

MS CLAUDIA MO (in Cantonese): ... but according to what you said just now, the President of the Legislative Council should not have the right of abode in any foreign country. And yet, if we proceed with the election, someone is going to be elected as the President half an hour or 10 minutes later, yet he is still unable to provide the above mentioned formal Declaration of Renunciation of British Citizenship today.

MR LEUNG YIU-CHUNG (in Cantonese): You are right to say so ...

MS CLAUDIA MO (in Cantonese): Thank you.

MR LEUNG YIU-CHUNG (in Cantonese): ... if he is elected and it is later found that he fails to comply with the requirements, he should not be the President. This is correct. But the question is, I cannot recommend him what actions he should take later as I am not in a position to do so. I can only preside ...

MS CLAUDIA MO (in Cantonese): Chairman, what exactly is your role for sitting here?

MR LEUNG YIU-CHUNG (in Cantonese): ... you are right and I also want to sort out what exactly my role is. According to the Rules of Procedure, I am here to do two things: firstly, to preside at the election of the President; secondly, to declare which candidate is elected. I am only expected to do these two things, and I should not attend to other matters.

MS CLAUDIA MO (in Cantonese): One last point of order. For the sake of opposing and showing my disagreement with the existing procedure, I will now come over and stand behind you. I will not leave even if you tell me to do so. Do Members want to see this state persist?

MR LEUNG YIU-CHUNG (in Cantonese): I will not stop you if you do not impede the voting procedure.

MISS YAU WAI-CHING (in Cantonese): But before voting, you must ascertain that Mr Sixtus LEUNG, Dr YIU Chung-yim and I have the right to vote.

MR LEUNG YIU-CHUNG (in Cantonese): In fact, I also do not have the power to ascertain your right to vote. I can only accept the list provided to me by the Clerk, setting out the names of the candidates and of the Members who are eligible to vote.

MISS YAU WAI-CHING (in Cantonese): But the Secretary General also does not have the power to rule whether an oath taken was valid or not.

MR LEUNG YIU-CHUNG (in Cantonese): In fact, you should raise this issue to the Secretariat and not to me because I am in no position to speak for the Secretariat. If you do wish to raise this issue, you may turn to the Secretariat.

The second Member who wishes to raise a point of order is Mr HUI Chi-fung.

MR HUI CHI-FUNG (in Cantonese): Chairman, would you please be clear-headed and consider whether today we ...

MR LEUNG YIU-CHUNG (in Cantonese): Whether I am clear-headed or not is not for you to judge.

MR HUI CHI-FUNG (in Cantonese): ... whether we should continue with the meeting and proceed to the election of the President. As Ms Claudia MO and a number of non-establishment Members have said just now, we are not convinced

that Mr Andrew LEUNG has completely renounced his British citizenship or renounced his right of abode in the United Kingdom. In that case, it is unfair to elect the President. This is the first point.

Secondly, several Members standing behind you had encountered some obstacles when they took the oath just now. The Secretary General, being the Oath Administrator, had not administered their oath-taking and even indicated that they could not vote in the election of the President to be held later. However, a number of Members are of the view that some Members of the previous terms of the Legislative Council had adopted similar approaches in their oath-taking and no problems had arisen. This proves that there are problems with the oath-taking process, and consequently several Members will not be able to vote later. This election will not be a fair one or will not comply with procedural justice. In view of so many problems relating to procedural justice, please consider whether the meeting should proceed and elect a President of the Legislative Council with no representativeness at all?

MS STARRY LEE (in Cantonese): Chairman, it is not easy for you to act as the "Deputy President", but I support your enforcement of the Rules of Procedure ("RoP"), including maintaining order of the Council and ensuring that the procedures for election of the President can be conducted smoothly. The election is a constitutional act and all Hong Kong people are watching our deeds. Moreover, would you please learn more about RoP? Some Members are now standing behind and beside you without reasonable reasons; I am afraid that these Members are suspected of contravening RoP and I hope you would consider asking these Members to return to their seats. If they do not return to their seats after repeated advice, I think you should enforce RoP to maintain order of the Council. This is the first point.

The second point is about the voting rights of Members. I agree with your judgment that the Secretary General had administered the oath in accordance with law and I also think that several Members had not completed the oath-taking procedure by saying the words of the oath prescribed by law; thus, they cannot participate in the election of the President. As they had failed to complete the oath-taking procedure, they cannot participate in the election. I am sure all Members would understand this point. The Secretary General had also given all

Members whom he had doubts about completion of the oath-taking procedure another opportunity to take the oath, I think this practice had already taken human consideration into account.

For the third point, regarding Members' queries about the nationality of Mr Andrew LEUNG, I have shown great concern about this issue long ago and have repeatedly asked Mr LEUNG for clarification and confirmation. He has repeatedly affirmed that the issue has been addressed and has later provided two letters from the British Consulate-General for our reference. Of course, Members may ask Mr LEUNG to provide a certificate; I can understand such a request. But after I have read the two letters, at least I think that at this juncture, there is no new evidence to indicate that Mr LEUNG's British nationality issue has not been addressed. Since the President election is scheduled to be held today, I think we should complete the election process as scheduled. As in the case of other elections, there may be queries about the validity of certain declarations made by different candidates; we can follow up in different ways in future, including judicial review or other legal proceedings. As Members, we are all well aware of such kind of practice. I hope Mr LEUNG Yiu-chung would preside at the meeting in a fair and impartial manner so as to ensure that we can successfully elect the President.

MR CHAN HAK-KAN (in Cantonese): Chairman, I note that some colleagues have expressed their views or queries on the qualifications of one of the two candidates. Although Members with different political stances in this Chamber hold different attitudes towards this issue, I believe that the agenda scheduled for today's meeting should not be impeded. From the completion of oath-taking up till now, I believe we have wasted two hours. Since your task is to preside at the election of the President, I hope you would not waste any more time and proceed directly to the procedure for election of the President. Thank you.

MR ANDREW WAN (in Cantonese): Chairman, Ms Claudia MO has just raised a point, that is, according to the most stringent, prudent and reasonable approach, we cannot, before getting hold of the official document, accept an email or a duplicate copy of the relevant document as confirmation, even if we have trust in him.

I think the election of the President has significant implication and may lead to a constitutional crisis. Do we have to deal with the issue so hastily and rashly? Moreover, as some colleagues have just mentioned, there are still disputes over the renunciation of nationality and right of abode under the British Nationality Act and it seems that we have not sought sufficient legal advice. In that case, with regard to the right of abode in any foreign country as stipulated in Article 71 of the Basic Law, I wonder if we must now elect the President of the Legislative Council before clarification is made. As regards the procedural matter mentioned just now, you said that your responsibility was to preside at the meeting and announce the result when it is available. In fact, do you have the power to adjourn the whole meeting? In the face of these legal issues or risks, do you think it is inappropriate to make a decision on the election of the President of the Legislative Council today? Thank you, Chairman.

MR NATHAN LAW (in Cantonese): This is the first time I attend a meeting of the Legislative Council. As pointed out by Ms Starry LEE, many Hong Kong people are concerned about this meeting, and they are watching its live telecast. That is why we must set an even higher standard for ourselves.

What, in my view, is the greatest problem now? I am still an undergraduate student, but the conduct of this election is even sloppier than university student council election. How can the entire process be commenced when the nationality of a candidate is yet to be confirmed? He has only given an oral confirmation so far ... Although some Members accept those letters as sufficient proof, they are nothing more than oral confirmation. If the Secretariat and the Chairman assume responsibility for this election, or if they agree that the Legislative Council as a whole should have the people's trust or regain their trust, they must ensure that each and every procedure is undertaken most stringently, rather than merely following the rules to a tee, that is, no checking has been conducted because the Secretariat said no checking was required. It should be simple enough to require the candidate to provide some documentary proof with binding effect. When I stood for student council election in the past, I also had to produce my university student card to prove my status as a student of the university. Chairman, the Legislative Council as a whole can hardly gain people's trust if such a simple step cannot even be taken. This is my first question.

My second question is, we have yet to ascertain how many Members can actually vote in the election. The fundamental spirit of the Rules of Procedure ("RoP") is to ensure that each Member has sufficient opportunity to complete the oath-taking procedure, and the Secretary General cannot, based on some unreasonable doubts that have no legal justification, make his own judgment to tell the Members concerned that he has no jurisdiction to administer their oaths. In my view, this has completely violated the proper spirit of RoP, that is, to enable all Members to complete the oath-taking procedure before proceeding to the election of the President of the Legislative Council. Hence, Secretary General Kenneth CHEN's decision or judgment made a moment ago was entirely an arbitrary use of power without any basis. If we review the video recording of the proceedings, those three Members had already said all the words of the oath prescribed, and the only requirement under RoP is that Members should say the words of the oath prescribed. Hence the Secretary General cannot say that he has no jurisdiction to administer their oaths on account of their tone or other criteria.

I hope the Chairman would understand that we are now faced with two major questions. If we do not tackle these questions first before proceeding to the election of President, it would be difficult for the Legislative Council to gain people's trust. I think many Honourable Members (including those returned by direct elections with broad public support) will find it hard to accept the election result.

MR KWONG CHUN-YU (in Cantonese): Chairman, today we have shown Hong Kong people the sloppiest procedure ever. Mr Andrew LEUNG cannot even produce an original document to prove his nationality. All he can produce is a duplicate copy, so to say. Worse still, he cannot even clarify his right of abode. If we are to proceed to the President election under such a sloppy condition, Chairman, we are actually enabling Mr Andrew LEUNG to go unchecked after getting over the hurdle. He is certainly very glad to see this happen.

In my view, the queries raised by various Members just now are very specific. As we still fail to ascertain the qualification of a candidate as well as which Members are eligible to vote, if we proceed to the election process under such a confused and sloppy situation, Chairman, I am afraid you will be under great pressure. Hence, I hope that you will listen to the views of the Members

patiently and then make a ruling. If the election of the President of the Legislative Council is carried out in such unconvincing conditions, Hong Kong people have sharp eyes. Thank you, Chairman.

DR LAU SIU-LAI (in Cantonese): Chairman, regarding your comments made earlier that "restriction on right of abode is only imposed on the President of the Legislative Council but not on the candidates", I find it totally unacceptable. If Members vote now, the Member elected will immediately become the President of the Legislative Council. Thus, we are definitely duty-bound to clarify whether Mr Andrew LEUNG has completed the process of renouncing his right of abode in the United Kingdom and has submitted the original document to the Legislative Council Secretariat, so as to set the record straight. The Legislative Council Secretariat should also be responsible to ensure that the procedure has been properly and fully completed. Therefore, if Mr Andrew LEUNG cannot produce the original letter with the official stamp, he should be regarded as ineligible to stand in the election.

Apart from the two ballot boxes for collecting invalid votes and supporting votes for Mr James TO respectively, is there a need to set up a ballot box for Mr Andrew LEUNG? The matter concerning Mr LEUNG will greatly affect how the Legislative Council will hold its meetings in this term and it will have a significant impact on the interests of all Hong Kong people. I think we must deal with the matter now. If Mr Andrew LEUNG cannot produce the original document, he should be regarded as ineligible to stand in the election.

MR LEUNG YIU-CHUNG (in Cantonese): Just now I was only citing the contents of the Basic Law directly for Members' reference, without making any personal comments. As the Chairman, I am not supposed to make any personal comments, not to mention that constitutional and legal issues are involved. It will be inappropriate for me to express any views. Even if I do give any views, they are not necessarily right; such views are meant for Members' reference only.

MR SIXTUS LEUNG (in Cantonese): In any election, be it student council election in which I had once taken part or the election of the President of the Legislative Council today ...

MR PAUL TSE (in Cantonese): Chairman, Mr Sixtus LEUNG is not qualified to attend if we are holding a formal meeting now.

MR SIXTUS LEUNG (in Cantonese): Chairman, in that case, let me change my first question. I would like to know if I have the right to attend this meeting.

MR PAUL TSE (in Cantonese): Chairman, as provided in the Rules of Procedure ("RoP") as well as the relevant legislation, any Member who has yet to take the oath cannot attend a meeting of the Council and speak therein.

MR SIXTUS LEUNG (in Cantonese): Chairman, then my next question is as follows. RoP 12 (First Meeting of Term) provides that, "(1) At the first meeting of a term, Members shall make or subscribe an oath or affirmation as provided for under Rule 1 (Oath or Affirmation). (2) After all Members present ..."—including me—"have made or subscribed an oath or affirmation, the election of the President shall be conducted in accordance with the procedure as provided for under Rule 4 (Election of President)."

Chairman, an order of events is prescribed by the provisions. As we have yet to complete the procedure under subrule (1) for all Members present at this meeting to take the oath, how can we proceed to the procedure under subrule (2) for the election of the President of the Legislative Council? A major point of order is involved.

MR LEUNG YIU-CHUNG (in Cantonese): As I have allowed other Members to be seated, I will not disallow them to speak. My decision is that he can speak.

MR PAUL TSE (in Cantonese): Chairman, if you confirm that this is a formal meeting, what you are doing now will seriously violate RoP 1. I hope you will re-consider the matter.

MR LEUNG KWOK-HUNG (in Cantonese): I think we should re-elect the Chairman. I share Mr Paul TSE's view. He is incompetent, and we should re-elect the Chairman.

MR LEUNG YIU-CHUNG (in Cantonese): You can question my decision, but I have already made a decision. Members present are returned by elections. Although he has yet to take the oath, I would allow him to speak.

MR PAUL TSE (in Cantonese): While you can make your own decision, I would like to know if your decision is made on the basis that the Members concerned should have taken the oath formally? If you think his oath is valid and allow him to speak, it can form the basis of your decision. But if you agree that his oath was unreasonable and unlawful, what you are doing will seriously violate RoP 1.

MR LEUNG YIU-CHUNG (in Cantonese): Even though a Member has not formally taken his oath, he still has the qualification of being a Member as far as his status is concerned. Of course, you may say that since he has not completed his oath-taking, he is not yet a Member. But the question is that a moment ago, even before you took the oath, you were already allowed to be seated in the Chamber. How do you account for this situation?

MR PAUL TSE (in Cantonese): Chairman, when you declared that the Council should proceed to the second stage of meeting for the election of the President, you acknowledged that the first stage of meeting concerning the oath-taking had been completed. Therefore, you should not confuse the logic.

MR LEUNG YIU-CHUNG (in Cantonese): You may have a point. But the question is that while he has yet to take the oath, he is still not disqualified from office. A moment ago, you sat in the Chamber because you are qualified for office and hence, you could take the oath.

MR PAUL TSE (in Cantonese): Chairman, I am talking about whether he can speak or not, rather than disqualifying him which should be an issue to be handled in due course. I merely want to point out that Members are only qualified to take part in the second stage of meeting after their completion of oath-taking in the first stage.

MR LEUNG YIU-CHUNG (in Cantonese): You are free to doubt my decision. But in view of the earlier procedure where Members are qualified to sit in the Chamber even before taking oath, I have made my decision on this basis. You asked me about my rationale, and I have given you an explanation; it does not matter whether you accept my explanation or not, or whether my decision is right or wrong. You should accept my decision if you still regard me as the Chairman and address me as such. Otherwise, you can ignore my decision if you no longer regard me as the Chairman.

Mr Sixtus LEUNG, do you want to continue with your speech?

MISS ALICE MAK (in Cantonese): Chairman, I know you do not want to be the "bad guy", but even so, you cannot violate the Rules of Procedure ("RoP"). RoP 1 stipulates that any Member who has yet to take the oath cannot attend the meeting.

MR LEUNG YIU-CHUNG (in Cantonese): You can raise your doubts, but I have already made a decision.

MISS ALICE MAK (in Cantonese): You have no power to overrule RoP and make such a decision. You have no power to make such a decision at all.

MR LEUNG YIU-CHUNG (in Cantonese): As I said, my decision can be right or wrong. But no matter what, I will not argue with you today.

MISS ALICE MAK (in Cantonese): It is a wrong decision. Do you want to make a decision that violates RoP?

MR LEUNG YIU-CHUNG (in Cantonese): I have already made a decision. If you disagree, you can challenge it in Court.

MISS ALICE MAK (in Cantonese): Why do you not say such words to them? Why do you not ask them to seek the Court's consent to execute your decision?

MR LEUNG YIU-CHUNG (in Cantonese): I have already made a decision, have I not?

MISS ALICE MAK (in Cantonese): Why do you only say such words to me, but not to the persons at your side?

MR LEUNG YIU-CHUNG (in Cantonese): I have already decided to allow him to speak.

MISS ALICE MAK (in Cantonese): LEUNG Yiu-chung, how can you act like this? Can you simply maintain impartiality and fairness by acting in accordance with RoP? I know you do not want to be the "bad guy", and I do not want to make things difficult for you. Just act according to RoP.

MR LEUNG YIU-CHUNG (in Cantonese): According to RoP, my decision is final.

DR PRISCILLA LEUNG (in Cantonese): Chairman, a point of order.

MR LEUNG YIU-CHUNG (in Cantonese): Will Members please sit down first.

(At that moment, Mr LEUNG Kwok-hung sat next to Mr LEUNG Yiu-chung, while Ms Claudia MO, Mr CHU Hoi-dick, Dr Fernando CHEUNG and Miss YAU Wai-ching stood beside or behind him)

DR PRISCILLA LEUNG (in Cantonese): A point of order, Chairman. The Legislative Council is a solemn place, and I hope you would ask those Members at your side to return to their seats.

MR LEUNG YIU-CHUNG (in Cantonese): Will Members please sit down and keep quiet.

(Some Members spoke loudly while standing, expressing queries as to why Dr Priscilla LEUNG could jump the queue to raise a point of order)

MR LEUNG YIU-CHUNG (in Cantonese): Dr Priscilla LEUNG, I have not given you permission to speak. Please sit down.

DR PRISCILLA LEUNG (in Cantonese): I did not jump the queue to speak. Chairman, I hope those Members at your side can return to their seats because we find it most disturbing. We hope that you alone preside at the meeting, without having five people at your side to pull the strings behind the scene. You do not need their protection, right?

MR LEUNG KWOK-HUNG (in Cantonese): Prof Priscilla LEUNG ...

DR PRISCILLA LEUNG (in Cantonese): ... We find it most disturbing. I hope the Chairman can make a ruling and ask those five Members to return to their seats because RoP of the Legislative Council ...

MR LEUNG YIU-CHUNG (in Cantonese): The meeting has been going on well just now ...

DR PRISCILLA LEUNG (in Cantonese): ... RoP 42 clearly provides that ...

MR LEUNG YIU-CHUNG (in Cantonese): ... but you raise these questions and the meeting cannot proceed.

DR PRISCILLA LEUNG (in Cantonese): ... Chairman, I hope you can ask those five Members to return to their seats ...

MR LEUNG YIU-CHUNG (in Cantonese): Dr Priscilla LEUNG, I have not called upon you to speak. Please sit down first.

MR LEUNG YIU-CHUNG (in Cantonese): Next, Mr CHAN Chi-chuen.

MR CHAN CHI-CHUEN (in Cantonese): Mr Sixtus LEUNG has yet to finish his speech.

MR LEUNG YIU-CHUNG (in Cantonese): Mr Sixtus LEUNG, as you sat down just now, I thought you had finished your speech. Please go on.

MR SIXTUS LEUNG (in Cantonese): Chairman, I have forgotten where I was in my speech, as it was rather chaotic just now. In fact, in an election ...

(Mr LUK Chung-hung stood up and spoke loudly)

MR LEUNG YIU-CHUNG (in Cantonese): Will the Member please sit down. Will Members please sit down before I call upon them to speak.

MR LEUNG YIU-CHUNG (in Cantonese): Mr Sixtus LEUNG, please continue with your speech.

MR SIXTUS LEUNG (in Cantonese): In any election, the two things that are of paramount importance are the eligibility of candidates and the electorate base. Two problems have now arisen: first, the eligibility of the candidate concerned is questionable; many Members talked about this just now, so I am not going to labour the point. The second problem is about the eligibility of voters. As the previous procedure prescribed in the Rules of Procedure ("RoP") has yet to be completed, how can we proceed to the next step, that is, the meeting for electing the President?

RoP clearly prescribes the procedures from the oath-taking by Members to the election of the President, with the requirements expressly stipulated in RoP 12 (First Meeting of Term). So, Chairman, please refer to RoP first to determine the order of business. Only after each Member present has made or subscribed an oath or affirmation should the procedure for electing the President be conducted in accordance with RoP 4.

MR LEUNG YIU-CHUNG (in Cantonese): Next, Mrs Regina IP ... Sorry, it should be Mr CHAN Chi-chuen. Sorry about that.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, no rush, take your time. There are things that must be clarified before we can proceed to the next procedure. The first problem is that the Legislative Council Secretariat has actually not exercised its due diligence to verify a Member's eligibility to become a presidential candidate, and this was dereliction of duty on its part in dealing with matters relating to the election of the President. Mr LEUNG Yiu-chung, i.e. the Chairman, has indicated just now that a candidate is not required to meet the requirements concerned, and it is not until a candidate is elected as the President of the Legislative Council that he is required to meet the requirement of not having foreign nationality under Article 71 of the Basic Law and the Rules of Procedure. If, unfortunately, Mr Andrew LEUNG is elected as the President of the Legislative Council today, can he undertake that only after the production of the original copy of the declaration of renunciation of the right of abode, and the examination by all Members of this Council will he take the Chair to discharge his duties as the President?

MR LEUNG KWOK-HUNG (in Cantonese): When that happens, he will evict you from the Chamber at once.

MR CHAN CHI-CHUEN (in Cantonese): Otherwise there will be a deviation from what you, Mr LEUNG Yiu-chung, the Chairman, believe in. According to you, the person elected as the President must comply with Article 71 of the Basic Law.

Also, you said just now that it is okay not to know whether a candidate has foreign nationality. In my view, this understanding is absolutely wrong. In the past Legislative Council elections, there were many occasions where Members had to specially renounce their foreign nationality; after the commencement of the electoral procedure, some Members had to withdraw their candidatures due to their failure to sort out their nationality problems. For instance, in 1988, Mr Albert CHAN did not complete the entire process due to his failure to renounce his Canadian nationality in time (as it took more than three months to do so), and consequently he had to issue a declaration of withdrawal of candidature and apologize to all electors. This is a very clear precedent. You cannot say that it is up to us to make our own judgments during the election, in which we can either vote for him if we so desire, or refuse to vote for him if we do not trust him. Chairman, this is totally wrong.

MR LEUNG YIU-CHUNG (in Cantonese): Alright. The next Member to speak is Mrs Regina IP.

MR LEUNG KWOK-HUNG (in Cantonese): In the past, when the role of President was assumed by a directly elected Member, there was no need to check the Member's nationality, buddy.

MRS REGINA IP (in Cantonese): Thank you, Chairman LEUNG. Let us come back to the subject. We are very concerned about whether Mr Andrew LEUNG has the right of abode in a foreign country. Mr WAN said just now that he did not quite believe Mr Andrew LEUNG. I have checked some information. Members may take a look at <www.gov.uk>—"Who has the right of abode?",

where it is stated that under the United Kingdom's Immigration Act 1971, as amended by the British Nationality Act 1981, two categories of people have the right of abode in the United Kingdom, and one of the categories is "British citizens". In other words, after Mr Andrew LEUNG has renounced his British citizenship and this renunciation has been approved by the Home Office of the United Kingdom, he has already lost his right of abode in the United Kingdom; so legally speaking, he does not have such a foreign right of abode. Just now some Members commented that what Mr Andrew LEUNG said was just empty rhetoric and was unsubstantiated, but as we can see, he does have a letter and an email issued by the Home Office of the United Kingdom. Mr Andrew LEUNG has also said that after he has received the stamped declaration of renunciation, he will let Members inspect it. I personally consider this sufficient.

Chairman, in my opinion, the ruling made by you just now is correct; now that some Members believe what he said and some do not, just let us vote. If these proceedings are postponed until next week, while one may say that we will only have to wait a few more days, the Legislative Council will lose a meeting day. In fact, there are not many meeting days for the Legislative Council in each session, but we have a lot of work to do, and I think many members of the public and electors do hope that we can transact the business of the Legislative Council expeditiously. I thus implore you to preside over the voting according to what you said just now, so that we can make our own decisions. Those who believe him will vote for him, and those who do not believe him will vote against him. That is it, okay? Chairman, I implore you to think about it.

MR LEUNG YIU-CHUNG (in Cantonese): Alright, thank you for your opinion. Next, Mr Alvin YEUNG.

MR ALVIN YEUNG (in Cantonese): Chairman, I do not want to argue too much from a legal perspective about Mr Andrew LEUNG's British nationality here. I just wish to specifically draw the attention of my Honourable colleagues to the reason why many non-establishment or democratic Members are making an issue of Mr LEUNG's nationality today. To put it plainly, none of us wants to become "Mr About-the-Same". Are two simple letters sufficient to convince all Hong Kong people that his nationality has been cancelled? Is that so simple?

Our present concern is about the President of the Legislative Council who has a constitutional role and status. It should be up to us as Members to decide whether Mr LEUNG is eligible to be the President of the Legislative Council. At the same time, under the law and the requirements of the Basic Law ... During Occupy Central, it was alleged that we were undermining the rule of law; but now, a person of uncertain nationality may have failed to meet the requirements of the Basic Law, and yet they are saying that there is nothing wrong with it. Is this not a disgrace to the system and design of Hong Kong's constitutional government as a whole? Are we now saying to Hong Kong people and our next generation that we do not mind becoming "Mr About-the-Same" at all, and there is nothing wrong with it as long as the one taking up the post is a man on our side? This is exactly the gesture shown by us to all 7 million people in Hong Kong at our first Council meeting today. This is why we are so angry, and we are therefore trying to raise a point of order to persuade everyone in the hope that they will understand this situation.

Mrs Regina IP has just put forward a very constructive suggestion. I do not mind waiting; if Mr LEUNG is confident that he can show us the certificate confirming his renunciation of his British nationality within a short space of time, I do not mind at all. I believe that on the premise and principle of upholding the dignity of the legislature, this Council must wait another week before proceeding to deal with the issue concerning the election of the President.

This issue, which should not be dealt with until next week, is about the dignity of the whole Legislative Council, as well as how we can show Hong Kong people that we will handle matters relating to the election of the President in a very rigorous manner. Moreover, I do not want Members to always point the finger at my Honourable colleagues sitting on this side of the Chamber. On this occasion, we are discussing this issue for everyone's sake, as the President of the Legislative Council will be representing the other 69 Members at the end of the day. I do not want Members to focus only on factional rivalry and forget something that is more important: the due constitutional dignity of the President of this Council. This is also what many Honourable colleagues, be they sitting here or standing there, are trying hard to safeguard. While Members may not see eye to eye with them, I do hope that Members will not disregard the reason behind our action and the focus of our concern.

Chairman, lastly, I believe that you can feel the difficulties of being in the Chair today. I sincerely call upon you to postpone this voting where practicable; and if it is not practicable to do so, I earnestly request you to consider whether you should continue acting as the Chairman.

I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): Alright. The next Member, Mr TAM Wai-ho.

MR JEREMY TAM (in Cantonese): My name is TAM Man-ho.

MR LEUNG YIU-CHUNG (in Cantonese): Sorry.

MR JEREMY TAM (in Cantonese): Chairman, the mistake concerning mispronunciation of a name can be rectified easily without causing any problem. However, if the President we elect today is later found that he has failed to handle his British nationality issue properly, the problem cannot be rectified by simply making a statement.

In such a solemn Council, it is surprising that the Secretariat has not verified whether the candidate for the office of President has a right of abode in other country. It has not even requested the candidate to make a statement, declaring that he does not have foreign right of abode. Such kind of sloppiness not only implies that there are problems with the rules governing the Council proceedings, but also makes me wonder and query whether the Secretariat has all along been so perfunctory in handling Council business?

Two very serious problems have arisen today. First, is the candidate in question simply not qualified to stand for the election? Second, we hold that the Secretariat does not have the authority to invalidate the oath or affirmation taken or subscribed by the three Members today. We heard them say clearly and definitely the prescribed words of the oath. Certainly, one may say that they had added or omitted some words. However, there were precedents in the past and

even today that some Members had also adopted similar practices. What were the criteria adopted by the Secretariat? Does the Secretariat have the authority to administer such a yardstick?

Members of different camps or most of the so-called democrats do not argue for argument's sake; instead, as we have seen many instances of procedural injustice, we thus join the legislature to point out such injustices and sloppiness. Members simply cannot ignore the problems related to rules and procedures because they are the majority and have enough votes to support Mr Andrew LEUNG's contest for presidency. They should not think that the problems can then be solved. In the past, there had been too many incidents of not conforming to rules, from the non-compliance of the Chief Executive in high position to the election of the President of the Legislative Council, many work have not been done adequately.

I earnestly hope that the Chairman can consider two points. To begin with, I hope you will request the Secretariat to answer right now the two questions raised by the majority of Members earlier: First, how do they verify that the candidate in question does not have foreign right of abode? Second, on what grounds do they consider that the oaths taken by the three Legislative Council Members just now were invalid? In my view, you must ask the Secretariat to immediately clarify these two matters as well as various queries. I definitely support the suggestion made by Mr Alvin YEUNG just now, that is, to postpone this meeting or the President election. We just need a week to resolve all the problems. Can't we wait one more week? I hope the Chairman can consider this suggestion.

DR PRISCILLA LEUNG (in Cantonese): Chairman, you are a seasoned Member and I believe you are also very familiar with the Rules of Procedure ("RoP"). Section 19 of the Oaths and Declarations Ordinance ("the Ordinance") stipulates that a member of the Legislative Council shall, as soon as possible after the commencement of his term of office, take the Legislative Council Oath which if taken at the first sitting of the session of the Legislative Council immediately after a general election of all members of the Council and before the election of the President of the Council, shall be administered by the Clerk to the Council. According to RoP 1, which Mr LEUNG Chung-ki read it aloud just now, no Member of the Council shall attend a meeting or vote therein until he has made or subscribed an oath or affirmation in accordance with the provisions of the

Ordinance. Hence, just now some Members left the Chamber, possibly because they were dissatisfied with your ruling. However, I think the provisions are very clear and there are no disputes whatsoever.

We have of course participated in the oath-taking earlier and have heard the various versions of oaths/affirmations made or subscribed by various Members. I think the Secretary General adopted a very lenient approach in handling their oath-taking. Certainly, other Members have added different words to their oath/affirmations, but these three Members adamantly refused to say the words of the oath prescribed after being given the second chance by the Secretary General. Therefore, you cannot say that the election of the President of the Legislative Council is not in order procedurally or is unjust. First, I think the Secretary General has the right to do so.

Second, as some Members have obviously not adhered to the prescribed form and manner in their oath-taking, they cannot attend the Legislative Council meeting or vote therein. But they have not been disqualified. Under the Ordinance, if they decline or neglect to abide by the oath after taking it, they can really be disqualified. Therefore, if they take the oath afresh, they will have to think very carefully and if they adopt such a disrespectful attitude ... Let us see how they take the oath.

However, Chairman, I truly hope ... Just now Mr Alvin YEUNG said that we should respect or consider the wishes of the Members standing by your side. Among these Members, some are well experienced while some are newly elected. Chairman, I really hope that you will give us back a solemn Legislative Council. Will Members please return to their seats to hold a debate? Why can't they do so? Do you need those five Members to protect you? Chairman, that is most improper! Why can't you order them to return to their seats first and then continue to express their views? I think a very bad precedent has been set.

Third, ...

MR CHU HOI-DICK (in Cantonese): Dr Priscilla LEUNG, actually the Chairman has told us to return to our seats some time ago. You should not blame him.

DR PRISCILLA LEUNG (in Cantonese): You see ... I wonder if there are six Chairpersons now. Can Members interrupt another Member at will? It is stipulated in RoP 42 that Members cannot cross the floor of the Council. Take a look at what LEUNG Chung-ki is doing. Mr CHU Hoi-dick also spoke casually. What a scene they are making ...

(Mr Sixtus LEUNG crossed the floor of the Chamber and stood behind the table set up for the President election)

(A Member pointed out that the Member's name was LEUNG Chung-hang, not LEUNG Chung-ki)

DR PRISCILLA LEUNG (in Cantonese): We can call him by the correct name after he has officially sworn in and made more speeches. He did not adhere to the prescribed form and manner in taking his oath.

Chairman, will you please resolutely ask those Members to return to their seats. I hope they will respect the ruling made by the Chairman. When the meeting is in progress, this Chamber should be a solemn place and I also hope that all Members will respect Mr LEUNG Yiu-chung as the Chairman. We did not hear him ask Members to return to their seats. If he has done so ... You are treating the Legislative Council as a market place. Who do you think you are? You are disturbing us, Members who are attentively participating in the meeting.

Third, Members have queries about the eligibility of a candidate for the office of President. I learnt that there are views that Mr Andrew LEUNG has only produced oral evidence. However, after reading carefully the two documents he produced, I can say that he did officially apply in writing for renunciation of his British citizenship, and the British Government has also provided a written reply. We are satisfied with the authenticity of the two papers, and he has not made a casual statement. However, if you still find this unacceptable, you may continue to make comments or make use of your votes. That should be the kind of quality debate conducted in this Chamber that you can show to the public. Will you please return to us a solemn Chamber? Can you do so?

Chairman LEUNG Yiu-chung, you are the most senior Member and I have respected you all along. I hope that you will once again formally ask those Members to return to their seats and do not disturb us from listening attentively to

the speeches of Members holding different views. Chairman, I hope that you will give an instruction, ordering them to return to their seats. How can he just casually walk around ... What kind of Council is this? Chairman, I hope that you will not accept such kind of behaviour. Do not be afraid of them, do not bully the weak and fear those who are tough.

MR LEUNG YIU-CHUNG (in Cantonese): Thank you very much, Dr Priscilla LEUNG. Actually I intend to give every Member a chance to speak. That is my wish. The next to speak is Dr CHENG Chung-tai.

DR CHENG CHUNG-TAI (in Cantonese): Chairman, first of all, I should apologize to my supporters as well as the people of Hong Kong for having the Council come to this pass today, to the great disappointment of the general public. However, I think we must set the fact straight. Today's predicament is attributed to the fact that the pro-establishment camp and the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region have joined hands to enable Andrew LEUNG to become the President of the Legislative Council; but legally and procedure-wise, he cannot meet the requirement of us, non-establishment Members, and many members of the public to produce an explicit written declaration of renunciation of British nationality, so as to dispel our doubts.

Naturally, the importance of this declaration originates from the Basic Law and the Rules of Procedure, which clearly provide that one must renounce his other nationalities in order to be the President of the Legislative Council. However, when he fails to produce such a declaration, we cannot be sure whether he has a right of abode in any foreign country in connection with his renunciation of nationality. Therefore, I think the argument today is essentially a political issue on top of a legal and procedural one.

There are only two ways to solve the problem: first, Mr Andrew LEUNG withdraws from the election; second, defer the election of the President of the Legislative Council to some other day. However, before that, I think we should take into consideration one fact and set it straight, that is, even if he can produce the so-called declaration of renunciation, we still cannot be sure if he has a right of abode in other foreign countries. Therefore, a more radical approach is that he should at least renounce his nationality twice. Under the British immigration

and nationality legislation, even if he has now renounced his nationality, he may have a second chance to reapply for British nationality in future. In my view, the President of the legislature of Hong Kong can no longer be taken up by a remnant of the British-Hong Kong Administration. Hence, if Mr Andrew LEUNG wants to resolve the problem of his right of abode in Britain once and for all, he should renounce his British nationality twice. By doing so, the problem concerning the right of abode in Britain can be solved completely; otherwise, will he please withdraw from the election. Thank you, Chairman.

DR FERNANDO CHEUNG (in Cantonese): Chairman, I have been standing behind you all the time as a gesture of protest. This meeting should simply be aborted. This meeting is to elect the President of the Legislative Council. Just now, when Mr Sixtus LEUNG stood up and spoke, Members of the pro-establishment camp caused an uproar, saying that Mr Sixtus LEUNG was not qualified to speak for he has not completed the oath-taking procedure. Then, in the case of election of the President of the Legislative Council, which is a solemn and important matter, if we cannot ascertain whether Mr Andrew LEUNG has completed his renunciation of his right of abode in Britain, how can we proceed? Chairman, I think you should suspend this meeting.

If Mr Andrew LEUNG had not declared that he has the right of abode in a foreign country, we would assume that he does not have one; however, as he had "voluntarily disclosed" his possession of British right of abode and British nationality, and that he would renounce them once elected as the President of the Legislative Council, we thus became sceptical. Under the Basic Law, the President of the Legislative Council shall not have right of abode in any foreign country. Has renunciation been made? He claimed that renunciation has been made; then give us the proof. The evidence he provided were just the two letters shown to us in the Ante-Chamber. Those two letters have no legal status. I have taken a look; they were issued by the Home Office of the United Kingdom. Their contents, however, were mutually contradictory.

The first letter, dated 30 September, stated that a stamped declaration of renunciation was attached, but we could not find such a document. The second letter, dated 11 October, stated that the declaration of renunciation was sent out on 6 October, and it took five to seven working days to deliver. Chairman, the contents of the two letters are contradictory and I fail to understand.

Nevertheless, what is certain is that neither of the letters has a legal status which can prove that the candidate in question has already renounced his right of abode in Britain.

How can we proceed with the election of the President of the Legislative Council under such circumstances? If we really have to proceed, I trust Mr Andrew LEUNG should withdraw from the election today. In my view, Mr Alvin YEUNG's suggestion sounds reasonable. We should give Mr Andrew LEUNG some time by deferring the election for one week. Obviously, the meeting today should not proceed, so as to uphold the dignity of the Legislative Council as well as the constitutional system of Hong Kong. If we still attach importance to the Basic Law, then why should Members of the pro-establishment camp insist on holding the election even when the eligibility of the candidate nominated by them is uncertain? I know they want Mr Andrew LEUNG to be elected as the President as quickly as possible, but the election must be conducted under a lawful and reasonable procedure. How can we act casually? Therefore, Chairman, this meeting shall not proceed further. We have already given in immensely. To be candid, if the election is to be held despite disputes today, Mr Andrew LEUNG should withdraw from the election immediately.

MR CHU HOI-DICK (in Cantonese): Chairman, first of all, I think what happened today has taught the pro-establishment camp a lesson. If they nominate someone to run for the President of the Legislative Council in the future, they should by no means field a Member returned by functional constituency. Nominating a Member returned by geographical constituency through direct election can spare them a lot of trouble. Why was the nomination form designed in such a slapdash manner? If a candidate is returned by geographical constituency through direct election, we can then believe that he is a Chinese and a Hong Kong citizen. The current embarrassing situation where a British citizen runs for the President of the Legislative Council will thus be avoided. This is the first point.

Second, I hope that Hong Kong people have noticed that the proceedings in the past two days are intended to remedy the slipshod work of the Legislative Council Secretariat throughout the entire election process for the President. At the question-and-answer session held yesterday morning, had we not raised the question regarding the nationality of Mr Andrew LEUNG, which was followed by the request made by Dr CHENG Chung-tai for Mr Andrew LEUNG to

produce the documents before 11:00 am today, how possibly would Mr Andrew LEUNG readily surrender the two documents for our perusal this morning? The fact is clear. In addition, we have time and again put a question to Mr Andrew LEUNG since this morning. In reading the letter dated 30 September—we all understand English—we noted the words "Enclosed is the declaration of renunciation", meaning that a document was enclosed. For this reason, we followed up with a question on whether Mr Andrew LEUNG has kept this available document from us? This is a very normal follow-up question.

After a few hours of power struggle, or protests as you may put it, I have just learnt that at least a new progress has been made. When meeting the press, Mr Andrew LEUNG promised—please bear in mind that he originally did not make the pledge—that he would make available for public inspection the "declaration of renunciation", expected to be served within five to seven days. This is often the case in reality. As the whole system is flawed, the Legislative Council Secretariat could not care less other than paying lip service. Thus we have to take up the responsibility to ensure by various means that the candidates for this dignified position will be correspondingly frank and sincere to the Hong Kong public.

As matters stand, I am certainly dissatisfied with Mr Andrew LEUNG who merely undertook to make public the declaration of renunciation which may only be available a few days later. Given that the issue involves a Member returned by functional constituency running for the President of the Legislative Council, we should actually be well informed of all the exchanges of correspondence between him and the British Government throughout his application process for renunciation of his British nationality. We do not know whether Mr Andrew LEUNG has taken advantage of his special identity, whether the Central Liaison Office of the Central People's Government in the HKSAR has taken advantage of its special status, and whether Beijing has imposed any political pressure in facilitating Mr Andrew LEUNG to renounce his British nationality under fairly exceptional circumstances. Mr Andrew LEUNG and I had a discussion on the radio this morning. I do not understand why he even declined to disclose the exact date on which he submitted his application to the British Government. I really hope that Members of the pro-establishment camp can help us clarify the issue satisfactorily. Only by clarifying the matter satisfactorily can we be more accountable to the public and gain more public respect for the President. I hope that you can lend a helping hand.

Mr Andrew LEUNG and Mr James TO left the Chamber just now. They are not here again. I do not know if they have gone out again ... Oh, I see, they are having a meal. As things stand, given the gravity of the issue, I believe that even Mr LEUNG Yiu-chung is not in a position to make decisions. I urge Mr Andrew LEUNG to have his own interests in mind. I also hope that Mr James TO will offer help to Mr Andrew LEUNG. Together with Mr LEUNG Yiu-chung, the three Members can agree on putting off the election for the President until the letter of declaration of Mr Andrew LEUNG, which may still be in transit at sea, arrives in Hong Kong. I believe that this would be the most unequivocal and proper option. I hope that Mr Andrew LEUNG had discussed with Mr James TO over this matter when they were outside of the Chamber just now. I also hope he will make a sensible decision. Thank you, Chairman.

MR LEUNG YIU-CHUNG (in Cantonese): Thank you. The list in my hand shows that no other Members have requested to speak ... anyone else? Will you please raise your hands? Are there other Members? Will the Clerk please give me a name list.

Next in line is Dr Junius HO, followed by Mr Holden CHOW. Now I call upon Dr Junius HO to speak first.

DR JUNIUS HO (in Cantonese): Many Members have raised a series of questions on the election. Most of them are well grounded, but up till now, I have not heard from the Secretariat ... As a new Member, I do not know whether the Secretariat should first give a statement or make two points clear at this juncture. First, after the completion of the oath-taking procedure, how many Members of the Legislative Council are qualified to assume office? Are there 70, 67 or 62 Members? A clear account should be given and prevarication is not allowed. If there is a statement from the Secretariat or the Secretary General, there will be prima facie evidence. Once prima facie evidence has been established, any Member who is not satisfied with the statement or the prima facie evidence can take the matter to court under the laws of Hong Kong. However, at this meeting, the Secretariat should perform its duty and tell us clearly which Members have fulfilled the requirement of oath-taking and which Members have not. The Secretariat should give a clear statement on this matter.

Furthermore, the election of the President of the Legislative Council should be conducted in accordance with the solemn procedure under a strict system. Thus, any Member who intends to run for the election of the President of the Legislative Council should express such an intention and meet the relevant requirements; and the Secretariat has to verify the eligibility of the Member. How the Secretariat carries out this task is entirely a matter for it to decide within its authority. The Secretariat can decide that the letter constitutes sufficient prima facie evidence; so long as the Secretariat gives a statement, the letter can be accepted as substantive evidence. Any person can challenge the decision later, but if Members accept the evidence provided by the Secretariat, we shall proceed, with the information currently available, to the second part of the proceedings, that is, the election of the President of the Legislative Council. If a mistake on any matter is identified later, it will be a matter to be handled in the future and the parties concerned will have to bear responsibility.

Mr LEUNG Yiu-chung, what you said earlier in the capacity of a Legislative Council Member and a temporary Chairman is correct. First of all, you have to accept, as a matter of procedure, a list of Members who have acquired the qualification today, and allow them to speak and vote. Second, if the existing list of valid nominations for the office of President has been verified by the Secretariat, we have to accept it; if there are any objections, the matter can be taken to court in the future. That is my proposal. Hence, please allow me ... having listened very patiently to the speeches made by Members, I think the Secretariat should, at this juncture, clarify these two points to Members and assist us to carry out our task on the Agenda to elect the President. Thank you.

MR HOLDEN CHOW (in Cantonese): Chairman, during the oath-taking this morning, some Members had completely changed the wording of the oath or affirmation. Many members of the public are thus upset and disappointed because oath-taking should be a solemn procedure.

A Member mentioned Rule 1 of the Rules of Procedure ("RoP") earlier. That rule clearly provides that a Member of the Council can only attend a meeting or vote therein after an oath or affirmation has been made or subscribed. If a Member can attend a meeting of the Council without having made or subscribed an oath or affirmation, as suggested by another Member earlier, why is such provision made at the outset in RoP 1? Members should understand this point clearly and there is no need for us to argue here.

The next part of this meeting is the election of the President of the Legislative Council. While I understand that Members may have queries on whether Mr Andrew LEUNG has renounced his British citizenship, I have to point out here that Mr LEUNG has actually provided a document for Members' reference today and I believe many Members have seen it. If Members have doubts about the authenticity of the letter, or consider that there are other problems or inadequacies concerning the letter, I would like to draw their attention to the fact that the letter is issued by the British Government. If there is an element of forgery or inadequacy, I believe the British Government has to bear responsibility too. Since we have seen this document and many Members are satisfied with its contents—I will not talk about the contents of the document since it is restricted to Members only—we have to accept it. As such, can we proceed to the next step which is the election of the President? Since the election date has been scheduled and the voting procedures stipulated, even if some Members still have doubts, we should not keep postponing the voting date, and the election should be held immediately. If Members still have doubts, they can seek to overturn the decision later by way of judicial review or different kinds of petitions, and so on. Since the election of the President of the Legislative Council is a very important agenda item of this meeting and a solemn matter, I think the voting date should not be postponed continuously because of the issues raised by some Members. That is my view, Chairman.

MR LEUNG YIU-CHUNG (in Cantonese): The next Member to speak is Mr LEUNG Kwok-hung, followed by Miss YAU Wai-ching. Mr LEUNG Kwok-hung.

MR LEUNG KWOK-HUNG (in Cantonese): Members of the pro-establishment camp, you are digging your own grave if you speak today. Let me take the time to explain to you. First of all, since Mr Andrew LEUNG is a functional constituency Member returned uncontested, it will be contrary to the established practice to elect him as the President of the Legislative Council. It has all along been our practice to elect a Member with representativeness to be the President. If he performs badly in exercising the powers of the President, he or she will have to pay the price of not being elected again in the next term. This unwritten rule works well as evident from the examples of Jasper TSANG and Rita FAN. However, you have contravened the established practice now. I do not know who told you to do so. Is it ZHANG Xiaoming? Have you read the *Sing Pao*

Daily News? Has ZHANG Xiaoming told you to contravene the tradition of the Legislative Council which has been working effectively all along? That is the first mistake that you have made.

If you had not made the first mistake, you would not make the second one. Why was it unnecessary for Rita FAN and Jasper TSANG to go through any checks on their right of abode? The reason was that their right of abode had been checked when they took part in direct elections. Among the Members who were returned from functional constituencies, 12.5% held foreign passports. Knowing that those were faeces, you took one mouthful after another, how then could you avoid having bad breath? You have taken two mouthfuls. Buddy, I rarely spoke these days, but I have warned you. You have collectively eaten faeces, and yet you berated others for bad breath. Since you have just eaten faeces, you will certainly smell your bad breath once you open your mouth. Did we force you to do so? Did we force you to nominate a Member who was returned by zero vote in the functional constituency election as the President? Did I force you to do so? You have dug a grave and a cesspit for faeces eating.

While you have insisted on supporting the Member, you failed to urge him to do his part. The Secretariat of the Legislative Council ("the Secretariat") also failed to do so. The Secretariat did not need to conduct checks during the times of Jasper TSANG and Rita FAN. But it has to conduct checks now and I must ask the Secretariat what has been checked. The trouble has really been created by Jasper TSANG, for he should have given the Secretariat the relevant instructions before he stepped down. As Mr Andrew LEUNG was returned by zero vote a long time ago, it was not a matter of not having sufficient time to conduct checks. Prof Priscilla LEUNG, being so inarticulate, is indeed brilliant; she should have advised Jasper TSANG and the Secretariat in advance. If she asked Pauline NG or Jimmy MA, they would have told her that the initiative would generate endless problems.

Mr Andrew LEUNG has, after racking his brain, sought advice from "Western District". "Western District" said the "new Gang of Four" insisted on putting him in office—this statement was made by *Sing Pao Daily News*, not by me. The "new Gang of Four" insisted on putting Mr Andrew LEUNG in office and you people toe the line. Mr Holden CHOW, being a lawyer, should have noticed the pitfall. Why did he not ask them to conduct checks? Though we have dutifully pointed out that Mr Andrew LEUNG might have a nationality issue, you have not urged him to attend to the matter. Subsequently, Mr Andrew LEUNG bustled to fix the matter, but the document is

now sailing to us. So long as Mr LEUNG has not received the document, I am afraid he will not be regarded as having officially renounced his British citizenship. You are a lawyer, Mr CHOW. During a lawsuit, if you failed to receive the relevant document, would the Judge consider you a fool and rule against you? He would at most give you seven days before the trial commenced again. Do you understand? Dr Junius HO is also a lawyer. There is simply no official document.

Furthermore, Article 71 of the Basic Law provides for the right of abode. That is a constitutional requirement, it is not a house rule of the Legislative Council; and no mistake can be made in respect of any constitutional document. Even if Mr LEUNG has renounced his British citizenship, does it automatically mean that he has lost his right of abode? The document only contains the word "affect". Since we are discussing the question of right of abode, should we clarify the matter? Should a statement be officially made by the British Government instead of by you or me? After a person has renounced his citizenship, will he automatically become stateless? There are certainly rules in this regard. How do we know whether Mr Andrew LEUNG has obtained any other citizenship or right of abode in other Commonwealth countries?

Have you people looked up the laws? No. Yet, you stress that you are rational and practical, and you have professional knowledge. That is the third cesspit. Why? The Secretariat has not carried out its duties. According to Article 71 of the Basic Law, it is doubtful whether Mr Andrew LEUNG is qualified to stand for the election because he has to meet the constitutional requirement. We have questioned why the voting cannot be postponed ... Now I have to ask the Secretariat whether it can provide us with any document. Has it obtained any legal advice? Who gave the Secretariat the legal advice that no problem would arise? Let me reiterate, the requirement is stipulated in Article 71 of the Basic Law and not the Rules of Procedure. I have to ask the Secretariat whether it has obtained such kind of advice. Who is going to bear the responsibility? Should Mr Rimsky YUEN come forward to make a statement or should an external counsel be engaged to make a statement? Do we have to write to the British Government regarding the matter of Mr Andrew LEUNG? We can only do so after obtaining his consent as it is a matter concerning his privacy. Those people have stepped into three cesspits and soiled themselves all over. We showered them with water to clean the faeces; why didn't they thank us?

Let me repeat and I hope staff members of the Secretariat will listen. When the Secretary General administered the oath today, he said that he could not, within his authority, ascertain the validity of some of the oaths taken. Since he had doubts, he did not exercise his authority. If the President is elected—I am not sure whether a President can be elected—the duty of administering the oath will fall on him. If Mr Andrew LEUNG is elected as the President, he will immediately evict certain Members and he has to rule whether the oaths taken by the three Members are valid. The manner of oath-taking of Members is not regulated by the constitution and Members would know what matters are more important.

Secretary General, you have kept a close eye on people, but as a "gatekeeper" for all Hong Kong people, you have not read Article 71 of the Basic Law drafted by the Communist Party of China; is that fair? Are you people blind? Do you see with only one eye? Are you blind in the left eye or the right eye? How dare you reprimand us! How come Jasper TSANG does not have such bad breath as yours? The reason is that he is basically a man of integrity and he understands the logic of this world and so his breath is not that bad. Ms Starry LEE, you should learn from him! As regards the inarticulate Prof Priscilla LEUNG, we can completely ignore what she said. If you people vote later and make any mistakes, you have to bear the responsibility. (*A Member spoke in her seat*) Look how you behave when you are reprimanded, buddy. Do you think it is fine for you to reprimand me but not the other way round?

Chairman, I formally ask you to suspend this meeting. Is this a meeting of the Legislative Council? If I want to suspend this meeting, what are the procedures? Can it be done at all? Since there is an outstanding matter and the "new Gang of Four" may topple next week, I think it will be best for us to resume the meeting as soon as possible.

Chairman, I really do not know whether I can request to suspend this meeting which is not chaired by the President. It seems that there is no rule on this point, or is there?

MR LEUNG YIU-CHUNG (in Cantonese): Have you finished speaking?

MR LEUNG KWOK-HUNG (in Cantonese): Mr Andrew LEUNG has something to say and I will ask him to do so now.

MR ANDREW LEUNG (in Cantonese): I have new information for consideration by the Chairman. I have received the original copy and it is now delivered to the Secretariat for inspection by Members.

MR LEUNG YIU-CHUNG (in Cantonese): A number of Members have been waiting for their turn to speak. Will they please speak later so that we can spend a few minutes to inspect the new information provided by Mr Andrew LEUNG? If no one has any objection, we now suspend the meeting for five minutes. *(Some Member requested to suspend the meeting for 15 minutes)* Alright, the meeting will resume in 10 minutes.

3:58 pm

Meeting suspended.

4:17 pm

Council then resumed.

MR LEUNG YIU-CHUNG (in Cantonese): I hope that Members will return to their seats as soon as possible.

Members, Council now officially resumes. The meeting was suspended to allow Mr Andrew LEUNG to further submit new information for Members' perusal. Two Members have requested to speak just now. Miss YAU Wai-ching and Mr Jeffrey LAM, do you still wish to speak?

Mr Jeffrey LAM does not intend to speak. Miss YAU Wai-ching, do you still wish to speak?

Miss YAU Wai-ching will now speak.

MISS YAU WAI-CHING (in Cantonese): Chairman, just now everyone talked about two issues: first, the eligibility of the candidates for the office of President; and second, the eligibility of the voters. As many colleagues have already commented on Mr Andrew LEUNG's eligibility to run for the election, I will not repeat.

I have seen the document just presented to us by Mr Andrew LEUNG. Apart from having the British nationality, we must ascertain if he has other foreign nationality or right of abode before we can ascertain that he is eligible to stand for the election of the President. I really do not understand why he is allowed to keep producing documents to prove his eligibility. Why should the voting be postponed just because a candidate fails to produce all supporting documents?

There are two problems we must resolve today. First, may we request Mr Andrew LEUNG to withdraw from the election; and second, the Secretariat should rule that Mr Andrew LEUNG is no longer eligible to stand for the election, and since there is no other candidate, it should immediately announce that Mr James TO is elected as the President.

The Secretariat has acted expeditiously in ruling that Mr Sixtus LEUNG, Dr YIU Chung-yim and I had not completed the oath-taking procedure, but how come it dares not rule that Mr Andrew LEUNG has failed to complete the procedure of submitting documents to support his eligibility? This is the first point.

Second, regarding the eligibility of us three to vote in the election of the President, the main issue is that Kenneth CHEN considered that we had not completed the oath-taking procedure, but not the oaths we took were invalid. In any case, the problems must be addressed today. First, we should be allowed to take the oath afresh, so that the Secretariat can confirm that we have completed the oath-taking procedure. As regards the validity of our oaths, it should be left for the newly elected President of the Legislative Council to rule. Then, at least Rule 12(2) of the Rules of Procedure will not be violated. If the election of the President is carried out before the three of us have completed the oath-taking procedure, no matter what the voting result is, it will be illegal.

Many colleagues always say that if anyone is disgruntled, they can seek a judicial review from the Court. I must reiterate the separation of the executive, legislative and judicial powers. The legislature has an independent

constitutional status and we are the representatives of public opinion. Members should resolve their disputes within the Legislative Council, rather than resolve everything by litigation in court. We have the responsibility to stop the executive authorities interfering in the affairs of the legislature and we are also obliged to uphold the independence of the legislature and prevent the interference of the judiciary.

Thank you, Chairman.

MR LEUNG YIU-CHUNG (in Cantonese): Alright, thank you.

Do any other Members wish to speak? I hope that each colleague will only speak once. Owing to the time constraint, I hope that Members will keep their speeches concise. If Members wish to speak the second time, sorry, I will not allow it. I only allow those who speak for the first time to speak. Do other colleagues wish to speak?

(Some Members made comments)

MR LEUNG YIU-CHUNG (in Cantonese): I am the one to preside at the meeting today and I have made a decision that each Member is allowed to raise a point of order once only.

MR NATHAN LAW (in Cantonese): Chairman, but you have not tried to handle issues raised by Members.

MR LEUNG YIU-CHUNG (in Cantonese): How do you know I will not handle them?

MR NATHAN LAW (in Cantonese): Got it. If you have decided ...

MR LEUNG YIU-CHUNG (in Cantonese): If you get my point, please stop talking and let me speak, will you?

MR NATHAN LAW (in Cantonese): Got it. I will.

MR LEUNG YIU-CHUNG (in Cantonese): Thank you.

Honourable colleagues, the first point I would like to make is that even though I am a so-called senior Member—having joined this Council for 21 years—I have never presided at any meetings before. It is my first time to preside at meetings held yesterday and today. Yesterday's special forum was smoothly held as all Members were very cooperative. As for today's meeting, since it is a formal Legislative Council meeting, there are many rules and regulations, including the Rules of Procedure ("RoP") and other procedural rules.

As far as I understand, the purpose and agenda of today's meeting are very simple. As I have mentioned before, the first part of the meeting deals with the oath-taking of Members so as to give them official status, and the second part deals with the election of the President of the Legislative Council. My duty is to preside at the election and after the election, to declare which candidate is elected as the President.

Throughout the meeting, Members cannot seek clarification of any issues or raise questions. In view of such restrictions, the Secretariat arranged to hold a special forum yesterday in accordance with RoP to allow Members to put questions to the candidates. Of course, I understand that from yesterday to today, many colleagues have raised a number of questions concerning the status of Mr Andrew LEUNG, one of the candidates, and his right of abode in other countries.

When I learnt about this situation, I made a special arrangement for Mr Andrew LEUNG to give an account of his nationality issue to the media and other Members outside the Chamber, in the hope of enabling the public to have a clearer picture.

However, after hearing Mr LEUNG's explanation, Honourable colleagues still have many queries. Hence, in accordance with RoP, I allow Members to ask questions and speak, so as to voice all their queries and raise matters requiring clarification.

Next we should proceed to the election. However, many questions raised by colleagues have yet to be resolved, or in my view, many legal questions that should be resolved still cannot be settled satisfactorily. What are the reasons? That is because at this meeting, we are not allowed to seek clarification from the Legal Adviser; and staff of the Secretariat will not explain to us the relevant procedures since there are no such provisions in RoP and no such actions are permitted. Hence, we do not have the chance to seek clarification from the Legal Adviser or the Secretariat, and cannot answer Members' questions. As such, since I cannot seek clarifications for my questions, I hereby declare that I will not preside at the election and will leave the meeting. The meeting will then be presided by Mr Abraham SHEK, the next senior Member prescribed in RoP. According to RoP, I cannot attend the meeting. Therefore I will leave the Chamber and will not take part in the election.

Once again, I would like to apologize to all Members for areas of dissatisfaction or hiccups during the meeting presided by me. I ask for your understanding and tolerance. Thank you.

(Mr LEUNG Yiu-chung left his seat at the presiding Member's table. Mr Abraham SHEK walked towards the table with the intent to sit down, but Mr LEUNG Kwok-hung had taken the seat; Miss YAU Wai-ching, Mr Sixtus LEUNG, Dr LAU Siu-lai, Mr CHU Hoi-dick and Ms Claudia MO stood around him)

MR CHU HOI-DICK (in Cantonese): Regarding the three Members who had not completed the oath-taking procedure, why didn't the Secretary General and the Legal Adviser give us an account publicly? Can Mr SHEK ask them ... In fact, I do not know why we have no right to ask them to speak. If we all agree, why can't we ask them to speak so that the Legal Adviser and the Secretary General could explain to us the status of the three Members and dispel our doubts? After Mr Andrew LEUNG has just made public the confirmation letter, the problem has been partly solved, why then do we not deal with the remaining problem?

MR LEUNG KWOK-HUNG (in Cantonese): You are not the Chairman, but I am. The one who sits presides at the meeting.

(Mr Abraham SHEK presided at the meeting while standing)

MR ABRAHAM SHEK (in Cantonese): Fellow colleagues, we now proceed to deal with what Mr LEUNG has just ...

(Mr LEUNG Kwok-hung moved aside the microphone on the table, disallowing Mr Abraham SHEK to speak. A staff member gave Mr Abraham SHEK a wireless microphone)

MR ABRAHAM SHEK (in Cantonese): Mr LEUNG Kwok-hung, I warn you, you have behaved in a disorderly manner, if you do not leave the seat reserved for the Chairman, I will ask staff members to assist you in leaving the Chamber.

(Mr LEUNG Kwok-hung tried to snatch the wireless microphone out of Mr Abraham SHEK's hand. Some Members hissed)

MR ABRAHAM SHEK (in Cantonese): Mr LEUNG, the Legislative Council is a solemn place; you cannot have your way by force.

(Mr LEUNG Kwok-hung kept talking)

MR ABRAHAM SHEK (in Cantonese): Mr LEUNG, I give you one more chance. Please return to your seat immediately.

MR LEUNG KWOK-HUNG (in Cantonese): Mr Abraham SHEK, do you know what a "green card" is? If Mr Andrew LEUNG holds a "green card", what should be done? Another country ...

MR ABRAHAM SHEK (in Cantonese): Mr LEUNG, this is the last warning, I have given you plenty of opportunities. I have been a Member for 16 years and have never encountered such a situation. We definitely disallow the use of force.

MR LEUNG KWOK-HUNG (in Cantonese): When did I use force?

MR ABRAHAM SHEK (in Cantonese): You wanted to snatch my wireless microphone just now, was that not the use of force?

MR LEUNG KWOK-HUNG (in Cantonese): You held the wireless microphone tight, I just wanted to take it away, was that the use of force?

MR ABRAHAM SHEK (in Cantonese): Fellow colleagues, please be cooperative, we still have to work together in the next four years. I now give you the last chance; you are preventing Members from performing their duties. I would like to ask you and other new colleagues ...

MR LEUNG KWOK-HUNG (in Cantonese): No, Mr Abraham SHEK, the question is about the right of abode ...

(Some Members spoke loudly)

MR ABRAHAM SHEK (in Cantonese): I have always been cautious with my words and I highly respect Members' status. Even if you want to raise a point of order, you should let me fulfil my responsibilities first.

(Mr James TO and other Members spoke, questioning Mr Abraham SHEK's power)

MR ABRAHAM SHEK (in Cantonese): Do I have the power to do so? Under Rule 1A of the Rules of Procedure, a Member who has held office in the Council for the longest continuous period of time shall be the presiding Member. Mr James TO is the most senior Member, followed by Mr LEUNG Yiu-chung and I. I hope colleagues would let me fulfil my due responsibilities ...

MR ABRAHAM SHEK (in Cantonese): I have the power to preside at this meeting. If this situation continues, the meeting will not be able to proceed.

(Some Members continued to speak in their seats)

MR ABRAHAM SHEK (in Cantonese): I warn fellow colleagues one last time, please return to your seats ...

MR LEUNG KWOK-HUNG (in Cantonese): You simply do not have such power, buddy! Where does your power come from? It is pure nonsense. You represent powder but not power.

MR ABRAHAM SHEK (in Cantonese): ... where does my power come from, please refer to the Rules of Procedure ...

MR LEUNG KWOK-HUNG (in Cantonese): Buddy, you do not have such power, where does your power come from?

MR ABRAHAM SHEK (in Cantonese): I now suspend the meeting for 10 minutes. If, after the resumption of the meeting, the Members concerned still refuse to return to their seats, the meeting will be held in another venue.

4:31 pm

Meeting suspended.

4:53 pm

Council then resumed.

MR ABRAHAM SHEK (in Cantonese): Council resumed.

(Mr Abraham SHEK stood on one side of the presiding Member's table to preside at the meeting, Mr LEUNG Kwok-hung sat at the table, and Mr Nathan LAW, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Ms Claudia MO, Miss YAU Wai-ching and Mr Sixtus LEUNG stood around him)

(Some Members spoke loudly)

MR ABRAHAM SHEK (in Cantonese): Mr LEUNG Kwok-hung, Ms Claudia MO, I hope that Members would allow the meeting to proceed to the second part, i.e, the election of the President of the Legislative Council. If Members have any query, the Secretary General has just undertaken to write to the three Members explaining the decision of not allowing them to take part in today's election in view of their failure to take the oath in accordance with law this morning. The Secretary General has undertaken to do so. He is not only obliged to do so, but is also willing to do so.

Since you refuse to return to your seats and I do not wish to use force in our first meeting today, like what Mr LEUNG Kwok-hung did when he seized the microphone earlier, we will therefore move to Conference Room 1 to continue with the meeting. However, those three Members are not allowed to enter Conference Room 1 because according to the law, they do not have the right to vote as they have not completed the oath-taking procedure.

MISS YAU WAI-CHING (in Cantonese): We have taken the oath and we did so in full compliance with the procedures as required by the Government. The Secretariat has no power to rule that the oaths taken were invalid, so please sort this out first.

MR ABRAHAM SHEK (in Cantonese): You may say whatever you want outside the Chamber; I have made myself clear and I am now explaining the procedure to you in a calm manner.

MISS YAU WAI-CHING (in Cantonese): I find it necessary for this to be heard.

MR ABRAHAM SHEK (in Cantonese): I announce that the meeting will continue in Conference Room 1 five minutes later.

4:55 pm

Meeting suspended.

5:01 pm

Council then resumed.

(The presiding Member, Mr Abraham SHEK, and the Clerk sat at the table set up for the President election in Conference Room 1. Security officers formed a human wall to stop Members from approaching the table. A number of Members stood around the table)

MR ABRAHAM SHEK (in Cantonese): We now proceed to the election of the President of the Legislative Council. First, I announce that, the Clerk to the Legislative Council ...

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman's abuse of power!

(Mr HUI Chi-fung stood in front of the President podium of the Conference Room, surrounded by security officers)

MR ABRAHAM SHEK (in Cantonese): ... issued a notice on 6 October 2016 informing Members that on 5 October ...

(While Mr Abraham SHEK was speaking, some Members kept protesting loudly against the Chairman's abuse of power and they obstructed the distribution of ballot papers)

MR ABRAHAM SHEK (in Cantonese): I have exercised great tolerance. Please drive them out!

(Some Members tapped the benches to show approval)

MR ABRAHAM SHEK (in Cantonese): Please continue to distribute the ballot papers. We should not be stopped from performing our Legislative Council duties by any uncivilized means. Members who have left their seats will not receive any ballot paper.

(Some Members applauded to show approval)

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman's abuse of power!

MR ABRAHAM SHEK (in Cantonese): The Chairman has not abused his power. The power exercised by the Chairman is specified in this ... This is perhaps your first day as a Member and thus you are not familiar with the rules. We have legal basis and are subject to basic rules. Please continue to distribute the ballot papers, only Members in their seats will receive the ballot papers.

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman's abuse of power! Protest against the Chairman's abuse of power!

MR ABRAHAM SHEK (in Cantonese): Please keep quiet. We must remain quiet, let them shout as they wish. On 6 October ...

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman's abuse of power! Protest against the Chairman's abuse of power!

MR ABRAHAM SHEK (in Cantonese): Honourable colleagues, do not put the Secretariat staff in a difficult position, okay? It is their job and they are responsible for executing our orders and rules. We are also enforcing the rules, we have not abused any power.

MR HUI CHI-FUNG (in Cantonese): Chairman, what power do you have to unlawfully coop me up?

MR ABRAHAM SHEK (in Cantonese): I have not cooped you up, you are the one who refuse to leave.

MR HUI CHI-FUNG (in Cantonese): Chairman, why do you coop me up unlawfully?

MR ABRAHAM SHEK (in Cantonese): Perhaps I will walk you back to your seat, okay?

(Mr Abraham SHEK left his seat and walked over to Mr HUI Chi-fung)

MR HUI CHI-FUNG (in Cantonese): Why do you coop me up unlawfully? Have you ordered the security officers to carry me away? Why are they not eligible to vote? Have you asked if it is possible for them to take the oath afresh? Why do they have to wait until the next meeting to take the oath afresh and cannot vote today? How can you deprive them of their right to vote in this way? Have you invited them to take the oath afresh? Why do you deprive them of their right to vote? How can you deprive a Member of his right to vote in this way?

MR ABRAHAM SHEK (in Cantonese): I have not deprived them of their right to vote. I am only executing the existing rules.

(Mr Abraham SHEK returned to his seat)

(Mr HUI Chi-fung kept shouting to protest against the Chairman's abuse of power)

MR ABRAHAM SHEK (in Cantonese): Please continue to distribute the ballot papers. Are the ballot papers being distributed? Now let me read out: On 6 October, the Secretariat received two valid nominations and one of the candidates is Mr James TO. Mr James TO is nominated by Mr Dennis KWOK ...

MR HUI CHI-FUNG (in Cantonese): Chairman, what power do you have to unlawfully coop me up? What power do you have to deprive Members of their right to vote?

MR ABRAHAM SHEK (in Cantonese): ... and seconded by Mr Alvin YEUNG, Mr WU Chi-wai, Dr YIU Chung-yim, Mr Charles Peter MOK, Ms Claudia MO, Mr LEUNG Kwok-hung, Dr Fernando CHEUNG, Dr LAU Siu-lai and Mr CHU Hoi-dick. Another candidate is ...

MR HUI CHI-FUNG (in Cantonese): Chairman, I want to vote!

MR ABRAHAM SHEK (in Cantonese): ... Mr Andrew LEUNG, nominated by Ms Starry LEE and seconded by me, Mr MA Fung-kwok, Mrs Regina IP, Mr CHAN Kin-por, Mr Jeffrey LAM ...

MR HUI CHI-FUNG (in Cantonese): Chairman, I have not voted!

MR ABRAHAM SHEK (in Cantonese): ... Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok and Mr Tommy CHEUNG.

MR HUI CHI-FUNG (in Cantonese): Chairman, I have not voted!

MR ABRAHAM SHEK (in Cantonese): Return to your seat, okay? Return to your seat.

MR HUI CHI-FUNG (in Cantonese): I have not received a ballot paper.

MR ABRAHAM SHEK (in Cantonese): Return to your seat and you will receive a ballot paper.

MR HUI CHI-FUNG (in Cantonese): If I stand here, will you distribute a ballot paper to me?

MR ABRAHAM SHEK (in Cantonese): No, because you should not be walking around.

MR HUI CHI-FUNG (in Cantonese): Can you give me a ballot paper?

MR ABRAHAM SHEK (in Cantonese): You will receive a ballot paper after you have returned to your seat, okay? Just go back to your seat. Please be more civilized and do not behave like other Members, okay? Please return to your seat so that we can distribute a ballot paper to you.

A vote by secret ballot shall now be conducted. Each Member present will receive a ballot paper ...

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman's abuse of power!

MR ABRAHAM SHEK (in Cantonese): ... and a chop to mark in the ballot paper. No. 1 is Mr James TO and No. 2 is Mr Andrew LEUNG.

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman for depriving Members of their right to vote! Protest against the Chairman's abuse of power!

MR ABRAHAM SHEK (in Cantonese): It does not matter if Members do not have a ballot paper. Will Members who have not received their ballot papers please sit down, we will then distribute the ballot papers to you. If Members do not sit down, how can we know the number of ballot papers that have been distributed?

DR HELENA WONG (in Cantonese): Someone has put up his hand ...

MR ABRAHAM SHEK (in Cantonese): I get it, but you have to sit down before we can distribute a ballot paper to you, Dr WONG.

DR HELENA WONG (in Cantonese): I have received a ballot paper but those at the back have not.

MR ABRAHAM SHEK (in Cantonese): I get it. It is fine if you have received a ballot paper ... Members will please be seated for staff members to distribute the ballot papers. No one should be given two ballot papers. We have to be fair.

(Mr LEUNG Kwok-hung hurled an object at Mr Abraham SHEK)

MR ABRAHAM SHEK (in Cantonese): Mr LEUNG Kwok-hung, if you hurl objects again, I really have to ask you to leave, is it clear?

MR CHAN CHI-CHUEN (in Cantonese): Carry us out. Carry us out one by one. Voting can begin after we are all carried out.

MR ABRAHAM SHEK (in Cantonese): We will never do so. I will not do what you expect me to do. We live in a civilized society and we act in a civilized way. We are all civilized people. The first Legislative Council meeting of a civilized society should not proceed like that, which is completely ...

MR LEUNG KWOK-HUNG (in Cantonese): Your eligibility is not yet ascertain, buddy.

MR ABRAHAM SHEK (in Cantonese): My eligibility is very clear, as set out in Rule 1A of the Rules of Procedure. Please check it out yourself.

MR LEUNG KWOK-HUNG (in Cantonese): I know. According to paragraph 6 of Schedule 1, the Member who has the longest continuous service shall preside.

MR ABRAHAM SHEK (in Cantonese): The Member who has the longest service has just stepped down as the Chairman. I am the one with the third longest service, therefore I shall preside at the meeting.

Has any Member present not been given a ballot paper? Will all Members please return to their seats.

MR ABRAHAM SHEK (in Cantonese): Will a staff member please give Mr CHAN Chi-chuen a ballot paper. We are civilized people. As he is entitled to vote, he should be given a ballot paper.

DR PRISCILLA LEUNG (in Cantonese): Please ensure that each Member gets only one ballot paper.

MR ABRAHAM SHEK (in Cantonese): We will later ensure that each Member gets only one ballot paper. Has anyone not been given a ballot paper? Has Mr CHAN Chi-chuen got his ballot paper? Please give Mr CHAN Chi-chuen a ballot paper. Mr CHAN Chi-chuen, we have politely and patiently urged you to return to your seat.

MR ABRAHAM SHEK (in Cantonese): Mr Nathan LAW does not have a ballot paper. Will Members please take note that if you are not seated, your ballot paper will not be collected. You will be given a ballot paper, but if you are not seated, your ballot paper will not be collected. Will Mr HUI Chi-fung please return to your seat so that we can give you a ballot paper, okay?

MR HUI CHI-FUNG (in Cantonese): I lodge a solemn protest against you for depriving Members of their right to vote. I stand to protest against you. I lodge a solemn protest against you. They are cooping me up and depriving me of my personal freedom.

MR ABRAHAM SHEK (in Cantonese): Noted. Such words have been heard for four hours throughout this morning. As I have already said, the Secretary General will give you a written explanation. What else do you want from him? Do you even want him to come forward to ... He has already explained this morning why he ... it does not matter. I am not arguing with you. I am just saying what I have to say.

Mr CHAN Chi-chuen, if you wish to cast your vote later, please return to your seat. Thank you.

Have all ballot papers been distributed? Who does not have a ballot papers?

DR HELENA WONG (in Cantonese): Chairman, I only have two questions. First, why not ask the Legal Adviser to explain clearly why the three Members are not allowed to ...

(Some Members were in uproar)

MR ABRAHAM SHEK (in Cantonese): Please be quiet. I will answer.

DR HELENA WONG (in Cantonese): Second, Mr Andrew LEUNG only applied to give up his British nationality on 22 September, and the application was approved on 30 September. Before he renounced this nationality, what was his citizenship status for residing in Hong Kong for a continuous period of 20 years? Did he live in Hong Kong for a continuous period of 20 years as a British citizen?

MR ABRAHAM SHEK (in Cantonese): Dr WONG, there is something called "privacy". Mr Andrew LEUNG holds an identity card. As for other issues, similar to the "lead-in-water" issue mentioned by you previously day in day out ... everything has been confirmed now. I do not have to answer you once again. Replies have been made time and again this morning. Please stop arguing.

We now proceed to vote. Is there any Member not having a chop? If not, please mark the ballot paper clearly. Otherwise it will be void. Voting now begins.

DR HELENA WONG (in Cantonese): The voting should be invalid.

(A number of Members yelled, protesting against the Chairman for abusing power. They tore up the ballot papers and tossed them on the floor before leaving the Conference Room)

MR ABRAHAM SHEK (in Cantonese): I now call upon Members to vote. If all of you have cast your vote, I announce that the voting procedure has come to a close. I now ask the Clerk to read out the names of the three Members who have not been given ballot papers because they are not eligible to vote.

CLERK (in Cantonese): The three Members are Dr YIU Chung-yim, Miss YAU Wai-ching and Mr Sixtus LEUNG.

MR ABRAHAM SHEK (in Cantonese): Regrettably, other Members have left. That is the choice they make. We have not forced them to do so. We are now fulfilling our responsibility as citizens and Members. They have chosen to give up their responsibility. We cannot force them.

Now the voting procedure has come to a close. No more ballot papers will be distributed. Will staff members please collect the ballot papers now.

(Some Members asked how many ballot papers have been distributed in total)

MR ABRAHAM SHEK (in Cantonese): We will announce the number after all ballot papers have been collected.

Members who are standing are not entitled to vote. Members who choose to remain standing shall not be allowed to vote. Only Members who are seated are entitled to vote.

MR ABRAHAM SHEK (in Cantonese): Mr HUI Chi-fung, I now ask a staff member to take the ballot box over to you, okay? Will a staff member please take the ballot box over to Mr HUI Chi-fung, so that he can cast a vote.

MR ABRAHAM SHEK (in Cantonese): We need some more time because the current situation is fairly chaotic.

MR ABRAHAM SHEK (in Cantonese): Will a staff member please ask Mr HUI Chi-fung if he has cast his vote. He stays in the Conference Room but he has torn up the ballot paper.

(The Clerk and staff members confirmed the number of ballot papers distributed)

MR ABRAHAM SHEK (in Cantonese): I call upon the Clerk to tell us the total number of ballot papers distributed, the Members who have not been given ballot papers and the Members who are not entitled to vote.

CLERK (in Cantonese): Staff members have distributed 65 ballot papers in total.

(Mr HUI Chi-fung kept yelling loudly in protest)

CLERK (in Cantonese): Staff members have collected the ballot papers. Now I call upon scrutineers to come forward to supervise the counting of ballot papers. Mr Dennis KWOK nominated Mr James TO. Is Mr KWOK present? No. Is there any seconder on the side of Mr Dennis KWOK who wishes to supervise the counting of ballot papers?

MR ABRAHAM SHEK (in Cantonese): Is there any other seconder who wishes to supervise the counting of ballot papers?

CLERK (in Cantonese): Is there any seconder on the side of Mr Dennis KWOK who will come forward to supervise the counting of ballot papers? No? I call upon Ms Starry LEE, the nominator of Mr Andrew LEUNG, to come forward to supervise the counting of ballot papers.

MR ABRAHAM SHEK (in Cantonese): Will Ms Starry LEE please come forward to supervise the counting of ballot papers.

CLERK (in Cantonese): Is there another Member who wishes to supervise the counting of ballot papers? If not, Ms Starry LEE will supervise the counting of ballot papers.

MR ABRAHAM SHEK (in Cantonese): Mrs Regina IP wishes to supervise the counting of ballot papers.

CLERK (in Cantonese): Okay.

MR ABRAHAM SHEK (in Cantonese): I ask once again, Mr James TO ...

MR HUI CHI-FUNG (in Cantonese): I want to supervise the counting of ballot papers.

MR ABRAHAM SHEK (in Cantonese): Is he a Member making the nomination?

CLERK (in Cantonese): He is not.

MR HUI CHI-FUNG (in Cantonese): I want to supervise the counting of ballot papers.

MR ABRAHAM SHEK (in Cantonese): No. Sorry, you are not a Member seconding the nomination either.

CLERK (in Cantonese): Now we already have two Members to supervise the counting of ballot papers.

MS STARRY LEE (in Cantonese): We can all see the counting of ballot papers.

MR HUI CHI-FUNG (in Cantonese): I cannot see it, and I want to supervise the counting of ballot papers. Mr SHEK, do you even forbid us, non-establishment Members, to participate in the supervision of the counting of ballot papers?

MR ABRAHAM SHEK (in Cantonese): Mr HUI, you are not a Member seconding the nomination, and a Member must abide by the rules. There is no Member from Mr James TO's side to supervise the counting of ballot papers, and

another Member would like to supervise the counting of ballot papers, but he is not a Member seconding the nomination. We have distributed a total of 65 ballot papers.

We now begin the reading out of votes.

(Ms Starry LEE and Mrs Regina IP stood at the two ends of the table to supervise the counting of ballot papers. A staff member of the Secretariat read out the votes, the Clerk and Mr Abraham SHEK checked the votes)

(Mr Abraham SHEK showed a ballot paper)

MR ABRAHAM SHEK (in Cantonese): This ballot paper has not been placed into the ballot box, but was picked up off the ground. This ballot paper will not be counted, so I will not unfold it.

(Staff members of the Secretariat counted the ballot papers again, Ms Starry LEE and Mrs Regina IP supervised on the scene)

MR ABRAHAM SHEK (in Cantonese): Mr HUI, would you like to return to your seat?

MR HUI CHI-FUNG (in Cantonese): I want to supervise the counting of ballot papers.

MR ABRAHAM SHEK (in Cantonese): You have no right to supervise the counting of ballot papers, and there are already Members doing so. Certain Members who have the right to do so have chosen not to take part. While you want to do so, you are not a Member seconding the nomination ...

MR HUI CHI-FUNG (in Cantonese): I choose to stay here to protest against you.

MR ABRAHAM SHEK (in Cantonese): Okay, I accept your protest, thank you. That said, I do not want to tire you out, and neither do I want you to get hurt. Staff members of the Secretariat are also tired, so I hope Members can be cooperative. Why do you not return to your seat? If you want to protest against me, you may well do so in your seat. I am only enforcing the rules of the Council.

MR HUI CHI-FUNG (in Cantonese): I want to let Hong Kong people see the ugliness of the Legislative Council. When electing the President, extreme actions are taken to separate all non-establishment Members and Members who have not taken their oaths properly are expelled and prohibited from taking their oaths afresh.

MR ABRAHAM SHEK (in Cantonese): This is only your choice, not ours. We have chosen to follow past practices to elect the President of the Legislative Council in a civilized manner.

MR HUI CHI-FUNG (in Cantonese): I solemnly lodge my protest.

MR ABRAHAM SHEK (in Cantonese): Thank you. I accept your protest.

MR HUI CHI-FUNG (in Cantonese): Every Member should have the right to elect the President, but you have deprived certain Members of their right ...

MR ABRAHAM SHEK (in Cantonese): Every Member has such a right. Regarding the deprivation of their ... I will later give an explanation ...

MR HUI CHI-FUNG (in Cantonese): ... The election should be postponed to next week. We should first tackle the legal problems. I want to let Hong Kong people see the ugliness of the Legislative Council ...

(The Clerk reported the voting results to Mr Abraham SHEK)

MR ABRAHAM SHEK (in Cantonese): We have counted the ballot papers twice, with both results showing 38 votes in support of Mr LEUNG and three blank votes.

We have distributed a total of 65 ballot papers. However, many ballot papers were thrown on the floor. We picked up one intact ballot paper, and it was not included in vote counting. As three Members had not taken their oaths in accordance with law this morning, we did not distribute ballot papers to them. Moreover, regrettably, many Members also chose not to vote and left. All along, our society and the legislature have been civilized, and Members may choose to attend or leave. We also act in accordance with law and procedures ...

MR HUI CHI-FUNG (in Cantonese): Without the right to vote, what other options do we have? Chairman, you have deprived Members of their right ...

MR ABRAHAM SHEK (in Cantonese): Will Members who wish to speak please raise your hand instead of shouting behind me. As many people have observed, the meeting venue has changed from the Chamber to this conference room because many people had disturbed the proceedings earlier on, just like what has happened now ...

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman's abuse of power to deprive Members of their right to vote.

MR ABRAHAM SHEK (in Cantonese): Thank you Ms Starry LEE and Mrs Regina IP for supervising the counting of ballot papers. This election is now concluded. Congratulations, Mr Andrew LEUNG.

(A number of Members applauded)

MR HUI CHI-FUNG (in Cantonese): Protest against the Chairman's abuse of power to deprive Members of their right to vote.

(Some Members kept shouting)

PRESIDENT (in Cantonese): Honourable Members, with a heavy heart, I accept your support and take up the post of the President of the new Legislative Council. Today, it is obvious to all how the new Legislative Council has come to such a pass. Nevertheless, I hope there will be more communications among different camps and parties in the coming four years, so as to genuinely work for the well-being of the 7 million people of Hong Kong.

TABLING OF PAPERS

The following papers were laid on the table under Rule 21(2) of the Rules of Procedure:

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Pharmacy and Poisons (Amendment) (No. 4) Regulation 2016.....	119/2016
Pilotage (Amendment) Order 2016.....	120/2016
Pilotage (Amendment) Regulation 2016.....	121/2016
Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation	122/2016
Merchant Shipping (Safety) (Minimum Safe Manning Certificate) (Amendment) Regulation 2016	123/2016
Merchant Shipping (Safety) (Automatic Pilot and Testing of Steering Gear) Regulations (Repeal) Regulation....	124/2016
Merchant Shipping (Safety) (Carriage of Nautical Publications) Regulations (Repeal) Regulation.....	125/2016
Merchant Shipping (Safety) (Navigational Equipment) Regulations (Repeal) Regulation	126/2016
Merchant Shipping (Safety) (Navigational Warnings) Regulations (Repeal) Regulation	127/2016

Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Repeal) Regulation.....	128/2016
Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2016	129/2016
Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2016	130/2016
Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2016.....	131/2016
Merchant Shipping (Fees) (Amendment) Regulation 2016....	132/2016
Merchant Shipping (Seafarers) (Certification of Officers) (Amendment) Regulation 2016	133/2016
Merchant Shipping (Seafarers) (Tankers) Regulation.....	134/2016
Merchant Shipping (Seafarers) (Engine Room Watch Ratings) (Amendment) Regulation 2016	135/2016
Merchant Shipping (Seafarers) (Navigational Watch) Regulation.....	136/2016
Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation	137/2016
Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation.....	138/2016
Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships—Training) (Amendment) Regulation 2016.....	139/2016

Merchant Shipping (Seafarers) (Certification and Watchkeeping) (Amendment) Regulation 2016....	140/2016
Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) (No. 2) Regulation 2016....	141/2016
Merchant Shipping (Seafarers) (Fees) (Amendment) (No. 2) Regulation 2016	142/2016
Administrative Appeals Board Ordinance (Amendment of Schedule) Order 2016	143/2016
Merchant Shipping (Seafarers) (Tankers—Officers and Ratings) Regulation (Repeal) Regulation.....	144/2016
Merchant Shipping (Seafarers) (Navigational Watch Ratings) Regulation (Repeal) Regulation.....	145/2016
Merchant Shipping (Seafarers) (Certificates of Competency as A.B.) Rules (Repeal) Rules	146/2016
Merchant Shipping (Seafarers) (Safety Training) Regulation (Repeal) Regulation	147/2016
Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) Rules (Repeal) Rules.....	148/2016
Merchant Shipping (Seafarers) (Passenger Ships Other Than Ro-Ro Passenger Ships—Training) Regulation (Repeal) Regulation	149/2016
Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) (No. 2) Regulation 2016.....	150/2016
Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) (Amendment) Regulation 2016	151/2016

Merchant Shipping (Seafarers) (Amendment) Ordinance 2013 (Commencement) Notice 2016.....	152/2016
Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2016 (Commencement) Notice 2016.....	153/2016
Merchant Shipping (Seafarers) (Medical Examination) (Amendment) Regulation 2016 (Commencement) Notice.....	154/2016

NEXT MEETING

PRESIDENT (in Cantonese): In accordance with Rule 14(1) of the Rules of Procedure, I now determine that the next meeting be held on Wednesday, 19 October 2016, at 11:00 am. In accordance with Rule 14(5) of the Rules of Procedure, I now adjourn the Council.

Adjourned accordingly at 5:32 pm.