

立法會  
*Legislative Council*

LC Paper No. CB(2)388/16-17

Ref : CB2/H/5/16

**House Committee of the Legislative Council**

**Minutes of the 9th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 9 December 2016**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon Dennis KWOK Wing-hang (Deputy Chairman)  
Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon CHAN Kin-por, BBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon LEUNG Che-cheung, BBS, MH, JP  
Hon Kenneth LEUNG  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung  
Hon Christopher CHEUNG Wah-fung, SBS, JP

Dr Hon Fernando CHEUNG Chiu-hung  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, MH, JP  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Nathan LAW Kwun-chung  
Dr Hon YIU Chung-yim  
Dr Hon LAU Siu-lai

**Members absent :**

Hon LEUNG Yiu-chung  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon Helena WONG Pik-wan  
Hon CHUNG Kwok-pan  
Hon Andrew WAN Siu-kin  
Hon LAM Cheuk-ting

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr Stephen LAM	Senior Assistant Legal Adviser 2
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

**I. Confirmation of minutes of meeting**

**Minutes of the 8th meeting held on 2 December 2016**  
*(LC Paper No. CB(2)318/16-17)*

The minutes were confirmed.

**II. Matters arising**

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

The Administration's stance on the issue of public officers responding to questions from Members

2. Regarding the remarks made by the Financial Secretary ("FS") at the meeting of the Panel on Financial Affairs ("FA Panel") held on 5 December 2016 that public officers would not respond to questions or

Action

comments from the four Members who were involved in the pending judicial review ("JR") proceedings ("the four Members concerned"), the Chairman said that she had urged the Chief Secretary for Administration ("CS") to reconsider the appropriateness of such stance taken by the Administration which, in her view, would render the Legislative Council ("LegCo") unable to operate normally and prejudice the overall public interest. The Deputy Chairman had also, on behalf of 26 Members who did not belong to the pro-establishment camp, presented a letter to CS expressing dissatisfaction with the Administration's stance. The Chairman invited Members to note the Administration's response as set out in CS's letter to the President, which was issued to Members vide LC Paper No. CB(3)202/16-17 on 6 December 2016.

Stamp Duty (Amendment) Bill

3. The Chairman informed Members that she had asked CS when the Administration would present the Stamp Duty (Amendment) Bill to LegCo to implement the Administration's initiative to introduce a new flat rate for the ad valorem stamp duty chargeable on residential property transactions which had taken effect on 5 November 2016. CS had advised that the Administration would introduce the Bill into LegCo as early as possible.

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

**Legal Service Division report on subsidiary legislation gazetted on 2 December 2016 and tabled in Council on 7 December 2016**  
(LC Paper No. LS17/16-17)

4. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the four items of subsidiary legislation (i.e. L.N. 180 to L.N. 183) gazetted on 2 December 2016 and tabled in Council on 7 December 2016.

5. Mr POON Siu-ping considered it necessary to form a subcommittee to study the Port Control (Cargo Working Areas) (Amendment) Regulation 2016 (L.N. 180) in detail. Members agreed. Mr POON Siu-ping agreed to join the proposed subcommittee. As the period for amending the Amendment Regulation would expire at the Council meeting of 14 December 2016 unless extended by a resolution of the Council, Members agreed that the Chairman would move, in her capacity as the Chairman of the House Committee ("HC"), a motion at

Action

the Council meeting of 14 December 2016 to extend the scrutiny period of the Amendment Regulation to the Council meeting of 8 February 2017.

6. Members did not raise any question on the remaining three items of subsidiary legislation (i.e. L.N. 181 to L.N. 183). The Chairman reminded Members that the deadline for amending these three items of subsidiary legislation would be the Council meeting of 14 December 2016.

**IV. Further business for the Council meeting of 14 December 2016**

Report No. 7/16-17 of HC on Consideration of Subsidiary Legislation and Other Instruments

---

7. The Chairman said that the above draft Report, which covered subsidiary legislation the period for amendment of which would expire at the Council meeting of 14 December 2016, had been issued to Members. No Member had indicated intention to speak on the subsidiary legislation.

**Members' motions**

**Motion to be moved by Hon Paul TSE under Rule 49B(1A) of the Rules of Procedure to censure Dr Hon CHENG Chung-tai**  
(*LC Paper No. CB(3)209/16-17*)

8. Members noted that Mr Paul TSE would move the above motion at the meeting.

**V. Position on Bills Committees and subcommittees**

(*LC Paper No. CB(2)319/16-17*)

9. The Chairman said that as at 8 December 2016, there were two Bills Committees, 11 subcommittees under HC and five subcommittees on policy issues under Panels in action. Five subcommittees on policy issues were on the waiting list.

**VI. Requests to seek the House Committee's recommendation for an adjournment debate under Rule 16(4) of the Rules of Procedure at the Council meeting of 14 December 2016 on the impact of the Executive Authorities initiating judicial review proceedings in relation to the oath-taking of individual Legislative Council Members**

*(LC Paper No. LS19/16-17)*

**(a) Letter from Hon Claudia MO**

*(LC Paper No. CB(2)320/16-17(01))*

**(b) Letter from Dr Hon KWOK Ka-ki**

*(LC Paper No. CB(2)320/16-17(02))*

10. The Chairman said that Rule 41(2) of the Rules of Procedure ("RoP") provided that reference should not be made to a case pending in a court of law in such a way as, in the opinion of the Chairman, might prejudice that case. She drew to Members' attention that the Court of First Instance of the High Court ("the Court") had granted leave on 7 December 2016 for the Government's JR applications in relation to the oath-taking of the four Members concerned and had scheduled a hearing for directions for 15 December 2016. Given the time sensitivity, Members should focus their discussion on whether to support the holding of an adjournment debate on the matter at the Council meeting of 14 December 2016 and should avoid discussing the legal issues in relation to the cases concerned and their particulars. She would stop a Member from speaking if his/her speech had contravened RoP 41(2).

11. At the invitation of the Chairman, LA briefed Members on the paper entitled "Principles on application of the *sub judice* rule in proceedings of the Council or its committees" prepared by LSD (LC Paper No. LS19/16-17). LA said that in the light of the principles set out in the paper, it would be advisable for Members to avoid making references to matters awaiting the Court's adjudication in the cases concerned which included, amongst others, whether a manner in which the LegCo Oath was purportedly taken was solemn and sincere and whether such manner amounted to declining or neglecting to take the LegCo Oath under Article 104 of the Basic Law ("BL") and the Oaths and Declarations Ordinance (Cap. 11). This notwithstanding, the *sub judice* rule would not restrain Members from speaking on macro issues such as policy issues.

Action

12. At the invitation of the Chairman, Ms Claudia MO said that the initiation of JR proceedings by the Government in relation to the oath-taking of the four Members concerned ("the Government's action") sought not only to disqualify these Members from office but also to overturn the mandate given to them by their electors and overthrow the electoral system for LegCo. Given that the Executive Authorities' attempt to use judicial means to exert control over LegCo had shown a total disregard for LegCo and the powers of the LegCo President, she considered it necessary for LegCo to discuss, through the holding of an adjournment debate, the impact of the Government's action on the operation and credibility of LegCo under the system of separation of powers in Hong Kong.

13. Dr KWOK Ka-ki said that he agreed with LA's advice on the principles on application of the *sub judice* rule in proceedings of the Council or its committees, and he had no intention to comment or initiate a debate on any cases pending the Court's adjudication. He pointed out that LegCo was vested with the constitutional duty under BL 73 to debate any issue concerning public interests. As the Government's action would inevitably impact upon the operation of LegCo and the established system of separation of powers in Hong Kong, he had proposed to hold an adjournment debate at the Council meeting of 14 December 2016 to enable Members to discuss such an important matter in Council as early as possible. In his view, the *sub judice* rule should not affect Members' right to express their views on the constitutional implications of the matter in Council or its committees.

14. Mr Jeffrey LAM opined that as the court proceedings for the Government's JR applications in relation to the oath-taking of the four Members concerned were in progress, Members should not discuss issues relating to the cases concerned to avoid giving the public the impression that LegCo did not respect the courts and intended to influence the Court's adjudication of the cases concerned. Mr LAM further said that he could not subscribe to the view of some Members that the four Members concerned were subjected to political prosecution. He stressed that the Government made the decision to initiate the JR proceedings in question after having studied in detail the oath-taking of the four Members concerned and taken into account legal advice.

Action

15. Mr CHAN Hak-kan said that given that a hearing for directions for the Government's JR applications in relation to the oath-taking of the four Members concerned had been scheduled to be held on 15 December 2016, Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong opposed the holding of the proposed adjournment debate at the Council meeting of 14 December 2016 to avoid affecting the Court's adjudication of the cases concerned. He hoped that Members belonging to the pro-democracy camp would honour their commitment to uphold the principle of separation of powers and respect the independence of the Judiciary. Mr CHAN further said that he did not agree with the views of Mr Claudia MO and Dr KWOK Ka-ki that the Government's action had shown a total disregard for LegCo and had undermined the constitutional status of LegCo. He considered it pre-mature to draw such a conclusion before the Court's adjudication.

16. Mr Martin LIAO said that while it might be worthwhile for LegCo to discuss the oath-taking of individual Members which was of public concern, it was inappropriate to hold the proposed adjournment debate at the Council meeting of 14 December 2016. In his view, the holding of the proposed adjournment debate would not only have adverse impact on the Court's adjudication of the cases concerned but also give rise to a perception of LegCo attempting to interfere with or exert undue influence on the Court in the imminent court proceedings. He stressed that judicial independence, which was a core value of Hong Kong, should be upheld and adjudication of cases by a court of law should be free from any interference or influence from the Executive Authorities, the Legislature and the public. Mr LIAO added that references to the cases concerned could hardly be avoided during the proposed adjournment debate and it would be extremely difficult to enforce the *sub judice* rule enshrined in RoP 41(2).

17. Mr Charles MOK said that he did not agree with the view that under the principle of separation of powers, LegCo should not discuss the acts of the Executive Authorities including those impacting upon the Legislature. Given that the LegCo Oath taken by the four Members concerned had been accepted by the LegCo President, the Government's action had clearly showed that the Executive Authorities was trying to interfere with the decisions made by the LegCo President and infringe the autonomy of LegCo. As the four Members concerned were given mandate by electors, the electors' preferences should be given predominant consideration. Given the gravity of the matter, he considered it necessary and important for LegCo to hold the proposed adjournment debate.



Action

18. Dr CHENG Chung-tai said that while he appreciated the principles on the application of the *sub judice* rule in proceedings of the Council or its committees as explained by LA, it was his understanding that the rule should only be applied in situations where due process as provided under the established constitutional and legal system had been observed. In his view, the Government's action had violated such due process. He therefore supported the holding of the proposed adjournment debate. Dr CHENG also considered that the HC Chairman and the President should safeguard the rights of Hong Kong people and LegCo Members as enshrined in BL, in particular the freedom of speech, in exercising their discretion to apply the *sub judice* rule in relevant discussions.

19. Dr Junius HO said that if the proposed adjournment debate was held at the Council meeting of 14 December 2016, references would very likely be made to the cases concerned awaiting the Court's adjudication which might prejudice those cases. He therefore did not consider it appropriate to hold the proposed adjournment debate. As regards the views expressed by some Members on the Government's action and the principle of separation of powers, he pointed out that under BL 48(2), the Chief Executive ("CE") was responsible for the implementation of BL in Hong Kong. Furthermore, according to the Court of Appeal's judgment on the oath-taking of Mr Sixtus LEUNG Chung-hang and Miss YAU Wai-ching ("CA's judgment"), when a constitutional requirement in BL was in issue, the common law doctrine of separation of powers and of non-intervention must give way to the Court's constitutional duty to apply BL to adjudicate and rule on the matter.

20. Mr Jeremy TAM said that the proposed adjournment debate to be held at the Council meeting of 14 December 2016 would be about the relationship between the Executive Authorities and the Legislature and whether the autonomy of LegCo had been infringed by the Executive Authorities, and not about the particulars of the cases concerned pending in the Court. He considered that Members could uphold the *sub judice* rule by exercising self-restraint in expressing their views during the proposed adjournment debate. He therefore supported the two proposals in question.

21. Mr WONG Kwok-kin said that the holding of the proposed adjournment debate at the Council meeting of 14 December 2016 might give the public the impression that the Legislature was attempting to interfere with and/or exert undue influence on the Court. Therefore, Members belonging to the Hong Kong Federation of Trade Unions would not support the two proposals in question and considered it more

Action

appropriate to hold the proposed adjournment debate after the cases concerned had been adjudicated. Mr WONG added that while he had no strong views against holding a debate for Members to express their views on the relationship between the Executive Authorities and the Legislature, he did not consider that the Government's action was disrespectful to LegCo as CE had a responsibility to ensure the proper implementation of BL in Hong Kong.

22. Mr Kenneth LEUNG expressed support for the two proposals in question. He said that notwithstanding the need for Members to observe the *sub judice* rule and RoP 41(2), there was still much room for Members to express their views on the impact of the Government's action during the proposed adjournment debate. In view of the remarks made by FS at the meeting of the FA Panel held on 5 December 2016, Mr LEUNG considered it timely that the proposed adjournment debate be held for Members to discuss such important issues as the relationship between the Executive Authorities and the Legislature and the impact on the conduct of Council business brought about by the Government's action. He also reckoned that the President would be able to rule whether a Member had made any reference to matters awaiting the Court's adjudication in the cases concerned in his/her speech during the proposed adjournment debate.

23. Mr LEUNG Kwok-hung said that he supported the holding of the proposed adjournment debate and he saw no problem for Members including him to express their disapproval of CE's attempt to disqualify the four Members concerned from office by initiating legal proceedings against them. He pointed out that the four Members concerned had received more than 100 000 votes in the 2016 LegCo Election, and hence any attempt to disqualify them from office was a matter of public importance. In his view, it was necessary for CE to explain why he was selective in initiating JR proceedings against individual LegCo Members.

24. Dr Fernando CHEUNG said that when the autonomy of LegCo, which was an institution representing the public, was infringed by the Government's action, he saw no reason why the proposed adjournment debate could not be held for Members to express their views on the matter. In his view, it was an attempt of the Executive Authorities to seek to overturn the LegCo election results, and therefore, Members should not be restrained from speaking out on such a matter of public interest. Given that the Standing Committee of the National People's Congress had made an interpretation of BL 104 before the Court's ruling on the cases relating to the oath-taking of Mr Sixtus LEUNG Chung-hang and Miss

Action

YAU Wai-ching, he considered it unacceptable if a debate on the impact of the Government's action should not be held on the ground of *sub judice*.

25. Mr KWOK Wai-keung said that while JR proceedings had been initiated against the four Members concerned, the question of whether these Members would be disqualified from office was to be ruled by the Court. He pointed out that it was the constitutional responsibility of the Government to initiate JR proceedings in relation to the oath-taking of individual LegCo Members so as to ensure the proper implementation of BL in Hong Kong. Mr KWOK stressed that Members should uphold the *sub judice* rule, and should avoid holding a debate on the cases concerned pending in the Court.

26. Mr LUK Chung-hung said that he objected to the holding of the proposed adjournment debate at the Council meeting of 14 December 2016. In his view, it was reasonable, legitimate and constitutionally in order for the Executive Authorities to initiate JR proceedings against individual LegCo Members. He pointed out that under section 73(1) of the Legislative Council Ordinance (Cap. 542), an elector, or the Secretary for Justice ("SJ"), might bring proceedings in the Court against any person who was acting, or claimed to be entitled to act, as a LegCo Member on the ground that the person was disqualified from acting as such. Furthermore, the CA's judgment had affirmed that when a constitutional requirement in BL was in issue, the common law doctrine of separation of powers and of non-intervention must give way to the Court's constitutional duty to apply BL to adjudicate and rule on the matter. In so doing, the Court did not undermine LegCo's authority or function, or diminish the mandate the electors gave to LegCo Members.

27. Mr HO Kai-ming said that the views and comments made by Members at LegCo meetings were subject to public scrutiny and the debates in Council should not be taken lightly. Under the relevant provision in the House Rules, the holding of an adjournment debate pursuant to RoP 16(4) might be allowed by the President under special circumstances upon the recommendation of HC. However, in his view, Members belonging to the pro-democracy camp failed to provide sufficient justifications for holding the proposed adjournment debate. He therefore would not support the two proposals in question.

Action

28. Mr WU Chi-wai considered that there were sufficient grounds for holding the proposed adjournment debate as the Government's action would have significant impact on the operation of LegCo. It was very appropriate for Members to express views on issues including whether the Government was selective in initiating legal proceedings against individual LegCo Members and whether it would give the public the impression that the Government was attempting to overturn the LegCo election results at a debate in Council.

29. Mr CHEUNG Kwok-kwan said that the matter for consideration by Members was whether it was appropriate to hold the proposed adjournment debate at the upcoming Council meeting of 14 December 2016. As the title of the motion proposed by Ms Claudia MO contained such wording as "Executive Authorities", "judicial review" and "the oath-taking of LegCo Members", he considered it impossible for Members to speak at the proposed adjournment debate without touching on matters which were *sub judice*. Mr CHEUNG considered it more appropriate for the proposed adjournment debate to be held after the cases concerned had been adjudicated.

30. Mr IP Kin-yuen said that the purpose of holding the proposed adjournment debate was not to discuss the particulars of the cases concerned pending in the Court but rather to deliberate on the reasonableness and appropriateness of the current system which allowed the Executive Authorities to initiate judicial proceedings to challenge the qualifications of LegCo Members. He expressed support for the proposed adjournment debate as it would provide a forum for Members to express their views on the matter which would enable the public to have a better understanding of the issues involved.

31. Mr CHAN Chi-chuen criticized that the initiation of JR proceedings by CE against the four Members concerned was obviously a political act. He pointed out that despite CE's claim that he had all along been acting in accordance with the law and BL 104, CE had failed to explain why he had not resorted to legal proceedings to tackle the issues in relation to the oath-taking of certain LegCo Members in the Fifth LegCo. Mr CHAN said that the focus of the proposed adjournment debate was the impact of the Executive Authorities initiating JR proceedings in relation to the oath-taking of individual LegCo Members. Given that the subject involved major public interest, he supported the two proposals in question.

Action

32. Mr Paul TSE said that he did not agree with the view that the Government's action was a violation of due process as CE and SJ were vested with the duty and power under BL and other laws of Hong Kong to implement BL by means of JR, amongst others. He also pointed out that while Members were provided with the privilege of freedom of speech and debate under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), it was necessary for Members to exercise self-restraint when speaking with due regard to the *sub judice* rule under common law and RoP 41(2). He was worried that the proposed adjournment debate would unavoidably touch on the issue of separation of powers, which was one of the important matters in the cases concerned requiring the Court's adjudication. Mr TSE added that he did not see any urgency for holding the proposed debate and Members would have ample opportunities to discuss relevant issues after the court proceedings for the cases concerned had been completed.

33. Mr CHAN Kin-por said that he opposed holding the proposed adjournment debate at the Council meeting commencing on 14 December 2016, the day before the hearing for the Government's JR applications in relation to the oath-taking of the four Members concerned, so as to avoid giving the impression that LegCo intended to exert undue influence on the Court and interfere with its adjudication of the cases concerned. He hoped that all Members would refrain from doing anything that might tarnish the image of LegCo. In his view, Members could, if they so wished, express their views on the matter in Council after the relevant legal proceedings had been completed.

34. Ms Claudia MO said that it was noteworthy that the LegCo President was one of the respondents in the Government's JR applications in question. She cautioned that the Government might initiate further JR proceedings in future to challenge the decisions of the LegCo President and such actions would have serious adverse impact on the operation of LegCo. She stressed that there was urgency to discuss the matter in Council.

35. Dr KWOK Ka-ki reiterated that he had proposed to hold the adjournment debate in view of the need to safeguard the constitutional status of LegCo and the system of separation of powers. He stressed that he had no intention to influence the Court's adjudication of the cases concerned through the holding of the debate.

Action

36. The Chairman put to vote the proposal of holding an adjournment debate at the Council meeting of 14 December 2016 on the Executive Authorities initiating JR proceedings in relation to the oath-taking of individual LegCo Members. Ms Claudia MO requested a division.

37. During the ringing of the voting bell, Mr Paul TSE pointed out that the Government's JR applications in question might lead to disqualification of the four Members concerned from office and thus have financial implications for these Members. He sought clarification on whether RoP 84 concerning a Member's voting or withdrawal in case of direct pecuniary interest should apply in the vote to be taken on the proposal under discussion.

38. At the invitation of the Chairman, the Clerk said that Members were only invited to vote on whether they supported the holding of the proposed adjournment debate at the Council meeting of 14 December 2016. Furthermore, while Members could express their views on the adjournment motion in Council should the holding of the proposed adjournment debate be supported by HC and allowed by the President, as the motion was to adjourn the Council, no pecuniary interest should arise even if the motion was to be voted upon. As such, the question of a Member being required under RoP 84 to refrain from voting and to withdraw in case of direct pecuniary interest was rather remote under the circumstances.

39. The Chairman ordered that the meeting proceed to vote on the proposal.

The following Members voted in favour of the proposal:

Mr James TO, Prof Joseph LEE, Mr LEUNG Kwok-hung, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Fernando CHEUNG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr CHU Hoi-dick, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu, Mr Jeremy TAM, Mr Nathan LAW, Dr YIU Chung-yim and Dr LAU Siu-lai.

(22 Members)

Action

The following Members voted against the proposal:

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr Jimmy NG, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU.

(35 Members)

40. The Chairman declared that 22 Members voted for and 35 Members voted against the proposal, and no Member abstained from voting. The Chairman declared that the proposal was not supported.

**VII. Any other business**

41. There being no other business, the meeting ended at 3:36 pm.