

立法會
Legislative Council

LC Paper No. CB(2)13/17-18

Ref : CB2/H/5/16

House Committee of the Legislative Council

**Minutes of the 31st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 6 October 2017**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
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, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, 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, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP
Hon Christopher CHEUNG Wah-fung, SBS, JP

Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, 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-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
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, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Members absent :

Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Michael TIEN Puk-sun, BBS, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Rachel DAI	Assistant Legal Adviser 2
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Ms Clara TAM	Assistant Legal Adviser 9
Miss Evelyn LEE	Assistant Legal Adviser 10
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

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I. Matters arising

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

The Chairman said that there was nothing special to report.

II. Business arising from previous Council meetings

Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)

Road Tunnels (Government) (Amendment) Bill 2017

(LC Paper No. LS98/16-17)

2. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Bill. Members noted that LSD was making enquiries with the Administration on certain legal aspects of the Bill and would report further if necessary.

3. Mr LAM Cheuk-ting considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr LAM Cheuk-ting agreed to join the proposed Bills Committee.

III. Legal Service Division report on subsidiary legislation gazetted between 7 July and 22 September 2017

(LC Paper No. LS99/16-17)

4. At the invitation of the Chairman, LA briefed Members on the LSD report which covered the following two groups of subsidiary legislation gazetted between 7 July and 22 September 2017:

- (a) two items gazetted on 7 July 2017 (i.e. L.N. 140 and L.N. 141) and tabled in the Legislative Council ("LegCo") on 12 July 2017; and
- (b) six items gazetted between 14 July and 22 September 2017 (i.e. L.N. 145 to L.N. 150), of which one item would be tabled in LegCo on 11 October 2017 and the remaining five items were not required to be tabled in LegCo.

5. Mr Kenneth LAU considered it necessary to form a subcommittee to study the Country Parks (Designation) (Consolidation) (Amendment) Order 2017 (L.N. 141) in detail. Members agreed. The following Members agreed to join the subcommittee: Mr CHAN Hak-kan, Mr Steven HO, Mr LEUNG Che-cheung, Mr CHU Hoi-dick and Mr Kenneth LAU. As the deadline for amending the Order would be the Council meeting of 18 October 2017 unless extended by a resolution of the Council, Members also agreed that the Chairman should, in her capacity as the Chairman of the House Committee ("HC"), move a motion at the Council meeting of 18 October 2017 to extend the period for amending the Order to the Council meeting of 8 November 2017.

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6. Regarding the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2017 (L.N. 149) and the United Nations Sanctions (South Sudan) Regulation 2017 (L.N. 150) made under the United Nations Sanctions Ordinance (Cap. 537) which were not required to be tabled in LegCo and were not subject to amendment by LegCo, Members agreed that these two items of subsidiary legislation be referred to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("the UN Subcommittee") as they came within the Subcommittee's terms of reference.

7. Members did not raise any question on the remaining five items of subsidiary legislation (i.e. L.N. 140 and L.N. 145 to L.N. 148) covered in the LSD report.

8. The Chairman reminded Members that the deadline for amending the two items of subsidiary legislation which had been tabled in Council on 12 July 2017 would be the Council meeting of 18 October 2017 (or that of 8 November 2017 if extended by a resolution of the Council); and the deadline for amending the item of subsidiary legislation which would be tabled in Council on 11 October 2017 would be the Council meeting of 8 November 2017.

IV. Legal Service Division report on subsidiary legislation gazetted on 29 September 2017
(*LC Paper No. LS100/16-17*)

9. At the invitation of the Chairman, LA briefed Members on the LSD report on the item of subsidiary legislation gazetted on 29 September 2017, i.e. the United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2017 (L.N. 151) made under Cap. 537 which was not required to be tabled in LegCo and was not subject to amendment by LegCo.

10. Members agreed that the above Regulation be referred to the UN Subcommittee as it came within the Subcommittee's terms of reference.

V. Business for the Council meeting of 11 October 2017

Report No. 1/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

11. 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 11 October 2017, had been issued to Members. No Member had indicated intention to speak on the subsidiary legislation.

(a) The Chief Executive's Policy Address

12. The Chairman said that the Chief Executive ("CE") would deliver her Policy Address at the meeting.

(b) Members' motions

Proposed resolution to be moved by Hon MA Fung-kwok under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the following items of subsidiary legislation:

- (i) Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2017;**
- (ii) Electoral Affairs Commission (Electoral Procedure) (District Councils) (Amendment) Regulation 2017;**
- (iii) Electoral Affairs Commission (Electoral Procedure) (Election Committee) (Amendment) Regulation 2017;**
- (iv) Electoral Procedure (Chief Executive Election) (Amendment) Regulation 2017; and**
- (v) Electoral Procedure (Rural Representative Election) (Amendment) Regulation 2017**

(LC Paper No. CB(3)6/17-18)

13. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the five items of subsidiary legislation concerned to the Council meeting of 8 November 2017.

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14. The Chairman further said that the preliminary Agenda for the Council meeting of 11 October 2017 had been issued to Members earlier. Members had also been informed that in line with past practice, the President had directed that the meeting would be adjourned after CE's presentation of the Policy Address. Members noted that the following items of unfinished business on the Agenda would stand over until the Council meeting of 18 October 2017:

- (a) the Committee Stage and Third Reading of the Stamp Duty (Amendment) Bill 2017;
- (b) two Government motions to be moved respectively under the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) and the Criminal Procedure Ordinance (Cap. 221); and
- (c) the above proposed resolution to be moved by Mr MA Fung-kwok.

VI. The Chief Executive's Question and Answer Session on 12 October 2017

15. The Chairman informed Members that CE's Question and Answer Session on the Policy Address would be held on 12 October 2017, from 10:30 am to 12:00 noon.

VII. Business for the Council meeting of 18 October 2017

- (a) **Questions**
(LC Paper No. CB(3)8/17-18)

16. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

- (b) **Bills - First Reading and moving of Second Reading**
 - (i) **Inland Revenue (Amendment) (No. 5) Bill 2017**
 - (ii) **Supplementary Appropriation (2016-2017) Bill**

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17. The Chairman said that HC would consider the above two Bills at its meeting on 20 October 2017.

(c) **Government motion**

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

(d) **Members' motions**

19. The Chairman said that two Members' motions without legislative effect which had stood over from previous Council meetings and were to be moved respectively by Mr Jimmy NG and Mr HO Kai-ming would be dealt with at the meeting.

Report of House Committee on Consideration of Subsidiary Legislation

20. The Chairman invited Members to note the list tabled at this meeting (LC Paper No. CB(3)9/17-18), which contained 11 items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 18 October 2017. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 10 October 2017, should they wish to speak on any of these items of subsidiary legislation.

VIII. Reports of Bills Committees and subcommittees

(a) **Report of the Subcommittee on Hong Kong Civil Aviation (Investigation of Accidents) (Amendment) Regulation 2017 and Air Navigation (Hong Kong) Order 1995 (Amendment) Order 2017**

(LC Paper No. CB(4)1621/16-17)

21. Mr Jeremy TAM, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr TAM advised that the Subcommittee supported the two items of subsidiary legislation and would not propose any amendments to them.

22. The Chairman reminded Members that the period for amending the two items of subsidiary legislation would expire at the Council meeting of 11 October 2017.

**(b) Report of the Subcommittee on Rules of the High Court
(Amendment) Rules 2017**

(LC Paper No. CB(4)1631/16-17)

23. Mr James TO, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Mr TO said that the Subcommittee had no objection to the Amendment Rules and both the Subcommittee and the Administration would not propose any amendments to them.

24. The Chairman reminded Members that as the period for amending the Amendment Rules would expire at the Council meeting of 18 October 2017, the deadline for giving notice of amendments, if any, would be Wednesday, 11 October 2017.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2)2137/16-17)

25. The Chairman said that as at 4 October 2017, there were 14 Bills Committees (four of which would need to work beyond three months since their commencement), 12 subcommittees under HC and five subcommittees on policy issues under Panels in action. Nine subcommittees on policy issues were on the waiting list.

X. Filling of a vacancy in the membership of the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon Holden CHOW Ho-ding

(LC Paper No. CB(1)1440/16-17)

26. Members agreed that the procedure set out in paragraph 5 of the paper be adopted for the election of a Member for appointment to fill a vacancy in the membership of the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motion to censure Hon Holden CHOW Ho-ding. Members also agreed that the election be held at the HC meeting on 20 October 2017.

XI. Proposal from Hon Jeremy TAM for setting up a subcommittee on issues relating to policy on industrial buildings under the House Committee

(LC Paper No. CB(2)2124/16-17(01))

27. The Chairman advised that under rule 20(j)(ii) of the House Rules ("HR"), HC might appoint a subcommittee to assist the committee's consideration of an issue of public concern which fell outside the purview of Panels. She further said that the government measures on revitalizing industrial buildings referred to by Mr Jeremy TAM in his proposal to set up a subcommittee on issues relating to policy on industrial buildings ("the proposed subcommittee") had been followed up by the Panel on Development ("the DEV Panel") since their implementation in 2010. While the relevant measures might involve various government bureaux and departments, the Development Bureau was the policy bureau responsible for co-ordinating the implementation of measures on revitalizing industrial buildings. The Chairman asked whether Mr TAM would consider putting forward to the DEV Panel for consideration of setting up the proposed subcommittee under the Panel.

28. At the invitation of the Chairman, Mr Jeremy TAM said that as issues relating to policy on industrial buildings straddled several policy areas, as detailed in his proposal, he therefore proposed to set up the proposed subcommittee under HC. While he had no strong view as to whether the proposed subcommittee should be set up under HC or the DEV Panel, he hoped that Members would support his proposal at this meeting so that the proposed subcommittee would be put on the waiting list of subcommittees on policy issues ("the waiting list") immediately and could commence work at the earliest possible time.

29. Mr Tommy CHEUNG said that Members of the Liberal Party supported the setting up of the proposed subcommittee. However, he considered it inappropriate to set up such a subcommittee under HC to follow up issues which fell within the purview of a Panel. He suggested that Mr Jeremy TAM's proposal should be submitted to the DEV Panel for consideration.

30. Mrs Regina IP expressed support for setting up a subcommittee to study issues relating to the use on industrial buildings. She, however, considered that such a subcommittee should be set up under the DEV Panel as the Development Bureau was responsible for policies governing planning, development, land use and building safety. She added that if

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necessary, relevant bureaux/departments could be invited to a meeting of the DEV Panel for the discussion of issues concerning fire safety and housing.

31. Mr WU Chi-wai, Mr Andrew WAN and Mr KWONG Chun-yu expressed support for Mr Jeremy TAM's proposal. They considered that issues relating to industrial buildings not only involved the work of the Development Bureau, but also straddled various policy areas including home affairs, housing, security and economic development. They considered that if the proposed subcommittee was set up under HC, relevant issues could be studied in a more holistic manner.

32. Ir Dr LO Wai-kwok said that Members belonging to Business and Professionals Alliance for Hong Kong were concerned about the policy on industrial buildings. However, while he supported the setting up of the proposed subcommittee, he considered it more appropriate for such a subcommittee be set up under the DEV Panel as the Panel had discussed and followed up the related issues. Expressing similar view with Ir Dr LO, Mr LAU Kwok-fan suggested that Mr Jeremy TAM's proposal should be submitted to the DEV Panel as the Development Bureau was the leading bureau for co-ordinating the measures on revitalization of industrial buildings.

33. Dr KWOK Ka-ki expressed support for setting up the proposed subcommittee under HC so that all interested Members could join it. Furthermore, if the proposal was supported by Members, the proposed subcommittee could then be put on the waiting list immediately and could be activated as early as possible.

34. Ms Claudia MO and Dr Fernando CHEUNG expressed support for Mr Jeremy TAM's proposal. Ms MO considered that there was urgency for setting up a subcommittee to study issues relating to industrial buildings, which straddled various policy areas. Dr CHEUNG said that apart from the Housing Department and the Home Affairs Department, the Social Welfare Department would also be involved when discussing issues relating to the removal of tenants of subdivided flats in industrial buildings.

35. Mr Jimmy NG said that the proposed subcommittee was also related to re-industrialization in Hong Kong and such policy would involve the Innovation and Technology Bureau and the Commerce and Economic Development Bureau. He considered that there was urgency

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for setting up the proposed subcommittee, though he had no strong view as to whether the proposed subcommittee should be set up under HC or Panels.

36. Mr MA Fung-kwok said that the issues to be studied by the proposed subcommittee indeed straddled several policy areas, including security, home affairs, housing and development. While he would not object to the proposal for setting up the proposed subcommittee, he suggested that as there were a number of subcommittees on the waiting list, a joint meeting of relevant Panels could be held so as to follow up the issues in a timely manner. Mr Jeffrey LAM also considered that in order to follow up the issues as early as possible, the relevant Panel could invite other non-Panel Members to attend its meeting for the discussion of relevant issues, or a joint meeting of Panels could be held.

37. Mr CHU Hoi-dick considered it desirable that the proposed subcommittee be set up under HC, so that different stakeholders could be invited to express views directly to the relevant bureaux and departments involved in the policy on industrial buildings. He added that while the proposed subcommittee was put on the waiting list awaiting activation, the relevant issues could be followed up by the relevant Panel(s).

38. Mr Charles MOK said that the use of industrial buildings was also related to innovation and technology, as there were data centres in industrial buildings. He considered that the relevant issues could not be adequately addressed under the DEV Panel, and wondered whether these issues could be followed up effectively and expeditiously by way of holding joint meetings of the relevant Panels if Mr Jeremy TAM's proposal was not supported by HC at this meeting.

39. The Chairman advised that if Members supported Mr Jeremy TAM's proposal, the proposed subcommittee would be the tenth subcommittee on the waiting list awaiting activation, which included subcommittees on policy issues formed under HC and Panels. She further said that Members, if considered necessary, could propose holding a joint meeting of Panels at a meeting of the relevant Panels after the election of chairmen of Panels for the 2017-2018 session to be held on 12 October 2017. Furthermore, Members who were interested in the relevant issues could still join the relevant Panel(s), as the deadline for signification of membership of the 18 Panels had not passed.

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40. At the invitation of the Chairman, Mr Jeremy TAM said that if Members considered that there was urgency for setting up a subcommittee to study the policy on industrial buildings which straddled various policy areas, he hoped that Members would support his proposal to set up the proposed subcommittee under HC at this meeting so that the proposed subcommittee could be put on the waiting list immediately.

41. The Chairman put to vote the proposal from Mr Jeremy TAM for setting up a subcommittee on issues relating to policy on industrial buildings under HC, with the terms of reference, work plan and time frame as set out in the paper. Mr Tommy CHEUNG requested a division.

The following Members voted in favour of the proposal:

Mr James TO, Prof Joseph LEE, 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, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu and Mr Jeremy TAM.

(22 Members)

The following Members voted against the proposal:

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Frankie YICK, Mr YIU Si-wing, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr Martin LIAO, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Dr Junius HO, Mr HO Kai-ming, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung and Mr Kenneth LAU.

(19 Members)

The following Members abstained from voting :

Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Dr Elizabeth QUAT, Mr POON Siu-ping, Dr CHIANG Lai-wan, Mr Jimmy NG, Mr Holden CHOW, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan and Mr LAU Kwok-fan.

(17 Members)

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42. The Chairman declared that 22 Members voted for and 19 Members voted against the proposal, and 17 Members abstained from voting. The Chairman declared that the proposal was supported.

43. The following Members agreed to join the subcommittee: Mrs Regina IP, Mr Charles MOK, Mr CHAN Chi-chuen, Ms Alice MAK, Mr Andrew WAN, Mr Jimmy NG, Mr HO Kai-ming, Mr SHIU Ka-chun, Ms Tanya CHAN, Mr LAU Kwok-fan, Mr KWONG Chun-yu and Mr Jeremy TAM. Members noted that the subcommittee would be put on the waiting list awaiting activation.

XII. Proposal from Hon Claudia MO to move a motion under Rule 49B(1A) of the Rules of Procedure at the Council meeting of 18 October 2017 to censure Dr Hon Junius HO

(LC Paper Nos. CB(2)2124/16-17(02) and CB(2)2166/16-17(01))

44. The Chairman informed Members that Ms Claudia MO had given notice on 29 September 2017 to move the proposed censure motion ("the proposed motion") at the Council meeting of 18 October 2017. Subject to the President's approval, the motion would be placed on the Agenda of the Council. She would invite Ms Claudia MO to speak on her proposal and Dr Junius HO to respond, following which Members could express their views on the proposal.

45. At the invitation of the Chairman, Ms Claudia MO said that while she supported freedom of speech, there was a bottom line that one should not cross when exercising such freedom. In her view, the "kill without mercy" ("殺無赦") remark recently made by Dr Junius HO at a public rally on 17 September 2017 ("the public rally"), and his repeated use of the word "kill" when commenting on advocates of "Hong Kong independence" after the public rally, had clearly gone beyond the bottom line of free speech and morals. She strongly criticized Dr HO for refusing to withdraw such remarks and arguing that the Chinese character "殺" (meaning "kill" in English) used by him was, in fact, its homonym for "halt" ("剎" in Chinese), meaning the need to halt the lawbreaking expressions of "Hong Kong independence" advocates.

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46. At the invitation of the Chairman, Dr Junius HO said that Ms Claudia MO's proposal served no meaningful purpose and was merely an attempt to incriminate him simply by what he had said. He pointed out that the theme of the public rally was "anti-independence, anti-cold-bloodedness and anti-bogus academic", and to call for the dismissal of Mr Benny TAI Yiu-ting, Associate Professor of the Department of Law of the University of Hong Kong. The word "kill" was uttered by a guest speaker at the rally and he chanted "without mercy" in response, as he was convinced that it was not the intention of the guest speaker to advocate killing or incite violence. Dr HO further said that he had urged the media not to distort the meaning of his remarks and explained that "to kill without mercy" actually meant "we deplore wrongdoers like our enemies".

47. Mr IP Kin-yuen said that while people might have different political views, every person should respect basic human rights, have morals and show empathy for other people's situations. It was unacceptable for a LegCo Member to make such an offensive remark as "kill without mercy" at a public rally. He considered it necessary for LegCo to promote respect for different political views and speak out against incitement to violence and hatred.

48. Mr WONG Kwok-kin commented that Ms Claudia MO's proposed motion was senseless and no sensible person would think that the "kill without mercy" remark concerned was actually meant to advocate killing. In his view, the moving of the proposed motion was an attempt by Members of the pro-democracy camp to divert public attention from recent incidents concerning the display of banners bearing the words "Hong Kong independence" and the dissemination of "cold-blooded messages" in local universities. He considered it a waste of time for LegCo to deal with the proposed motion, adding that Members belonging to the Hong Kong Federation of Trade Unions would vote against it.

49. Mr Alvin YEUNG said that the "kill without mercy" remark made by Dr Junius HO, which carried connotations of violence, showed that Dr HO had failed to meet the high level of ethical conduct expected of a LegCo Member. Given that Dr HO might have violated the law but no enforcement action had been taken by the Police so far, he considered it necessary for LegCo to follow up the matter in order to uphold justice.

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50. Mr James TO said that Members belonging to the Democratic Party ("DP") disapproved of the remarks recently made by Dr Junius HO about advocates of "Hong Kong independence". While DP Members considered that Dr HO should be condemned for making such remarks which, in their view, were violent and would only intensify divisions in society, they had reservations about whether the remarks concerned had met the threshold for invoking the mechanism for the censure of a Member for misbehaviour under the Basic Law which could lead to disqualification of a Member from office. Mr TO hoped that Dr HO would reflect seriously on the matter and recognize that his remarks were truly unacceptable to the public.

51. Mr LEUNG Che-cheung considered that the "kill without mercy" remark made by Dr Junius HO was actually an expression used to condemn those people who advocated "Hong Kong independence". In his view, Ms Claudia MO's proposed motion served no meaningful purpose, and people who advocated "Hong Kong independence" must be condemned.

52. Mr YIU Si-wing said that to his understanding, Dr Junius HO's views given at the public rally was made against the idea of "Hong Kong independence" and his "kill without mercy" remark was actually meant to call a halt to such idea. He therefore did not consider the remark problematic and would not support Ms Claudia MO's proposed motion. He added that although some Members might find Dr HO's views unacceptable, it was not uncommon for Members from the opposition camp to use very extreme expressions in conveying their views.

53. Dr CHENG Chung-tai said that he would support the proposed motion. He considered that the "kill without mercy" remark made by Dr Junius HO amounted to criminal intimidation against Mr Benny TAI, and questioned why the Police had not taken any enforcement action. He also suspected that Dr HO might have committed fraud, as Dr HO had stated in his advertising pamphlet for the LegCo election in 2016 that he was "新加坡和英國及威爾斯執業律師" (in Chinese) / "solicitor in Singapore, England and Wales" (in English).

54. Mr Holden CHOW said that he would object to Ms Claudia MO's proposed motion. He noted that Dr Junius HO had already clarified that the "kill without mercy" remark was not meant to advocate killing and had earlier admitted that it was "a wrong choice of words" and had made an apology. In his view, the matter should come to an end. He also

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questioned that the proposed motion was a tactic employed by Members of the opposition camp to divert public attention from recent incidents concerning the display of banners bearing the words "Hong Kong independence" and the dissemination of "cold-blooded messages" in local universities.

55. Dr KWOK Ka-ki said that it was totally unacceptable for anyone to publicly make a remark of "kill without mercy" which might amount to criminal intimidation. Given that Dr Junius HO was a LegCo Member and the former President of the Law Society of Hong Kong, Dr KWOK considered that Dr HO should be held responsible for what he had said and should not have argued that people had distorted the meaning of his remarks.

56. Mrs Regina IP said that while she had earlier criticized Dr Junius HO for his inappropriate choice of words, she later noted Dr HO's explanation that his "kill without mercy" remark was "a figure of speech" and did not mean to advocate killing or incite violence. She did not consider it justified for Ms Claudia MO to move the proposed motion, adding that she concurred with Mr James TO that there should be a very high threshold for invoking the mechanism for the censure of a Member for misbehaviour under the Basic Law. Therefore, Members of the New People's Party would oppose the proposed motion.

57. Dr Elizabeth QUAT and Mr LAU Kwok-fan said that they would not support Ms Claudia MO's proposal. They expressed similar view that advocates of "Hong Kong independence" must not be tolerated, and considered that Dr Junius HO's remark was an expression of his opposition to "Hong Kong independence" without any intention to advocate killing or incite violence. They pointed out that there was a lot of business to be dealt with by LegCo, and considered it a waste of time to debate the proposed motion, which, in their view, was senseless. Dr QUAT also urged Members not to use extreme expressions when commenting on others.

58. Dr Priscilla LEUNG said that she would oppose Ms Claudia MO's proposed motion as a censure motion should only be moved against a Member who committed misbehaviour. She considered it a waste of time for the Council to deal with a censure motion against a Member just because that Member had made some outrageous remarks. She added that Members from the opposition camp had also made outrageous remarks at various public events over the years.

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59. Mr CHAN Han-pan and Mr WONG Ting-kwong said that they opposed Ms Claudia MO's proposal. Mr CHAN queried that Ms Claudia MO had adopted double standards in considering Dr Junius HO's remarks against the advocacy of "Hong Kong independence" intolerable but those views advocating "Hong Kong independence" not crossing the bottom line of free speech. Mr WONG considered it meaningless for Ms Claudia MO to propose moving such a censure motion.

60. Mr CHAN Chi-chuen said that he was one of the three Members who had jointly signed the notice given by Ms Claudia MO to move the proposed motion against Dr Junius HO. Expressing his support for Ms Claudia MO's proposal, Mr CHAN considered that Dr HO's "kill without mercy" remark was tantamount to an act of intimidation and inciting others to kill and Dr HO should be held responsible for what he had said. Mr CHAN urged Dr HO to apologize publicly if he sincerely regretted making such a remark.

61. Mr Charles MOK commented that Members from the pro-establishment camp should not try to divert public attention to the issue of "Hong Kong independence", which was not the subject under discussion today. He considered that as a LegCo Member, Dr Junius HO should not casually make inappropriate remarks at a public event. Mr MOK further said that the purpose of the investigation committee, if set up, in respect of the proposed motion was to establish the facts and give views on whether Dr Junius HO's behaviour constituted misbehaviour and breach of oath under Article 104 of the Basic Law.

62. Mr SHIU Ka-chun did not subscribe to the view that Ms Claudia MO's proposed motion was senseless. He commented that holding the public rally for the sake of calling for the dismissal of Mr Benny TAI was "doing something serious in a frivolous manner", given that the University of Hong Kong had its own established procedures for dealing with any staff who had infringed the regulations of the University.

63. Mr Martin LIAO said that at the public rally, Dr Junius HO sought to appeal to the University of Hong Kong and the public to face squarely the unhealthy trend brought by Mr Benny TAI who had incited students to break the law. He noted that Dr HO had admitted that the "kill without mercy" remark was a wrong choice of words. Although Dr HO's choice of words was inappropriate and sentimental, no one with a sensible mind would consider that the "kill without mercy" remark made by Dr HO was inciting others to use violence.

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64. Ms Alice MAK and Mr LUK Chung-hung concurred with the view of Mr WONG Kwok-kin that the proposed motion was senseless. Ms MAK said that there were a large number of items of business to be dealt with by LegCo and Members should discuss issues meaningful to society instead of the senseless motion proposed by Ms MO. Mr LUK stressed that the "kill without mercy" remark should not be interpreted out of context.

65. Dr Fernando CHEUNG said that the "kill without mercy" remark made by Dr Junius HO at the public rally and his subsequent responses on the matter had fallen short of the standards of conduct expected of a LegCo Member, a council member of a university as well as a lawyer. He considered that the criticisms made by Members from the pro-establishment camp against Ms Claudia MO's proposed motion were to confound right and wrong.

66. Mr CHU Hoi-dick considered that Dr Junius HO should apologize for making his "kill without mercy" remark and his subsequent responses on the matter. In response to Mr LUK Chung-hung's comment about the need to interpret the remark in context, Mr CHU cautioned that remarks made by LegCo Members advocating violence would indeed incite others to resort to using violence for expressing their views. He cited as an example that the Hong Kong Free Press, an online media, had recently received a number of intimidation letters threatening to use violence against its staff and founder.

67. Mr Paul TSE stressed that he did not agree with Dr Junius HO's "kill without mercy" remark given at the public rally as well as his subsequent responses on the matter. In his view, although Dr HO's way of expressing his views had not met the threshold for invoking the mechanism for the censure of a Member for misbehaviour under the Basic Law which could lead to disqualification of a Member from office, he should apologize at a suitable time for making such inappropriate remark.

68. Mr CHUNG Kwok-pan commented that a Member should always be careful of what he said in public. However, as any Member might misspeak on one occasion or another, he considered it neither practical nor sensible to move motions to censure each and every Member who had misspoken. Mr CHUNG added that it was inappropriate and unwise for Dr Junius HO to make the "kill without mercy" remark at a public event, and he hoped that Dr HO would apologize to the public so as to bring the controversy to an end.

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69. Mr KWOK Wai-keung commented that a Chinese phrase could have different meanings and it should not be interpreted literally. As regards Ms Claudia MO's proposed motion, he pointed out that according to Article 104 of the Basic Law, LegCo Members must swear to uphold the Basic Law which stipulated that the Hong Kong Special Administrative Region was an inalienable part of the People's Republic of China. To uphold their oath, LegCo Members should therefore clearly oppose "Hong Kong independence".

70. Mr LAM Cheuk-ting said that any person with some understanding of the Chinese language would not be convinced by the explanation given by Dr Junius HO that the word "kill" in his earlier remarks actually meant "halt" in Chinese. Mr LAM further said that while it was understandable that Members of the pro-establishment camp had to speak in Dr HO's defence, they should have focused on arguing that the remarks made by Dr HO to incite violence did not warrant the invocation of the mechanism for the censure of a Member, instead of bringing up the issue of "Hong Kong independence".

71. Ms Claudia MO criticized some Members of the pro-establishment camp for using their "anti-independence" position as an excuse to defend Dr Junius HO and oppose her proposal to move a motion to censure him. She stressed that Dr HO had also admitted that the "kill without mercy" remark was a wrong choice of words.

72. Dr Junius HO said that it was regrettable that some Members of the opposition camp who only had a limited grasp of the Chinese language had twisted his earlier remarks and overplayed the matter. He criticized these Members for using a prop bearing the word "kill" and his photo at a public meeting on 20 September 2017, adding that he had already reported the case to the Police.

73. The Chairman concluded that Members from different political parties and groupings had expressed their views on Ms Claudia MO's proposal. She invited Members to note that according to the established procedure for the censure of a Member under RoP, if the matter stated in the relevant censure motion was referred to an investigation committee, Members would debate and vote on the motion at a Council meeting after the investigation committee had completed its work and reported to the Council.

XIII. Election of the Chairman and Deputy Chairman of the House Committee for the 2017-2018 session

Election of Chairman

74. The Chairman called for nominations for the chairmanship of HC for the 2017-2018 session. Ms Starry LEE was nominated by Mr Jeffrey LAM and the nomination was seconded by Mr CHAN Hak-kan. Ms Starry LEE accepted the nomination.

75. As the Chairman was nominated, the Deputy Chairman took over from the Chairman to preside over the election. He invited other nominations for the chairmanship. Mr Dennis KWOK was nominated by Mr Kenneth LEUNG and the nomination was seconded by Mr Alvin YEUNG. Mr Dennis KWOK accepted the nomination.

76. Since the Deputy Chairman was also nominated, Mr James TO, the Member present who had the highest precedence, took over from the Deputy Chairman to preside over the election. He invited other nominations for the chairmanship. No further nominations were made.

77. Dr Fernando CHEUNG, Mr CHU Hoi-dick and Dr Helena WONG suggested that the two candidates be given time to present their election platforms and answer questions from Members. Mr CHU Hoi-dick added that he was particularly concerned about the two candidates' stance on proposals, if any, to be put forward in the coming session to amend RoP.

78. Mr YIU Si-wing said that while the two candidates might be invited to present their election platforms if they so wished, he did not consider it necessary to invite the two candidates to answer questions from Members as it would only prolong the meeting unnecessarily. As far as he recalled, there was no arrangement for candidates nominated for the chairmanship of a committee to answer questions from Members. He sought information from the Clerk on the past practice in this regard.

79. At the invitation of Mr James TO, the Clerk said that while the procedure for the election of the chairman and deputy chairman of a committee set out in Appendix IV to HR did not contain any provision concerning the holding of a forum for presentation of platforms and answering of questions from Members by candidates, there were

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precedents where such forums were held with the agreement of the candidates concerned and other members of the committee. For instance, a forum was held for the election of the Chairman of HC for the 2016-2017 session at the House Committee meeting on 12 October 2016. The Clerk further said that as the election of the Chairman and Deputy Chairman of the Finance Committee ("FC") for the 2017-2018 session was scheduled to be held immediately after this meeting, should Members agree that a forum be held for the current election, Members might consider setting a time limit of, say, 15 minutes, for the forum.

80. Mr Martin LIAO said that it was his understanding that RoP did not provide for the answering of questions from Members by candidates nominated for the chairmanship of a committee and any decision to make such an arrangement might amount to a departure from RoP. Should this be the case, he considered that it should be for the committee, and not the presiding Member, to decide whether a forum should be held. Dr CHIANG Lai-wan expressed similar views.

81. Ms Claudia MO, Mr Kenneth LEUNG, Mr HUI Chi-fung, Mr CHAN Chi-chuen, Ms Tanya CHAN, Dr KWOK Ka-ki and Dr Helena WONG considered that the two candidates should be invited to answer questions from Members. Ms Claudia MO and Mr Kenneth LEUNG pointed out that there were precedents where forums were held with the agreement of the candidates concerned and Members might consider setting a time limit for the holding of a forum for the current election. Mr HUI Chi-fung commented that to facilitate Members' consideration of how they should cast their votes in the current election, it was necessary for Members to obtain more information about, among others, how the two candidates would chair the meetings of HC. Mr CHAN Chi-chuen, Dr KWOK Ka-ki and Dr Helena WONG stressed that Members should not be deprived of their right to put forward questions to the two candidates. Dr KWOK Ka-ki also sought advice from LA on whether the holding of a forum would contravene RoP. Ms Tanya CHAN suggested that in considering how a forum should be held, Members might make reference to the procedure for the special forum for presentation of platform and answering of questions from Members by candidate for the office of the LegCo President set out in Appendix I to HR.

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82. At the invitation of Mr James TO, LA said that while the holding of an election forum was not provided in RoP or HR, there was no provision under RoP or HR that prohibited candidates nominated for chairmanship or deputy chairmanship of a committee from presenting their election platforms or answering questions from members, if they so wished. It had been the practice for the member presiding at the election to consult the candidates concerned and other members of the committee on any proposal to hold a forum and there were precedents where such forums were held with the candidates' and members' agreement. She did not consider that the holding of such a forum with the agreement of the candidates concerned before a vote was taken would contravene RoP or HR.

83. At the invitation of Mr James TO, Ms Starry LEE and Mr Dennis KWOK indicated that they were willing to answer questions from Members. However, as the election of the Chairman and Deputy Chairman of FC for the 2017-2018 session was scheduled to be held immediately after this meeting, they hoped that a time limit would be set for the holding of the forum.

84. Having considered the views expressed by Members and the two candidates, Mr James TO suggested that a forum lasting for not more than 30 minutes be held. Noting that a total of 11 Members had indicated intention to put forward questions to the two candidates, Mr TO further suggested that each candidate be given one minute to present his/her platform, following which the 11 Members be given 30 seconds each to put forward their questions and the two candidates be given one minute each to respond to the question(s) put forward by each of the 11 Members. Members raised no objection. Members also agreed that in line with the usual practice, the election forum would be recorded in verbatim.

85. Ms Starry LEE and Mr Dennis KWOK made their respective presentations. Mr James TO then invited questions from Members. Ms Starry LEE and Mr Dennis KWOK responded to questions put forward by Mr HUI Chi-fung, Mr WONG Ting-kwong, Ms Tanya CHAN, Mr CHAN Hak-kan, Ms Claudia MO, Mr Jeffrey LAM, Dr Helena WONG, Mr Steven HO, Mr CHAN Chi-chuen, Dr Fernando CHEUNG and Mr CHU Hoi-dick. (Verbatim transcript of the presentation of platforms and answering of questions is in the **Appendix**.)

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86. Mr James TO announced a vote by secret ballot. The result of the vote was that 37 Members voted for Ms Starry LEE and 21 Members voted for Mr Dennis KWOK. Mr James TO declared Ms Starry LEE elected as the Chairman of HC for the 2017-2018 session. Ms Starry LEE then took the chair.

Election of Deputy Chairman

87. The Chairman called for nominations for the deputy chairmanship of HC for the 2017-2018 session. Mr Dennis KWOK was nominated by Mr IP Kin-yuen and the nomination was seconded by Mr Kenneth LEUNG. Mr Dennis KWOK accepted the nomination.

88. As there was no other nomination, the Chairman declared Mr Dennis KWOK elected as the Deputy Chairman of HC for the 2017-2018 session.

XIV. Any other business

Signification of membership of Panels

89. The Chairman said that Members who wished to join any Panel(s) with effect from the 2017-2018 session in addition to those they had joined should signify membership through the System for Signification of Membership and Attendance at Meetings and other Activities by 12:00 noon, Saturday, 7 October 2017.

90. There being no other business, the meeting ended at 5:11 pm.

附錄 Appendix

涂謹申議員：現在兩位候選人，李慧琼議員和郭榮鏗議員已在座，他們不會坐出來了，OK。需要抽籤看看由誰先發言嗎？不用了吧？

我的意思是，李慧琼議員不介意先說 1 分鐘，對嗎？

李慧琼議員：好。

涂謹申議員：不介意吧？OK，不用抽籤了。李慧琼議員先說，給你 1 分鐘時間介紹。

李慧琼議員：首先，非常感謝上一次有投票支持、信任我的議員，讓我能夠成功當選內務委員會主席。內務委員會主席在立法會其實是副主席的角色，我除了要主持星期五的內務委員會會議外，亦要協助主席主持立法會會議。過去我亦積極參與建制派之間的協調，亦有跟泛民主派的議員在議題上溝通。在每次內務委員會會議舉行之前，秘書處和副主席都會跟我聚在一起，我亦與副主席在重大議題上保持暢順的溝通，最主要是希望盡早掌握不同黨派議員在不同方面的想法，希望令議會能夠暢順運作。

過去一年，內務委員會大致暢順運作，這確實是得來不易的成績。我要特別感謝各位議員。有時遇到一些關鍵議題，我都會預先致電大家，請大家留意內務委員會將會有這些議題。未來，如果我繼續得到大家的信任和支持，我相信我經過一年的經驗，對《議事規則》的掌握更充分，我會繼續秉持《議事規則》，公平、公正地主持內務委員會，讓大家可以暢所欲言及令議會有效運作。謝謝。

涂謹申議員：好，1 分 22 秒。郭榮鏗議員，1 分 22 秒。

郭榮鏗議員：多謝主席。多謝各位同事讓我們有機會回答大家的問題。其實過去一年，我自己感受到議員與議員之間的溝通是非常重要的。為甚麼呢？因為我相信無論主席或副主席也好，如果各個陣營有一個代表，可以跟對方溝通，與不同的

議員，即使是建制派或民主派也好，大家在一些可以商量的事情上，大家可作預先商討，其實這樣對整個議會的運作都是很重要的，這是第一點。

第二，過去一年以來，行政和立法關係有好的時候，亦有非常差的時候，但這正正體現了在行政、立法關係方面，大家是需要時間，以及需要明白彼此的觀點才會好。我相信現時在座有很多議員都很關心《議事規則》會否修改，但我認為要改善行政、立法關係的關鍵，始終都是溝通。

涂謹申議員：好。第一位，許智峯議員，30 秒。

許智峯議員：多謝主席。我想問一問李慧琼議員，因為我個人認為在過去一年，她主持會議的作風是非常偏頗，以及剝奪我們議員討論的範圍和時間。正如 7 月 7 日的會議，我本人提出劉曉波先生病危的休會辯論，她限制了議員發言的時間，亦強行"剪布"，不應該說是"剪布"，應說是強行"劃線"休會，而且給公眾的觀感是，容許議員出外參觀"遼寧號"，這是第一點。

第二，因為劉曉波的事件，她的政治立場是迥異，所以不准議員討論。第三，《內務守則》第 20 條，她應該.....

涂謹申議員：好了，停止。許智峯議員，停止。對不起。李慧琼議員，然後是郭榮鏗議員。之後次序會互調。

李慧琼議員：作為主席，我要確保議員在符合《議事規則》之下暢所欲言，同時亦有責任維持議會有效運作。當日我主持這項議程，運用我一向的做法，就是"劃線"處理。正如剛才的情況，大家都記憶猶新，關於毛孟靜議員提出的議案，我都有"劃線"，其實在"劃線"之後，有 5 位議員不獲發言的機會，所以這是一如既往的做法，不會因為某些議題而特別處理。總體來說，我認為在過去一年，大家在不同議題上都能夠在《議事規則》之下暢所欲言，以及議會是相對有效和暢順運作的。

涂謹申議員：好，郭榮鏗議員。

郭榮鏗議員：在內務委員會，我明白有很多議員希望利用這個機會提出一些自己關心的議題。其實所有議員都有平等的機會，提出他們想說的事情，所以我希望大家能夠互相尊重。當然，有些議題是很"惹火"的，大家難以平心靜氣地討論。不過，如果大家仍然相信內務委員會是一個平台，這裏會給大家有充分機會說出想說的話，如果大家仍然相信內務委員會有一個機制，我希望大家都有公平的機會表達。

涂謹申議員：好，第二位是黃定光議員，30秒。

黃定光議員：多謝主席。內務委員會是相對比較平靜的，但亦出現過一些無理拖延會議，即所謂"拉布"的情況。我想問問兩位，"拉布"與議員的發言權利是如何平衡呢？

涂謹申議員：好，郭榮鏗議員，1分鐘。

郭榮鏗議員：多謝"象哥"的問題。其實，"象哥"要明白，說真的，內務委員會已經沒有太多"拉布"了。他說"拉布"的問題，其實他要明白為甚麼有些議員就着某些議題會有很多、很多問題，以及很多、很多質詢。或許他們認為官員沒有回答其問題。我自己看到的是，第一，就過去來說，官員在游說方面的工作做得不足夠，而提供文件方面，亦沒有給予足夠時間供議員審閱，這是另一個問題，而且有很多問題沒有正面回答議員關心的事情。其實議員想發揮他們作為議員的作用，如果不能讓他們感覺到自己能夠發揮這個作用，或覺得總是每每遭阻攔，或是行政機關不改動"排名"，譬如財務委員會的議程，他們不修改，總是把最難通過的項目放在前面，這真的是無助於.....

涂謹申議員：好，請停止。李慧琼議員，1分鐘。

李慧琼議員：我當然對於很多議員過去濫用議事程序"拉布"表示反對和遺憾。香港有很多事要做，議會是重要的地方，讓我們審議議程。但大家過去看到的——未必一定在內務委員會出現——過去議員不斷提中止、休會，令相同的議題在不同會議重複又重複地被討論，導致我們審議的時間和程序拖慢了。所以，

剛才有議員問我是否贊成修改《議事規則》，我的立場是非常清晰的，我認為不應該縱容濫用《議事規則》的程序，所以，如果修改《議事規則》是達致防止濫用議事程序，我是絕對支持的，亦不會含糊。不過，我想提的是，第一，每位主席對於這些重大議題必然會有立場，但有立場並不代表我會不公平主持會議。我相信所有主席亦在不同事情上有立場，但我仍然會繼續按《議事規則》主持會議。

涂謹申議員：好，停止。陳淑莊議員提問，30秒。

陳淑莊議員：剛才李慧琼候選人清楚表示她支持修改《議事規則》。我想問她有甚麼情況濫用，而我們作為議員，在現時的層面已經被他們"大份"欺負"細份"，如果連《議事規則》也修改，她想何時做？還是最起碼是按兵不動，不要現時"人多欺負人少"，在未補選之前都不要輕舉妄動。謝謝主席。

涂謹申議員：李慧琼議員，1分鐘。

李慧琼議員：我想請公眾也想一想，經常有人說"人多欺負人少"，其實，大家記得嗎？去年會期結束前，一位議員不斷要求點算人數，我們整項有關醫委會改革的條例草案便被拉倒。一位議員就已經可以把一項在議會上取得大多數議員同意，甚至是社會上有廣泛共識的法案拉倒。在財務委員會，我們可能對某些議程有不同意見，我覺得他們可以中止項目，但為何要休會呢？一位議員可以重複在兩個小時後又再提出休會，其實目的就是阻止該項議程被討論和表決。我相信這些是切切實實的濫用議事程序以達致"拉布"的目的。"拉布"不單影響議會運作，關鍵是最後受害的是香港。因此，我認為作為負責任的議員，即使參選主席，我亦不會掩飾在這方面的立場或含糊其辭，但我重申，我有立場，並不會影響我主持.....

涂謹申議員：時間夠了。郭榮鏗議員，1分鐘。

郭榮鏗議員：主席，我是議事規則委員會的委員，上屆是委員，本屆也是。其實大家在該委員會內討論了很多關於《議事規則》是否需要修改，或如何優化《議事規則》的問題。

其實修改《議事規則》不是一時三刻的事情，因為有關的修訂會留在《議事規則》一段很長的時間，所以議事規則委員會的同事和秘書處的同事都會很謹慎地研究每一項修改及改動，所以，我希望大家即使想修改《議事規則》，也得尊重我們是有一個議事規則委員會，它會很詳細地研究這方面的問題，即使大家有很強烈的看法，其實都應該信任議事規則委員會的同事。剛才陳淑莊議員說建制派佔大多數，其實在議事規則委員會，他們都是佔大多數。

涂謹申議員：好，請停止。陳克勤議員提問，30秒。

陳克勤議員：多謝主席，我主力想問郭榮鏗議員，他覺得去年議會的運作是否暢順？此其一。第二是現時"拉布"的情況，他覺得是否嚴重呢？既然他剛才也提到，修改《議事規則》要經過議事規則委員會的討論，如果議事規則委員會同意作出修正，他作為內務委員會主席，是否同意修改《議事規則》，以達到議會效率和監察政府施政取得平衡呢？

涂謹申議員：郭議員，1分鐘。

郭榮鏗議員：多謝陳議員的問題。首先，我覺得議事規則委員會如果有任何需要修改《議事規則》的討論等，都需要時間，亦需要細心研究。但是，過去來說，我們看到，例如議事規則委員會提出一些修改《議事規則》的建議，在立法會都應該可以獲得通過，為甚麼呢？因為該委員會中已經充分反映不同黨派的看法。所以，我會按照這個機制來做。

究竟"拉布"是否一個問題？我覺得這視乎是從哪方面來看。當然，從建制派的角度來看，是一個很大問題，從我們這邊的角度來看就是，為甚麼有所謂"拉布"的情況出現？很多時是因為官員有足夠票便強推硬闖，不願意修改議程，一定要把最難通過的議程放在首位，連累了後面一些其實沒有甚麼爭議性的議程。

就過去來說.....

涂謹申議員：要停止了，對不起。

郭榮鏗議員：……看到行政機關不願意調……

涂謹申議員：對不起。李慧琼議員，1分鐘。

李慧琼議員："拉布"其實影響整個香港。香港現在的競爭力受到很大的挑戰，我們的行政效率很低，其中一個原因就是，立法會很多事情都出現"拉布"現象，行政機關是否要負上所有責任呢？沿用我剛才的例子，我希望大家思考一下，醫委會改革，如果說社會沒有共識、議會沒有共識，我想這不是事實。但是，一位議員可以透過點算人數，或者數位議員透過點算人數，便可以將之拉倒。這是否有議員濫用《議事規則》呢？

另外，在財務委員會中提中止方面，每位市民都希望我們開會。有議員不喜歡某項目，為甚麼不是中止項目便算了？為甚麼連財務委員會會議也要中止，不得進行呢？這是否濫用議事程序，容許大家中止，以達致其政治目的呢？

所以，我們不應該將現在"拉布"的情況全部推卸給行政機關，其實議員……

涂謹申議員：好了，請停止。毛孟靜議員，30秒。

毛孟靜議員：多謝主席，以前我們說"溫水煮蛙"，現在是"手起刀落"。現在民主派被 DQ 了 6 位同事，6 位。他們便"趁火打劫"，在整個暑假不停表示要修改《議事規則》、修改《議事規則》，甚麼都由他們話事。

我想請問兩位是否同意，我們認為起碼明年 3 月之前，在完成補選之前，不改動《議事規則》呢？

涂謹申議員：請停止。李慧琼議員，1分鐘。

李慧琼議員：毛議員與我在九龍西選區參選過不止一次，她沒有留意我的參選政綱。我相信我和民建聯的成員，或者不少建制派議員，我們開宗明義，在這次爭取連任的時候早已經說過，我們的政綱之一，是爭取修改《議事規則》。

我們提出修改《議事規則》，不是始於有 6 位議員喪失議席。我清楚記得，上一屆葉國謙議員對於第 37(a)條的處理已經提出要修改。譚耀宗議員當時是議事規則委員會委員，他亦曾提出對《議事規則》的不少修改。所以，我們堅持應改則改。我們會尊重《議事規則》的運作，但其實已經到了一個忍無可忍的地步，我們會就《議事規則》爭取一個最大的共識，希望令我們的《議事規則》與時並進，讓議會的"拉布"情況可以減少。

涂謹申議員：郭榮鏗議員，1 分鐘。

郭榮鏗議員：主席，我覺得今天的討論不是很聚焦，因為大家經常說修改《議事規則》，究竟如何修改《議事規則》？用甚麼方法修改？修改至甚麼程度？其實這些大家沒有具體討論過。所以，我覺得在現階段說修改《議事規則》，大家必須拿出一些很實質的理據：如何修改、為甚麼要修改、方向是甚麼？這是重要的。

第二，我不是很同意剛才李慧琼議員用醫委會改革作例子。其實醫委會改革當時真的很倉卒，當時提出的方案確實沒有充分諮詢，所以導致有很強烈的阻力，這其實是預計得到。且看看現在再提交的方案，某程度上，大家都要同意現在真的好得多，現時這個醫委會改革方案確實理順了很多之前方案沒有解決的問題。所以，由此可見，如果大家願意花時間的話，會做得更加好。

涂謹申議員：林健鋒議員，30 秒。

林健鋒議員：多謝主席，我提名李慧琼議員，因為我認為她主持會議有效率和公道，她亦有誠信，可以代表議員向司長反映我們的意見。

我想請問，現在有很多議員都提出一些無謂，或者只是"搏出位"的提案，或者議員在辯論中的發言很多都是離題，你們會如何處理呢？因為立法會的時間是很寶貴，多謝。

涂謹申議員：郭議員，1 分鐘。

郭榮鏗議員：有時候在內務委員會會議上，如果每人少說一句，真的好很多。我跟李慧琼議員都討論過這個問題。我覺得其實有時候就有些問題，不需要每個議員都發言，因為越發言，大家越勞氣，越勞氣便越離題，越離題便越浪費時間，這不是一個有效處理會議時間的問題。

我覺得公道一點地說，有時候處理會議的時間或效率，不止是主席一個人，是大家都有份，大家作為議員有責任看看如何運用會議的時間。所以，都是說，有時候每人少說一句，便會快很多。正如剛才般，單是辯論是否應該有這個答問環節使用了半小時，如果我們用這半小時進行這個辯論環節，現在便已經在舉行財務委員會會議了。

涂謹申議員：李議員，1 分鐘。

李慧琼議員：多謝林健鋒議員的支持。正如副主席所說，確實有時主持會議的時候面對很多挑戰。內務委員會會議上確實有不少議員想表達意見，如果論內容是否有重複，其實是有的。當然，我很希望會前各黨派能夠梳理好，各黨派能派出代表發表意見，這樣便能夠令議會較為暢順運作。但是，這是理想，事實是否可以這樣做呢？畢竟每次有議員按掣，我都需要公平地處理他提出發言的要求。

所以，我為了維持議會有效運作，請各位同事理解，有時候真的必須"劃線"，特別是很多議員想發言，而我們又有其他事務要處理的時候，"劃線"是我們慣常的做法。有時候我會停止議員重複發言，或者停止議員在座位上大叫，這些我都會繼續做。

涂謹申議員：好了，要停止你。黃碧雲議員，30 秒。

黃碧雲議員：主席，我想請問，李慧琼議員當了一屆主席，期間我相信民主派有些議員覺得她做事不夠公平，在去年 10 月 18 日亦曾寫信譴責她。我想問，如果她再當主席，她覺得有甚麼是她上一屆做得不好的，這一屆她會很努力改善的呢？

涂謹申議員：李議員，1分鐘。

李慧琼議員：多謝你的意見。其實感受很深，第一年作為內務委員會主席，剛開始的時候面對宣誓風波、辱華事件，及後選舉主席的時候亦出現亂子。所以，我記得當時第一次主持會議後，議員包圍着我，令會議無法繼續。及後確實收到有部分議員對我主持會議提出的不滿，我亦在很短時間內回信給大家。我記得在收信後的一星期想邀請各位議員傾談，但我記得當時大家很忙，不是很多議員願意親自跟我傾談。但是，多謝你們的意見，我都不斷檢視如何在符合《議事規則》的情況下，讓大家暢所欲言，但又不影響整個會議，不會令會議太長。

當然，另一方面，我亦收到有些議員的批評就是，有時候……

涂謹申議員：請停止，不好意思。郭議員，1分鐘。

郭榮鏗議員：讓我很快地說，我覺得大家都要多些向主席或副主席反映任何你們認為有問題的事情，無論是議會內的一些待議事項、法例，或是跟行政機關的一些安排，其實大家都應該多些提出來。我們希望每星期跟政務司司長的會面可以更加充實。有時候跟他的會面是有點無謂，因為有時候我們純粹把文件遞給他，他讀完便算。如果各位議員可以讓我們更好利用會面時間來反映一些問題，我覺得這是內務委員會正副主席應該發揮的作用。

涂謹申議員：好，接着是何俊賢議員，30秒。

何俊賢議員：多謝主席，首先，內務委員會的正副主席每星期都會跟政務司司長見面。但是，我發覺郭議員曾經在某程度上超越了他副主席的身份，跟政務司司長交代一些意見。當李主席在下一次內務委員會會議上向公眾、各位議員匯報上星期跟政務司司長說過甚麼，將這些事情報告，並表示沒有問題後，郭議員卻說出一些很關注的事情……

涂謹申議員：好了，郭議員，請你答辯，1分鐘。

郭榮鏗議員：我猜何俊賢議員指的應該是周浩鼎議員的事件。那次我在會上跟政務司司長說明，我是代表一眾泛民主派的議員強烈向他反映，我們對於周浩鼎議員當時的做法感到非常遺憾，並有強烈的意見。我亦很清楚對政務司司長說，我會在內務委員會下一個會議上，將他的回應向所有議員報告。這點當時李議員亦知道，但我信相李議員未必知道我會報告甚麼。不過，我已經告訴她，如果我在會議上正式向政務司司長反映，譬如民主派議員的某些問題或意見，我會說明我會在下一個會議上向所有議員報告。

涂謹申議員：OK，李慧琼議員，1分鐘。

李慧琼議員：多謝 Steven 向我提出這個關注，其實這個都有很多建制派的朋友問過我。我過去都很謹守我作為內務委員會主席的身份，因為基本上內務委員會主席與政務司司長溝通的內容，總體是內務委員會討論的內容。畢竟大家有不同的身份，我除了是內務委員會主席，亦有政黨主席的身份，我不希望被誤會利用這個場合做一些非內務委員會主席身份的事。

但是，事情確實是在一直變化當中。我亦希望各位建制派的議員，如果大家都需要我透過與政務司司長會面的過程中反映一些意見，我們都希望.....我都會盡力準確拿捏。但是，確實在整個過程中，是有這個挑戰。因為內務委員會處理的事務是在周五處理，其他很可能是一些政黨或一些黨派自己的意見，過去我就沒有利用這個機會.....

涂謹申議員：好了，要停止了。陳志全議員，30秒。

陳志全議員：當主席其中一種很重要的能力，就是自我反省的能力，有錯就要認、要改。

其實，我的問題都是想問，尤其是李慧琼議員，覺得自己在過去一年，因為她的表現，她覺得自己，撫心自問，處理得最差的一次，或者最不理想的一次或一點，是甚麼呢？或者她說對方的也可以。

涂謹申議員：是，李慧琼議員，1分鐘。

李慧琼議員：總體我認為內務委員會的會議，大體是暢順的。如果你問我最高興——不如我這樣答你——最高興那次其實是，事實上有時當我們與政務司司長會面的時候，由於我剛才所說的角色考慮和限制，未必完全很有用。但是，我很記得，有兩次事件，第一次就是政務司司長即場已經回應，當日議會剛剛開始，當時前財政司司長曾俊華先生不願意回答議員的問題。當刻在下午，我與 Dennis 與政務司司長會面，當時她也立即處理了這件事，讓議會可以暢順運作。這件事我認為是令我印象很深。我亦希望可以繼續透過內務委員會，推動議會更加暢順地運作。

涂謹申議員：好，郭議員，1 分鐘。

郭榮鏗議員：再談與政務司司長的會面，其實，我也有給自己一條界線，就是不會無故對司長提出自己關心的一項議題或關心的一件事，因為我作為議員，與司長見面並不是討論我所關心的事，而是要談一個整體立法會——或者我有一條很重要的界線，就是如果談到行政與立法的關係，這就是一個很好的機會，向政務司司長說一些和行政與立法關係有關的事。所以，我會提醒自己，與政務司司長會面時，若有甚麼問題是超出議程的話，首先我會對另外一位同事及對秘書說，第二，會說明這個和行政與立法關係有關的。譬如如果有些議員對於某些議程很有爭議，想作出修改，我覺得這是與行政、立法有關的一個問題。

涂謹申議員：好，張超雄議員，30 秒。

張超雄議員：主席，內務委員會主席接近是整個立法會的"第二把交椅"，當我們的立法會主席不主持會議時，內務委員會主席基本上是代理主席。而李慧琼議員亦是民建聯的主席，內務委員會本身是討論有關開會方法，制訂開會的規則，我們期望內務委員會主席會秉持一個公正及公道的做法。她會否辭去民建聯主席？

涂謹申議員：好，李議員，1 分鐘。

李慧琼議員：我相信過去一年，就我主持內務委員會的作風，大家都有給我意見，我亦認為總體是運作暢順的，我亦認為自己亦有按照《議事規則》，讓議員暢所欲言。至於說到不同身份、角色，其實我認為不同議員都要小心去拿捏在不同角色、身份下的工作。但是，大家都明白，香港的立法會，特別是內務委員會或立法會會議，其實財務委員會亦然，都非常透明。哪一次主持會議不公平，其實議員立即會舉手提出規程問題，然後就會出去"咪兜"那邊批評。所以，我認為不存在因為我有其他角色或政治立場，而影響我主持會議的公正性。我亦樂意不斷接受不同黨派議員的意見。沒有最好，亦希望將來做得更好。

涂謹申議員：郭議員，1分鐘。

郭榮鏗議員：回答 Fernando 的問題，其實我覺得內務委員會正副主席其中一個很重要的角色，就是要代表議員有時向立法會主席提出一些他主持會議上所產生的問題。

我記得在本屆，當然開始的時候，有很多很多問題，無論是宣誓，到他主持會議的尺度，都有很多議員向他提出問題。我覺得，如果我當選的話，我其中一個很重要的責任，就是要代表議員向立法會主席反映，究竟他在主持會議、在處理問題上，有甚麼問題，有甚麼意見向他直接反映。因為我們是有機會，譬如周五早上會與他召開一個準備會議，以及在其他情況之下，我們都有責任問議員，究竟他們對立法會主席在處理問題或主持會議上有甚麼問題，我們是有責任為他們反映的。

涂謹申議員：好，最後是朱凱迪議員，30秒。

朱凱迪議員：謝謝主席。首先，我認為多數派是不應該單方面去修改《議事規則》，如果可以這樣做，其實議會是開不成的。我想問李慧琼議員，她是否不會尋求跨黨派的共識，而是會在當選之後，以內務委員會主席的權力促進《議事規則》按照她的意思作修改呢？

涂謹申議員：李議員，1分鐘。

李慧琼議員：朱凱迪議員，我相信你太過將.....

涂謹申議員：對不起，今次應該由郭榮鏗議員先回應。

李慧琼議員：好的。

涂謹申議員：郭榮鏗議員，1分鐘。

郭榮鏗議員：我都是再說一次，我認為，第一，要處理所謂"拉布"——quote and unquote——的問題，我覺得，同事真是要想一想，其實修改《議事規則》，是否真的能解決這個結呢？是否真的能解決所謂"拉布"的問題呢？我自己是很有保留，所以我希望大家三思。

第二，說到修改《議事規則》，其實議事規則委員會的運作和功效是很重要的，就是大家都要尊重。首先，各黨派，尤其是建制派，都是有大多數的議員在議事規則委員會，而議事規則委員會運作已久，亦研究了所有關於《議事規則》的問題已久。所以，我希望大家會尊重議事規則委員會，由議事規則委員會去研究，所有要修改的方向及方案都是由這個委員會先審議。

涂謹申議員：好，最後是李議員，1分鐘。

李慧琼議員：朱議員，我相信內務委員會主席，無論我對《議事規則》修改的立場是甚麼，不可能因為我的立場而成為本會的立場。本會每位議員對不同事情都有很不同的立場，我亦希望盡最大的努力尋求一個平衡點。議事規則委員會是一個一直運作中的委員會，我們若然要修改《議事規則》，都會考慮透過議事規則委員會尋求共識。

不過，我們理解，修改《議事規則》，我相信這是其中一項不容易找到共識的。如果我沒有觀察錯誤，可能有些議員一開始亦都說，凡是修改《議事規則》，就會被視為所謂"削減議員的發言權"，他們一定會反對。可能亦有另一部分議員，包括

可能我自己，會認為有一些程序是必定要修改，有一些議題是不容易……

涂謹申議員：好了，完成了，真的不好意思。答問環節是剛剛30分鐘完結。我宣布現在以不記名方式進行投票，現在請工作人員給每一位出席的議員一張選票及一個有別號的印章。