

# OFFICIAL RECORD OF PROCEEDINGS

Thursday, 12 July 2018

The Council continued to meet at Nine 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 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, G.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, G.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 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, S.B.S., 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, B.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, S.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, J.P.

THE HONOURABLE DENNIS KWOK WING-HANG

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, B.B.S., 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, S.B.S., 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

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, J.P.

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG, J.P.

THE HONOURABLE LAU KWOK-FAN, M.H.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE AU NOK-HIN

THE HONOURABLE VINCENT CHENG WING-SHUN, M.H.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S.

**MEMBERS ABSENT:**

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

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

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

**PUBLIC OFFICER ATTENDING:**

DR RAYMOND SO WAI-MAN, B.B.S., J.P.  
UNDER SECRETARY FOR TRANSPORT AND HOUSING, AND  
SECRETARY FOR TRANSPORT AND HOUSING

**CLERKS IN ATTENDANCE:**

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

MS ANITA SIT, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): This Council continues to deal with the motion under the Legislative Council (Powers and Privileges) Ordinance.

Mr SHIU Ka-chun, please speak.

**MOTION UNDER THE LEGISLATIVE COUNCIL (POWERS AND PRIVILEGES) ORDINANCE****Continuation of debate on motion which was moved on 11 July 2018**

**MR SHIU KA-CHUN** (in Cantonese): Morning, President. I speak in support of Mr LAM Cheuk-ting to invoke the power of the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to authorize the House Committee ("HC") to order the MTR Corporation Limited ("MTRCL") to produce before HC all the documents, photos, related records of meetings and correspondences presented by China Technology Corporation Limited ("China Technology"), Fang Sheung Construction Company ("Fang Sheung") and Leighton Contractors (Asia) Limited ("Leighton") in relation to the quality of the extension works of Hung Hom Station of the Shatin to Central Link ("SCL").

MTR's jerry-built SCL is found increasingly ugly. Judging from the series of scandals involving MTRCL's works projects, non-compliant works involving unimaginable corner-cutting practices and shortened steel bars are found in both the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") constructed mainly by Mainland-funded construction companies and the Hung Hom Station, To Kwa Wan Station and Exhibition Centre Station of SCL constructed mainly by overseas-funded Leighton. Undoubtedly, the MTRCL management, various related government departments and accountability officials have abandoned their duties and skimmed on their regulatory efforts.

The Government has announced the setting up of an independent Commission of Inquiry to investigate the steel bars being cut short in the construction of Hung Hom Station. But I hold that the Legislative Council, which is vested with actual power, should not rely only on the investigation of the independent Commission of Inquiry because the quality of the jerry-built SCL is a serious matter and concerns the safety of human lives, but the Administration has not expanded the scope of the inquiry to cover related tunnel and viaduct

works projects along the entire SCL, thus failing to respond to public concern over the safety of the railway.

Members of the pro-democracy camp have repeatedly requested to investigate with the power of the Ordinance the works projects in Hung Hom Station, To Kwa Wan Station and Exhibition Centre Station. But the requests have been rejected. I certainly cannot identify with the reasons pro-establishment Members and the public officers have used. But I do not mean to bear any grudges against them or insist on proposing similar motions and soliciting support because of their rejection. In my opinion, Mr LAM Cheuk-ting's attempt to move this motion under the Ordinance is very humble. He is only asking MTRCL to produce to the Legislative Council all the documents and information that China Technology, Fang Sheung and Leighton have submitted to it.

I hope pro-establishment Members can change their mind. If they vote down this motion, they are contributing to a human disaster. They will become the accomplices if any works accidents happens in SCL in the future. Please, do not turn a blind eye to Hong Kong people's right to know and their personal safety. Do not cover the Government for deserting its own duty and turn themselves into the enemy of the people and the sinner in Hong Kong history.

As compared with other motions moved under the Ordinance earlier, Mr LAM Cheuk-ting's motion has bigger leeway for pro-establishment Members. Moreover, according to what Chief Executive Carrie LAM, Chief Secretary Matthew CHEUNG and Executive Council Member Bernard CHAN said earlier, setting up too many commissions of inquiry under the Ordinance would slow down the progress. Mr LAM Cheuk-ting's motion is in fact a perfect way out for them because the motion only seeks to request MTRCL to produce the documents to the Legislative Council, and this Council will not directly initiate an investigation. This is not too much to ask.

If the Legislative Council can review the documents, it can find out how many steel bars in the three metre-thick platform slab in Hung Hom Station have been cut short and how many steel bars have not been screwed into the couplers. If MTRCL is willing to produce the documents, the Government can expeditiously decide whether it is necessary to knock down the concrete wall with the steel bars to further investigate the matter. This is a very practical request.

In fact, the Commission of Inquiry of the Government will probably take half a year to conduct the investigation. If the Government and the pro-establishment camp truly want SCL to be commissioned on time, they should have this motion of the Legislative Council passed as soon as possible; otherwise, cost overruns by hundred million dollars due to delay caused by works conducted without safety protection will ultimately be borne by taxpayers.

President, I study sociology and teach sociology. A sociology term, "anomie", can aptly describe the present state of Hong Kong that lacks moral standards. Anomie here means that people conducting modern works projects lose their guiding values due to destruction of traditional values and protocol. In society in a state of anomie, religions and values that have been guiding society are challenged, such that people in society feel lost and without direction, since there is no commonly recognized values in society.

The series of scandals centred around MTRCL on the Hong Kong section of XRL and the jerry-built works projects of SCL are good examples of anomie. The fact that people in society dare to cut corners at the expense of human lives is in itself a blow to the core values of Hong Kong. Worse still, from the public officers up there to the pro-establishment supporters down below all invert right and wrong. I think many Hongkongers feel that the Hong Kong now is not the one they used to know. Hong Kong is getting increasingly Mainlandized. We thus feel upset. We lose our direction.

If we do not act decisively and pursue the truth with the power of the Ordinance, I am afraid these scandals will be endless. The only difference is whether the budget will overrun or not and whether the irregularities are discovered or not.

I hold that supporting the use of the Ordinance is the start of bringing order out of chaos. Requesting MTRCL to produce to the Legislative Council all the documents and information from China Technology, Fang Sheung and Leighton will help finding out the truth. Government departments have been slack in monitoring the works projects. We cannot afford to wait passively for accidents to happen. I urge pro-establishment Members to support this motion under the Ordinance.



But of course, if we only focus on the rotten MTRCL senior management, Leighton and the accountability officials, we are only focusing on some trees and ignoring the forest. We are also ignoring the deeper-seated conflicts and long-running abuses in Hong Kong now. These deep-seated conflicts and abuses show that rationality, or procedural rationality, which has been the vehicle for Hong Kong's success and modernity in a good half of the past century, is dissipating and losing its power.

Hong Kong has relied on its unique, comprehensive and well-established systems for its prosperity and leading status in the world. The ethics and conducts of our professional sectors, something we are proud of, have been internalized into codes of conducts which are being followed by different sectors and professions. These are indispensable protocol that enables Hong Kong to progress forward and remain viable. But then why did these systems and protocol fail to bring about their check and balance in the SCL scandals? My worry is that different administrative departments and sectors of society have been infected with the slack practices of the Government. Worse still, my worry is that when people get used to these practices and are not alarmed by them, the supposed monitoring effect and check and balance of the system will totally fall apart.

The series of scandals show that the problems have long existed. They did not happen today. But someone has time and again stopped the truth from being revealed and refused to face squarely these human faults and rectify them. Just like the lead-tainted water incident, do you think people truly believe that no one knew the problem beforehand? Despite the severity of the lead-tainted water incident, the companies concerned have at least taken some remedial measures. But Leighton, which should bear the greatest responsibility, has refused to explain to the public, and the Government and MTRCL do not dare to make it accountable, nor do they take any reasonable remedies. Leighton even attempted to meet with Members of this Council, trying to settle the matter in private, and the Members surprisingly responded to the invitation. These ridiculous situations are the same as the way disasters are handled in the Mainland.

I am indeed worried that the decision of the Chief Executive to establish an independent Commission of Inquiry is only her attempt to stay out of the matter and shirk her responsibility. Let bygones be bygones. Just like the case of the

maritime disaster, the result of the inquiry found that no one needed to take responsibility and the matter ended up with nothing definite. I am indeed worried that these examples with rotten internal practices will be found in different disciplined services, such as the Police and the Independent Commission Against Corruption and in the public sector, such as health care departments, the Department of Justice and the Registration and Electoral Office, as well as various public utilities.

I support the passage of the motion Mr LAM Cheuk-ting moved under the Ordinance to stop Hong Kong from falling further down the abyss. Hong Kong should not degenerate because of this.

President, I understand it is difficult to touch, or to shake up the royalist mentality of the pro-establishment camp. But I hope that pro-establishment Members can turn back at the last minute. Even if they will not follow Mr Michael TIEN's example to renounce the dark and join the light, they are welcomed to make a wise choice and abstain from voting, or be absent. GANDHI says, "You must be the change you want to see in the world." I thus hope that pro-establishment Members will not be brave in words and lame in action. I earnestly call on them to support this humble and practical motion.

President, I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, incidents involving the Shatin to Central Link ("SCL") under the MTR Corporation Limited ("MTRCL") have occurred one after another. As discovered by the media, there are problems with some 5 000 of the 26 000 couplers for connecting slabs on the newly-built platform of the Hung Hum Station. It is suspected that Leighton Contractors (Asia) Limited ("Leighton") as the contractor has failed to replace the defective components and instead arranged workers to cut short the steel bars in order to conceal this matter. This has jeopardized the safety of the platform level.

Besides, another incident has been revealed following this one. While this incident remains unresolved, serious water seepage has led to the unveiling of substandard steel bar connection in the Hung Hom North Approach Tunnels. The plastic protective caps on couplers which are supposed to connect to steel

bars have not been removed, making it impossible to screw the steel bars into the couplers. Compared to the cutting of steel bars, this is even more serious in the degree of disconnection. How serious is such substandard connection? Regrettably, MTRCL has failed to give us a clear account all along, and people are unable to understand its seriousness. Furthermore, works problems have also been found with other SCL stations apart from the Hung Hom Station, including the Exhibition Centre Station and the To Kwa Wan Station.

This series of scandals involving the SCL project have one major thing in common and that is, the Government has been kept in the dark. This reflects that the mechanism for works supervision under the Hong Kong Government, MTRCL and contractors is plagued by serious problems. While government officials have repeatedly criticized MTRCL for failing in its responsibility of timely notification, it seems that the Government as MTRCL's major shareholder has stayed aloof from all such matters as it has merely condemned MTRCL. Government representatives also sit on the MTRCL board. Does the Government think that it should not bear even just the slightest bit of responsibility?

Actually, over the past few weeks, we have heard many pro-establishment Members say that MTRCL and the relevant contractors are outrageous. But when Members propose to invoke the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") at Council meetings to conduct inquiries, they will immediately back down and argue that as the Government has already set up an independent commission of inquiry, we should not duplicate the investigative effort. But as pointed out by other Members and me, the Government as MTRCL's major shareholder is duty-bound to monitor works projects of various scales undertaken by MTRCL, so it is inevitable for people to question whether the Government is impartial. Besides, as shown by the conventional practice, it is doubtful as to whether the inquiry report will be published in full. For these reasons, whether the public can understand the cause of this matter will definitely become a question.

Besides, the ambit of the independent commission of inquiry as recently announced is likewise very problematic. It is only confined to the "diaphragm wall and platform slab construction works at the Hung Hom Station Extension under Contract No. 1112" and does not include the Hung Hom North Approach Tunnels which contractor Leighton is in charge under another contract. In this regard, even the Government has also admitted that water seepage has occurred in

the North Approach Tunnels and the quality of steel bars is very poor. Why should the authorities refuse to conduct an inquiry into this part? How can the public possibly have confidence in such a commission of inquiry?

Yesterday, the Secretary read out a whole lot of information, stressing that the Highways Department ("HyD") would conduct regular inspections of SCL and MTRCL would report on works matters to HyD. He also said that the authorities would arrange experts to conduct on-site loading tests, and a working group led by the Director of Highways would review the supervision of MTRCL's works projects. After saying all this, he asserted towards the end of his speech that the results would be announced once they were ready and told Members not to worry. However, what is the reality? The reality is that since HyD began to monitor the progress of the SCL works project in 2014, problems have nonetheless been found one after another in this works project scandal. Which instance is not proof that HyD is slow in realizing problems? Which instance is not proof that HyD has failed to come forward and give us a clear account of what has happened after detection of problems? Isn't this proof that the Government's monitoring of MTRCL's works projects is plagued by many serious loopholes? How can we possibly put people's mind at ease if we still pin our hopes on the Government's inquiry?

In fact, this motion is different from the motions proposed by Dr CHENG Chung-tai and Ms Claudia MO some time ago. The purpose of this motion today is merely to seek information from MTRCL rather than setting up a select committee to inquire into the incident or summoning witnesses to answer questions in the legislature. As asserted by Mr LAM Cheuk-ting, MTRCL's investigation was very outrageous, in the sense that when it put questions to China Technology Corporation Limited ("China Technology"), the subcontractor with video footages showing the cutting of steel bars at the Hung Hom Station, it nonetheless asked the legal representative of the contractor called Leighton to remind China Technology right there not to breach the confidentiality agreement. What is the point of doing so? Who will conduct investigation like it did?

Not only so, the report submitted by MTRCL in the end only disclosed the assertions given by Leighton and Fang Sheung Construction Company ("Fang Sheung") and withheld the contents provided by China Technology for the reason that the contents furnished by Leighton involved conflicts of interest, and no agreement could be reached. President, I do not know whether this is true. But

whether this is true or not, an inquiry should be held to find out the truth. Or, the authorities should at least make known to the public what some stakeholders had said, so that people can make their judgments. Did MTRCL refuse to do so because it wanted to harbour China Technology? What kind of information can be shown only to MTRCL and cannot be shown to us? Afterwards, Leighton not only rejected the relevant subcommittee's suggestion of taking questions from Members but also tried to arrange private meetings with Members through a public relations firm. What is so astonishing about those matters? What are those matters all about which cannot be disclosed to the public and must be discussed in private instead? Are they worried about anything? So, I think it is all the more necessary to find out the truth.

President, I noticed that when pro-establishment Members indicated express opposition to Dr CHENG Chung-tai's motion, some of them criticized China Technology for refusing to disclose the relevant information, thinking that there were problems with this. But sadly, the pro-establishment camp refused to conduct an inquiry. Now, we merely request the provision documents. There should not be any problem, right? Why should they refuse to give their support? Do they reject even such a simple request because they want to see the problems with MTRCL's SCL works project come to a quiet end? Pro-establishment Members have opposed various proposals. They do not even support our request for conducting an inquiry or MTRCL's production of information. Isn't this proof that pro-establishment Members are not concerned about the safety of Hong Kong people and do not respect their duties as Members?

At the House Committee meeting last week, Mr Michael TIEN proposed to invoke the Ordinance to summons representatives of the Government, MTRCL and contractors as witnesses to provide information on the problems with the construction works of the To Kwa Wan Station and the Exhibition Centre Station. But the motion was voted down due to joint opposition from pro-establishment members. While Mr Michael TIEN's motion is not directly relevant to this motion, pro-establishment Members' response has contradicted their assertion all along: The SCL project has fallen short of major public safety standards. Pro-establishment Members have criticized MTRCL severely for the SCL works project recently. But sadly, when Members propose that the Legislative Council should invoke the Ordinance to conduct an inquiry, they will immediately change to raise objection and forget all about public interest. As we can see now, station construction works are defective, and steel bars have been cut short.

This will affect public safety. Won't they agree that all these problems have constituted major safety incidents? Shouldn't we be concerned about them as well?

Over the past few weeks, I, together with various pro-democracy Members, have stressed over and over again and pointed out clearly that the Legislative Council is an organization representing public opinion, and it is definitely duty-bound to speak up for the people, monitor the Government and pursue responsibility. In this incident, the pro-establishment camp has spoken in defence of the Government and MTRCL, and all Hong Kong people can see this very clearly. The only objective of the various recent motions seeking to invoke the Ordinance is actually to find out the truth rather than determining the guilt or otherwise of anybody immediately. Why should they bar us from doing just this?

This SCL scandal not only affects the date of commissioning service. More importantly, it may affect public safety. Besides, the works cost amounting to hundreds of billions of dollars is all borne by the people. As an organization representing public opinion, the Legislative Council is certainly duty-bound to pursue responsibility for the people and give an account to the public. Therefore, just like other Members, I also urge pro-establishment Members to support Mr LAM Cheuk-ting's motion for the sake of public interest and people's safety.

President, I so submit.

**MR TONY TSE** (in Cantonese): President, the present motion moved by Mr LAM Cheuk-ting under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") is the third motion on the Shatin to Central Link ("SCL") moved under the Ordinance within a mere 15 days. Apart from the political considerations involved, this also shows the high degree of community concern over the Mass Transit Railway Corporation Limited ("MTRCL") with regard to its works quality, management, supervision and safety issues.

I have pointed out repeatedly that the serial irregularities found in SCL are absolutely unacceptable. The scandal involving shortened steel bars at Hung Hom Station, in particular, reflects that the works quality and supervision of

individual contractors are probably problematic. Not only that, also present are loopholes in works supervision, internal and external reporting done by MTRCL and the Hong Kong Government. The situation calls for thorough investigation to seek out the underlying truth and evaluate the magnitude of problem expeditiously, before holding the relevant parties responsible for breaching of contract, professional liability and criminal liability, on top of implementing the necessary remedies promptly as well as suggesting improvement and reform proposals so as to prevent future occurrence of similar incidents.

Therefore, I immensely welcome the Chief Executive in Council to formally appoint, under the Commissions of Inquiry Ordinance (Cap. 86), on Tuesday Mr Michael John HARTMANN, former Non-Permanent Judge of the Court of Final Appeal, as Chairman of an independent Commission of Inquiry and Prof Peter George HANSFORD, Professor of Construction and Infrastructure Policy at University College London, as Commissioner. The Commission will inquire into the construction works under the SCL Project, as well as the supervision system adopted by MTRCL and the Government, before submitting a report by the end of the six-month inquiry.

The fairness and independence of Mr Justice HARTMANN go beyond doubt. Prof HANSFORD is a world renowned expert in infrastructure works and was a Chief Construction Adviser to the United Kingdom Government. He will be able to provide support and expert advice to Chairman HARTMANN in relation to the technical aspects of works. The arrangement agrees with the suggestion and views that I have been holding all along. Furthermore, both of them were on the expert panel that examined the works delay and cost overrun of the Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link. They are both highly knowledgeable in railway works as well as the supervision system adopted by MTRCL and the Hong Kong Government. All these make them the most appropriate investigators looking into the construction problems of SCL, professionally and in terms of efficiency.

The terms of reference of the independent Commission of Inquiry start with the construction works at the Hung Hom Station Extension. Yet, the Commission also has to examine the systems and procedures adopted by MTRCL in six areas, including project management and supervision system, quality assurance and quality control system, risk management system, site supervision and control system, system on reporting to Government, system for

communication internally and with various stakeholders, and any other related systems, processes and practices. The monitoring and control mechanisms of the Government also fall within the terms of reference expressly laid down for the independent Commission of Inquiry. In other words, the independent Commission of Inquiry can investigate issues relating to the management and reporting supervision of the works in other stations, should it meets such actual needs during the enquiry.

Mr LAM Cheuk-ting's current motion primarily seeks to authorize the House Committee under the Ordinance to ask for documents and information of the relevant contractor and subcontractors with regard to the extension works of Hung Hom Station. Under the Commissions of Inquiry Ordinance, an independent Commission of Inquiry enjoys the status as that of a court and holds statutory power in mandating the production of necessary documents by relevant organizations and individuals. I also expect the independent Commission of Inquiry to do this.

Under such circumstances, is it necessary for the Legislative Council to duplicate the work of an independent Commission of Inquiry? Even if the documents concerned are obtainable by this Council, does each and every Member here possess adequate professional knowledge to digest and analyse them? Is it entirely appropriate for the House Committee of this Council to ask for and inspect these papers? I do have reservations about these questions.

Of course, it is a right for the Legislative Council to hire engineering experts from outside to help Members conduct inquiry and to obtain their expert advice. But like what the Chief Executive has said earlier, as many local engineering professionals have participated to various extents in works relating to SCL or other MTRCL projects, they have different degrees of interest or role conflicts. The Government therefore has met considerable difficulties when identifying engineering experts to join the Commission. When compared with the Government, will the Legislative Council meet more obstacles, or less, in identifying experts and seeking for their help? Should we spend further time and public money to hire foreign experts and duplicate the investigation to be carried by the independent Commission of Inquiry? It will probably take quite a debate for the Legislative Council to decide whether experts should be hired or which experts should be hired, and thus dragging out the investigation.



So, to me, the independent Commission of Inquiry enjoys another advantage, that is time efficiency, over the Legislative Council in conducting an investigation into the SCL incident. The independent Commission of Inquiry is going to submit a report in six months. Meanwhile, I have taken a look at the investigations conducted under the Ordinance in the past. In the short-piling incident in public housing estates, for instance, it took the then select committee almost two years to submit the first report, and then another one year and four months to submit the second report. That is, altogether it took more than three years to complete the investigation. The investigation over the LEUNG Chin-man incident was shorter. The Legislative Council spent two years to investigate this incident before producing a report. The investigation into the SARS incident took only nine months to complete, one of the reasons was that the term of the then Legislative Council was coming to an end. According to records, the shortest investigation conducted by the Legislative Council took only four months to complete and it was the one on the West Kowloon Cultural District design competition in 2012. Apart from the term of the then Legislative Council was coming to a conclusion, perhaps all of us know there are other reasons for the speedy completion of that particular investigation: the major one was that the investigation was meant to target the Chief Executive election held at that year.

Moreover, I have also participated in two select committees that were not authorized by the Ordinance during the last term of the Council. These two select committees looked into the Timothy TONG incident and the incident involving cost overrun and construction works delay of the Express Rail Link respectively. From my own observation, only a handful minority of members could sit through the meetings to listen to witnesses giving testimonies and other members posing questions. Some members might have to attend to other businesses such as the Legislative Council meetings and hence had to pop in and out of the committee meetings where they often left right after posing questions and delivering speeches. As they did not fully participate in the meetings, they could not pay undivided heed to the issues.

President, just like what I said before: under the situation where the statutory independent Commission of Inquiry is about to launch a formal investigation, the Police are now conducting an all-embracing criminal investigation into the incident, independent senior engineers are carrying out loading tests to ensure the safety of the Hung Hom Station platform, the Development Bureau is scrutinizing the report submitted by the Hung Hom Station contractor, and MTRCL is going to appoint a consultant to fully review

the entire construction works for SCL as well as its internal management procedures, is the Legislative Council in any practical and urgent need to cite the Ordinance for conducting another investigation? Therefore, I will not support Mr LAM Cheuk-ting's motion at the current stage.

President, I so submit.

**DR CHENG CHUNG-TAI** (in Cantonese): Good morning, as highlighted by the Members who spoke earlier, this motion seeks to investigate into the incident relating to Hung Hom Station of the Shatin to Central Link ("SCL") through invoking the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance"), and it is already the third motion with similar request proposed within half a month. Excluding the motion moved in the House Committee, the first motion was moved by me two weeks ago in the Legislative Council meeting. I asked to set up a select committee by the Legislative Council to investigate into the SCL incident and other related matters. Of course, it is disappointing that the motion was vetoed due to the pro-establishment camp's support to the Government.

In the following week, Ms Claudia MO moved a motion to look into the matters related to the Exhibition Centre Station and To Kwa Wan Station through invoking the Ordinance. But her motion met the same fate.

Today, this motion was moved by Mr LAM Cheuk-ting. The direction of this motion is totally in line with our investigation direction, with only slight adjustments to the scope. It may not want the scope to be so wide as to set up a so-called select committee, but only want to focus on soliciting the meeting documents, records of meetings or the relevant files of the project companies in relation to Hung Hom Station of SCL, including China Technology Corporation Limited ("China Technology"), Fang Sheung Construction Company and Leighton Contractors (Asia) Limited ("Leighton"). From this perspective, I think this is the first reason, in my view, that Members from the pan-democratic camp or the pro-establishment camp should support this motion, as it is a rather mild motion. It is mild because the Government cannot accuse us for duplicating the efforts again. The Secretary says that if the Legislative Council conducts its own investigation in addition to the investigation of the Commission of Inquiry already set up by the Government, this will be tantamount to piling one bed upon another or building one house on top of another. But now there is no

such thing as we only ask to check the duvet from them. We are not asking them to move the bed here, but just to take out the duvet and let us see whether it is made of shoddy cotton. But even this is not acceded.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

We have to understand why three similar motions have to be proposed respectively in three consecutive weeks, and the second reason is related to the Commission of Inquiry set up by the Government. Of course, I highly respect Mr Justice HARTMANN and Prof Peter George HANSFORD, who is a professor at University College London and formerly a chief construction adviser in the United Kingdom. However, why are some Members and even the public sceptical of this Commission of Inquiry? I think this is only attributed to the remark of Mrs Carrie LAM. She says that the report of this Commission of Inquiry will not have any impact on the commissioning of SCL, and both of them may not be related. This Commission of Inquiry is to look into the cutting of steel reinforcement bars or jerry-building cases at Hung Hom Station of SCL. If there are such cases or even if they are found out to be not so serious, the commissioning date of SCL will surely be affected. It is now estimated that SCL will be commissioned in the second half of 2019, but Chief Executive Mrs Carrie LAM says that the investigation may not be related to the commissioning date. How can they not be related? She can say that since she has confidence in their work, the commissioning date may not be affected. That is what she can say. But now she says that they may not be relevant. This is tantamount to saying that the Commission of Inquiry will only focus on looking into systemic loopholes but may not allay our concern about the safety of Hung Hom Station of SCL. Hence, this is the second point which is about our being sceptical of the Commission of Inquiry. In fact, should Hung Hom Station of SCL be demolished and then rebuilt? Should the concrete of the walls be dismantled so that we can check those steel reinforcement bars? At present, both the Government and the MTR Corporation Limited ("MTRCL") say that it is unnecessary to do that. This is the second reason for raising our request to conduct an investigation through invoking the Ordinance.

The third reason is also the most important one. At nearly 8 am today, a new photo was released by the media. That photo tells the condition of SCL in July 2013. We get a new piece of information and message. That photo shows

the diaphragm wall at the platform of Hung Hom Station of SCL. It is the wall beside the rail track or opposite to us when we are waiting for the train, or the wall for advertisement. In that photo, the steel reinforcement bars of the cage for the diaphragm wall were basically not screwed properly into the couplers. In other words, before the meeting started today, the latest information, photo and the fact tell us that the problem with Hung Hom Station of SCL does not purely concern certain construction walls, but also concerns the diaphragm walls where advertisements are usually shown at the platform. We need to understand how to build rail track tunnels. They have to install a steel cage. In order to fix the cage, they need to screw the steel reinforcement bars tightly into the couplers and then place a layer of concrete. This is the progress that I learn from the engineers. Some engineers, who have been working for MTRCL for 40 to 50 years, were terrified after seeing the photo, and they also felt sorry for what MTRCL has been doing. That photo tells us something more than the cutting of steel reinforcement bars. In order to catch up the schedule or reduce costs, the contractor or the company concerned has produced such rough and slipshod works as placing the layer of concrete before the steel cage was properly screwed, and considered the job done as the cage was fully covered.

This is the third reason why we want to solicit the relevant information, documents and records. The situation is not as simple as the dropping of small amounts of concrete from the floor upstairs where the ticket office is located. It is different from our understanding. At the platform downstairs where passengers are waiting for the train, for example during the time when people get off work at Admiralty, how many people will be waiting at the platform? It is when passengers need to wait for two to three trains before they can get on the train. In case the tunnel collapses, what should we do? After seeing that photo, the engineer concerned briefly pointed out that in case there was accumulation of water on the floor and water seepage during rainy days, the floor would collapse due to overloading, and this could be a very serious safety incident. How could Mrs Carrie LAM say on Tuesday, or in the morning of the day before yesterday, that the investigation of this Commission of Inquiry would not have any impact on the progress of commissioning or might not be related to the commissioning date of SCL? Therefore, this is the third reason, which is related to the latest information and the latest photo released at nearly 8 am today, before we spoke on this subject in this Council. If you have not got a glimpse of it yet, you can check it online. Only if you go online, you can see the photo.

Fourthly, during this process, we are getting more and more information. In these three consecutive meetings, we gradually learn some changes of certain fairly subtle matters. Of course, we do not harbour the extravagant hope or expect that the pro-establishment Members will leave the meeting or decide not to vote. But in fact, they also have to face certain pressure. To the directly elected Members or those returned by election, in particular, they are not free from any public pressure, as the nature of this incident is very clear. This is related to railway safety, not a political or constitutional controversy. It has nothing to do with the National Anthem Law or National Flag Law, but is a discussion on whether a passenger will die while travelling on the MTR. Have you ever thought of death due to travelling on the MTR? This question is as simple as that.

Nonetheless, during this process, firstly, I will not comment on the criticisms from functional constituencies. But there is one thing that the public do not know. How could Leighton be so blatant in meeting individual Members, like Mrs Regina IP and Mr Michael TIEN, in private? Of course, it did not ask to meet me as I am only an insignificant person whose words carry little weight. On Monday morning, Ms Tanya CHAN, Ir Dr LO Wai-kiwok, Mr Michael TIEN and I attended a television programme of NowTV related to Hung Hom Station, and we were supposed to talk about why we would support invoking the Ordinance or otherwise. While Ir Dr LO Wai-kiwok was speaking, he disclosed that when the invocation of the Ordinance was first proposed, Leighton had already met him. That means the private meetings were not a matter of last week but already happened when the invocation of the Ordinance was first proposed.

In that programme, he said that since the Legislative Council was discussing with the Government about the Hung Hom Station issues, when meeting with Leighton, most of the conversation was focused on how to respond to the questions from the public and the media. We then queried whether Leighton had hired any public relations company to approach legislators, for the sake of learning the views of Members. Of course, he just laughed it off at that time, saying that he had never thought of any lobbying of the Government and legislators by a public relations company. Why should they do this? This is not the United States, and there is no lobbyist in Hong Kong. Why would there be an intermediary to lobby for votes? Hong Kong is an autocratic society. Why should they be so concerned about lobbying for votes? Hence, the media

coverage about the Office of the Chief Executive lobbying for votes is absolutely superfluous. They basically do not need to lobby for votes. What they need to do is simply sitting here.

Fourthly, the problem in this context is that some groups and people with vested interests are trying to interfere so that the public cannot learn about the truth and public safety has always been under the threat of substandard materials and works. Is it safe to use that railway? We are all living in the dark. All infrastructural projects in Hong Kong have some dark secrets.

Moreover, during the process, Deputy President, I am sorry as I have to mention your party member, Dr CHIANG Lai-wan, who forgot to declare interests and voted against the motion on the invocation of the Ordinance. The problem does not lie in her relatives or her husband but in public perception. We always think that we are accountable to the public when we monitor the Government through this Council, but we are actually accountable to some unknown companies. What should we do?

Fifthly, why should I support this motion under the Ordinance that seeks to solicit the relevant documents and information? The motion that we discussed yesterday was not about Hung Hom Station of SCL but about the laying of i-bars in the Exhibition Centre Station of SCL. For two weeks in a row, we have to ask, also in Ms Claudia MO's motion, why Leighton, being the contractor of SCL and the Exhibition Centre Station, knows nothing about the arrangement of i-bars. A few days ago, some MTRCL staff went to the site for inspection and found that the i-bars were placed 1 m away from the planned location. What does it represent? This has attributed to my support to Mr LAM Cheuk-ting's motion. In fact, the focus is the illiteracy of Leighton. Does Leighton have any records of meetings? Does it have the relevant written records? Or is it illiterate? After receiving more than one non-compliance notice from the Government and under public criticisms for a few weeks in a row, how could that company still have the i-bars placed 1 m away from the planned location just a few days before MTRCL's inspection? What I care about is not only the personal safety of the construction site workers, who will surely die if the floor collapses, but also the safety of vehicles travelling in Wan Chai North which may fall underneath in case of any road subsidence during construction. It does not simply concern about the pit, but is an issue about why Hong Kong can be helplessly subject to such exploitation.

After all, there are only two conclusions. First, Leighton is domineering and it is even stronger than the Government. How can Mrs Carrie LAM save face then? She will later attend the question session in this Council, answering questions from Members. But where is Leighton? For a whole month, not anyone from that company has come out to respond a word. It is said in a press report that the management of Leighton will not easily come out to make a response. Is it the Government of the United States or President Donald TRUMP?

A few days ago, the Government issued a notice in respect of the incident of that station, but it is unable to cordon off that area for investigation. In fact, it is justified to cordon off that station and suspend the works, but it does not want to do it that way, as this will give the public an impression that it is, firstly, domineering; and secondly, incompetent. Together, they form the reason leading to a failing Hong Kong. The Government is promoting so-called innovation and technology, but it has no solution whatsoever in respect of all the incidents concerned which are no longer political disputes. This has been repeatedly mentioned by me.

Therefore, finally, why should I support this motion? It is because at the meeting of the Subcommittee on Matters Relating to Railways on this Friday, Mr Michael TIEN as the Chairman of this Subcommittee will follow up on this matter with us and will also summon the companies concerned to the Legislative Council. As at today, another company came to this Council last week, and China Technology has promised to come to this Council this week. In regard to this incident, China Technology is the most forthcoming in facing the media, and is the most cooperative in supporting the Legislative Council to investigate the incident concerning Hung Hom Station of SCL through invoking the Ordinance. What is the point of summoning them here? I would like to highlight again that the speech made by them at the meetings of the Legislative Council is not protected, and neither are they protected from defamation or breaching the confidentiality agreement. But Leighton will not come to the Legislative Council on this Friday. This can easily explain why I have to support Mr LAM Cheuk-ting's motion which is only asking for submission of documents instead of asking them to come to the Legislative Council.

Deputy President, I so submit.

**MS TANYA CHAN** (in Cantonese): Needless to say, I now rise to speak in support of Mr LAM Cheuk-ting's proposal of initiating investigation against the issues involved in the construction of the Shatin to Central Link ("SCL") under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance"). The scope covered in today's motion is wider than that of similar motions moved in the recent three weeks.

Deputy President, as Dr CHENG has told just now, there are more breaking news. This is really incredible. I wonder if the Chief Executive had already been informed in advance of the problems with the diaphragm wall when she attended the question and answer session of the Legislative Council to give short replies to Members' short questions last Wednesday. I had written to the Chief Executive on 7 June and 12 June to make recommendations on the terms of reference of the Commission of Inquiry. Then I read carefully her reply to me and found that the scope of inquiry and the terms of reference set for the Commission of Inquiry are quite interesting. Members' major concern was about the condition of platforms back then, but unexpectedly, the opening sentence of the description of the terms of reference of the Commission of Inquiry reads as follows: "In respect of the diaphragm wall and platform slab construction works at the Hung Hom Station Extension under the MTR Corporation Limited ('MTRCL')'s Contract No. 1112 ('the Contract') of the Shatin to Central Link Project". Deputy President, you see, the diaphragm wall is included in the scope of inquiry, that means even the diaphragm is also problematic. And this tells us that it is a very serious incident indeed.

At first, people thought that things had only gone wrong with the platform, and it should be linked up with the diaphragm with stay wires if there was something wrong with its load-bearing capacity. Yet, out of everyone's expectation, it turns out that the diaphragm wall itself is unsound and will collapse at any time. What to do then since no support is available from the diaphragm wall or other external structure? It is no kidding, Deputy President, I really felt much helpless upon learning the real situation. Who could have expected instances of non-connection and faked connection to keep emerging? Is this chain reaction or domino effect?

As I have mentioned earlier, workers of the project concerned had to dismantle a 132-metre long section of the wall of the extended part of the North Approach Tunnels of the Hung Hom Station lying beneath the funeral parlour to



carry out works to fortify the wall by pouring in cement afresh and reconnecting the steel bars properly in March this year. And at the present moment, the diaphragm wall is also identified with similar issues and is utterly not impossible to provide any support to the platform. The incident is really a serious one. Deputy President, I did not print out the photos for the sake of environment protection. Yet, simply by taking a look, you will find some of the steel bars have been detached from the wall and the screws were not properly fixed. Despite of an inch's distance between the steel bars and the couplers, the workers did not even bother to make them seem like being screwed correctly into couplers, where the threading of the couplers is still clearly visible. They would rather not take the trouble of slightly polishing up the surface because they thought that people would not realize the problem after pouring in cement. Well, what on earth had happened?

Deputy President, why do I have to emphasize deliberately the severity of the situation? It is because such irregularities first emerged in as early as 2013. Consider this: From that year up to today (i.e. 2018), many works have already been completed, including the installation of all the advertisement lightboxes on the diaphragm walls. Thus, from this we learn that the construction has reached a later stage.

Besides, please do not forget that that the construction procedures of Exhibition Centre Station were signed by various construction companies in an orderly sequence. The truth is, however, the front and back sides of the steel reinforcement cages were inverted by mistake when being placed in the two walls by workers. Since no one was aware of the mistake, workers went on to pour in cement. Subsequently, someone suddenly realized that they had committed a big mistake due to misinterpretation of the structural plan and thus proceeded to find remedial support for the walls. However, they still did not intend to tear down the walls for reconstruction. Is it possible that they went straight ahead to pour in cement because they believe there should not be any problem as different companies had signed to approve of the procedures? I think this is probably the truth behind the story. Hence, I do have grave concerns about the stability issue of the entire Hung Hom Station.

Of course, according to the Government's reply, the Commission of Inquiry will examine issues concerning Hung Hom Station only and not the Exhibition Centre Station, To Kwa Wan Station or any other station of SCL, which I think is

inappropriate. The Government explained that the nature and complexity of other incidents are incomparable to that concerning the Hung Hom Station Extension. In fact, the departments concerned are rectifying the problem. Deputy President, this is not true, of course. If we check the list of issues in paragraph (b) of the terms of reference of the Commission of Inquiry one by one, we will find the issues pending review include MTRCL's supervision and management system, risk management, and site supervision. These issues are not only present in Hung Hom Station but also in other station along the route. Therefore, apart from the Hung Hom Station, the Commission of Inquiry should also inquire into issues concerning railway viaducts or tunnels.

Our current focuses are not only the systems but also the overall safety of the station. How can SCL be commissioned with the presence of any unsettled safety issue, even though improvements have been made to the systems? I really cannot figure out how this is possible. If inquiry is only conducted into the safety issues of Hung Hom Station, the Government will never be able to make all relevant parties submit reports in a cooperative manner. Frankly speaking, Leighton Contractors (Asia) Limited ("Leighton") has been rather uncooperative until the Government takes this harsh approach by invoking the Commissions of Inquiry Ordinance (Cap. 86) to appoint a Commission of Inquiry which will require it to produce all relevant documents to the Legislative Council. It will have to conform then or be at risk of committing contempt. But what about companies other than Leighton, such as China State Construction International Holdings Limited that had also taken part in the construction of Exhibition Centre Station? Will they have to submit any reports as well? Anyway, the matter cannot be deemed well settled even after the problem of inverted steel cages was rectified, I suppose?

Deputy President, in respect of the issue concerning I-beams mentioned by Dr CHENG Chung-tai just now, I have consulted others what the matter was about. I wonder if you have noticed that workers kept carrying out excavation works along the two walls for installing I-beams to support the walls in order to prevent them from collapsing. Deputy President, I think you may get stuck in a traffic jam quite often. The presence of various traffic diversions in Wan Chai North, which is adjacent to the Legislative Council, has caused serious traffic jams. Most importantly, however, the topside development of the convention centre at Exhibition Centre Station has been planned at an early stage and already included in the Wan Chai North Outline Zoning Plan. If the bottom of

Exhibition Centre Station collapses, the convention centre on top of it will have problems too. Therefore, I really do not understand how the authorities can totally ignore these issues.

On the installation of I-beams, why had those beams been used to consolidate support except at the last level, where the beams were no longer used? Moreover, why deeper excavation works was carried out in that part? Members may still recall that some Members had raised this issue at the meeting of the Subcommittee on Matters Relating to Railways held last Friday. Carrying out deeper excavation did not make sense at all since this would entail more manpower, money, and time. Deputy President, they said that marks were put on the wall beforehand at the points where I-beams had to be installed but they just ignore all these and kept on with the excavation works later on. Why did they do so? Well, it was because they meant to give people a false impression that installation of I-beams was not necessary and so they just kept excavating to the bottom and sealed off the bottom at last. That way helped save I-beams (i.e. materials), manpower and time. As long as the bottom was sealed off where no one could see the inside of it, they could pretend that works were completed and manage to muddle through. That explains why the contractor simply ignored the cease work advisory letter issued by the authorities—that is exactly the *modus operandi* of Leighton. In the light of this, how could the Government have told us that the overall situation was still fine where incident severity differed, thus requiring no inquiry. Impossible, right?

Deputy President, consider the remarks contained in the government paper: "... posing serious safety risks". The Under Secretary should remember that such remarks actually came from your Bureau. Do you want me to retrieve the document and show it to you then? You submitted this paper at last meeting and I had pointed out that while harsh words were used to criticize the situation, it only remarked in the conclusion that "there were shortcomings on ... the communication mechanism", as if it was no big deal at all. If Members still remember—I will always remember—on the very first day (i.e. 30 May) when the problems concerning Hung Hom Station were exposed, the Secretary told us that MTRCL was responsible as problems were rectified. He was talking about Hung Hom Station then, but inquiry still has to be launched into the problems of that station at last. By the same token, even if the problems concerning Exhibition Centre Station are rectified, is it not necessary to conduct inquiry into those problems? Definitely not, Deputy President.

Exhibition Centre Station is of much importance indeed—leaving aside in the first place the matters relating to Admiralty Station—on top of which will stand several storeys of convention facilities and it is in close proximity to an essential traffic hub where the project works of the Central-Wan Chai Bypass are in progress near the station. Besides—maybe the Deputy President still remember—bombs were found at the construction site of Exhibition Centre Station. Deputy President, I am certainly not taking this as part of the faulty works. Yet, Deputy President, I must point out on thing, that is, the bomb incident served to reveal the sloppy site supervision carried out by MTRCL. Actually, in as early as 2012, MTRCL had already learned that there were bombs at the works site of Exhibition Centre Station knew exactly at which level those bombs were. However, it still let the workers continue with the excavation works without allowing them to use metal detectors to avoid any false activation of the alarm of the detectors during the soil-filling process. Thus, workers had to excavate with bare hands as if they were conducting archaeological works. Deputy President, this is really incredible, right? Not until the first bomb was unearthed were they allowed to use metal detectors. Does this mean MTRCL care nothing about the safety of workers at all?

Given the current situation of Exhibition Centre Station, I deem it a wrong decision not to launch inquiry into the various issues concerned. In fact, the current motion moved by Mr LAM Cheuk-ting only demands that MTRCL produce all relevant documents apart from submitting various reports. Certainly, we do hope that an in-depth inquiry can be conducted as it is most likely that problems have already emerged in various stations of the rail line of SCL at the present moment—Deputy President, what I mean is, if there were shortcomings on MTRCL's and the Government's implementation of the site supervision system and the communication mechanism (particularly on monitoring), Hung Hom Station would not be the only station affected. Actually, each station would have been affected, in particular Exhibition Centre Station, and To Kwa Wan Station must have been affected too. I am so helpless indeed and remain clueless as the Government said that they had to stay in focus. As a matter of fact, it is most appropriate to focus on the inquiry into all the stations along the entire rail line of SCL. That way, the inquiry will never lose focus. I do not see why inquiring into issues of other stations is regarded as "out of focus". Do not tell me that trains will not pass through other stations.

In addition, Deputy President, I must point out that the scope of inquiry currently set is incomprehensive and will have the Commission of Inquiry led by Mr Justice HARTMANN "bound hand and foot". And so, I hope Members of the pro-establishment camp will also support this motion.

On Monday, which has just passed, Dr CHENG Chung-tai, Mr James TIEN, Ir Dr LO Wai-kwok and myself appeared in a show called *News Magazine* (時事全方位) on "now TV". Back then, Ir Dr LO Wai-kwok had made a suggestion which I find quite interesting: "We will wait until the Commission of Inquiry has published its report on the inquiry and consider whether we should invoke the Ordinance then." That is to say, only when we are dissatisfied with its report will we seek to invoke the Ordinance. Nevertheless, Deputy President, on what basis are we supposed to be dissatisfied with a report that is written after hearings by experts and judges are conducted with evidence seized and legal advice sought? As Members of the Legislative Council, we are not given the opportunity to take part in the hearings or access to relevant documents when the inquiry by the Commission of Inquiry is in progress, how are we supposed to feel dissatisfied then? This being the reality, how will it be possible for us to voice our demand of initiating our own investigation? So stop messing me about! Deputy President, it is really impossible for us to be dissatisfied with a report that takes six months to complete. Thus, why not let us conduct investigation at the same time while inquiry is being launched by the Commission of Inquiry? Deputy President, I wonder if you have ever sit on a select committee but I did have engaged in the work of a select committee. I trust that you have the knowledge of the relevant procedures: A select committee is appointed in the first place and followed by a preparatory meeting to decide the number of committee members, terms of reference and scope of inquiry. Actually, we can make reference to the scope of inquiry of the Commission of Inquiry appointed by the Government in deciding the direction of our investigation so that we can combine our efforts and complement each other to achieve better outcomes. Why not do so then?

Deputy President, all I want to say is that the current scope of inquiry focusing solely on the diaphragm wall in Hung Hom Station is inadequate because not only should we inquire into systemic problems and identify inadequacies search, we should also bring the truth to light and find out who should be held accountable. Yet, most importantly, Deputy President, we have to ensure safety and reliability of SCL. Frankly speaking, the main works of the SCL project has been experiencing cost overruns since an early stage. And now,

it is very likely that there will be a delay in the commissioning of the SCL project. Taking into account the potential safety issues, MTRCL may have to spend a huge sum on repair and maintenance and it is the Hong Kong citizens who will be affected as a result since MTRCL will probably cut the concessionary offers for its passengers in order to cope with the substantial expenditure involved. That means at the end of the day, members of the public and even our next generations will have to suffer. Hence, it is definitely incumbent upon the Legislative Council to exercise the powers conferred by the Ordinance to keep on hunting the truth.

Last time, Deputy President, two resignations from MTRCL's top management were tendered following the release of the Report of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link Independent Expert Panel led by Mr Justice HARTMANN. And this time, rumour has it that heads will roll, but I do not know whether it will be the Secretary's, Dr Philco WONG's or Lincoln LEONG's head that rolls. I dare not make any guesses. Yet, Deputy President, I think it just will not work if the Government wishes to quell public anger by doing so in a bid to put an end to the public outcry over the ongoing scandal. Our focus is on safety but we will also see if public money has been wasted. Therefore, the MTR used to be a brand name representing Hong Kong, but now its reputation has been badly tarnished. I must reiterate that Philco WONG should be held largely responsible as he has been in charge of the supervision of the building works of the SCL project for seven years since he joined MTRCL. Currently, he is the President of the Hong Kong Institution of Engineers ("HKIE"). Judging from the irresponsive attitude of a person who has failed to do his job well, I have no idea how he is supposed to lead HKIE.

I so submit.

**DEPUTY PRESIDENT** (in Cantonese): I wish to remind Members that this motion aims at authorizing the House Committee to order MTRCL to produce all the documents in relation to the quality of the excavation works for Hung Hom Station of SCL

Hence, the emphasis of this motion debate is on whether Members support making MTRCL produce all relevant documents to the House Committee and the SCL station in question is Hung Hom Station instead of any other station, such as To Kwa Wan Station or Exhibition Centre Station.

Members have spent quite a great deal of time on discussing issues of other stations. Will Members please focus their speeches on the question under debate.

**DEPUTY PRESIDENT** (in Cantonese): I now suspend the meeting. The Chief Executive's Question and Answer Session will be held from 10:30 am to 12:00 noon. The meeting will resume immediately after the Chief Executive's Question and Answer Session.

10:03 am

Meeting suspended.

12:02 pm

Council then resumed.

(THE PRESIDENT resumed the Chair)

**PRESIDENT** (in Cantonese): This Council will continue to deal with the motion moved under the Legislative Council (Powers and Privileges) Ordinance.

Mr CHAN Chi-chuen, please speak.

**MR CHAN CHI-CHUEN** (in Cantonese): President, I speak in support of Mr LAM Cheuk-ting's motion. I support invoking the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to order the MTR Corporation Limited ("MTRCL") to produce what its contractor and subcontractors presented to it ...

(Someone in the public gallery was shouting)

**PRESIDENT** (in Cantonese): Will the people in the public gallery stop shouting? If any one of you continue shouting, I will order you to leave the public gallery.

Mr CHAN Chi-chuen, please continue with your speech.

**MR CHAN CHI-CHUEN** (in Cantonese): President, I will continue with my speech. I support invoking the Ordinance to order MTRCL to attend before the House Committee to produce the documents its contractor and subcontractors presented to it. In fact, Mr LAM Cheuk-ting has confined this motion moved under the Ordinance to a limited scope, showing great restraint and modesty. The underlying reason for this is that he hopes more pro-establishment Members will give serious consideration to supporting this motion.

I wonder if Members saw the news this morning. An online media covers an exclusive news story whose heading reads "沙中線紅磡站連續牆鋼筋無扭緊 嚴重可倒塌" (steel bars of the diaphragm walls at Hung Hom Station of the Shatin to Central Link not fully screwed in, likely to collapse in a worst-case scenario). Relevant photos shows that an MTRCL employee was present there. This is really a great shock to members of the public, and even more so for the industry. The reasons that I support this motion is that the attitude of MTRCL has remained awful since June and that I wish to highlight various benefits of disclosing the documents so as to support this motion.

Firstly, MTRCL is not neutral, transparent, nor trustworthy. One of the key reasons for me to support this motion is that MTRCL is not to be trusted at all. We do not have the slightest confidence that MTRCL will disclose all the information in its report. Since the revelation of the incident in June, MTRCL has been handling the incident behind closed doors. In the press conference, MTRCL only showed the cover of its investigation report without giving journalists any chance to know about the content. The frightening fact is that MTRCL and Leighton Contractors (Asia) Limited ("Leighton") have a close relationship, falling into the category of connected persons. Now, what worries me more is that MTRCL acts as if it is afraid of Leighton. I really wonder whether MTRCL has concealed the information unfavourable to Leighton. But there is another thing yet more worrying: if the engineering issues at Hung Hom Station involve blunders of MTRCL's senior management and this is evidenced by the documents the subcontractors submitted to MTRCL, it will be even more



unlikely that MTRCL will present the relevant information in its own investigation report.

Moreover, given MTRCL's poor performance in the past, we should not believe MTRCL and there is no grounds for believing MTRCL anymore. The only way to ensure that those documents will come to light is invoking the Ordinance to order MTRCL to produce all the documents submitted by its contractor and subcontractors.

Secondly, we should not allow MTRCL to continue to tyrannize individual subcontractors. Another reason for me to support this motion is that it can prevent MTRCL and its contractor from continuing to tyrannize the subcontractors who wish to reveal the truth. Over the past month, the whistle-blower kept providing important information about the Hung Hom Station project. Later the whistle-blower came out and it turned out that he is the director of China Technology Corporation Limited ("China Technology"). As a result of his refusal to be an accomplice, China Technology is boycotted by MTRCL and Leighton, suffering a drastic drop in its business and facing repeated intimidation. This shows that MTRCL and Leighton use various means to tyrannize the parties that offer the so-called exposés or tell the truth through various means. During its investigation into the engineering issues at Hung Hom Station, MTRCL was provided with a lot of information by China Technology, but the information is not presented in the investigation report of MTRCL. This is another example showing that MTRCL intends to silence China Technology and people who want to be honest and speak the truth. If we do not support invoking the Ordinance to order MTRCL to produce all the information supplied by China Technology, the information may never be disclosed and China Technology will be tyrannized by MTRCL and Leighton forever, unable to see justice done through the disclosure of the relevant information.

Thirdly, even if this motion which seeks to invoke the Ordinance is passed, it will not affect the work of the independent Commission of Inquiry. Some pro-establishment Members may question the necessity to order MTRCL to disclose the documents to the House Committee when there is already an independent Commission of Inquiry chaired by Mr Justice HARTMANN to inquire into the incident fairly and impartially. Then, I wish to ask a question—will the inquiry of the independent Commission of Inquiry be affected because MTRCL is ordered to produce the documents of its contractor and

subcontractors? I would say that the disclosure of the documents will have zero impact on the inquiry of the independent Commission of Inquiry because MTRCL can provide the documents to the House Committee and the independent Commission of Inquiry concurrently. When the House Committee seeks the documents of MTRCL's contractor and subcontractors, the independent Commission of Inquiry may also make the same request to MTRCL at the same time. The requests are not mutually exclusive as both the Committee and the commission have the same powers. What MTRCL has to do is to submit the relevant documents to the independent Commission of Inquiry and the House Committee. There will not be a situation where MTRCL is forbidden to submit the documents to the independent Commission of Inquiry after the same have been submitted to the House Committee. Therefore, we think that our request for MTRCL to produce documents presented by its contractor and subcontractors will not affect the work of the independent Commission of Inquiry.

Fourthly, the truth about the issue should be made known to the public as soon as possible to enable experts and the knowledgeable to assist in analysing the incident. There is another important reasons for us to ask MTRCL to produce to the House Committee the documents it received from its contractor and subcontractors concerning the engineering issues at Hung Hom Station. We hope that the public will learn the truth about the engineering issues at Hung Hom Station expeditiously and more experts in Hong Kong, the top experts in the community, may assist in analysing the situation, working together to find out the causes of the issues and ascertain who should be held responsible.

It is certain that the documents this motion seeks from MTRCL will tell when the steel bars were cut short and when the problem was discovered. Perhaps, they may even show who instructed workers to cut the steel bars, who discovered the problem and who still decided to carry out concreting after the discovery of that. These documents will enable the public to understand the severity of the engineering issues at Hung Hom Station more quickly. More importantly, the disclosure of those documents will enable professionals and experts in Hong Kong to see the information, thus allowing them to analyse the structural safety of Hung Hom Station, the adequacy of the MTRCL's load tests, etc.

Apart from helping the public and the professionals to understand the engineering issues at Hung Hom Station, the disclosure of those documents will also assist us in pursuing responsibilities. The documents and communication

records submitted by the contractor and the subcontractors to MTRCL will certainly reveal who ordered workers to cut corners and how frequently MTRCL inspected the construction works. What is more, they will verify whether the leaked photos published on the online media are real, whether there was really an MTRCL employee witnessing workers failing to screw the steel bars tight or even failing to screw them into the couplers. These documents will tell who were negligent and who should be responsible for the shoddy construction works. The contractor and MTRCL will definitely be under enormous pressure when their blunders and negligence are fully revealed by the documents. Perhaps some contractors will defect to our side consequently and the senior staff members concerned may even admit responsibility and step down.

As a matter of fact, the independent Commission of Inquiry suffers from two shortcomings, namely lack of transparency in the inquiry process and incomprehensive analysis of the problems due to the limited number of commissioners. By allowing the public to get hold of the truth sooner and the experts to help analyse the documents, these shortcomings can be remedied. All of us know that during the inquiry period, the independent Commission of Inquiry will generally keep the documents submitted to it away from the public. Even when the inquiry is completed, it may not disclose all the documents. We may need to wait a few months before being able to see some of them. Contrarily, if today's motion is passed, the public will be able to get access to the information concerning the Hung Hom Station project in a short time. This is crucial to the protection of public's right to know. Furthermore, the independent Commission of Inquiry is composed of two persons only. Though the experts concerned are well-respected authorities on the subject, they may not be able to identify all the problems or analyse the engineering issues at Hung Hom Station in depth, given the substantial number of documents and the very tight schedule. As such, if these documents are made public through the House Committee, experts across the territory can work together to examine the problems, thus making up for the shortcomings of the independent Commission of Inquiry and identifying some problems which the commission may possibly overlook.

Fifthly, we are not requesting that a select committee be set up. We only seek to obtain documents. Such request is economical. If this motion is carried, we will be able to obtain important documents relating to the Hung Hom Station project without forming a select committee. All that the House Committee needs to do is to send a letter to MTRCL, ordering it to produce documents submitted by its contractor and subcontractors. MTRCL will then be

required to produce the relevant documents as ordered. Though this will only allow us to obtain the relevant documents instead of summoning MTRCL, contractor and the subcontractors to attend before the Council to testify, this will, in the words of the pro-establishment camp, obviate the need to use substantial resources of the Legislative Council Secretariat and save Members' a lot of time while obtaining important documents relevant to the Hung Hom Station project. From this perspective, I think this motion is rather economical and time-efficient. We need not do much but at least take this step first. The pro-establishment camp, emphasizing efficiency of the Council from time to time, should actually raise no objection to this motion as it is, from our view, time- and cost-efficient, and only seeks to obtain documents.

Sixthly, it is Members' duty to request for the production of the relevant documents. I consider those who oppose the motion, i.e. those who abstain from voting or vote against it, have failed their duties. I think they should even be required to declare whether they have approached Leighton in private. I hope that Members, especially pro-establishment Members and those who are determined to vote against the motion, will rethink their position and have a change of heart. This motion merely seeks to order MTRCL to produce documents from its contractor and subcontractors. Regardless of their political views, many members of the public hope that apart from the Subcommittee on Matters Relating to Railways, the Legislative Council can do more about the Hung Hom Station project. As seen last week and this week, the Subcommittee has not made much progress with its work, so we do not hold high expectations for the meeting tomorrow. The public, however, do have expectations for the Legislative Council. Even some of those in the "blue ribbon" camp, that is people who are pro-establishment, have slammed the pro-establishment Members for their objections to the forming of a select committee to inquire into the problems of the project concerned.

Today, this motion only seeks disclosure of documents without requiring Members to spend their precious time. Some Members do not bother to discuss matters in this Chamber and do not attend meetings. They may even hold a number of positions, having a rather hectic routine. If a select committee is set up later, they may face a dilemma over whether to participate in it or not, considering that they may be tied up with the relevant duties. Actually, if the relevant documents are disclosed, there may even be no need for them to read the documents as many people will naturally share this task with them. I just hope that they will not pose obstacles to the public, to the pro-democracy Members,

and to the experts who are concerned about this incident. I also hope that they will not hinder the subcontractors from disclosing the documents or act wantonly with Leighton. Moreover, I hope that before the voting, pro-establishment Members or Members who are going to vote against the motion will declare whether Leighton has approached them in private. If the answer is in the positive, they are requested to reveal the content of their conversation. If they are unable to give a clear account of that, they are requested to abstain from voting. Otherwise, there will be consequences for them later. The matter is not going to end with the voting down of the motion.

Coincidentally, the evening before last, opinions of some members of the pro-establishment camp were reported in Politics Insight, a programme on Now News Channel. The report is like this: "Politics Insight tried to learn from various pro-establishment members about the 'mitigating factors' raised by the Chief Executive's Office"—the so-called "mitigation" comes from a news report titled "跪求建制派否決 P&P" (Pleading with the Pro-establishment Camp to Veto the Invocation of P&P)—"and heard that it wanted the stakeholders to focus on handling the inquiry of the commission. Not only that, informed sources also disclosed that the series of revelations about the problems of MTRCL's projects is a systematic smear campaign as analysed by people in the Government. They are concerned that the relevant persons still have 'smearing materials' in hand, especially materials about the West Kowloon Station of the Express Rail Link ('XRL'), and they fear that people with ulterior motives may drop a bombshell when the commissioning of the XRL draws nearer. It does not matter whether you believe it or not. Anyway, some Members believe it. In order to avoid further implications, they decided to believe in the professionals and entrust the inquiry to the commission."

I believe the information Politics Insight obtained is not fictitious but fairly reliable. The pro-establishment camp does not want the MTRCL's projects to be smeared further, and they are all the more unwilling to see the sacred XRL project being affected. For this reason, they seek to conceal the facts and put out fires in all possible ways. This also explains why they will vote against the motion today to oppose the disclosure of the relevant information. Nonetheless, I must point out that the so-called "smearing materials" should not be described as "smearing materials" if they are true. The disclosure is not mud-slinging but revelation of the truth instead. It enables Hong Kong people and the Government to see the true picture. Actually, it has been proved that the person who blow the whistle on the Hung Hom Station project provided very reliable information. He is definitely not smearing the project. Therefore, if what

Politics Insight reported is true, it will become clear that the pro-establishment camp wants to put politics over and above everything; to put the image of the MTRCL or the Government over and above everything. In other words, they let politics override construction quality and allow image to take precedence over passenger safety.

Accordingly, I implore the pro-establishment Members to change their minds and desist before it is too late. I urge them to support today's motion. If they refuse, the public should see the true colours of the pro-establishment Members who vote against the motion. Also, I hope that the Government will refrain from hampering the passage of the motion and allow Members to make their own choices. The commissioning of the railway or the progress of the construction works will not be delayed because we seek to obtain the documents. Finally, I wish to reiterate that comparing to the commissioning of the railway and the issue of efficiency, safety and quality are (*The buzzer sounded*) ... far more important.

**PRESIDENT** (in Cantonese): Mr CHAN Chi-chuen, please stop speaking.

**MRS REGINA IP** (in Cantonese): President, on behalf of the New People's Party, I express our reservation about supporting this motion under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance"). But same as many Members who have spoken, I am very concerned about the serious works scandals that go spiral regarding the extension works of Hung Hom Station of the Shatin to Central Link ("SCL") of the MTR Corporation Limited ("MTRCL").

I agree that this incident is far more serious than the cost overrun and the works delay found in 2014 because the latter will only cost more money and construction time. But when it comes to public safety, it is a matter of life and death. I would not say that riding the MTR train will cost your life, like what Dr CHENG Chung-tai said. I will not say something like that. Nevertheless, I am very concerned about this issue. I especially note that, knowing the seriousness of the matter after investigation, the Highways Department reported the incident to the Police. In other words, the matter may involve criminal offences, just that it is unsure who is culprit. It is thus evident that the matter is very seriousness.

However, why do we oppose, or why do we think that it is unnecessary to authorize at this stage the Legislative Council the powers and privileges to seek information from the contractors? The main reason is that the Government has already set up a statutory and independent Commission of Inquiry ("Commission of Inquiry"). I inquired of the Government about the Commission of Inquiry. I find that the Commission of Inquiry is vested with full range of powers and that, apart from the professional members, it is led by an experienced former Judge, Mr Michael John HARTMANN, and another member is Prof HANSFORD who is currently Professor of Construction and Infrastructure Policy at University College London. With judicial veterans and professionals as its members, the Commission of Inquiry is vested with powers under the Commissions of Inquiry Ordinance which are equivalent to powers of the Court.

In other words, the Commission of Inquiry will take evidence in public ... the Government has actually indicated that it found a place similar to a court for the Commission of Inquiry to conduct hearings ... and the cross-examinations will also be conducted in public, unless the Commission of Inquiry is of the view that the cross-examinations should be conducted in camera due to certain reasons. Moreover, the persons giving evidence, like those summoned to court to give evidence, are also bound by the law. For instance, persons giving false evidence are liable to perjury; and persons preventing others from giving evidence are liable to perverting the course of justice.

I thus think it is appropriate, reliable and efficient to hand over the matter to the Commission of Inquiry for investigation. It is hoped that the inquiry can be completed within six months. It will take much longer if the matter is to be investigated by the Legislative Council with the Ordinance. Just now, a Member, I think the Member is Mr Tony TSE, pointed out that the pro-establishment camp has repeatedly supported the Legislative Council to investigate serious incidents by invoking the power of the Ordinance, and the investigations took much longer time to complete.

President, this is my 10<sup>th</sup> year working as a Member. In the past 10 years, I witnessed the progress of the subcommittee which studied whether the Lehman Brothers-related minibonds had misled investors and caused them to suffer losses. The study lasted almost four years because the Lehman Brothers-related minibonds incident has led to the financial tsunami due to subprime loans in September 2008. The subcommittee hastened to complete the study in 2012

when the legislative session almost came to an end. In fact, I can tell those newcomers in this Council that the incident did attract a lot of media attention in the beginning. The subcommittee started with 40 to 50 members, but many members opted out one after another. It could not even make up the quorum for its meeting. In the end, the study became a painstaking task of the Legislative Council Secretariat. Thanks to the effort of the Legislative Council Secretariat which strenuously assisted us in completing the report based on the evidence we obtained. Hence, it is not often good to have many people performing a duty. It will be more efficient to let the professionals inside a Commission of Inquiry to look into the matter.

Of course, in Mr CHAN Chi-chuen's opinion, it is no big deal to double the efforts and conduct the investigation concurrently, and that we can also authorize the Legislative Council to summon public officers and contractors to give evidence. However, this will seriously disturb the operation of the works projects, including the operation of the government departments concerned and MTRCL. We should not forget that MTRCL still has many important works projects at hand and they still need to tackle the works problems found in the Exhibition Centre Station and To Kwa Wan Station. The government departments taking charge of railway or the Transport and Housing Bureau already have many crises to deal with and the officers taking charge the matters are already terribly busy. We are not letting them go. I believe after the report of the Commission of Inquiry is announced, the Government and MTRCL will probably be shaken up. It is easy to ask the board chairman of MTRCL or its chief executive officer to step down because it is not difficult for the two persons to do so. It is far more difficult for them to stay behind and tackle the present difficult situation.

Hence, I hold that the best way forward that is in the interests of the public is to let the Commission of Inquiry appointed by the Government to investigate the matter. Hence, the New People's Party will abstain from voting.

**MR TOMMY CHEUNG** (in Cantonese): President, this motion is similar to the motion moved by Dr CHENG Chung-tai two weeks ago. It also asks to set up a select committee under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to inquire into the incident of the MTR Corporation Limited ("MTRCL") concerning its suspected concealment of the cutting of steel



reinforcement bars at the platforms of Hung Hom Station of the Shatin to Central Link ("SCL"). Today, Mr LAM Cheuk-ting seeks a compromise by asking, in respect of the same accusation, that the House Committee ("HC") be authorized under the Ordinance to exercise the powers to order MTRCL to attend before HC on or before the date of the first HC meeting in the new session of this Council to produce all the documents and information presented to MTRCL by the constructors concerned in relation to the quality of the extension works.

Same as last time, the Liberal Party agrees to inquire into the incident as soon as possible, but the investigation should be left first to the independent statutory Commission of Inquiry set up by the Government. The public need to understand that this arrangement is the most beneficial to Hong Kong people, as this independent Commission of Inquiry was set up under the Commissions of Inquiry Ordinance, Cap. 86 of the Laws of Hong Kong, by the Government, and is the highest level commission of inquiry. Since this was explained in detail by Mrs Regina IP earlier, I am not going to repeat. Compared with the select committee set up under the Ordinance by the Legislative Council to inquire into the incident, the Commission of Inquiry will be more efficient, have more resources and power in the investigation so that the scope of investigation can be wider and deeper.

Today, the practical meaning of Mr LAM Cheuk-ting's motion is to order MTRCL to produce, during or before the mid-late stage of investigation by the statutory Commission of Inquiry, to the Legislative Council the information that has already been or will be presented to the statutory Commission of Inquiry. We have to bear in mind that the Chief Executive has already requested that the investigation shall be completed with the report submitted six months after the appointment of the independent statutory Commission of Inquiry under the leadership of Mr Justice HARTMANN, former Non-Permanent Judge of the Court of Final Appeal. In other words, the request of Mr LAM Cheuk-ting can be met by the independent statutory Commission of Inquiry within the coming months. Then why do we want to take the first step by asking MTRCL to submit the relevant information to the Legislative Council before October?

The biggest problem is that once Mr LAM Cheuk-ting's motion is passed, the statutory Commission of Inquiry will inevitably be affected in its power of setting appropriate procedures and making orders in the investigation. This will produce a counter-effect and the statutory Commission of Inquiry will have its

hands tied. This is definitely not in line with the reasonable expectation of the investigation from the community. Therefore, the right way is that the Legislative Council should decide how to hold MTRCL or other individuals accountable to the incident and adopt appropriate follow-up actions after the statutory Commission of Inquiry has released the report and it has already grasped the specific picture. We believe that the report submitted at that time will give us an account of the relevant information which, together with the investigation result, will give a more comprehensive picture of the incident to the public, so that they will not see only the coverage taken out of context.

After all, the Legislative Council is not refusing to carry out its duty of monitoring, but is taking the best and the most desirable arrangement. In fact, even before Hong Kong's reunification, it has been a common practice for the Legislative Council to urge the Government to set up independent statutory Commissions of Inquiry and submit reports in regard to certain issues of community concern. While this approach does not affect the monitoring role of the Legislative Council, it is also more efficient and comprehensive. The public can put their hearts at ease. If it is found out that the report has any inadequacies or is unable to answer public enquires or allay the safety concerns of passengers, we will pursue the matter to the fullest.

President, on the day before yesterday, the Government already announced that apart from appointing Mr HARTMANN as the Chairman and member of the Commission of Inquiry, it has also appointed Prof Peter George HANSFORD, Professor of Construction and Infrastructure Policy at University College London, as one of the expert members. Both of them are persons with credibility and have participated in the work of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") Independent Expert Panel, of which Mr HARTMANN was the Chairman and Prof HANSFORD was an expert member. Both of them have abundant experience in monitoring large scale railway projects, and are familiar with railway operation and project related matters. A couple of days ago, Mr HARTMANN also made a statement to ensure that the investigation will be open and thorough, giving the public more confidence in entrusting them with this significant investigation work.

President, I just heard the speech delivered by Mr CHAN Chi-chuen. I cannot help responding to him as I do not quite agree with some of his comments.

I have no idea whether he has other engagements, but he always says that many colleagues are not willing to attend to some Council work as they have other engagements. Although I have other engagements, I have been a Legislative Council Member for 18 years and I do not believe that my work in this Council is less than any Member who claims himself as a full time legislator, including Mr CHAN Chi-chuen. Has he spent more time than me in Council business? Has he got more work than me in the Panels? Has he got more work than me in bills deliberation? I would ask him to discuss with me. The Liberal Party and I are against this motion not because we are reluctant to do more work, but because we find it unnecessary. He often says that we need to do some more work. But in fact, if we do some more work, we will be standing in the way of the independent statutory Commission of Inquiry which will then have to do more work. He asked whether Leighton Contractors (Asia) Limited ("Leighton") has approached me. I am not afraid of telling him that Leighton has never approached me. Therefore, my vote against this motion has nothing to do with this issue. However, he should not always pin labels to and sling mud at our colleagues by saying that our opposing the motion is due to our reluctance to commit more work or our wish to do less. In my view, colleagues should not smear the reputation of each other. I cannot help responding to him as I do not agree with his remarks.

Finally, President, the Liberal Party is against Mr LAM Cheuk-ting's motion under the Ordinance. I so submit.

**MR ALVIN YEUNG** (in Cantonese): President, this is the third consecutive week that we discuss the same topic. As the old Chinese saying goes, "we should not do anything more than three times". No matter it is something good or bad, if we do it more than three times, it will become stereotypical or sickening. Then if we propose to invoke the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") for the same purpose for three consecutive weeks, will it also become stereotypical or sickening? Or is it more stereotypical or sickening to veto the motion asking to inquire into the "tofu-dreg" construction works concerning the Shatin to Central Link ("SCL") of the MTR Corporation Limited ("MTRCL") with the same reason? As remarked by Secretary Frank CHAN, the community will make its judgment fairly.

President, first of all, I have to show my appreciation to Mr Michael TIEN, who picked up on the efforts of our democratic camp last week in the House Committee ("HC") as he continued to move a motion to investigate into the MTRCL incident by invoking the Ordinance, even though the motion was finally vetoed by his camp members. In the camp where Members always have to show their obedience and act according to the orders, Mr TIEN really needs some courage to make that move. But the royalist Members who vetoed Mr TIEN's motion win more commendations from me, as they have the courage to withdraw their double-faced tactics. Last week, they stayed in formation and betrayed their member. I believe Hong Kong people will bear firmly in mind of how they have sacrificed public safety for their own political future.

President, on Tuesday before the meeting of the Executive Council, the Chief Executive announced the member list of the Commission of Inquiry in respect of the Hung Hom Station incident. In respect of To Kwa Wan Station and the Exhibition Centre Station, she said that an investigation was not necessary as there might not have similar impact on public safety. In the morning of the same day, when Mr Bernard CHAN, Convenor of the Executive Council, was interviewed in a radio programme, he said that the SCL project was not a "tofu-dreg" project and he had full confidence in MTRCL. In fact, it is not easy or pleasant to be government officials nowadays, unlike what the Chief Executive has said. When it is obvious that the community does not trust the Government and the public feel that the Government is admitting its mistakes upon its denial of making any mistake, they still have to come out to defend the Government and try to remove the blemishes of the SCL project. This is not an easy job indeed.

However, I also have to point out how ridiculous their arguments are. When the independent Commission of Inquiry led by Mr Justice HARTMANN was just formed and the investigation work has not even started yet, one of them said that the investigation might not affect public safety while the other one said that the SCL project was not "tofu-dreg" project. When the investigation has not yet commenced, how can they jump to a conclusion so soon? In our discussion one week ago, we expressed our worry that the Government of the Special Administrative Region, being the largest shareholder of MTRCL, might distort the investigation result or conceal certain facts. This worry is now being justified by the remarks of these two persons.

President, the motion moved under the Ordinance two weeks ago was about inquiring into the case of Hung Hom Station, the motion under the Ordinance last week was about To Kwa Wan Station, and the motion under the Ordinance this week is back to Hung Hom Station. However, this motion does not seek to set up a select committee but is asking the various companies involved to produce the relevant documents, photos and records to HC, so that Members and the public can see with their own eyes these papers which are as classified as national treasures. Mr Bernard CHAN, Convenor of the Executive Council, is worried that the setting up of a select committee will slow down the works progress of SCL and thus opposes the invocation of the Ordinance by the Legislative Council. But let us read carefully. This motion from Mr LAM Cheuk-ting only asks to produce the relevant photos and documents to HC for them to be open to the public. I hope that the royalist Members who intend to vote down this motion can listen carefully to the request of Mr LAM Cheuk-ting, who only asks to bring the relevant documents to HC. How long will it take? A special HC meeting will last two to three hours or one day at the most. Compared with the delay of SCL works, this one or half day of HC meeting time is nothing. Mr Bernard CHAN and other royalist Members seem to be over-worried in their arguments against invoking the Ordinance. Have they miscalculated or do they just oppose in a conditioned reflex without having paid any attention to the request in Mr LAM Cheuk-ting's motion?

President, by the same token, some colleagues have previously expressed their worry that the few years of work of the select committee will procrastinate the progress of the official investigation into the SCL incident. But facing this motion from Mr LAM Cheuk-ting, a motion which only occupies one meeting time of HC, what are they really thinking about and what is their logic? Do they want to show to the public that finding out the truth for the sake of public safety is wasteful? Besides, the request of Mr LAM Cheuk-ting is actually very humble. He only wants to read the documents and is not asking to conduct an investigation. We only want to have a look at the documents. Will that seriously affect the progress of the independent Commission of Inquiry led by Mr Justice HARTMANN? I believe that no one who can sit in this Chamber will be oblivious to the SCL problem, and I also think Members truly believe that SCL is really in great trouble. In fact, during these three weeks, I believe that those Members who voted against the motion, abstained from voting or did not vote due to absence might have no other alternatives and be forced to do so. I do not believe that those Members who voted against the motion do not have any pressure from their voters. But even if they do not consider the personal safety

of their voters, I also hope that they can be a little selfish in considering the safety of their relatives, friends, relatives of their friends and friends of their relatives. People that we know may take SCL and use Hung Hom Station. In case any incident happens unfortunately in Hung Hom Station, people that are related to us may be affected. I do not want Members to feel regret for their decisions. I will advise all Members of the royalist party that instead of feeling regret for not giving your support, it would be better that you feel regret after you have given your support.

The Civic Party will vote in support of the motion. I so submit.

**MR CHARLES PETER MOK** (in Cantonese): President, this time around Mr LAM Cheuk-ting moves the motion under the Legislative Council (Powers and Privileges) Ordinance to order the MTR Corporation Limited ("MTRCL") to produce documents and records of correspondences so as to allow us to understand clearly the issues relating to the works quality of the Hung Hom Station Extension under the Shatin to Central Link ("SCL") project.

Two weeks ago, two motions moved under the Legislative Council (Powers and Privileges) Ordinance were negatived. The pro-establishment camp argued that it would be better for the independent Commission, which was set up by the Government, to conduct the inquiry, and we should not impede its inquiry work. They also argued that if the Legislative Council was to inquire into every single issue, then the Legislative Council would only become another commission of inquiry and so on. Nevertheless, now we are just asking them to produce documents and that will not impede other people's work. If someone argues that this will increase the workload of MTRCL, I believe that will not be very significant, because they have to do it any way. Besides, instead of passing the responsibility to other people and ask other people to do it for us, the purpose for us to join the legislature is to help the public to monitor the Government by way of obtaining as much information as possible.

Recently, I have discussed the incident with some friends from the engineering circle. Some of them have even participated in Government's and MTRCL's projects. They are engineers with good experience in construction works or even MTRCL projects. They pointed out that under the monitoring regime this time around, regardless of MTRCL's or the Government's monitoring regime, severe problems will certainly arise as far as the procedures are

concerned. They have participated projects in the past, but they know the approach should not be like that. They have even cited examples to prove that the current remedial measures, such as stress test, load test and so on, would not be effective at all. It is because they cannot find the source of the problem. Besides, they are rather different from the general stress tests on products that we conduct. For example, in the manufacturing of motor vehicles, if we want to find out if the door hinges of a vehicle will break down after opening and closing the door for 100 000 times, we may conduct a test by opening and closing the door for 100 000 times and then we can see the result, right? But this time around, we only have one platform, how can we find out under what circumstances will the problem occur?

For that reason, the problem now is about the entire incident. Now people are losing confidence in the entire process. It just so happens that we can have a blow-by-blow account of it and find out the kind of problem and the answer from examining all the correspondences and monitoring mechanism. If we are fortunate enough, people will have their confidence restored. Otherwise, if the public have totally lost their confidence in the safety and responsibilities of MTRCL and the contractors, then we need not say anything. The only option left is whether or not the Government should decide to demolish it and then rebuild it. Sooner or later, the Government of the Special Administrative Region ("SAR") has to face this difficult dilemma.

The Government, the Legislative Council Members and MTRCL always claim that safety is of utmost importance. But what the Government, MTRCL or even some Members have done cannot reassure the public that safety is of utmost importance. If the Government relies on an independent Commission to conduct an inquiry, at least it will take half year or even longer to complete. I have heard some people even suggested that the inquiry should be limited to one station as they did not want any delay in time. Nevertheless, I find that very weird if we have questions but we will not examine everything in detail. Some people argued that the inquiry should only be limited to one station because more time would be needed if we look into the problems of more stations. What does that mean? Does it really mean that safety is of utmost importance or speeding up the whole inquiry is of utmost importance?

Generally, a commission of inquiry will look into the cause of the entire issue. I have confidence in that because judges and experts will get the job done properly. However, an inquiry will take time on the one hand, and it will only

find out the cause and make certain recommendations for future improvement on the other. Yet, it cannot resolve the most pressing issue for the time being, and that is, what should we do to the whole project? Certain relevant private projects have to be suspended. Should the whole project be suspended or should it continue? If it should continue, is it really safe? Will the SCL project commence operation as scheduled? Or should the Government tell us directly that we need not envisage the commissioning of SCL because the inquiry will take a long time to complete. However, safety is of utmost importance, right? The independent Commission cannot actually help the Government to resolve these problems. It cannot help the public to obtain the information in a speedier manner. It cannot let the public to understand the issues, nor can it help us to answer the expectation of the public in a more accurate fashion.

Government officials often claim that safety is of utmost importance and it is a priority concern. Unfortunately, the fact that we have seen is always contrary to what they have claimed. They claim that they will inquire into the issue but the fact will make people feel that they are just trying to procrastinate. We are not sure if some people are under political pressure thus they argue that the motion will affect the commissioning of the Express Rail Link ("XRL"). I am not going into the detail of that. It is reported that some District Councils members of a certain political party are more concerned if the SCL project can commence operation as scheduled, since a delay will cause an impact on the subsequent election. A more detailed inquiry means more pressure will be put on them. They distributed leaflets in their respective districts and claimed that a thorough investigation should be conducted. But actually, their fellow partisans were trying to negative the motion which demanded for an inquiry. They claimed that a thorough investigation should be conducted when they visit the district, but they would rather delay the entire inquiry. If they could achieve the political objective and after the election was over, who would remember that and who should be held responsible for an accident that would occur a few years later? This is no different from betting on the safety and life of the public. Is this the right way to do things in Hong Kong?

The Chief Executive often claims that she ignores people having vested interests, and she claims that the term "people having vested interests" is not in her dictionary. However, people having the biggest vested interests are those people who do not want us to look thoroughly into this incident. If the Chief Executive attaches importance to public interest, how can public interest be less



important than the public's right to know, as well as the public's right to know and to understand the fact via the legislature which acts on behalf of the public?

I am an engineer, an electronic engineer. But I am not a civil engineer. Yet I believe we all attach importance to the interest of our society and public safety. What we concern most is some bad habits in the industry. We have learnt such things from the newspapers. Many of our friends have discussed about that and actually Members should have heard that some elders in the engineering circle will cut corners in order to save time. For example, they will omit certain working procedures in order to save five weeks. There are bad habits in the industry. If we are not going to bring to light these problems, if we are covering up these problems on the pretext of protecting the dignity of the engineering industry, I consider it a very serious issue. We should rectify any problem or error. In fact, making these problems public and letting the public know these issues and preventing them from occurring in future is the only way to safeguard the reputation of the engineering industry, as well as the international fame of Hong Kong. It is an important task.

Lastly, I wish to tell the Secretary that what the Government has been repeating its argument over the last few weeks as well as today: That the Government hopes Members and the Legislative Council oppose the motion on invoking the Legislative Council (Powers and Privileges) Ordinance. Nevertheless, the Administration has never explained the conflict of interests in the entire incident. As far as any given Member is concerned, we have to declare if we have a relationship with MTRCL or the relevant contractors. We need to declare our interests. However, I feel strange that Members have to declare interests even if the interests are very nominal—certainly I consider that is our duty—yet the Government is above anybody. As the major shareholder of MTRCL who holds 70% of MTRCL, it simply tells us not to investigate MTRCL on a very strong ground. But it considers unnecessary for it to declare its interests.

Why the Government can be that lenient to itself? As far as the system is concerned, it has not breached any rule under the Rules of Procedure or whatever regulation. But morally, we know there are some problems if we ponder on the matter with common sense. Consequently, incidents occurred over and over again under the management of MTRCL. Subsequently, people having the biggest vested interests are likely the Government and those large-scale engineering corporations surrounding the Government as they have substantial commercial interests.

The Chief Executive said the term "people having vested interests" was not in her dictionary but only "public interests"—just now I have mentioned that once—but actually, if the truth is just as we have seen now, it is really deplorable. Even members of the public can tell that there is a problem. Therefore, for the sake of public interests, I implore Members of all camps to try every endeavour to investigate this incident thoroughly. The first step is to support Mr LAM Cheuk-ting's motion. Thank you, President.

**DR KWOK KA-KI** (in Cantonese): President, I rise to speak in support of the motion moved by Mr LAM Cheuk-ting under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance"). It seeks the production of all documents, information and photographs relating to the works of the Hung Hom Station of the Shatin to Central Link ("SCL") at the upcoming House Committee meeting for Members' examination.

Mr LAM Cheuk-ting's proposal is already extremely modest, or even overly modest. Usually, I will not give my approval because it is basically a duty of the Legislative Council to inquire into the SCL works project. At present, SCL has gone down in history as a disgrace and an embarrassing works project. Its construction cost amounts to nearly \$100 billion, and it is even higher than the cost of constructing a space elevator. It can almost be included into the Guinness World Records as the most expensive, outrageous and scandalous rail line.

Just now, the Secretary gave a long speech and pointed out that the multi-tiered monitoring system of the Government was very comprehensive: The Highways Department is responsible for monitoring the MTR Corporation Limited ("MTRCL"); MTRCL is responsible for monitoring the main contractor, and the main contractor is responsible for monitoring the subcontractors. Secretary, can you please tell me why the various scandals have occurred all the same even if the Government has put in place a multi-tiered monitoring system? There is more than one scandal. So far, problems have been found at three stations—the Hung Hom Station, the To Kwa Wan Station and the Exhibition Centre Station—and people do not know the number of stations that are with problems. If further problems are revealed, then I think the whole SCL and even the "super express rail link" may involve scandals. Hong Kong will soon turn into a city of scandals.

We have gone through some records and found that Leighton Contractors (Asia) Limited ("Leighton") as a works contractor involved in this matter is really something. In 2017, Leighton was awarded the \$2.6 billion-worth East Kowloon Cultural Centre project, the \$8.7 billion-worth Tseung Kwan O-Lam Tin Tunnel project, and the \$1.8 billion-worth columbarium project in Tsang Tsui. All these, together with other projects such as the one which is worth \$1.1 billion under the Hong Kong-Zhuhai-Macao Bridge ("HZMB") project, add up to a total of \$33 billion in construction costs. Besides, there is also the scandalous project of the passenger clearance building at HZMB's Hong Kong Port, which is worth \$8.3 billion. Members should go there and have a look when they have time on rainy days. They can notice water seepage everywhere, and the basement is no different from a swimming pool, only that it is equipped with power supply. When did Hong Kong begin to degenerate into such a deplorable state?

The construction costs of the SAR Government's works projects marked by "falsehood, haughtiness and emptiness", such as the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), HZMB, and the Liantang/Heung Yuen Wai Boundary Control Point—Certainly, SCL cannot be so regarded—add up to over \$300 billion or nearly \$400 billion. Ten per cent of this sum is \$40 billion, and 1% is \$4 billion. To put it bluntly, it is already enough to "stuff one to death", so to speak. As Members all know, the engineering sector can get a share from many "gold mines" in the future, and this is only the beginning. How many works projects will be conducted in Hong Kong? Instead of using brownfield sites, the Government has proposed to build an artificial island in the waters east of Lantau Island through reclamation ...

**PRESIDENT** (in Cantonese): Dr KWOK Ka-ki, please return to the debate topic of this motion.

**DR KWOK KA-KI** (in Cantonese): President, what I am discussing is about Leighton.

The construction costs of the relevant works projects add up to as much as a few hundred billion dollars or even a few thousand billion dollars. At present, the most important of all is precisely to find out the true reason for Hong Kong's degeneration. The \$1,000 billion or so is the hard-earned money of all ordinary

people. But it has been eaten away by main contractors and medium subcontractors at various tiers one after another. And the tragic thing is that many people have to pay the price in the end. In the case of the HZMB project, for example, 11 workers have lost their lives.

But all this is not the most important. The problem at stake is this. As the previous motions on setting up a select committee under the Ordinance were voted down, Mr LAM Cheuk-ting puts forth the most humble motion and proposes to adopt the simplest way of seeking the provision of documents for examination by members of the Legislative Council House Committee. Just now, pro-establishment Members rejected the idea with disguised sincerity, saying that this would hinder the inquiry conducted by the Government-appointed independent Commission of Inquiry. How will their work be hindered? What hindrance can be caused by the mere provision of documents to the Legislative Council and the photocopying of such documents? The independent Commission of Inquiry appointed by the Government may continue to do their job, and the two members (Mr Justice HARTMANN and the professor from the University of London) may likewise do so. The power vested in them is much greater than examining documents. Are they saying that we should watch the Legislative Council degenerate into the deplorable state of not doing anything and pretending to be concerned about all this?

I am honestly nauseated by the sight of the pro-establishment camp's promotion leaflets. They assert that it is necessary to inquire into the SCL works projects. But Members from the Hong Kong Federation of Trade Unions and the Democratic Alliance for the Betterment and Progress of Hong Kong invariably oppose the setting up of a select committee and try to deceive people by saying that they are very concerned about the problems with the SCL project and attach huge importance to them. Rubbish!

The Government and various pro-establishment Members can even reject our humble or simple request for obtaining documents today. Certainly, I do not know what the outcome will be. Perhaps they will be awakened by their conscience and turn to support Mr LAM Cheuk-ting's motion during the voting stage two hours later. But we should not dream the impossible dream because after listening to their speeches, we can know that they will continue to defend this abyss and put aside all the scandals or those matters involving falsification as if nothing had ever happened.

As Members all know, Hong Kong is now facing a massive group with vested interests. The Government possesses several trillion dollars and intends to construct infrastructure facilities one after another. Some infrastructure facilities are very practical (such as the SCL project), while some are image projects or projects for achieving better connection, such as XRL or HZMB. In any case, such works projects are huge "gold mines" to such massive groups, especially those which rely on infrastructure projects to make money. In which region or city can one see that its Government will keep launching works projects worth \$100 billion or \$200 billion, so that everybody can queue up and get some money? If the Government is a bit slow in launching any works projects, they will question very fiercely why the Government does not give them more money, and they will demand more money from the Legislative Council Finance Committee. The present situation is that incidents have happened after funding allocation and the spending of money.

First, they refuse to set up a select committee. Even if we concede now and merely request the provision of documents, these people can remain irresponsible and pay no heed to the very survival of people. Actually, they need not examine the relevant documents. Just now, I heard a Member say that he had worked very busily for 18 years. Actually, he needs not examine the relevant documents, and nobody will force him to examine any documents. When documents are submitted to the House Committee, Members with a sense of responsibility may examine the documents, and Members who are concerned about our people may likewise do so. Those who do not want to do so may continue to live their lives as freely as before, and nobody will force them to examine any documents. Most importantly, they should not hinder the Legislative Council in doing what it should do.

Purely examining the relevant documents definitely will not affect the work of the Government's independent Commission of Inquiry. This is the first point. Second, some argue that this will hinder MTRCL in completing the final stage of the works project, saying that they are now working very hard to bring the final stage of the works project to completion. But all the relevant documents have recorded the facts. Speaking of the documents on the works process and supervision and also the photographs which have been accumulated over the past few years, unless MTRCL is now very busy engaging in falsification—President, what I mean is that if they consider it necessary to fake some photographs and documents because they realize that they must not submit the documents as it is

to the Legislative Council for examination, then they will really be very busy because they must keep falsifying and amending documents before their submission—I cannot see any difficulty in submitting all the documents which are now kept in its warehouse. The documents are actually the same as the existing documentary records in the Legislative Council. Why will any hindrance result? How will MTRCL's works supervision be obstructed? MTRCL is merely asked to submit the documents in its storage to the Legislative Council. But they do not allow us to do just this.

President, all this can be explained by one reason, the reason that enormous interests are involved, and many people are "making a living". Besides, the Government must also "watch the faces" of many people, so to speak. Many large consortia and subcontractors are election committee members. And, as Members all know, Carrie LAM must repay her debts after successfully assuming office one year ago. Now, she must continue to do so because she wants to remain in office as Chief Executive. In that case, how can she afford to offend the rich and powerful? There are large numbers of rich and powerful people out there who possess many votes, and the various groups with vested interests behind them will ask them not to reveal this matter, or else they will be in trouble. They will also ask them not to disclose any documents and photographs because their disclosure will lead to more scandals. Hong Kong has degenerated into a deplorable state where we are barred from knowing the truth.

The Legislative Council is already powerless, and they have even voted down the motions on setting up a select committee to conduct an inquiry. As a result, the Legislative Council is unable to perform its intrinsic duty. We are now merely requesting the provision of documents and basic information, so that the Legislative Council can ascertain the gravity of this matter. Frankly speaking, if I could amend Mr LAM Cheuk-ting's motion, I would request to examine all the documents on the SCL project. But he is really a nice person. Perhaps he wants to try his luck, thinking that pro-establishment or royalist Members of this Council will be awakened by their conscience. But Mr LAM, I think this can hardly happen. As long as Members look at their faces, they can see or foresee that their words will continue to be inconsistent with their actions. Their assertions that "people's safety is important", "the Government's supervision is important" and "the Legislative Council should do something for the people" are all falsehood. As long as interests are involved, everybody, including the Government, MTRCL and the main contractor of the works project,

will all conceal the facts of this important matter. The big boss and all the people associated with them must conceal the truth as if nothing had ever happened.

How do people feel when hearing the scandals involving the SCL project? New scandals involving MTRCL happen every day, and they can mess up with the sequence. MTRCL Chairman Frederick MA even intimidated and reprimanded journalists, saying that there was no need to let them know anything while also calling on people to put faith in MTRCL. He also asserted that things were alright as long as MTRCL said so. What is the result? Basically, everything ends up in scandal. Hong Kong has degenerated into a city of infrastructure scandal.

But this does not matter. The Government will still offer "big business" involving huge sums of money, such as the projects concerning a third airport runway and reclamation, and they may continue to get their shares of benefits. Their bosses are now waiting to get their shares of benefits from such \$1,000 billion-worth projects. They can see that such infrastructure projects are right in front of them, and they are waiting to get their shares of benefits. They have all along wanted to get some money, and they have not got enough so far. Before they get enough, they will not reveal the inside stories because if they do so, they will be affected.

Mr LAM actually needs not worry because even after we have examined the relevant documents, they will continue to submit their tenders as shamelessly as before. The Government will merely forbid non-compliant companies to submit their tenders for three months at most. But during that three-month period, the Government will refrain from conducting any tender exercise for important works projects. As long as Members look at the example of Wang Chau, they will realize that the Government only forbid the relevant company to submit any tenders as a mere gesture. But during that period, the Government did not conduct any tender exercise. So, the relevant company did not see any problem even if it was banned from submitting any tender. The Government has degenerated into such an appalling state.

Just now, I saw how Carrie LAM feigned sincerity here. If Members believe her, they will think that she is really impartial and has not harboured any groups with vested interests. She is honestly outrageous, and the independent Commission of Inquiry appointed by her will only inquire into the works of one

of the stations rather than the whole SCL project. From this, we can see the degree of importance attached by the Government to this incident. The Government is only trying to beguile people by saying that the Government has taken some measures while also telling people that a report will be issued half a year later. But half a year later, nobody will remember this incident, and as the time of service commissioning is getting close, the rail line can start to operate as a magnificent facility. That way, they can get through this incident.

With the "wall of resistance" mentioned above, accidents certainly will not happen now. In any case, they will definitely strive to delay all problems until several years later when the rail line has commissioned service because by that time, the officials in charge and the relevant pro-establishment Members will no longer remain in office. We have also learnt a bitter lesson. The government official who previously asserted the impossibility of a cost overrun has already left office. Likewise, the government official who asserted earlier that the implementation of the co-location arrangement would be unnecessary has also left office. By that time, the incumbent Chief Executive and high-ranking officials who claim that they will safeguard people's safety will have got through this incident and retired in contentment, and those who suffer will be the public and people commuting on the rail line every day. Do they want to see everybody wear a helmet when travelling on SCL? How can they be so very deplorable? How can things turn out to be like this?

Therefore, to me, this humble request cannot possibly get more humble. We are only asking to examine some basic documents, and this will not hinder anybody in doing their duties unless they want to engage in falsification and fake documents and photographs before submitting them. They only need to provide the Legislative Council with those documents that are kept in their warehouse. How difficult will that be?

I so submit. And I condemn those pro-establishment and royalist Members who will cast an opposition vote.

**MR GARY FAN** (in Cantonese): Two weeks ago, the Council had a debate on the motion about, by invoking the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance"), launching an inquiry into the incident in which the reinforcement bars at Hung Hom Station of the Shatin to Central Link ("SCL")



had been cut short. The Council may have initiated the advance work for launching an inquiry into the non-conformance issue of SCL at the present moment and no more debates are required had the motion not been vetoed jointly by the royalist and pro-establishment Members back then.

However, the Government, the MTR Corporation Limited ("MTRCL") and its contractors should not smug too soon, thinking they can get off easy with the support of the pro-establishment camp and royalists. Take for instance the tipping of results of World Cup matches, the country which the DAB (Democratic Alliance for the Betterment and Progress of Hong Kong) supported must lose the game in the end. Another instance being the ad hoc motion moved last Friday demanding that Frederick MA and Secretary Frank CHAN should be held accountable and step down which was eventually passed even though they had the DAB's support.

Therefore, as more news about the alleged falsification of steel reinforcement fixing work under the SCL project are reported with more and more scandalous stories unveiled, I think it is really imperative that the Legislative Council exercise the powers conferred by the Ordinance to conduct a thorough inquiry into the various non-conformances concerning SCL, while demanding those construction contractors and subcontractors involved to produce all relevant documents so as to lay bare the truth to the general public, thereby protecting public interests and safeguarding passenger safety.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Since the motion moved under the Ordinance was negatived last time, new developments of the incident in which the reinforcement bars at Hung Hom Station of SCL had been cut short have been arising in the recent two weeks. The story told by the subcontractor China Technology Corporation Limited is substantially contradictory to the version told by the contractor Leighton Contractors (Asia) Limited ("Leighton"), which involves the malfunctioning or even collapse of MTRCL's entire site supervision system and the integrity issue concerning MTRCL's management personnel as well as government officials. There are indeed still a number of unsolved mysteries over the scandalous saga.

First, what is the number of steel bars concerned? In this connection, I had attempted to get to the bottom of it at last week's meeting of the Subcommittee on Matters Relating to Railways, but Frank CHAN and Frederick MA dared not answer the question then. Moreover, what are the specific details concerning the distribution of steel bars being cut short? Will the Government and MTRCL decide to crack open part of the cement of the diaphragm wall panel at Hung Hom Station to see how serious the problem is now? Furthermore, when did and for how long had the cutting short of steel bars come into practice actually? And how big is the scope of areas affected? Is the forgery at Hung Hom Station an isolated incident or is it only a tip of an iceberg? In addition, does the situation involve suspected concealment of the substandard works and knowingly not reporting the truth by the senior management of MTRCL (including the Project Director) and government officials (e.g. the Secretary for Transport and Housing)? Had any one of them ever given the instruction of prohibiting release of the details of the incidents and issues concerned to the public, and even intended to take retaliatory measures against the informants in order to mute them? Will those having committed such deeds be held accountable for any substantial consequences thus caused?

Regrettably, the Commission of Inquiry officially appointed by the Government on 10 July is not tasked to solve the various mysteries mentioned above. According to the scope of inquiry of the Commission of Inquiry announced by the Government, it includes only the diaphragm wall and platform slab construction works at Hung Hom Station Extensions under MTRCL's Contract No. 1112 (Contract) of the SCL Project. However, *HK01* happened to have acquired freshly leaked photos of the same station today, further exposing steel bars forming the structure of the diaphragm wall sections supporting the platform under the same works contract were not fully screwed to connecting couplers. As told by experts, this will lead to the serious consequence of collapse of the diaphragm walls. In both the photos and the video clip, we can see an MTRCL employee present at the scene.

Recently, the media have further revealed the incident in which the wall of the connection tunnel at the north of Hung Hom Station needed to be knocked down and rebuilt due to water seepage where the contractor had to remove a section of railway track around 10 m long there in order to do away with the connecting steel bars and cement in question. As disclosed by the media, protective plugs were found inside the couplers into which the steel bars were supposed to be fastened. Those plugs are placed inside the couplers for

protection of the coupler threads and will only be removed when the couplers are used to connect the steel bars. And the presence of the plugs serves to prove that the steel bars had actually not been screwed into the couplers. Does this mean someone had skipped this process in secret without seeking permission? This is an instance of serious non-conformance. Yet, the project concerning the connection works at the north of the tunnel does not fall into the ambit of the Commission of Inquiry.

On the other hand, referring to the description of the terms of reference of the Commission of Inquiry, although the supervision system of MTRCL as well as that of the Government and the communication mechanisms are all included, one will find that, on a closer look, it does not make clear if any individuals (in particular the members of MTRCL's senior management, those officials under the Government's accountability system, members of the senior management of the contractors and subcontractors, etc.) shall be held accountable for the incidents and the specific details of their respective responsibilities. This illustrates the fact that the Commission of Inquiry is somewhat defective prior to the commencement of its operation.

Moreover, I have particular concerns as to whether those involved in dereliction of duty, deliberate cover-up of the truth, pressurizing the informants to remain silent, etc. will be subject to disciplinary actions, such as stepping down by tendering resignations. But then, why must there be people held accountable for such serious incidents and even to the extent of having their heads rolled? Well, it is because only by holding those at fault accountable for not fulfilling their responsibilities can we prevent others from repeating their same mistakes of committing non-conformance when carrying out works projects in future. This is the spirit of the accountability system.

While more and more serious instances of forgery and faulty works are unveiled, the Government has, contrary to expectation, narrowed down the scope of inquiry to investigation into the specified contract only, namely MTRCL's Contract No. 1112 which I have mentioned just now. It even tends to avoid holding any individuals accountable and penalize them accordingly. Hence, even though the Commission of Inquiry is independent in nature, it is not empowered to punish members of MTRCL's senior management or senior government officials who should be held accountable according to the outcomes of its inquiry.

Therefore, if Mr LAM Cheuk-ting's motion gains passage today, this Council will have the opportunity to access the documents, photos, related records of meetings and correspondences which will be given in evidence. By then, all the institutions and persons involved can no longer conceal the truth, nor can they keep on covering up possible cases of professional misconduct, unprofessional conduct and dereliction of duty as the truth will be brought to light and can clearly be seen at a glance. Members of the public will learn the crux of the whole issue as well as the roles of all parties involved then. Hence, this Council and the Commission of Inquiry can actually complement each other in inquiring into the various incidents involved in the scandal and this will facilitate our decision on whether further actions have to be taken, such as launching an inquiry into all the works under the entire SCL project.

And so, I opine that it is well justified so far for the Legislative Council to appoint an independent commission of inquiry to look into the issues associated with the works of the entire SCL project, including the incident revealed recently concerning the wall at To Kwa Wan Station which has been "shaved thin" by reducing the number of steel bars applied for reinforcement and the incident in which a whole layer of I-beams at Exhibition Centre Station was not installed in accordance with the building plan. Take for instance the omission of the procedure of installing steel struts using I-beams on the fifth layer at Exhibition Centre Station which was supposed to be carried out by Leighton. It has posed "serious safety risk" according to the Government and has something to do with whether proper works procedures were complied with during construction and if any non-conformance or contravention of the law was found. Since it is very similar to the case of Hung Hom Station, inquiry should also be carried out in tandem with the former.

However, Chief Executive Mrs Carrie LAM made clear in her reply on Tuesday that it was not necessary to include other works issues in to the scope of inquiry. According to her, an expanded scope will only contribute to a loss of focus in the inquiry by the Commission of Inquiry and she deemed it responsible to handle the matter this way. Members of the public are so disappointed at her such remarks. In my opinion, expanding the scope of inquiry is actually the first step to restore Hong Kong people's confidence in the SCL. This is an essential step because only when the scope is expanded can an in-depth inquiry be conducted to find out if MTRCL, the contractors and subcontractors had engaged in systematic forgery, neglect of quality assurance, and misinforming the

Government and the public on the latest position. After all, the inquiry should focus on whether MTRCL, in relation to the SCL project works, has become accustomed to accepting the wrong as right while laying the blame on someone else for its own fault. Meanwhile, we have to find out if the entire construction project and supervision system have been seriously undermined. It cannot be remedied and needs to be overhauled indeed. I am of the view that the only correct approach is to appoint our own independent Commission of Inquiry to inquire into the issues involving all the works under the SCL project. If LAM Cheuk-ting's motion is passed, it will mean the very first step towards a comprehensive investigation, which is definitely a crucial step.

Certainly, a lot of people may question: Why not wait for the release of the outcomes of the inquiry before deciding if the Legislative Council has to conduct its own inquiry by invoking the Ordinance then? Well, Secretary, please do not forget that there is a precedent for our reference. Back in 1997-1998, the Commission of Inquiry appointed by the Government and the select committee established under the Legislative Council inquired into the matters relating to the opening of the new airport at Chek Lap Kok concurrently. We never forget this precedent. In our opinion, inquiry can actually be conducted concurrently by the Government's independent Commission of Inquiry, the Legislative Council under the Ordinance and the Police's criminal investigation units, provided that the division of work, rights and obligations, and procedures of proceedings are clearly delineated. In that case, members of the public will be provided with information from multiple angles on issues concerning SCL so that they are able to gain a comprehensive understanding of the truth.

Two weeks ago, in my first speech delivered during the debate session of the Council meeting in relation to whether the Ordinance should be invoked for initiating inquiry into the problem works at Hung Hom Station, I pointed out that the incident revealed the fact that there are loopholes in the supervision system of major infrastructure projects under the Government's concession approach as far as the costs overruns of the high-speed rail or the serial works scandals of SCL are concerned. The Government is neither able to raise valid questions against the stories told by MTRCL's engineering division nor supervise effectively their works performance. I very much believe the Government would not have been so nervous as it is now but thanks to the inside stories unveiled by the media, the details of facts disclosed to the media by informants as far as they know, and Members of this Council who kept digging for truth. The Government has

expedited the inquiry with a view to allaying public concern. In future, however, members of the public have to consider if the Government will be able to exercise sound supervision over the entire project if it still proceeds as planned to adopt the concession approach again for the construction of major infrastructure.

Finally, I wish to stress that both the Secretary for Transport and Housing Frank CHAN and the Chairman of MTRCL Frederick MA should take a considerable portion of the blame for the scandals involving shoddy works and forgery under the SCL project. Should this motion gain passage, I hope to learn from the documents produced to this Council during the inquiry the truth about the specific responsibilities of the Government, MTRCL as well as its contractors and subcontractors, in particular whether Frank CHAN and Frederick MA had failed to monitor the situation and even continued to conceal essential information from or deceive the public after the incident came into light. Only after the entire truth is uncovered will public confidence be restored regarding the Government's implementation of major infrastructure projects.

Therefore, for the sake of passenger safety and public interests, I call upon Members belonging to the pro-establishment camp and the royalist party not to lend any more support to MTRCL and the Government in this regard. And also, we should not wait passively for the outcomes of the inquiry submitted by the independent Commission of Inquiry appointed by the Government, which only conducts inquiry into the matter within a narrow scope set. Taking Hong Kong people's well-being as the most pressing priority, the Legislative Council must play an active role to intervene as early as possible into the inquiry against all the departments/divisions involved to uncover the truth.

Hence, I support Mr LAM Cheuk-ting's motion proposing to authorize the House Committee to exercise the powers conferred by the Ordinance to order all the institutions involved in the issues of the quality of works of Hung Hom Station of SCL (including the contractors and subcontractors) to produce to this Council all relevant documents to facilitate further actions by the latter to conduct a detailed investigation.

I so submit.

**MR JAMES TO** (in Cantonese): Deputy President, I have some experience in invoking the power of the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to summon witnesses or order organizations to produce documents. I thus want to tell Hong Kong people why it is necessary to use this statutory power at this critical moment to tackle the information about this incident and what we need to pay attention to next.

Deputy President, some exclusive photographs are revealed by a news media *HK01* today, showing that steel bars in the MTR Hung Hom Station are not screwed tightly into the couplers and some are even not connected to any couplers. There can be a risk of collapse, according to a professional. Deputy President, in the news report, Mr Michael TIEN calls on people who have knowledge of the matter to continue to "inform" the media ...what he meant is to provide information. Is invoking the power of the Ordinance in any way related to the truth that we want society to know? What should we do if public interests and safety are jeopardized because someone wants to stop the truth from being disclosed?

First of all, I have some experience in handling informers, or confidential documents on scandals, corruptions and dereliction of duty. We must act fast. Remember, even if you ask law enforcement bodies, they will also tell you to act fast because the person who provides the information, or the informer, is willing to do so only because he has a conflict of interests or an uneven share of the booty, or because he is forced to an impasse; or he is doing it impulsively or for self-protection. There can be many different reasons.

However, my 20-odd years as Member tell me that we often discover the truth at the breaking points, that is, the reasons I just mentioned. Let me cite a less serious example. There was a boss who had a romantic relationship with his secretary. They later broke up due to some relationship issues and then the secretary disclosed some secrets of the boss. So, there are many different scenarios. Like one about confidentiality undertakings. This is also very common. So, there can be eight to nine possible reasons. It is often under such scenarios that some informers will leak information that leads Members or government officials to discover some serious problems. We must treat this information seriously. I remember there was an informer whom I spent nine months trying to contact him using very indirect means for fear that he might lose his life. I can tell Members that in that incident, the law enforcement body wanted me to continue to contact this informer because his information was very useful.

However, China Technology Corporation Limited ("China Technology") emailed the Transport and Housing Bureau in September 2017, requesting a meeting to discuss some important matters, but the request was suppressed by government officials. The Secretary responded that he did not receive or see the email. I do not know whether the email has been dealt with by their secretariat, or by Leighton Contractors (Asia) Limited ("Leighton"), which indeed "dealt with" it at the request of the Bureau. At the meeting, Mr POON of China Technology confessed that he had been pressurized to sign a confidentiality undertaking and was then asked to delete the video showing the cutting of steel bars.

Some Members suggest that we decide the way forward after the Commission of Inquiry led by Mr HARTMANN completes its investigation. I do not know when Mr HARTMANN will start the investigation, which may still need some time to start. But we can now invoke the power of the Ordinance to summon MTRCL to produce the documents. No matter the documents are useful or now, we have the Legislative Council Secretariat and Legal Advisor to do a careful comparison of the documents, find out what has happened, decide what should be done and who has been treated unjustly. But we must act fast.

I received some enquiries. The person asked what he should do to protect his rights if he might be involved in some criminal liabilities. I believe he was asking about immunity from prosecution or acting as a tainted witness. Not everyone knows about these things. If a member of the public wishes to provide information, he must find the right person, someone he can trust; otherwise, he may not even be able to protect his own life.

Who is trustworthy? To begin with, he can provide the information to the Legislative Council Secretariat. It is a place he can trust. Our Secretariat will not chase after you for your life. The House Committee is made up of dozens of Members and no one can control everything.

The advantage of the Ordinance is certainly that it can offer immunity to people from the liabilities of confidentiality and criminal offences, but not all liabilities. If someone wishes to provide information and be reasonably immune from some liabilities, and that his information can assist us in finding the truth, passing this motion will be the fastest way to achieve this end.



Deputy President, I will not repeat what other Members have said. I just want to say that Mr Michael TIEN made a call this morning, calling one people to inform us, or provide information as much and as quickly as possible. Likewise, I wish to call on the public to help us, even if they may involve in some improper or criminal acts. Informers are, to a certain extent, reasonably protected under the laws of Hong Kong through reasonable procedures. Although we do not have a specific ordinance for informers, we still have, to a certain extent, sound legal guidance and reasonable procedures for us to make public the information, so as to attain maximum public interests and help discovering the truth, and the Ordinance is one of such means. Of course there are other means, such as the independent Commission of Inquiry led by Mr HARTMANN. But in terms of speed, passing this motion in the Legislative Council is a faster means.

When I heard Mr POON of China Technology say that the video was already deleted, it means that he agreed to, or was forced to, delete it. I immediately called on the Police to contact Mr POON and I also contacted some senior member of the Police Force, saying that they should have the responsibility to take action. They also knew their responsibility and went to find him that afternoon. Mr POON later said, due to certain reasons and procedures, he preferred MTRCL, Leighton or other related parties giving evidence first. This is actually not important because I believe Mr POON also has good legal advice.

But what about the others? There could be many more people like Mr POON. We were surprised when we saw the photographs on *HK01*. I have reasons to believe that judging from the numerous steel bars being cut or not being tightly screwed into the couplers, many MTRCL staff members and mid-level monitoring personnel should know about the non-compliant works. We have to help ourselves. You can be a MTRCL staff member, a subordinate or supervisor of Mr POON, or a related person of Leighton. No matter who you are, if an accident happens in one of the MTR platforms in Hong Kong in the future, the victims can be our citizens, your grandchildren or your wife. We do not know.

Systematic and thorough investigation will lead to the truth, thereby safeguarding the highest standard of public safety. This is in the overall interests of Hong Kong and also in the interests of the public, including the interests of the informers who hold the information and also the interests of your family, your brothers and your sisters. I call on people who know the truth to

provide, as quickly as possible, information through appropriate channels or channels that you can trust, so as to help society to find out the truth and safeguard the greatest safety and interests of society.

**MR WU CHI-WAI** (in Cantonese): Deputy President, this is already our third attempt to invoke the power of the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to initiate an investigation into the problems of the Shatin to Central Link ("SCL"). This motion is different from the past two motions. Having learnt from the past two attempts, many Members here are of the view that there is no need to repeat the investigation, given that Judge HARTMANN appointed by the Government will also conduct an inquiry. Hence, in this motion, Mr LAM Cheuk-ting wishes to invoke the power of the Ordinance to order the MTR Corporation Limited ("MTRCL") to attend before the House Committee ("HC") on or before the date of the first HC meeting after the passage of this motion to produce all the documents, photos, related records of meetings and correspondences presented to MTRCL by China Technology Corporation Limited ("China Technology"), Fang Sheung Construction Company ("Fang Sheung") and Leighton Contractors (Asia) Limited ("Leighton") in relation to the quality of the extension works of Hung Hom Station of SCL.

I wish to say that these documents and photo records are genuine. Given that Judge HARTMANN has to initiate an inquiry anyway, he must also exercise the power of the Commission of Inquiry to summon related witnesses and order them to give evidence. We can appreciate this. However, the SCL incident is a serious matter. It reveals problems that not only affect Hung Hom Station, but also Exhibition Centre Station and To Kwa Wan Station. Are there any other affected stations? No one knows. But we notice that both MTRCL and Leighton have separately tried to stop the company concerned from disclosing further information by means of a confidentiality undertaking, punishing it in reprisal and suspending the contracts already awarded to it.

With the professional knowledge of Judge HARTMANN and the expertise of the academia, I believe in the inquiry process the Commission of Inquiry should be able to reveal many problems in the system. But the problem MTRCL has encountered and the worry of Hongkongers are whether we can be rest assured of our safety when we use SCL. We should focus our attention on how to restore public confidence in the Government in respect of its project

supervision under the Entrustment Agreement and their confidence in MTRCL as the Project Manager. We should try even harder to find ways to put things right and solve the problems, so as to avoid the corporate goodwill, reputation and credibility of MTRCL being tarnished when it deals with future railway works projects because of the failure with the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") and SCL.

When I spoke at the previous two motions moved under the Ordinance, I mentioned that we had to attain two effects no matter what we chose for the way forward. First, we must ensure that SCL or the quality and safety of the railway construction works are scientifically proven and that the construction itself can engender confidence and a sense of reliability among the public. This sense of confidence in the construction works comes from the entire reviewing and investigation process. This process can bolster confidence in the public, such that they will not, I repeat they will not feel that the Government and MTRCL are trying to hide certain facts to distort the result.

Hence, the first problem to be dealt with is the works and operational safety of SCL. This not only relies on scientific data for support and proof, but also relies on an open, sincere and honest attitude that the Government or MTRCL has to demonstrate, as they have claimed, in the inquiry process. Hence, if this motion to invoke the power of the Ordinance is passed, it can order all related documents to be laid on the table, and Judge HARTMANN can have a third party in his inquiry to help society to confirm that all related documents have been comprehensively made public. Thus in addition to the professional perspective of Judge HARTMANN, there is also the perspective of Legislative Council Members.

I remember when we discussed the XRL incident, we did not invoke the power of the Ordinance to order MTRCL to produce any documents; nevertheless, MTRCL still displayed all related documents at its office in Admiralty to indicate that it had no intention to hide any facts. Certainly, the incident this time is much more complicated because it involves China Technology or the subcontractor and sub-subcontractor of other companies. By invoking the power of the Ordinance, MTRCL can be immune from the contractual restrictions of the confidentiality agreement and, just like the way it handled the XRL incident, it can deposit all related documents it can get hold of to a certain place for our review and scrutiny.

Some Members are of the view that we will not understand the documents even if we are provided with the documents for scrutiny. But this is the responsibility of Members. When Members are not allowed to peruse the documents, they certainly will pursue this incident with the Government and question its credibility. More importantly, this will undeservedly undermine the credibility of the inquiry result. Like what Mr James TO just said, the inquiry can go many different directions, including the workers and middle managers. At this juncture, I really must call on the public to give information through means that they trust, because the Government, or MTRCL, is trying every means to avoid using effective ways to disclose the documents to the public.

The two railway projects conducted by MTRCL and the SAR Government under an Entrustment Agreement have cost overruns and progress delay. The cost overruns and delay of the XRL Hong Kong section caused an uproar, but senior public officers and the Secretary concerned reacted in much the way as they reacted today. The former Secretary Prof Anthony CHEUNG said he was shocked by the news at that. Today Under Secretary for Transport and Housing Dr Raymond SO attended this meeting in the capacity as the Secretary. Dr SO was not the one who gave the response at the beginning. But Dr SO should remember what Frank CHAN said: He only learnt of the information from the news. This exactly shows the mode of using an entrustment agreement is plagued with problems. Although an inquiry has been conducted on the XRL incident with a detailed report published, and the Government said that it would implement and execute the detailed recommendations therein, apparently, these efforts have failed to change the management culture and the structural issues with entrustment agreements.

Today, we are not asking for an investigation into the problems of SCL, since this option has already out of the question. But I hope that Members are willing to pass this motion, so that MTRCL and the related companies will have to prepare documents for submission to the Commission of Inquiry led by Judge HARTMANN, as well as depositing the documents in an appropriate place for Legislative Council Members to probe into the problems therein. We will provide a different angle to the incident. Wouldn't this be conducive to the Government's inquiry so that it can lead to a more all-rounded result?

Moreover, depositing the documents at the Legislative Council will not in any way affect the Secretariat or the Secretary. But of course, if we Members find out any problems from the documents, we will definitely pursue the

Government with further questions through the panel. This is a normal process of the Legislative Council in monitoring the Government. There is nothing wrong with it. If we do not do so, the corporate goodwill of MTRCL will be tarnished. I believe apart from considering how to ensure the operation and quality safety of the two projects under its management, MTRCL also needs to seriously consider how to rebuild public and international confidence in its corporate goodwill.

MTRCL is one of the few Hong Kong brands that has successfully gone global. However, questions gradually built up among the public after the XRL and SCL incidents in recent years due to the way MTRCL tried to hide the truth. If MTRCL does not face these questions squarely and decisively, its future work will meet with even greater difficulties. Similarly, if the credibility of the SAR Government is lost, any policy it launches will be suspected as collusion with the business sector. If it does not untie this knot, any further investigations will be futile.

Hence, I want to point out one last point. Now, we need to decide whether or not to allow the request for submitting documents, so that Members and the public can review this matter from a different angle. What we will find in these documents are facts. These facts will not affect the work being done by all other parties, but they will help society to use their collective wisdom to identify the problems. The facts will also ensure that the result of the Commission of Inquiry led by Judge HARTMANN will not be flawed or subject to question.

In my opinion, even if this is a superficial effort, it is still conducive to the progress of the independent Commission of Inquiry and a multiple-perspective consideration of the matter. And this also echoes with the direction that the Government always emphasizes in promoting Liberal Studies. MTRCL took forward the construction of XRL and SCL under an Entrustment Agreement, and the projects ended up having the same problems. This shows that they are not individual issues and deserve our in-depth consideration from a different perspective. Hence, I support Mr LAM Cheuk-ting's motion.

Thank you, Deputy President.

**DR HELENA WONG** (in Cantonese): Deputy President, I speak to support the motion under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") moved by my fellow party member Mr LAM Cheuk-ting. This is the third time we seek Members' support to invoke the Ordinance to inquire into the faults of the Shatin to Central Link ("SCL") project since the disclosure of the cutting of steel reinforcement bars at Hung Hom Station of SCL.

First of all, Dr CHENG Chung-tai proposed to invoke the Ordinance for the Legislative Council to investigate the construction works at Hung Hom Station of SCL. The motion was voted down by the pro-establishment Members upon Government's advice. Then, Ms Claudia MO proposed to invoke the Ordinance again to investigate the construction works at To Kwa Wan Station of SCL. Likewise, the Government summoned unity among pro-establishment Members to oppose the motion. They obeyed the Government's call and vetoed the motion again. Instead of seeking to carry out an investigation, this Ordinance motion moved by the Democratic Party requests to exercise the powers conferred by the Ordinance to order the MTR Corporation Limited ("MTRCL") to produce the relevant documents to the House Committee ("HC").

Deputy President Ms Starry LEE, you are also Chairman of HC. Our motion precisely seeks to facilitate HC to obtain relevant documents from MTRCL for Members' inspection. The Democratic Party will definitely study the documents in detail. The pro-establishment Members may not need to do so if they do not wish to, but they should not thwart the plan of elected Members to obtain the relevant documents. Just like our supporters and the public at large, we are keen to know what has gone wrong with the construction works at Hung Hom Station of SCL. In the motion, we only ask MTRCL to also provide the Legislative Council with copies of documents which it will produce to an independent Commission of Inquiry set up by the Government for Members' inspection. This should include all the documents presented to MTRCL by subcontractors China Technology Corporation Limited and Fang Sheung Construction Company, as well as the main contractor Leighton Contractors (Asia) Limited ("Leighton") in relation to the SCL project, particularly the quality of the extension works at Hung Hom Station. We would like MTRCL to produce all the documents, photos, records of meetings and email information, in their unedited form, to the Legislative Council for Members' inspection and judgment.

Pictures tell the truth, and document records tell what happened as well. So far, Leighton, the main contractor in question, still refuses to attend any meeting of the Legislative Council to give a single word of explanation. Instead, it has invited pro-establishment Members in private to meet outside the Legislative Council in order to hold discussions behind closed doors. How impropriety it is for Leighton to try to determine what information it would provide us with? Should the Government be subject to monitoring? Should MTRCL be subject to monitoring? Should Leighton be allowed to remain in silence? It is absolutely necessary for us, as elected representatives in the Legislative Council, to have access to the documents.

As we can see, pro-establishment Members twice thwarted our plan to invoke the Ordinance for the Legislative Council to investigate the construction works. This time, they are also against our motion even though it only seeks to obtain documents, photos, and other information because the Under Secretary for Transport and Housing is here to ask them not to support it. The Under Secretary has said that "you should spare us and spare MTRCL as well. You should also let the independent Commission of Inquiry set up by the Government pursue the investigation. There is no need for you to read the documents, and you can simply put your minds at ease. The Government will get the project back on track." This is sort of similar to what MTRCL Chairman Frederick MA has said earlier. MA has said that "you should trust us. We can get things back on track. It is going to be all right." But can we really put ourselves at ease and let them deal with the problems?

Today, we can still hear Mrs Regina IP and Mr Tommy CHEUNG echoing the Government's call to oppose the invocation of the Ordinance to obtain relevant documents. They think the investigation should rather be done by the Commission of Inquiry alone. We have to note that, in addition to the attendance of Under Secretary at this Council meeting to urge Members to vote against the investigation, Mrs Regina IP and Mr Tommy CHEUNG are also members of the Executive Council. The two have taken up the dual roles of Members of the Executive Council and Legislative Council. To put it another way, they have put on two hats. Obviously, the hat of the Executive Council is bigger than that of the Legislative Council. In this sense, how can they dare to ask the Legislative Council to investigate the construction works or ask for information? This is actually a misery to the Legislative Council. It makes us wonder whether they speak in the capacity of Executive Council Member or Legislative Council Member, and if they speak as representatives of public

opinions to safeguard the interest of the public or they just speak to defeat the motion.

Some Members from functional constituencies ("FCs") have made really absurd remarks. They do not see any need for us to have access to the documents. In their view, even if we are provided with the documents, the information is just incomprehensible to us. Why? It is because we are neither in the engineering field nor relevant professionals. Mr Tony TSE has said the documents are incomprehensible to ordinary people. Neither an engineer nor a professional who can understand the documents, I guess I am also the subject of the tease. Dr Fernando CHEUNG, a former social worker and teacher, will find the documents incomprehensible either. Hence, are Ir Dr LO Wai-ki and Mr Tony TSE the only two Members who can understand the documents? If we are provided with the documents and if all other Members find it hard to grasp the meaning, the two colleagues can still examine the documents for us. Indeed, I think he really looks down on other Members and the public. There are experts of any kind in society who can also have access to the documents if the Government makes them publicly available. In many cases, you need not be an expert to discover errors or frauds in works projects. What you need is to get rid of your selfishness. There is no need to engage an expert because a basic level of reading literacy is enough for you to uncover this kind of incident.

Deputy President, you should still remember the lead in drinking water incident. It was uncovered by me three years ago. I am not a plumbing expert. I am not even an expert in drinking water safety or an engineer. Yet, that incident was not discovered by Ir Dr LO Wai-ki who is from the Engineering FC. Sometimes, an expertise may create a blind spot as the need to defend the interest of the profession or to save face may make the expert hesitate to uncover faults in the industry. In this respect, we should not have blind faith in experts. When experts seek only to defend the vested interest of the profession, instead of making use of their expertise to serve the public, they are not in a position to give out professional advice. They are just unqualified to advise us against reading the information on the grounds of our lack of relevant knowledge.

Actually, the public are the most fair because they have a discerning eye. As long as MTRCL makes public the information, I trust Hong Kong people, including the experts and non-experts in this Council, are all able to understand what happened and make their own judgment.



According to some Members, they have explained time and again that Carrie LAM has already established an independent Commission of Inquiry to conduct the most efficient and fair investigation. Hence, there should not be duplication of effort. I do not mean to challenge the equity of this independent Commission of Inquiry. It is chaired by a former Judge Mr Michael John HARTMANN, and Carrie LAM has recently appointed Peter George HANSFORD, Professor of Construction and Infrastructure Policy at University College London, as commissioner. I believe in the professional knowledge of the professor and the equity of the judge. I am not going to veto their appointments. I just wish to ask Members to think carefully. The problems associated with the construction works at Hung Hom Station of SCL are really serious. Is it advisable for us to halt all our work, turning a blind eye and a deaf ear to the issue? Should we simply leave it to be dealt with by the Commission of Inquiry after Carrie LAM has taken all the trouble to identify two commissioners to carry out the independent investigation? We should not overestimate the capabilities of the duo.

Members who are clear-headed should remember that in the light of excess lead found in drinking water of some public rental housing estates, the Government set up the Commission of Inquiry into Excess Lead Found in Drinking Water three years ago. Compared with the recently-formed commission on the SCL Hung Hom Station incident, the former commission was more sufficiently staffed. In addition to the appointment of a judge as its chairman and an expert as its commissioner, the commission to inquire into the excess lead incident also appointed overseas experts and academics to assist in its work and Paul SHIEH, SC to assist in the questioning of various stakeholders, including unlicensed plumbers and four contractors of the housing estates affected by the lead in water incident. Besides, the Democratic Party also formed a team of solicitors and barristers to raise questions in the course of the inquiry. However, the independent Commission of Inquiry set up in response to the SCL Hung Hom Station incident consists of only two members, one serves as the chairman and commissioner and the another is the University College London professor. There is no senior counsel to help with the questioning, and the Democratic Party will not be able to raise questions during the inquiry. What's worse, Members are not provided with relevant documents, so we can only leave the two commissioners to deal with the incident behind closed doors.

We have to bear in mind that Leighton, the contractor in question, runs a large-scale building company which has taken up many Government works projects. It is also the contractor of the several dozen billion dollars Kai Tak

Sports Park. Is the Government thus reluctant to displease Leighton? In respect of the Commission of Inquiry, the chairman will preside over the inquiry while the University College London professor will do the questioning. This worries me a lot. Why does Carrie LAM not provide it with more manpower support? We would be able to help if we have access to relevant documents. Ir Dr LO Wai-kiwok can read the documents. Even not an engineer, I can also read the document. Dr Fernando CHEUNG can definitely do the same. We can definitely help raise questions from the perspective of ordinary people. Instead of interrupting the work of the independent Commission of Inquiry, we can provide assistance, and we can make our own judgment as well.

However, due to the concealment of information, we can but count on the two-member commission to find out the whole truth for us, to face up to Leighton's team of most expensive barristers, and to deal with those who seek to safeguard their own interest. Besides, the Highways Department would hire its own lawyers, and MTRCL would surely do the same. Despite this, we can only rely on the chairman and the professor hired from the United Kingdom to pursue the investigation. I call on Members not to overestimate the capabilities of the two commissioners.

Hence, I concur with Mr LAM Cheuk-ting that the Legislative Council should fulfil its duty and do what it ought to do. As long as we have access to the information, we can do the analysis and judgment ourselves and find out the truth for the public. We do not mean to be a nosy parker, and we just wish to know the causes of the faulty works. How many steel reinforcement bars have actually been cut and the risk of the collapse of the entire platform after the commissioning of the SCL line? If we do not make the necessary precaution and find out the truth, I think it will be impossible for us to retain the public confidence in MTRCL and in the Government.

Hence, why should the Government not be openhearted and call on Members to support Mr LAM Cheuk-ting's motion? If MTRCL considers that the information is disclosable, it should disclose the information to let the public make their judgment. The only reason for not disclosing the information is that the Government seeks to conceal the whole thing. Just like spraying water from the sprinkler system to cool the temperature down, it seeks to tone down the incident and deprive Members of the ammunition to question the Government and MTRCL. As the majority shareholder with more than a 70% stake in MTRCL, is the Government afraid that as we attack MTRCL, we are also

attacking the Government. We do not mean to attack anyone. Neither do we intend to attack the Government. We just want to find out the causes of the faults, look into the loopholes, and identify the parties who should be held responsible for the mistakes. Why is the Government so reluctant to side with the Legislative Council and the people to safeguard our right to know and the right to monitor the Government?

Carrie LAM has said time and again that safety is her primary concern. This is also what the Legislative Council, the Democratic Party, and the general public believe. Yet, if safety is her primary concern, there is no reason why the Government seeks to conceal the whole thing to tone it down. There is also no reason for only appointing the two-member commission to deal with and investigate the incident, asking us to turn a blind eye and deaf ear to it. As Members, we should take on the responsibility of safeguarding our powers to monitor the Government and to find out the truth. I call on Members to turn over a new leaf. This is their last chance to do so.

I so submit.

**IR DR LO WAI-KWOK** (in Cantonese): Deputy President, the motion moved by Mr LAM Cheuk-ting seeks to call on this Council to authorize the House Committee ("HC") under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to exercise the power conferred by the Ordinance to order the MTR Corporation Limited ("MTRCL") to attend before HC on or before the date of the first HC meeting after the passage of this motion to produce all related documents and information presented to MTRCL by the related contractors in relation to the quality of the extension works of Hung Hom Station of the Shatin to Central Link ("SCL").

Deputy President, regarding the problems with the SCL project, non-establishment Members have repeatedly moved different motions under the Ordinance. In my opinion, Mr LAM Cheuk-ting's motion is a pestering tactic of non-establishment Members, trying to pursue the same matter like a bad loser, without considering the actual situation. Everyone knows that the steel bars in the Hung Hom Station platform slab of SCL that have been cut short is a matter of public safety. The incident has aroused extensive concern in society, and the Government has also accorded high importance to the matter. In 12 June, Chief Executive Carrie LAM decided to set up a commission of inquiry under the

Commissions of Inquiry Ordinance to investigate the matter, and appointed former Non-Permanent Judge of the Court of Final Appeal Mr Michael John HARTMANN to lead the inquiry. The inquiry is expected to complete in six months. The Commission is established pursuant to the Commissions of Inquiry Ordinance, and the inquiry is a judicial procedure vested with statutory powers to summon specific persons for testimony or production of objects or documents. The scope of documents can certainly cover the documents Mr LAM Cheuk-ting intends to request to be submitted. The Commission is indeed a "a tiger with real teeth". The decision of the Government to establish an independent Commission of Inquiry has secured the endorsement and support of Members across different political parties and camps in the Legislative Council.

Deputy President, as I stressed earlier, the Commission of Inquiry should have independent professional engineers as its members. This will be helpful to the future inquiry. Besides, the Commission should also focus on the traceability and risk management of the railway construction procedures.

The latest development is that on the day before yesterday, that is 10 July, the Chief Executive in Council endorsed the establishment of an independent Commission of Inquiry, the appointment of Mr HARTMANN as Chairman and member, and Prof Peter George HANSFORD as member of the Commission. Prof HANSFORD is an engineer and he is currently Professor of Construction and Infrastructure Policy at University College London. He has extensive experience in major infrastructure projects and construction projects, including railway projects. Moreover, the Government also established an Independent Expert Panel in 2014 to examine the project management systems and cost control mechanisms of MTRCL in overseeing the project of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and the monitoring processes of the Government. Mr HARTMANN was the Chairman of the Independent Expert Panel and Prof HANSFORD was one of the experts on the Panel. Both are thus very familiar with the implementation of railway projects in Hong Kong under a concession approach. We believe their experience will be very useful in this inquiry.

The terms of reference of the Commission of Inquiry is also a matter of great concern to society. According to the Government's announcement, the terms of reference are two-folded. First, the inquiry will focus on the problems with the diaphragm wall and the platform slab construction works at the Hung Hom Station Extension under the SCL project. There are views in society that

the scope of the inquiry should be expanded to cover non-compliant works found in other stations of the SCL project. For instance, it has recently been reported that a steel bar-reinforced cement wall located near a stairway in To Kwa Wan Station was found non-compliant and shoddy excavation work was also discovered in Exhibition Centre Station. However, these problems are different from the problems found in Hung Hom Station in nature and complexity and should not be included into this inquiry. If the terms of reference of the independent Commission of Inquiry is allowed to be infinitely expanded, the Commission will lose the focus of its inquiry.

However, this does not mean that the terms of reference of the independent Commission of Inquiry is too limited because it has another specific and important function. It must also comprehensively review MTRCL's project management and supervision system, quality assurance and quality control system, risk management system, site supervision and control system and processes, system on reporting to Government, system and processes for communication internally and with various stakeholders, etc. Moreover, the Commission will also review the adequacy of the monitoring mechanisms adopted by the Transport and Housing Bureau and the Highway Department, and the adequacy of the control mechanisms of the Buildings Department on railway facilities. The Commission will also recommend suitable improvement measures based on the findings of the inquiry, so as to enhance public safety and ensure works quality.

Honestly, the membership of the Commission of Inquiry already exhibits great authority and impartiality. Its terms of reference focuses on the construction works of the Hung Hom Station of SCL, but also suitably covers the MTRCL's project management and supervision system, and the monitoring and control mechanisms of the related government departments, as well as providing improvement measures. The terms of reference has been comprehensively thought out. I believe it will win the trust of the public. Given that the authorities have already preliminarily responded to different social concerns, different sectors of society should give the independent Commission of Inquiry suitable time and room to produce the report in the six-month schedule. I anticipate that the Commission of Inquiry will complete the inquiry as scheduled and arrive at constructive recommendations to enhance the traceability and risk management of the construction management and works procedures of MTRCL.

Besides, Deputy President, given that the incident has been reported to the Police, if the power of the Ordinance is invoked by Mr LAM Cheuk-ting's motion to order at this stage the production of all related documents to this Council, it will affect the inquiry to be initiated by the independent Commission of Inquiry led by Judge HARTMANN and the investigation that may be initiated by the Police. Moreover, just like the sword dance performed by XIANG Zhuang, which aimed not at entertaining the guests, but at taking the life of LIU Bang, related comments made by non-establishment Members at past meetings and the placards they displayed therein show that they aim only at the public officer and the MTRCL senior management, so as to hold them accountable and force them to step down. They target at the person, not the matter, and disregard the problems that need to be resolved. I am afraid their mentality will only politicize and complicate the inquiry work.

As to the safety issue of the platform slab in Hung Hom Station, I hold that the most scientific way of testing is to conduct a load test. MTRCL has engaged an independent engineer expert to carry out a load test on the platform slab of Hung Hom Station and the expert has already submitted the methodology of the test. Load test is the most scientific method to confirm whether a structure complies with the works requirements without destroying the structure itself. The steel bar-reinforced cement structure is constructed based on the works design. There are strict requirements on the size, length and quantity of the steel bars, as well as their distribution and connection method, and also on the cement formula. Everything has to be constructed in accordance with a step-by-step procedure. If the steel bars are not properly connected or fixed according to the design, they cannot attain the designed structural strength. To ensure that the testing method is feasible and effective, the Government has also engaged a third-party expert to review the suggested method. I hope that the test can soon be conducted, so as to review the works structure and resolve the problem with an objective and scientific works method.

Deputy President, I am the Member representing the engineering sector in this Council. My door is always open to members of the industry if they have any views and problems and they will come to me. Non-establishment Members should not make any blind guess and create troubles out of nothing.

With these remarks, Deputy President, I oppose Mr LAM Cheuk-ting's motion.

**DR FERNANDO CHEUNG** (in Cantonese): Deputy President, having heard Ir Dr LO Wai-kwok's grand speech, saying that we are creating troubles out of nothing and making blind guess, I find it hard to believe that he is the Member from the engineering sector.

The Shatin to Central Link ("SCL") has been embroiled in ongoing scandals. Today for instance, a media called *HK01* exclusively revealed a batch of photos and videos that it received, showing the steel fixing works of the diaphragm wall. The couplers have not been tightly screwed onto the steel bars for connection and two steel bars are actually unconnected. As seen from the photos, the staff of the MTR Corporation Limited ("MTRCL") were present at the scene. According to the news report, some engineers are shocked after seeing the photos and videos. They hold that steel bars not tightly screwed into the couplers is the cause to the cracks found on the diaphragm wall and, in serious cases, the wall can collapse.

Deputy President, this is the third time this Council debates the use of the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") at its meeting. These motions either seek to establish a select committee to investigate the matter or, like this motion moved by Mr LAM Cheuk-ting, seek to request MTRCL to produce the related documents. I will certainly speak and support this motion. The pro-establishment camp already voted down in June Dr CHENG Chung-tai's request to establish a select committee, as well as another similar request made by Ms Claudia MO last week.

Dr CHENG Chung-tai's motion mainly focuses on Hung Hom Station and Ms Claudia MO's proposal is mainly about To Kwa Wan Station. But both were voted down. Last Friday, at the meeting of the House Committee ("HC") chaired by you, Deputy President, members also voted down Mr Michael TIEN's request under the Ordinance to authorize the Panel on Transport to investigate the SCL incident. We have altogether made three requests at Legislative Council meetings, and another at a HC meeting, but all were voted down. Likewise, this motion will be no exception.

We are requesting to vest the Legislative Council with the power under the law to investigate a scandal-plagued works project that has lots of evidence showing its shoddiness. But our requests are all rejected. The contractors are pointing the finger at each other. China Technology Corporation Limited ("China Technology") already stepped forward and spoke. Fang Sheung

Construction Company ("Fang Sheung") claimed that it only followed the request of Leighton Contractors (Asia) Limited ("Leighton"). And MTRCL said it had no knowledge of the matter. And then China Technology said it had already reported the matter to the Secretary. And the Secretary said he had never heard of it, but his words were proved wrong as email records were later found. All parties are actually putting the blaming and shirking the responsibility to each other. Leighton did not attend any of the meetings held in the Legislative Council, but Members are indifferent, saying that the Government has established an independent Commission of Inquiry under the Commissions of Inquiry Ordinance, so their absence is not a problem.

Deputy President, it is actually a big problem. First, as we have already said in previous debates, this is an important works project that involves public interests and public safety. Is the Legislative Council not duty-bound to investigate and identify which part has gone wrong? It is the duty of the Government to establish an independent Commission of Inquiry. But does this mean that the Legislative Council can be indifferent and wait for Judge HARTMANN to complete his inquiry and then we slowly look into the matter? No, we definitely have the responsibility to look into the incident. Hence, the Legislative Council should invoke the power of the Ordinance to establish a select committee or, according to the proposal of Mr LAM Cheuk-ting today, request MTRCL to submit the related documents, photos, records of meetings and correspondences, etc. for our scrutiny. This is our basic responsibility.

Second, time is also critical. We know that the independent Commission of Inquiry led by Judge HARTMANN will use about half a year to scrutinize the whole incident. But it is reported that around July or August, the authorities may announce the contractual details of the Kai Tak Sports Park ("Sports Park"). Deputy President, you should also know that the construction of the Sports Park involves a \$31.9 billion contract to be awarded to a single consortium, and the awardee will be responsible for the design, construction and operation of the Sports Park for a period of up to 25 years. After the first round of consideration, the Government chose three consortia, and Leighton is one of them. Like the other consortia, Leighton also has the opportunity to seize this \$31.9 billion contract. Besides, before the contract is awarded, the Government has provided a bid incentive of \$60 million to each consortium to prepare their bid with details. This is indeed a total waste of public resources.



If the motion proposed by Mr LAM Cheuk-ting today is passed, we can make public the related documents with the power of the Ordinance, such that the public will be able to see what the involved parties (MTRCL, Leighton, Fang Sheung and China Technology) have done wrong, what the problems are, and whether there is any shoddy works or illegal deeds. As one can imagine, if Leighton is found non-compliant in this incident, it will certainly have its hope of getting this \$31.9 billion giant works project dashed. This is critical. Deputy President, at this juncture, if we cannot expeditiously disclose these documents, it is hard to know how the authorities can scrutinize the bids on the Sports Park.

Honestly, Leighton does have its ability. It has been reported that, according to the annual report of its parent company, an Australian listed company named CIMIC Group, Leighton still holds almost HK\$40 billion of works projects. They include the departure building of the Hong Kong-Zhuhai-Macao Bridge (\$9.05 billion), the West Kowloon Station (\$9.36 billion), the Tseung Kwan O-Lam Tin Tunnel (\$9.36 billion), the East Kowloon Cultural Centre (\$3.4 billion), the Terminal 2 Departure Hall of the Hong Kong International Airport (\$3.04 billion), Car Park 1 of the Hong Kong International Airport (\$2.17 billion) and the Black Point Power Station (\$1.15 billion), summing up to a total of \$37.53 billion.

Moreover, Leighton and MTRCL have also jointly won franchise contracts in Sydney, Australia, to operate and maintain a metropolitan railway and the North West Rail Link. Prior to award of these contracts, Leighton also undertook the construction of, among others, the South Island Line, some projects of the Express Rail Link, the Central-Wanchai Bypass and the Liantang/Heung Yuen Wai Boundary Control Point. Leighton is a subsidiary of CIMIC Group, an Australian-listed company. Another subsidiary of CIMIC Group is UGL Limited. Many of the above mentioned works projects were awarded to UGL Limited during the tenure of LEUNG Chun-ying. Deputy President, the relationship is intricate. How will Leighton deal with the SCL project. It still holds works projects worth almost \$40 billion. How would it deal with those projects? Given that the \$31.9 billion Sports Park project will soon to be awarded to a consortium and Leighton is a potential awardee, should we not expeditiously and urgently find out the truth? Can we still afford to slowly wait for the result of the inquiry? Deputy President, this is critical and major public interests are at stake.

Of course, this matter also involves public safety. Can we afford to take this matter lightly? Ir Dr LO Wai-kwok says that Mr LAM Cheuk-ting of the democratic camp who requests the submission of documents is a bad loser. I do not know how to define a bad loser. I only know that the loser is Hong Kong people and the Hong Kong society; and the winner is the profiteering contractors, and possibly MTRCL because it will make a profit from the project anyway and the Hong Kong public are the one to pay the bill. MTRCL will charge an administrative fee irrespectively of the progress of the project, and it will continue to profit from the railway after its completion. I am not lying. MTRCL records a surplus of over \$10 billion every year, and it raised its railway fares again not long ago. It is the perpetual winner. It can hike its fares every year. No matter the works progress is fast or slow, and no matter how shambolic its internal is, MTRCL can still partner with Leighton to bid for overseas operation and maintenance contracts. They are a team. So what should we do?

Deputy President, we and Hong Kong people have been left in the dark. Today, those Members who will oppose this motion are helping MTRCL and the Government, and telling people not to look at so many documents. They are telling people to wait for the inquiry of Judge HARTMANN, and that everything here is fine and safe. They are asking people to put their mind at ease and do not ask so many questions. Just put in their trust and do not ask. I do not know how to describe this situation. I just feel that they totally disregard the interests and safety of the Hong Kong public, and totally ignore the basic responsibility of the public and their own. I hold that those Members who will oppose this motion today are not qualified as a Member.

**MR HUI CHI-FUNG** (in Cantonese): Deputy President, I rise to speak in support of this motion moved by Mr LAM Cheuk-ting under the Legislative Council (Powers and Privileges) Ordinance to order the MTR Corporation Limited ("MTRCL") to attend before the House Committee to produce documents relevant to the shoddy construction works. Such documents include all the documents of the MTRCL, photos, relevant records of interviews, communication records and other relevant documents and information.

I must first say that the quality problems with the construction works this time around are of a very serious nature, involving very significant public interests. Both the general public and the Government have hitherto thought that Hong Kong's public transport infrastructure and system are highly stable and

reliable, able to serve a huge travelling public to the envy of the whole world. But many of our queries are still unresolved in the aftermath of all these recent problems, so can we still trust MTRCL in the future? Can we still have any confidence in the railways built by the Government, and the monitoring mechanism, for that matter?

These works quality problems are all found in important sites, so they will directly impact the loading capacity of station platforms along the East-West Corridor. In case any accident happens due to these problems, heavy casualties will result. Worse still, platform collapse and other dangerous incidents may even occur. And, we must also know the answers to a number of questions. Do these works quality problems involve any substandard works? Have the contractors concerned done anything or refrained from doing anything for the sake of profiteering? Do these works quality problems involve any illegal acts which can give them huge benefits, and which lead them to sacrifice public safety? How can we regain our confidence in massive infrastructure projects, if we discover that all these factors are involved, but they have escaped our monitoring mechanism? How can the public have any confidence in the Government in the future, if we now set a precedent of not conducting any investigation and not invoking the power we have, despite the existence of these substandard works?

That is why many people call the Legislative Council (Powers and Privileges) Ordinance the Sword of Imperial Sanction. This sword confers on the Legislative Council various statutory powers for the purposes of carrying out investigation and requiring the provision of things and the giving of evidence. The virtue of this ordinance is that when we invoke these powers and make an order, the party being investigated cannot refuse to comply. If he refuses, he will be held criminally liable. This is actually where our power really lies. You know, for some 20 years since the reunification, whenever people ask about the powers of the Legislative Council, we always reply that we have the powers to monitor our public finances and approve appropriation requests. But then, the public should know only too well how much monitoring power we actually have. "White elephant" projects are approved one after another, and tens of billions have been squandered. So, the public can surely judge for themselves how powerful we really are in the monitoring of public finances. Members' power to propose bills and legislative amendments is extremely limited due to the restrictions inherent in the design of the Basic Law. So, we can actually see that very few Members' Bills and legislative amendments proposed by Members can be passed.

So, the only power left, and the most important power too, is the investigation power under the Legislative Council (Powers and Privileges) Ordinance to obtain exhibits. How can we still afford giving up this very power? You know, the people believe in separation of powers. Well, the Government may not admit any separation of powers in our system. The Chinese Community Party has even ruled this out altogether, saying that our system should be executive-led. They simply question why there should be any separation of powers at all. But this is actually the very system commanding the greatest public trust. So, if we in this Council can act in a way that gives people confidence, we will succeed in showing them that we are capable of upholding and manifesting the powers we have after our election to this Council. This time around, we are facing a grave problem of works quality which may involve substandard works. If we do not exercise the power we have, we will fail the public. If the public lose confidence in the legislature, our reputation in the future will be tarnished.

So, all goes back to pro-establishment Members again. Pro-establishment Members should rise to speak in greater numbers, so as to explain why the power to investigate and to obtain exhibit should not be exercised. Their thinking is just hard to understand. I believe when the voting time comes, some pro-establishment Members will leave this Chamber and others will vote against our proposal on obtaining exhibits. Actually, what are you people up to? Saving the face of the Government? Protecting the vested interests of someone suspected to have breached the law? If you people refuse to use the power you have, I must ask you what has happened to your conscience. So, if pro-establishment Members refuse to launch an inquiry and obtain exhibits under the Legislative Council (Powers and Privileges) Ordinance, they are nothing but cowards, cowards who totally fail to deliver what the public expect of them.

Earlier, Ir Dr LO Wai-kwok made it a point to accuse pro-democracy Members of being relentless. Yes, we are indeed relentless. This is a problem involving significant public interests, one which may cause human casualties and losses of people's property. So, what is wrong with being relentless? Ir Dr LO Wai-kwok's accusation is really senseless and ridiculous. Right, we are relentless. Does he mean that we should simply gloss over the whole thing, watch with folded arms, and let go of the Government and those contractors suspected of breaching the law, just like how pro-establishment Members have been behaving? Why shouldn't we be relentless? Pro-establishment Members, answer me please.

Ir Dr LO Wai-kwok also argued that if Mr LAM Cheuk-ting's motion is passed and we can thus obtain certain documents, information and records of interviews and correspondences, the Judge's inquiry and the criminal investigation of the Police will be adversely affected. Did I get him right? Does he mean that once a certain document is put before us in the House Committee, it will become a cur of some kind? How can it possibly affect any inquiry and investigation? It will only make any inquiry easier and smoother, right? Honourable Members, don't you agree that the Judge and the Commission of Inquiry can likewise use such documents during the inquiry? And, the availability of more documents as evidence will only help the Police prosecute lawbreakers in the course of criminal investigation. So, how can there be any adverse impact? What kind of logic is this? It is really shameless of pro-establishment Members to argue in such a way. If any pro-establishment Member wants to defend Ir Dr LO Wai-kwok, please stand up and explain how such information will hinder any upcoming inquiry.

Ir Dr LO Wai-kwok also surmised that the real focus of pro-democracy Members was in fact accountability (You know, I am particularly interested to talk about him, because his speech just now was simply "wonderful"). As people elected to this Council, we now see a grave violation of public interests involving suspected substandard works; we now see certain people telling a whole pack of lies to absolve themselves, and others trying to harbour the wrongdoers. If we do not talk about accountability, why should we still stand here anyway? The purpose, the very purpose, of our presence in this Council is to partake in the discussions on affairs in our society. Whenever there are any incidents involving significant public interests and the Government is in the wrong, we must hold it accountable and ask it to step down. If the contractor is in the wrong, we must likewise hold it accountable, ask it to admit its mistake publicly, and require it to tender an open apology and pay compensation. Why can't we focus on accountability? He even accuses us of making trouble. But I instead think that pro-establishment Members are all cowards. I am frankly baffled by his remarks.

(THE PRESIDENT resumed the Chair)

Pro-establishment Members used to love inquiries. They all pounced on Dr CHENG Chung-tai's case and asked for an inquiry. They also salivated over

my "mobile phone incident", clamouring also for an inquiry. But how come they have all chosen to simply disperse and abstain from voting when it comes to such incidents which involve issues of public safety and interests, and alleged government harbouring of someone suspected of having committed mistakes? It is inconceivable that they object to making an inquiry.

I also wish to raise one more point here. Just now, some pro-establishment Members asked everyone to spill the beans. This is really a good idea. It will be wonderful if people can divulge more useful information, because this can make the truth of the whole incident clearer. Yet, can we rely solely on spilling the beans when we look into such a major incident? Well, we all know that when people spill the beans, many different people will be giving different stories and volunteering all sorts of documents. We are certainly going to hear many different stories, rather than just one. And, you see, this present incident involves many sides, including MTRCL, the Government, China Technology Corporation Limited, Fang Sheung Construction Company and Leighton Contractors (Asia) Limited. All of them can in fact tell their own stories. Actually, if we look at the information about similar incidents in the past, we will see cases where different people told different stories. In these cases, different stories were told, but they were then vehemently denied; allegations were made, but their credibility was almost invariably challenged for reasons of insufficient documentary and evidential support. The reason for all this was actually the incomprehensive nature of the beans spilled. So, we think the best way should be the invocation of the Legislative Council (Powers and Privileges) Ordinance to order the persons involved to spill the beans and answer questions in the Legislative Council. But our requests are invariably negated by pro-establishment Members.

Mr LAM Cheuk-ting's present motion does not exactly ask the persons involved to spill the beans themselves. Rather, it seeks to actually obtain documents, information, and records of meetings and correspondence which can be used as evidence. All such documents are the very materials that can give us truly helpful information, unless they have been altered, or forged, with the intention of erasing evidence (But in that case, those people will be held criminally liable). With such documents, even laymen and ordinary people can deduce who the liars are, who should be in the know but are afraid to speak up, who have told stories different from what they know, and who want to conceal the truth forever. I therefore welcome people to spill the beans. But pro-establishment Members please listen up. Spilling the beans alone is not

enough. I call upon them to remain in their seats when the Legislative Council votes on the motion moved by Mr LAM Cheuk-ting under the Legislative Council (Powers and Privileges) Ordinance to order the MTRCL to produce information. Will they please support this motion? Could they please conscientiously discharge their duty towards Hong Kong people? We must not make the public lose confidence in our transport infrastructure, which is of vital importance to us. We will have many massive infrastructure projects that are of greater importance in the future, and we must not let any contractors ever think that our mechanism for monitoring these projects is going to be so very ineffective. We must not let them think that our legislature is unscrupulous, and also powerless like a toothless tiger. We must not let them think that they can thus reap huge, illegal profits by giving us substandard works in all these projects.

Hong Kong has really turned very Mainland-like. There are many video clips on the Internet showing how the external walls of buildings in the Mainland fall down like a domino, and how jerry-building and substandard reinforced concrete cause the collapse of entire building blocks. Should Hong Kong turn so Mainland-like? Should we allow our monitoring mechanism to degenerate into such an appalling state that makes we Hong Kong people lose confidence in our own infrastructure construction, our Government, and our monitoring mechanism? Finally, I call upon pro-establishment Members to follow their conscience and support the motion moved by Mr LAM Cheuk-ting under the Legislative Council (Powers and Privileges) Ordinance.

Mr LEUNG, I so submit.

**MR MARTIN LIAO** (in Cantonese): President, I speak to oppose the motion moved by Mr LAM Cheuk-ting.

I have three reasons to oppose the motion. First, the motion requires the MTR Corporation Limited ("MTRCL") to attend before House Committee to produce all the information presented to MTRCL by the relevant contractors in relation to the quality of the extension works of Hung Hom Station of the Shatin to Central Link ("SCL"). President, every action should come with a justifiable cause. May I ask what the purpose of requesting the documents is? Is it simply to satisfy the curiosity of Members, or to nurture Members interest in reading, or to conduct subsequent follow-up inquiry? It is meaningless if we simply examine the documents without conducting any follow-up inquiry. If the

ultimate purpose is to conduct an inquiry, then the documents for the inquiry of the Hung Hom Station of SCL should not be presented to the House Committee. It is because the House Committee is not an investigation committee. Its major function is to make preparations for the meetings of the Legislative Council and to scrutinize Bills and subsidiary legislation to be tabled at the Legislative Council.

Although the steel reinforcement fixing works problems at the Hung Hom Station Extension under the SCL Project may involve major public safety concerns, if the Legislative Council is to conduct an inquiry, a select committee should be set up by the Legislative Council under the authorization of the Basic Law and the Legislative Council (Powers and Privileges) Ordinance, instead of tasking the House Committee to conduct the inquiry. In the past, the total membership of a select committee to conduct an inquiry has never exceeded 15. Generally, a select committee will have 11 to 13 Members. For that reason, the House Committee consisting of 17 Members cannot perform its functions in reality.

As to the motion to invoke the Legislative Council (Powers and Privileges) Ordinance to investigate the Hung Hom Station Extension under the SCL Project, a similar motion moved by Dr CHENG Chung-tai under the Legislative Council (Powers and Privileges) Ordinance was negatived by the Legislative Council. Since Dr CHENG Chung-tai's motion was negatived, no material facts have been changed. The only change is that the Chief Executive has announced the establishment of an independent Commission of Inquiry to inquire into the Hung Hom Station Extension under the SCL Project. We should wait for the report of the independent Commission of Inquiry before deciding if the Legislative Council should follow up the matter as the report will be completed in six months. I cannot see the reason why we should set up a select committee by invoking the Legislative Council (Powers and Privileges) Ordinance to inquire into the Hung Hom Station incident due to any change in material facts within this one month.

Mr LAM Cheuk-ting's motion requests MTRCL to produce the relevant documents. I consider that nothing more than gestures because that will be superfluous if no follow-up inquiry will take place. Sorry, I really do not appreciate this kind of "throwing a sprat to catch a whale" approach or "decoy tactic" which aim at securing the documents first and then propose an inquiry afterwards.



The second reason is that the Chief Executive had appointed a statutory independent Commission of Inquiry under the Commissions of Inquiry Ordinance (Cap. 86) to conduct an inquiry into the Hung Hom Station Extension under the SCL Project. The Commission's power includes but not limited to requesting MTRCL to produce Hung Hom Station documents presented by the relevant contractors, just the same as what Mr LAM Cheuk-ting has proposed in his motion. Under the Commissions of Inquiry Ordinance, powers of the Commission include conducting inquiry, receiving any material whether by way of oral evidence, written statements, documents or otherwise, notwithstanding that such material would not be admissible as evidence in civil or criminal proceedings, summoning any person to give evidence before the Commission, issuing warrants of arrest to compel the attendance of any person not complying with a summons issued by the Commission and so on. The Commission has the powers of a judge, and any failure of compliance could be considered as a contempt. Thus the Commission can effectively play an investigative role.

With regards to the terms of reference of the Commission, yesterday the Chief Executive announced that the subject of the independent Commission's inquiry would be firmly focused on the steel reinforcement fixing works and works procedures in respect of the diaphragm wall and platform slab construction works at the Hung Hom Station Extension under the SCL project, MTRCL's project management and the Government's monitoring mechanism. All of these are included in Mr LAM Cheuk-ting's motion. Therefore, it is unnecessary for the Legislative Council to make duplicate efforts and waste public money. As far as I understand, an inquiry conducted under the Legislative Council (Powers and Privileges) Ordinance would cost about HK\$10 million and it will take years to complete.

Third, the motion requests MTRCL to produce all relevant documents and information in relation to the quality of the extension works of Hung Hom Station of the SCL Project. The scope is just too wide. Even if the Legislative Council is going to conduct an inquiry; the scope should only be limited to matters of significant public interests. General quality of works issues of the contractors, such as water seepage from the ceiling, has no direct relationship to public safety, should not be investigated by the Legislative Council.

Lastly, I have to make it clear that even though I cannot support Mr LAM Cheuk-ting's motion this time around, I will still pay ongoing attention to issues of significant public safety relating to the Hung Hom Station Extension under the

SCL Project, including the report to be submitted by the statutory independent Commission of Inquiry, which is set up by the Government, within six months. And I will consider if the matter should be followed up by the Legislative Council after that. Depending on the findings of the report, I will not exclude the possibility that I will support the Legislative Council's proposal to set up an investigation committee in future, as required, to look into the Hung Hom Station Extension under the SCL Project or other potential issues of significant public interests.

President, I so submit.

**MR CHU HOI-DICK** (in Cantonese): Mr LEUNG, just now Mr Martin LIAO advanced two major arguments against Mr LAM Cheuk-ting's motion. The first argument is that Mr LAM Cheuk-ting's motion only seeks documents but not an inquiry. However, didn't the motions Ms Claudia MO and Dr CHENG Chung-tai proposed previously ask for an inquiry? He raised objections nevertheless. Now, saying that this motion only seeks documents but not an inquiry, he raised objection again. That being the case, may I ask him not to use that as his argument? He simply stands in opposition of any inquiry into the incident, so why not make it plain that he opposes inquiring into the incident or, at all events, whatever motion that is related to conducting an inquiry? Just stop saying that he opposes the motion because it only seeks documents but not an inquiry. That is simply untenable.

Second, Mr Martin LIAO described Mr LAM Cheuk-ting's tactic as throwing out a sprat to catch a mackerel. Right, that is exactly what we are doing now. On the last two occasions, the pro-establishment camp played hardball to defend the Government, voting down all the motions which sought to launch an inquiry into the problems of the Shatin to Central Link project. On this occasion, we, therefore, have no choice but to fetch a sprat and then throw it out. So, Mr Martin LIAO is right. "Throw out a sprat to catch a mackerel" is precisely the objective of this motion. If the Legislative Council agrees to invoke the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to obtain the information which has yet been fully disclosed by the MTR Corporation Limited ("MTRCL"), the Legislative Council as well as all members of the Hong Kong society will have more background information to better understand the true causes of the incident. Whether our objective is, as Mr Martin LIAO described, throwing out a sprat to catch a mackerel or luring a

target into a trap, it can never be turned into a justification for his objection to this motion. It cannot serve as a justification, can it? We play the role as watchdogs in the Legislative Council and therefore need to persevere and press on, trying to get as much relevant information as possible. If you take the stance of a watchdog, why won't you support Mr LAM Cheuk-ting's motion?

This is already the third time I rise to speak about invoking the Ordinance to inquire into the Shatin to Central Link. As I recall, I mentioned an idea called "great grey tower" in my first speech, by which I referred to the current engineering sector in Hong Kong. I raised the point that it is necessary for us to do whatever we can within the power of the Legislative Council to break such system which allows black-box operations, layers of monopolies and a control over substantial financial resources. Last week when I made my second speech, I mentioned the issue of confidence. The issue of confidence concerns public confidence in this type of infrastructure projects of the MTRCL or the Government, and conversely, the Government's confidence in itself. Actually, confidence should be rebuilt through an inquiry.

This time round, I do not have any specific theme for my speech as I think the Government has learnt nothing from the two previous debates and made no change to its modus operandi despite grave concern of the public. Let me cite an example. During the oral question session yesterday, Secretary SO replied to the first oral question raised by Mr KWONG Chun-yu regarding the subsidence issue of the West Rail Line. While his written reply made no mention of the incident of subsidence at a light rail stop, Tin Wing Stop, Secretary SO added the relevant information in his oral reply. However, the additional information is incomplete and inaccurate ...

**PRESIDENT** (in Cantonese): Mr CHU Hoi-dick, this motion concerns Hung Hom Station of the Shatin to Central Link. Please come back to the subject of this motion debate.

**MR CHU HOI-DICK** (in Cantonese): Mr LEUNG, why do I want to mention the incident at Tin Wing Stop? The reason is that the Government condones and covers up these blunders of the MTRCL. We have to point out the problems with the way the Government handles the matter. The Government has learnt

nothing from past experience at all. Despite public discontent, the Government is still evasive, disclosing the subsidence of Tin Wing Stop in such a stealthy way. The subsidence of Tin Wing Stop is not merely 20 mm because, at the request of the property developer, the relevant property development project need not be suspended until the subsidence exceeds 80 mm. Unexpectedly, after the approval of the maximum limit of 80 mm, the project had to be suspended on 25 June this year as the subsidence of Tin Wing Stop exceeded 80 mm. Today being 12 July and yesterday 11 July, I do not know why Secretary SO did not put it down in his written reply but rather stealthily ...

**PRESIDENT** (in Cantonese): Mr CHU Hoi-dick, let me remind you once again that this motion concerns Hung Hom Station of the Shatin to Central Link. Please come back to the subject of this motion debate.

**MR CHU HOI-DICK** (in Cantonese): If the Government maintains its stealthy modus operandi, it should not blame us for criticizing it constantly. It is just inevitable that we will loop our criticisms endlessly. Has the Government ever changed its modus operandi? It always conceals the truth whenever possible. When concealment is not feasible, it will, in act stealthily, just like a thief in the night ...

**PRESIDENT** (in Cantonese): Mr CHU Hoi-dick, this motion seeks to empower the House Committee to order the MTRCL to produce to it the documents presented by several contractors in relation to the quality of the extension works of Hung Hom Station of the Shatin to Central Link. Please come back to the subject of this motion debate.

**MR CHU HOI-DICK** (in Cantonese): A few days ago, I watched a news programme which analysed why the royalist Members voted against the motions involving the Ordinance—including this one, I suppose—on multiple occasions. I think a Member has quoted part of the contents, but still, I wish to repeat it, even at the risk of being verbose. As reported in the programme, "informed sources also disclosed that the series of revelations about the problems of MTRCL's

projects is a systematic smear campaign, as analysed by people in the Government. They are concerned that the relevant persons still have 'smearing materials' in hand, especially materials about the West Kowloon Station of the Express Rail Link ("XRL"), and they fear that people with ulterior motives may drop a bombshell when the commissioning of the XRL draws nearer." That means for fear of other "smearing materials", they cannot support the motions moved under the Ordinance, including this one. The logic is that if the motion is passed, the MTRCL will have to uncover scandals concerning Hung Hom Station of the Shatin to Central Link. The opposition Members will thus be given enormous firepower and those hostile to the MTRCL will be able to launch an all-out attack on it. I can hardly understand why royalist Members are convinced by such logic when it is rather the other way round. The present situation is like pressurizing a high pressure cooker continuously. Just think—past blunders may still be uncovered, like the photos of the blunder in 2013 which are dug out even today, causing quite a stir among people. From this, we should know that the facts will come out anyway and, as such, there will be a growing pressure inside this pressure cooker in the Legislative Council. But actually, the pressure will be reduced as soon as we pass any one of the motions moved under the Ordinance such as this one. Why? The reason is that people still have some expectations for the Government, the MTRCL and the royalists. They hope that the royalists will be driven by conscience to vote for the motion on account of public safety, thus enabling the Legislative Council to do something. If they are willing to do so, the pressure will be reduced. Then, even if there is revelation of other "smearing materials", the impact will definitely be smaller than the present one. To me, this should be how their logic goes.

However, they view it the other way round, thinking that it is something impermissible. They consider it a must to maintain their firm stance, regardless of whether this pressure cooker will explode with a continuous accumulation of pressure. Perhaps, they think that this Council session will end after today's meeting and then the summer recess will follow—you know, they often think that the passage of time can obliterate people's memories most effectively—so members of the public will forget about the incident gradually. But I ask them not to be forgetful. I am rather certain that other "smearing materials" are still out there because nothing can be kept secret unless it never happens. You see, today, even the photos taken in 2013 can be dug out, astonishing all of us. Well, actually, just take Hung Hom Station of the Shatin to Central Link as an example, the problem of water seepage in its tunnel has emerged since March this year.

With the concrete dug open, the protective caps of the couplers therein were found to be still in place, meaning that the entire set of steel bars has not been connected to the diaphragm walls in effect. After that, there came the issue about shortened steel bars in the platform slabs at Hung Hom Station, i.e. the focus of today's debate. And then today, problems with the diaphragm walls of Hung Hom Station has come to light. It is found that workers did not screw the steel bars in completely when they were fixing the steel bars. On impact, the diaphragm walls will crack and, according to many engineers, cracks have already appeared.

Just Hung Hom Station alone have got so many "smearing materials", so it is just natural that there are more to come later on. Don't Members think so? Needless to say, there are definitely such materials about the XRL. So, how should we describe such case? I would say it is like the situation where an ugly daughter-in-law must take off her veil before her father-in-law in the end, as the saying goes. It is just inescapable. That being so, I ask them to hold themselves accountable to the public. It is only in this way that they can rise from the ashes and start anew. Now, we do not want the industries, large public organizations and the Government to defend the interests of each other, doing favours to each other. Members of the public expect Carrie LAM to bring in a new culture, i.e. no more vested interests. To do so, we have to break the system of vested interests and this is precisely the reason why today is our last chance before the end of this session. We need to invoke the Ordinance, grasping the last chance to throw out a sprat to catch a mackerel.

I cannot agree more with what Mr James TO said earlier. Inquiries and exposés have to be done expeditiously. With an independent Commission of Inquiry appointed by Carrie LAM and chaired by Judge Michael John HARTMANN at present, why do I still consider it necessary to make such effort of throwing out a sprat to catch a mackerel? Simple enough, it is due to the structural problems of the Hong Kong society, honestly speaking. Even Beijing has warned us time and again about the existence of deep-seated conflicts and structural problems in Hong Kong. As these are problems existing in every industry and ingrained in plutocrats as well as syndicates with vested interests, opportunity of this kind is much needed indeed. With the occurrence of this incident, we should, therefore, deal with it without letting up. If not, the information concerned will be either destroyed or deleted internally in the end, and perhaps, hush money will be paid out as well. The opportunity for change

will thus vanish. We should, however, grasp such opportunity for change. It is neither for any person's interests nor for my particular hatred towards Dr WONG of the MTRCL. None of these is the reason. It is for the good of the general public and Hong Kong as a whole. Some 20 years after the handover of sovereignty, we no longer want to see our city going downhill. Therefore, when facing the present incident, we need to press on until we reach the crux of it. It is only in this way that we may have a chance to get some ideas and political energy to drive the reform of this system. This is the chance the Government needs to seize.

Whether for the Lamma Island maritime disaster, the tragic bus accident on Tai Po Road or the incident on this occasion, the Government's response is always that an independent Commission of Inquiry will be set up by the Chief Executive. In the last analysis, the Administration simply has no intention to make fundamental reforms, hence the employment of a delaying tactic. Half a year later, the information will not be available anymore and so, it is our last chance now. Let us invoke the Ordinance at this moment today so that no one will belittle the Legislative Council any longer. I hope royalist Members will support the motion proposed by Mr LAM Cheuk-ting.

**DR JUNIUS HO** (in Cantonese): President, I do not support this motion under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") for a very simple reason. When Dr CHENG Chung-tai moved the first similar motion earlier, I repeatedly emphasized that although there is wide public discussion over this matter, we need to boldly hypothesize and carefully validate. In regard to this incident, we know that the Government has appointed an independent Commission of Inquiry which will complete the investigation in six months. We can still consider invoking the Ordinance for our own investigation six months later if its investigation cannot be completed or its investigation report falls short of our expectations.

Of course, we are now in a political arena. The situation that worries me most is that simply for the sake of politics, Members will rush to do the same thing which will turn this thing from good to bad. We now see that Leighton Contractors (Asia) Limited ("Leighton") is not even willing to meet us. Under the present situation, we ask it to attend before the Council, but it refuses to come. Its legal advisor may say that due to the Ordinance, it cannot refuse to attend the

meeting as this will amount to contempt of the Legislative Council and there will have legal consequences. If it goes wrestling with us, we will have to spend a lot of efforts and this may go on for half or a whole year. If you want to have this settled very soon, I will tell you that haste does not bring success.

Secondly, it is undesirable to achieve only half of the results with twice the effort. The Government is now conducting an investigation which is estimated to take six months, meaning that it will be completed no later than early next year. This legislative session will soon come to an end. I just received the notice on the meeting dates in the coming session and the first meeting will be held on 10 October. What can we do between now and October? Members may be required to come back for special meetings or other kinds of work during this period of time. But are we not busy enough during the session? Why do we need to do this during summer recess? Is there such an urgency? I do not think so.

Of course, some pan-democratic Members say that this is a matter of safety and we will not be accountable to the public if we cannot handle it properly. But this is an overstatement, as they are suggesting that Hong Kong is in a state of anarchy. We have over 100 000 civil servants and the Secretary is also sitting here at present. Is it unnecessary for them to do any work? No, it isn't. We have a system which has been running effectively, and it can make sure that our quality is up to standard.

It is true that sometimes even a tiger will doze off. We certainly do not want the following to happen: some people will cut corners and some people will take advantage of others. It is clearly stipulated in our laws that plundering is forbidden, but there are still such cases happening. Inside the Legislative Council, Members need to perform well in order to meet public expectations, but it is very often that we cannot live up to their expectations. Hence, for certain things, there is sometimes a distance from reality. But is the situation very serious? I would not think so.

What is the problem with the Shatin to Central Link ("SCL")? This project is indeed very expensive. It is understandable that we are not satisfied when we have paid so much public money, as much as nearly \$100 billion, to build a 17 km long railway which, however, falls short of our expectations. But after all, we need to know how to control our emotions and manage our expectations. The Government has undertaken to handle the matter and I



believe that it has the best conditions to do so. Apart from the investigation by the Government, someone has also reported the case to the Police. Therefore, different parties are inquiring into the matter. If at this stage, we start another investigation by setting up a select committee, it will be a waste of resources.

In regard to these three motions asking to invoke the Ordinance, I would like to first discuss Mr LAM Cheuk-ting's motion. He asks the MTR Corporation Limited ("MTRCL") to provide the documents. In any investigation, all substantial documents will have to be submitted. But after submission of the documents, what is the next step? He has not told us whether the documents will be studied or experts will be found to assist in the matter. He only says that we must read these documents. You may ask why he cannot request the documents to be submitted. He surely can make such a request. I think it would be fine for him to make such a request if the Commission of Inquiry had not been set up. But when the Government has already set up the Commission of Inquiry to investigate into the matter and he still asks to solicit the documents, this will overlap with the scope of work of the Commission of Inquiry. Besides, the scope of work of the Commission of Inquiry is even well beyond the objective of this motion under the Ordinance moved by him today.

Concerning Ms Claudia MO's motion, she asks "to inquire into the incident of one of the layers of steel reinforcement bars in a structural wall in To Kwa Wan Station of the Shatin to Central Link being shaved thin, and whether the incident involved ineffective monitoring by the Hong Kong Special Administrative Region Government and the MTR Corporation Limited and their deliberate concealment of the construction scandal". This motion is better, as her intention is to investigate whether there is any collusion between the two parties and any concealment of the construction scandal. This motion has a rather clear request and is better than Mr LAM Cheuk-ting's motion, as I basically have no idea what the latter is asking for.

Nevertheless, why do I not support Ms Claudia MO's motion? The reason was already mentioned earlier. In fact, the work of the independent Commission of Inquiry led by Mr Justice HARTMANN has already covered her request. Hence, when Dr CHENG Chung-tai moved the first motion earlier, I showed my appreciation as it is nice to have this intention. But Dr CHENG's motion seems to be a bit radical, as we can consider his suggestion after we have read the report due to be released in December or in January next year.

What is the wording of Dr CHENG Chung-tai's motion? It is simply "to inquire into the incident of the MTR Corporation Limited's suspected concealment of the alleged substandard construction works carried out at the new platforms of Hung Hom Station of the Shatin to Central Link, and other related matters". Dr CHENG Chung-tai's motion asks to find out MTRCL's responsibility in the Hung Hom Station incident, but I think this is unnecessary. Ms Claudia MO does not only want to investigate MTRCL, but she also wants to investigate whether there is any concealment of the scandal between the Hong Kong Government and MTRCL, or any negligence from them. Due to the same reason, I also think that this is unnecessary.

Compared to the previous two motions, this motion from Mr LAM Cheuk-ting has lower standard and narrower scope and wording. This is similar to the situation when I was unsuccessful in soliciting 10 items from you in the previous two attempts, but now I decide to give up 9 items and am asking for only 1 item instead of 10 items. Can I do this? If this is the case, do they need to give you this single item when they have already refused to give you 9 out of 10 items? In my view, this is even more unnecessary, as this item has already been covered by the scope of investigation of the Government's Commission of Inquiry.

Under the circumstances, what should our Council do? We should not only think of rushing towards the limelight and cameras for the sake of media attention. When investigating whether there is any concealment of the facts or criminal elements in such incidents, we only play the role as the last keeper, not the pioneer. It is the duty of the Police to catch thieves. We only step in when the thieves cannot be caught and an investigation is warranted.

Therefore, we need to know our own position and should not fall into a flutter. In this situation, I particularly have to express my appreciation again to Dr CHENG Chung-tai's motion. Ms Claudia MO's motion is also quite good. But Mr LAM Cheuk-ting, it is not that I do not want to show appreciation to your motion, but your motion is basically not worth commendation. Hence under this situation, I will not support this motion. But it does not mean that your motion is meaningless. It is only that the request in your motion has already been covered in their scope of investigation. Under such circumstances, you can therefore withdraw this motion, and I am unable to support your motion.

Thank you, President, I so submit.

**MR CHAN HAN-PAN** (in Cantonese): President, in fact, just like members of the community, we are very much concerned about the Shatin to Central Link ("SCL"), especially the issue of steel bars at Hung Hom Station being cut short. We sent a letter to the Chief Executive at the outset, asking her to invoke the Commissions of Inquiry Ordinance to set up a Judge-led Commission of Inquiry. As the Government has agreed to do so, we believe that there is now a better platform to deal with the incident.

As I mentioned last week, opposition Members repeatedly proposed to invoke the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") to investigate the incident in the past three weeks. One of the main purposes is probably to obtain more information on the incident, and on the other hand, they want the pro-establishment camp or the "constructive camp" to raise objection so that they will have more ammunition for attack.

Just now, many opposition Members who stood up to speak have oversimplified the incident. For example, they said that those who supported invoking the Ordinance were diligent while those who opposed were lazy; those who supported invoking the Ordinance were seeking the truth while those who opposed were shielding the parties involved. This is not the case and I hope that the public will see the incident in its true colours. I also pointed out last time that opposition Members would definitely claim in their promotion banners that the pro-establishment camp opposed the Legislative Council's investigation under the Ordinance into the cutting of steel bars of SCL but they would not mention the reasons for our opposition. Why do we raise opposition? It is because the Government has set up a credible Judge-led Commission of Inquiry to conduct an in-depth investigation. They will not mention this point and will only provide part of the facts. Therefore, when the public sees these promotion banners, they may be angry with the pro-establishment Members and they may question why they do not support investigating the incident.

Nevertheless, I would like to take this opportunity to explain clearly to the public. As mentioned by Mr Martin LIAO earlier, there is a fundamental difference between the investigation conducted by the Legislative Council under the Ordinance and the investigation conducted by the Commission of Inquiry of the Government. The difference lies in collecting evidence and testifying. The information, statements and evidence collected by the Legislative Council in the course of investigation under the Ordinance cannot be used for criminal prosecution or be admitted as evidence in court. The law enforcement

department must conduct its own investigation to collect evidence. This is a problem. However, the Commission of Inquiry of the Government is different. It can refer the evidence to the law enforcement department for follow-up. This is a very direct difference and the results will be different. What will be the result if an investigation is conducted by the Legislative Council under the Ordinance? The result may just be reprimanding or strongly reprimanding the parties concerned. What can be done next? The Government will consider how to deal with the matters.

Since the Government has set up a Commission of Inquiry to investigate the incident, why does the Legislative Council have to conduct an investigation? The Legislative Council can only reprimand the parties concerned after the investigation but the Commission of Inquiry of the Government can put forward proposals and recommendations. Therefore, the best way to deal with the incident is to conduct a relatively comprehensive, forceful and neutral investigation. If we want to find out the truth, we must certainly support the Government's conduct of an investigation through a Commission of Inquiry. This is always better than invoking the Ordinance by the Legislative Council to conduct a public trial or an indiscriminate condemnation.

Mr LAM Cheuk-ting said that he moved this motion to allow the House Committee of the Legislative Council to obtain information from the organizations concerned. Assuming that the House Committee has obtained such information, all Members can access the information and interpret its contents, but can they easily understand the incident through such information and come to a conclusion? They cannot. In some cases, Members need to ask the parties concerned some questions. What can they do if they can only access to information? I think this approach is incomprehensive and the investigation should be conducted by a Judge-led Commission of Inquiry. Closed-door meetings should be held and witnesses should be summoned to give evidence, and their evidence should be compared to find out the truth.

If an investigation is conducted by the Legislative Council, the situation will be different. As the Legislative Council will hold open meetings, the evidence given by a witness will affect the evidence to be given by the next witness, and so on. On the whole, I think this kind of investigation is not comprehensive and the objective of finding out the truth cannot be achieved. Some Members may say that the Legislative Council can hold closed meetings to

collect evidence. In fact, the Legislative Council held many closed meetings in the past but the media would report all details after these meetings; thus, these meetings were not exactly closed meetings.

We hope that the Commission of Inquiry of the Government would investigate the incident in a neutral, persuasive and influential manner and we also hope that the Commission of Inquiry would find out the truth under the leadership of the Judge and with the assistance of professionals. We will vote against the motion today. Thank you, President.

**PRESIDENT** (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Secretary for Transport and Housing, please speak.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, a few Members have just spoken on the motion moved by Mr LAM Cheuk-ting and I have heard their views very clearly. I also understand the concern of the Legislative Council about the incident and I will now give a simple and concise response.

Railway safety is a top priority and the Government's position in this respect is clear and unquestionable. The Government is very concerned about the steel works on the diaphragm wall at the Hung Hom Station extension of the Shatin to Central Link ("SCL") and the platform slab works. As public safety is of utmost importance, the government departments concerned have conducted investigations in accordance with the relevant statutory procedures and administrative guidelines. Since it cannot be confirmed whether all areas of substandard works have been rectified and the parties involved have provided contradictory information, it is necessary to set up a Commission of Inquiry empowered by the Commissions of Inquiry Ordinance (Cap. 86) to conduct an independent and objective investigation, so as to ascertain facts and recommend improvement measures as soon as possible.

I mentioned in my opening speech that the Chief Executive in Council ordered on 10 July the appointment of a Commission of Inquiry under the Commissions of Inquiry Ordinance to conduct an investigation on the diaphragm wall at the Hung Hom Station extension of SCL and the platform slab works. The Commission of Inquiry may mandatorily require the persons concerned to give evidence and disclose documents, and question the witnesses under oath. Since various parties may have serious controversies over certain facts and circumstances of the works involved, the Commission of Inquiry has the power to question the witnesses under oath and cross-examine such witnesses, which is essential to clarify the facts. The evidence will generally be recorded in an open manner and on other related occasions, and the parties concerned will have the opportunity to cross-examine the witnesses and speak on the evidence.

The terms of reference of the Commission of Inquiry extensively covers various aspects. I believe the work of the Commission of Inquiry can achieve the objectives of clarifying the facts and finding out the truth. The inquiry, being evidence-based, will examine the facts and circumstances of the specified construction work at the Hung Hom Station extension. It will also comprehensively review MTRCL's project management and supervision systems, quality assurance and quality control systems, risk management systems, site construction supervision and control systems and procedures, the systems for reporting to the Government, as well as the systems and procedures for internal communication and communication with stakeholders. Moreover, the Commission of Inquiry will review the scope of the Government's monitoring and regulatory mechanisms to see whether the mechanisms are comprehensive enough, as well as the implementation of such mechanisms. The Commission of Inquiry will recommend appropriate improvement measures on the basis of the results of investigation so as to promote public safety and ensure project quality.

The Commission of Inquiry will report to the Chief Executive within six months from the date of its appointment or within the time specified by the Chief Executive in Council. The Commission of Inquiry is expected to start work very soon and it will carefully examine the relevant information, including the relevant documents, photos and other details submitted to MTRCL by China Technology Corporation Limited, Fang Sheung Construction Company and Leighton Contractors (Asia) Limited ("the three parties"). Since public hearings will be held, the relevant information will be disclosed to the public.

The information requested by Mr LAM Cheuk-ting's motion is only the information submitted by the three parties to MTRCL and excludes information that has not been submitted by the three parties to MTRCL. As I stated in my opening speech, the information is incomplete and incomprehensive. If the records and information submitted are unclear or even contradictory, the three parties will have to clarify and respond, which will turn the investigation into an investigation into such records and information in disguise. In that case, the investigation will be out of focus and it may even affect the investigation conducted by the Commission of Inquiry and law enforcement agencies. We believe it is appropriate and prudent for the Commission of Inquiry, in its capacity as an independent and statutory commission, to clarify the facts and make recommendations for future improvements.

There is no room for compromise as far as railway safety is concerned. The Government will closely monitor the performance of MTRCL so as to regulate the company and ensure the safety of railway operation.

President, since the Commission of Inquiry led by Mr Justice Michael John HARTMANN will conduct an investigation and law enforcement agencies will take follow-up actions, I believe the facts will come to light. Hence, it is unnecessary for the Legislative Council to invoke the Legislative Council (Powers and Privileges) Ordinance to order MTRCL to present the information mentioned in Mr LAM Cheuk-ting's motion.

With these remarks, President, I implore Members to vote against the motion.

**PRESIDENT** (in Cantonese): I now call upon Mr LAM Cheuk-ting to reply. The debate will come to a close after Mr LAM Cheuk-ting has replied.

**MR LAM CHEUK-TING** (in Cantonese): President, I would like to thank all colleagues who have spoken on the motion moved under the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") these two days, no matter whether they support or oppose the motion.

President, during the motion debate, I heard the views of many Members. Pro-establishment Members said that they opposed my motion since the investigation conducted by the Legislative Council would affect the work of the

Commission of Inquiry. However, the motion does not request an investigation by the Legislative Council; it only requests the companies concerned to submit documents to the Legislative Council and nothing more. Hence, to say that the investigation conducted by the Legislative Council will affect the work of the Commission of Inquiry is totally irrelevant. There is a communication problem, as in the present case where steel bars had not been screwed properly into couplers.

President, I would like to respond to the remarks made by Secretary Dr Raymond SO. He said that the documents I requested were unilaterally submitted by the companies concerned to the MTR Corporation Limited ("MTRCL") and were incomprehensive. First, we moved different motions in the past few weeks, requesting a comprehensive investigation and the submission of all information, but the Government rejected our requests as always. The Secretary arbitrarily moved the goalposts and constantly lobbied the pro-establishment camp to oppose a comprehensive investigation. Therefore, I made the most humble request that the companies concerned should submit documents and nothing more. However, the Secretary said that this approach was incomprehensive. Second, these companies can submit further information to MTRCL and MTRCL will then submit the relevant documents to the House Committee of the Legislative Council and Members concerned. This approach should also be feasible, right? The Government also said that the Government has been open and transparent about the quality of the Shatin to Central Link ("SCL") project. When it comes to bombs or archaeological remains, the Government has certainly been open and transparent, because these problems are left over by history, and they do not involve project quality, falsification or dereliction of duty on the part of officials. Yet, the present situation is different and we believe that government officials should bear major political responsibilities.

I wrote to Chief Secretary for Administration Matthew CHEUNG on 22 June, asking for the attendance rate of four government representatives, including Secretary Frank CHAN, at the Board of Directors of MTRCL, including how many meetings they attended, the reasons for their absence, whether they had entrusted other people to attend the meetings on their behalf and who attended the meetings on their behalf. The Chief Secretary surprisingly mentioned in his reply that the attendance rate of the four people ranged from 82% to 100%. He dared not mention who attended the meetings and how many meetings they attended. Moreover, the 82% to 100% attendance rate covered



attendance by officials in person and by the representatives of officials. It is surprising that some people missed one fourth of the meetings and not even their representatives had attended the meetings. As the Government has not provided the relevant information to my questions, how dare it say that it will be open and transparent? Isn't this laughable? The Government and MTRCL have always tried to quash major issues and quell minor ones, constantly striving to cover up such serious matters.

President, the speeches of a few pro-establishment colleagues in this debate contain some key points. First, my request would hinder the investigation. For example, Mr Tommy CHEUNG said that the investigation would be tied up. I do not know how requesting documents will tie up the investigation of the Commission of Inquiry. Those documents are not steel bars and they cannot tie up their hands and feet, so how can the investigations be tied up?

Ir Dr LO Wai-kwok pointed out that pro-democracy Members who moved a similar motion earlier were sore losers. What did he say that they were sore losers? After the Kwun Tong music fountain project was rejected by the Public Works Subcommittee, he proposed the relevant project again. That was a sore loser. At that time, pro-establishment Members said that the Rules of Procedure allowed him to propose the project again. My motion is different from the motions previously moved by Dr CHENG Chung-tai and Ms Claudia MO. If they were the same, the President would not allow me to move this motion. Is the President silly? The President is not silly and he allowed me to move this motion. Ir Dr LO Wai-kwok also said that my request would affect the Police's investigation. This is really incredible. As I just asked for some documents and have not interfered with the Police's investigation, why will the Police's investigation be affected? He also said that this was directing against people but not the facts. Steel bars will not connect automatically; they must be connected by some people. Hence, certain people must be responsible for supervision, including the senior staff of MTRCL, senior officers of the Transport and Housing Bureau and the Highways Department. The truth of the matter will not be exposed without a reason. Unlike a volcanic eruption which is a natural disaster, the incident is caused by dereliction of duty on the part of some people and corruption. We should not only deal with the fact but also with individuals. As a representative of the engineering community, Ir Dr LO Wai-kwok has surprisingly made such comments without any sense of shame.

President, Mrs IP's remarks are much more moderate, but she said if we asked MTRCL to submit the documents, it would cause a lot of nuisance to MTRCL and the Government when the inquiry was conducted later. Is this a kind nuisance? As representatives of public opinion, we have the responsibility to monitor the Government but she said it was a nuisance for me to ask the Government to submit information. Are we drunk people on the streets, making noises that affect people living upstairs? Why did she say that was a kind of nuisance? I think Mrs IP should think clearly before speaking. She also said it was very easy for us to ask the Chairman and Chief Executive Officer of MTRCL to step down, but it was difficult to ask them to stay to straighten out the problem. This is contrary to the situation years ago when Mrs IP assumed political responsibility for legislating for Article 23 of the Basic Law and left the Government. I have always respected Mrs IP for her courage to assume political responsibility. Now, we reasonably ask Frederick MA and the Secretary for Transport and Housing to step down; the motion was passed by the Subcommittee on Matters Relating to Railways and the pro-establishment camp also supported the passage of the motion, right? Is there any problem? Why did she say that it was difficult to ask them to stay to straighten out the problem?

President, many Members have escalated the incident to a political issue. Dr Junius HO also said that good things have become bad things for political reasons. I do not know if the SCL scandal involves anything good and I really want to listen to Dr HO's explanation. Is it something good when not all of some 20 000 steel bars had been cut short but only 20, 1 000 or 5 000 steel bars had been cut short? Is it something good when the structure has not been collapsed? He said that there was no urgency and wondered whether it was necessary to hold House Committee meetings during the summer recess. I want to ask Dr HO which matters are urgent. He said that the tiger sometimes dozed off and he questioned if the incident was really serious. The incident is certainly serious ... According to the latest report of *HK01*, the steel bars had not been connected at all, and no action had been taken to disguise the fact that the steel bars had been screwed properly into couplers. In fact, a lot of steel bars, i.e. more than one steel bar, have such problems. An engineer said that the situation is astonishing and there is a risk of collapse. Why did he say that there was no urgency? In fact, we should hold meetings to deal with the relevant issues during the summer recess or at any time.

President, the quality of SCL, especially that of Hung Hom Station, is really worrying but the Government, MTRCL and the pro-establishment camp have repeatedly tried to harbour those involved, trying to quash major issues and quell minor ones. What are they afraid of? They are afraid that things will go out of control if they open up the concrete or the person in the know continue to submit information with irrefutable evidence, just like the flames of war that spread far and wide. They are also afraid that the Government may not be able to withstand this political storm. Nonetheless, as this incident involves major public interest and potential safety hazard, the Legislative Council has the responsibility to understand the incident fully. The pro-establishment camp has vetoed different motions earlier but I am asking for documents this time, which is not contradictory to the so-called independent investigation. Some Members also said that this was another form of investigation and a duplication of work. However, the Legislative Council and the Government had concurrently conducted independent investigations on the new airport, the public housing short-piling incident and SARS in the past, which had no impacts on the work of each another.

Earlier, Mr Jason POON, Managing Director of China Technology Corporation Limited, revealed to the media that he could not disclose or dared not disclose a lot of information if he was not protected under the Ordinance. Mr POON is actually very courageous and he dares challenge Leighton Contractors (Asia) Limited, MTRCL and the Government. This whistle-blower and other whistle-blowers are commendable. Under tremendous pressure, they still adhere to principles and tell the truth. I would like to tell all Hong Kong people that we frequently find deficiencies in our society, e.g. some people commit crimes and some others plan to do evil deeds but some people choose to swallow humiliation and bear a heavy load, hoping that the persons concerned will automatically become better and rectify their mistakes. Yet, there is only a slight difference between swallowing humiliation and bearing a heavy load and holding a candle to the devil. If we choose to remain silent in the face of injustice and crime, we will only intensify evil deeds.

President, lastly, I would like to respond to the views of a number of pro-establishment Members. According to them, if they think that the report made by the Commission of Inquiry led by former Judge Mr Michael John HARTMANN is unsatisfactory or unclear, they will decide whether the Legislative Council will conduct an investigation. However, there is zero possibility that they will support the conduct of an investigation by the

Legislative Council after reading the report of the Commission of Inquiry, as in the case that the possibility of Italy winning the World Cup will be zero. They are just using an investigation by the Commission of Inquiry as an excuse for not letting the Legislative Council fulfil its constitutional responsibility to monitor the Government, and conduct a comprehensive investigation on some incidents that affect major public interest and public safety. They actually want to say that the Legislative Council does not need to conduct an investigation because the Judge will conduct an investigation. Over a long time, the Legislative Council and the Government have respectively conducted investigations on some major incidents; thus, please wait and see. After the Commission of Inquiry led by former Judge Mr Michael John HARTMANN has prepared a report, pro-establishment Members will say that there is no need to conduct an investigation. End of the story.

President, I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LAM Cheuk-ting be passed. Will those in favour please raise their hands?

(Members raised their hands)

**PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Ms Tanya CHAN rose to claim a division.

**PRESIDENT** (in Cantonese): Ms Tanya CHAN has claimed a division. The division bell will ring for five minutes.

(While the division bell was ringing, Ms Starry LEE stood up)

**PRESIDENT** (in Cantonese): Ms Starry LEE, what is your point?

**MS STARRY LEE** (in Cantonese): President, I declare that the accounting firm that I am working with is the auditor of MTRCL but I have not participated in any related work.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote.

**PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr SHIU Ka-chun and Mr KWONG Chun-yu voted for the motion.

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr HO Kai-ming, Mr Holden CHOW, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Tony TSE voted against the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Ms Claudia MO, Mr Michael TIEN, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr Gary FAN and Mr AU Nok-hin voted for the motion.

Mr CHAN Hak-kan, Mr WONG Kwok-kin, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted against the motion.

Dr Priscilla LEUNG, Mrs Regina IP and Ms YUNG Hoi-yan abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, 9 were in favour of the motion and 20 against it; while among the Members returned by geographical constituencies through direct elections, 31 were present, 16 were in favour of the motion, 12 against it and 3 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

**PRESIDENT** (in Cantonese): The meeting is now suspended for five minutes until the Deputy President enters the Chamber to take the Chair and deal with the next agenda item.

3:37 pm

Meeting suspended.

3:42 pm

Council then resumed.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

**DEPUTY PRESIDENT** (in Cantonese): Council now resumes. Debate on motion with no legislative effect.

This Council will now proceed with the motion debate on "Vote of no confidence in the President of the Legislative Council".

Members who wish to speak on the motion will please press the "Request to speak" button.

I call upon Prof Joseph LEE to speak and move the motion.

## **VOTE OF NO CONFIDENCE IN THE PRESIDENT OF THE LEGISLATIVE COUNCIL**

**PROF JOSEPH LEE** (in Cantonese): Deputy President, this is indeed the will of Heaven. I do not know if I am lucky or not, as I did not expect to have an opportunity to move this motion today after 13 unsuccessful attempts to bid for a debate slot throughout the entire session. If the performance of President Andrew LEUNG had not been so terrible, even if the motion of no confidence previously moved by pro-democracy Members had been negated, I would not have been able to move this motion with no legislative effect on this platform today to enable Members from the pro-democracy camp to clearly explain our distrust of President Andrew LEUNG to members of the public.

The outcome of today is totally unimportant because the motion will definitely not be passed. However, the process is very important because through moving this motion with no legislative effect, pan-democratic, pro-democracy or non-establishment Members can explain their distrust of the incumbent President Andrew LEUNG to members of the public. Many pro-democracy Members are rolling up their sleeves for battle and being the mover of this motion, I am the first to speak on it. Over the past decade or so, the Legislative Council has given me the impression that it is a group rather than a single entity. As a group, firstly, our foremost responsibility is certainly to enact laws; secondly, to approve the budget, and thirdly, to exercise the checks and balances on the Government. All Members should be fully aware of these functions.

From my observation in the past years, we all seek to deliberate issues in this Council with mutual trust and respect. And, the objective of deliberation is to give play to the three functions of the Legislative Council or Legislative Council Members mentioned by me just now. As stipulated in either the Basic

Law or the Rules of Procedure ("RoP"), the President of the Legislative Council has all along been elected among Members. The most important job of the President is to preside over meetings so as to ensure that this Council operates in an effective manner. In particular, at meetings of the Legislative Council, the President shall preside in accordance with this red RoP, so as to safeguard Members' right to speak to facilitate thorough discussions of all issues, and also enable them to fully exercise their rights or powers and fully discharge the three responsibilities as Members of the Legislative Council. This is the key point.

As for the rights or powers vested in us, I do not need to elaborate. With regard to the right to speak, RoP 36 stipulates that no Member shall make a speech lasting more than 15 minutes on each motion, whereas RoP 38 stipulates that except in the committee of the whole Council, Members may not speak more than once on a question. Also, Members may propose motions to adjourn proceedings where appropriate. Such governing rules have been clearly set out.

Let us do some simple computation. We have 69 Members (the President shall not speak) and the speaking time for each Member during the Second Reading of a bill is 15 minutes, so this will add up to a total speaking time of 17.25 hours. If these 69 Members speak again during the Third Reading of a bill, it will take another 17.25 hours, which will altogether take approximately 6.5 days. If Members only speak once during the Committee stage of a bill, it still needs 6.5 days to complete the scrutiny of a bill. This is the power conferred on us under RoP, presuming that such power can be exercised.

Let us now look at what had happened over the past month (that is, between 6 June and 14 June), during which the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") was dealt with. President Andrew LEUNG had set some time limits and shortened the durations of the Second Reading, Committee stage and Third Reading of the Bill to 8 hours, 22 hours and 6 hours respectively, which are much less than the speaking times to which Members are entitled. I cannot figure out the reason for this. Of course, the Basic Law does empower the President of the Legislative Council to do so, but the President to whom I referred is not the Deputy President presiding over the meeting now, but the President who decided to set the time limits back then.

Traditionally, when the President of the Legislative Council presides over a meeting, he should discuss with other Members and communicate with them on the timeline, so as to enable the Secretariat to prepare for the necessary agenda



and adopt other supporting measures. However, it seemed that Andrew LEUNG had not done so. He merely said that time limits must be set for some reasons, such as the Government might mandatorily require the expeditious passage of the Bill. Worse still, the President had acted like a rascal as he suddenly included the nine-hour discussion of the adjournment motion into the duration of the Committee stage. The President's decisions had caused confusion with regard to the time limits for deliberation. In my view, his way of setting time limits is too mechanical, rigidly drawing the timelines of different stages according to his own view, and abolishing the entitled speaking time of Members. Consequently, not all Members had an opportunity to speak in the end. According to the tradition of the Legislative Council, the President should ask, in an amicable manner based on mutual respect and trust, if any other Members wish to speak; and if no Member wishes to speak, he can then shorten the time limit. However, this is not the case and the President had merely dealt with the matter in his own way.

If Members can still recall, I also forget whether it was on 7 June or another date, the President suddenly drew a line and said that we could no longer speak. It should be sometime after 7:00 pm and the Second Reading of the Bill then ended immediately. If all Members speak for 15 minutes and not again during the Committee stage, it will take nearly 6.5 days to complete the scrutiny of the Bill, not counting the time spent on discussing the adjournment motion. However, we had spent less than 4 days to complete the scrutiny of the Bill. This is utterly unreasonable. The President had not only restricted Members' speaking time, but also unreasonably deprived Members of their right to speak and even inappropriately exercised his power in handling points of order.

On the other hand, I want to seek an elucidation. The President held that a Member who had been ordered to withdraw from the Council during the Committee stage could not attend the meeting again even after the Council was resumed for reason that it was the same meeting. I fail to understand the justification. When compared with the practices of former Presidents in presiding over meetings, the practices of the incumbent President are debatable in every aspect.

Apart from the powers conferred on the President under the Basic Law and RoP, President Andrew LEUNG had, on this occasion, also exercised other unspecified power. He expanded his authority and placed Members of the Legislative Council under his paternalistic rule. Although logically Andrew LEUNG has not breached any law, I am sorry to say that he was elected by

Members to preside over meetings, so that the meetings can give full play to the functions of the Legislative Council and its Members. Members do not elect Andrew LEUNG to govern them. By giving himself unlimited power, Andrew LEUNG has not only dealt a blow to the prestige of the Legislative Council, but has also undermined the powers of Legislative Council Members to keep the Government in check and to enact laws.

Over the past few weeks, the expressions I heard the most is "my ruling is not subject to debate", and "a point of order", such as "Prof Joseph LEE raised a point of order". However, no ruling was made by the President afterwards. So what is the point of raising a point of order? Members will only regard this as a kind of formality. It is well evident that President Andrew LEUNG has exercised the powers of the President in a very inappropriate way, jeopardizing the smooth operation of the Legislative Council. Of course, in terms of efficiency, the pace of deliberation has been enhanced, but the operation was not smooth and Members have been deprived of their powers and rights. This is not what I expect to see.

The President of the Legislative Council, who is elected among Members, is duty-bound to preside over meetings. He is empowered under the Basic Law and RoP to safeguard the powers and rights of the Legislative Council and its Members at the meetings, but not to suppress Members or deprive them of the right to speak or of other vested rights. And yet, this is precisely what President Andrew LEUNG has done in the past period of time, and I cannot help but wonder why this is the case. Since we are the minority in this Council, Members who elected Andrew LEUNG as President were surely Members of the pro-establishment camp. The point is, after he was elected the President, he has not followed the traditional practices but presided over the meetings in his own way. Who is going to safeguard the powers and rights of Members and uphold the functions of the Legislative Council? This is the crux of the issue.

At the Chief Executive's Question and Answer Session held this morning, someone said that the relationship between the executive and the legislature has improved. We do agree as the relationship has definitely improved when compared with that during LEUNG Chun-ying's era. At that time, Members acclaimed unilaterally without getting anything done. While LEUNG Chun-ying only sought to tear up Hong Kong, I believe Members are eager to have more harmonious relationship between the executive and the legislature today. However, instead of presiding over meetings in a traditional way, the

President has deprived Members of their powers as well as suppressed or relegated the functions of the Legislative Council. This is not an attempt to improve the executive-legislative relationship, but rather to bring the legislature to go in tandem with the Government. I have been a Member for more than 10 years and I really do not understand why this would happen.

Some people may argue that this is a very special circumstance as the Legislative Council has a non-negotiable task, i.e. the Express Rail Link must be commissioned in September. But why should the Legislative Council go in tandem with the Government instead of handling the matter in a better way?

As many more sensitive political issues or controversial livelihood matters will have to be dealt with in Hong Kong in the days to come, the role of the President of the Legislative Council in presiding over meetings will therefore become increasingly important. As the presiding officer, Andrew LEUNG should perform the functions just mentioned by me. Yet, in the past few weeks, I have definitely not seen him doing so. What is even more worrying is that in case of any special circumstance, or when there are non-negotiable tasks or time restraints, a phenomenon will arise in the Legislative Council, and that is, the President will take the lead to go in tandem with the Executive Authorities, such that the legislative process can be conducted in a more smoothly manner and the goal be achieved more effectively. But can Members of the Legislative Council conduct a comprehensive discussion on the subject?

Although some people may say that the Legislative Council had already conducted a very comprehensive discussion and Members had merely been repeating their viewpoints. I hold that different Members from both sides would surely have different views when discussing the same issue. As RoP has already imposed a limit on the number of speaking time, so even if a Member does speak several times during the Committee stage, the Chairman can ask him to sit down on the ground of repetition of arguments. But why would there be repetition of arguments? The right to speak conferred on Members under RoP seeks to ensure that this Council can comprehensively discuss a question before it is passed or negated.

In view of Mr Andrew LEUNG's performance over the past few weeks, how can he win the confidence or trust of people that he is fit to preside over meetings? I therefore move this motion with no legislative effect on behalf of pro-democracy Members to express our distrust of Mr Andrew LEUNG being fit

to preside over Council meetings, or being fit to be a Member of this Council. Lastly, I would like to point out, if Members really want Hong Kong to be good and the Legislative Council can well perform its functions, the above two targets can never be achieved given Mr Andrew LEUNG's attitude in presiding over the meetings of the Legislative Council.

Thank you, Deputy President.

**DEPUTY PRESIDENT** (in Cantonese): Prof Joseph LEE, please move the motion printed on the Agenda be passed as set out in the Script.

**PROF JOSEPH LEE** (in Cantonese): Deputy President, I move that the motion, as printed on the Agenda, be passed.

**Prof Joseph LEE moved the following motion: (Translation)**

"That this Council has no confidence in the President of the Legislative Council, Andrew LEUNG."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Prof Joseph LEE be passed.

**MR ALVIN YEUNG** (in Cantonese): Deputy President, to begin with, I thank Prof Joseph LEE for taking up this important responsibility of representing Members of the pro-democracy camp to move this motion of no confidence in the President of the Legislative Council Andrew LEUNG. Moreover, on behalf of the Civic Party, I also agree to his sincere words.

I speak today to express my extreme disappointment with and strong distrust of President Andrew LEUNG. The saying "collapse of rites and decorum" is probably the most cited expression in debates of this Council this year or in recent years. In the era when LEUNG Chun-ying was the Chief Executive, we criticized him for abusing powers, confounding right and wrong and breaking the rule of law, thereby leading Hong Kong to a state of dissension among different ethnic groups and social chaos in a couple of years. When

LEUNG Chun-ying left office, many people thought that we could somehow take a break. However, the Legislative Council is now under the leadership of President Andrew LEUNG. Though his power is not as great as the Chief Executive, he is comparable to LEUNG Chun-ying in terms of the harm and destruction caused to "one country, two systems" and the trampling of parliamentary traditions by his conducts and deeds over the past two years. Even more, President Andrew LEUNG has turned the organ which is the most capable of monitoring the Executive Authorities within the system into a rubber stamp, totally removing the functions conferred on the Legislative Council under the Basic Law, and the Hong Kong society has thus been further retrogressed.

Deputy President, you might not agree to this, but fellow colleagues from the pro-democracy camp had actually advised President Andrew LEUNG time and again during a number of debates in the past. They had pointed out to him that many of his rulings and practices very often ran counter to the parliamentary tradition of free deliberation, and even deprived representatives of public opinion of their right to deliberate, which was tantamount to favouring the Executive Authorities, the SAR Government and even the pro-establishment camp. It can be said that the consequence will be too ghastly to contemplate.

Deputy President, I must point out to you that in view of the overall performance of President Andrew LEUNG in the past two years, he has four critical problems during his term of office. First, he is incompetent. Andrew LEUNG always fails to understand the Rules of Procedure ("RoP") effectively or has even interpreted RoP in a distorted. His enforcement of RoP has always been confusing and self-contradictory. Second, he abuses his powers by arbitrarily enforcing RoP according to his own understanding and preference, thereby suppressing pro-democracy Members to defend and harbour the Government. Third, he is biased and partial. He has, on many occasions, seriously violated the principle of maintaining political neutrality by the President of the Legislative Council. Many of his decisions were seriously biased and even partial to the Government, which run against the tradition that the President of the Legislative Council should preside over meetings in a fair and just manner. Fourth, he has been negligent in the performance of duties. He has ruined the parliamentary spirit of free deliberation, causing damage to parliamentary dignity and authority. Simply put, President Andrew LEUNG is incompetent, biased and partial; he has abused his powers and has been negligent in the performance of duties. Basically, he cannot effectively perform his expected roles and duties, so this Council should consider afresh whether Mr LEUNG should be allowed to stay in his position as the President.

Deputy President, we are not making groundless criticisms against President Andrew LEUNG. Basically, examples can easily be found over the past two years, and I believe that every pro-democracy Member has his personal experience. There is a pet phrase of President Andrew LEUNG which he has been using since the very first meeting in the current legislative term. Whenever a Member challenges his decision, he will say "I have made my ruling. Please sit down." However, when the Member asks for the justification of his ruling, he will only repeat the same reply and can hardly explain his justification. If the Member continues to protest, President Andrew LEUNG will say that his conduct is grossly disorderly or threatens to expel him from the Chamber. Deputy President, to be honest, it is true that I have not served in this Council for a long time, yet I have, after all, been under the leadership of two Presidents. I remember that during the presidency of Jasper TSANG, he would—at least—try to convince people with reasons in the case of dispute. He would explain to Members the justifications for his ruling on the points of order raised by Members. I think this is the most basic and expected attitude of a parliamentary speaker; yet regrettably, in the current legislative term, it seems that President Andrew LEUNG fail to perform, and he has not even tried to perform. Is President Andrew LEUNG unfamiliar with the order of proceedings, or is he simply not willing to communicate at all? No matter what the reason is, President Andrew LEUNG's handling of every matter will surely cause more discord and misgivings, and finally bringing about more chaos and conflicts. Deputy President, who should take the blame for this?

Meanwhile, Deputy President, there are innumerable examples to support our criticism against President Andrew LEUNG for abuse of powers. One such example which is still fresh in our memory is the scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, which has just been passed. He had drastically reduced the number of our proposed amendments from 75 to 24; his justifications were self-contradictory, and some even farfetched sophistry. Moreover, he arbitrarily set limits on Members' speaking time. Originally, Members could speak for an unlimited number of times during Committee stage, but he limited Members' speaking time and even the overall debate time. When fellow colleagues protested against President Andrew LEUNG's unfair arrangement, he wantonly expelled Members from the Chamber and arbitrarily interpreted RoP. When the condition favoured the Government, he said that a meeting of the Legislative Council and that of a committee of the whole Council were two different meetings, which should be dealt with separately; when the condition did not favour the Government, he said

that the two actually belonged to a same meeting, thereby restricting fellow colleagues' right to participate in the scrutiny of the Bill. Should this be the act of a just and fair parliamentary speaker?

Deputy President, the various reproachable practices of President Andrew LEUNG will indeed deal a blow to the dignity of the Council, causing it to lose its authority and legitimacy. The practice that attracts the most criticism is that President Andrew LEUNG is partial to the pro-establishment camp and defends the Government. In other parliamentary assemblies of democratic countries around the world, it is essential for a parliamentary speaker to maintain his impartiality and independence. If he is biased in his ruling or public remark, he will be required to resign.

Certainly, Deputy President, the position of the President of the Legislative Council in Hong Kong is inherently defective, such that even a Member returned by a functional constituency without public mandate can become the President. Originally, we would have nothing to say if President Andrew LEUNG was able to convince people with virtues and reasons; yet regrettably, he is at present a remunerated non-executive director of three listed companies, thus incurring the speculation of conflict of interests. Deputy President, these three listed companies are no ordinary ones, which includes a blue-chip company with a diverse business portfolio. The legislation that we scrutinize in the Legislative Council will more or less affect such companies. How can a person who is concurrently a remunerated director of three listed companies demonstrate his fairness and impartiality to the people of Hong Kong in serving as the President of our local legislature?

Deputy President, we hope President Andrew LEUNG will have the spirit of accountability, such that in the face of extensive query and integrity challenges, he will leave his current position with dignity and return justice to the Legislative Council of Hong Kong.

With these remarks, Deputy President, I so submit. The Civic Party will support the motion.

**MS TANYA CHAN** (in Cantonese): Deputy President, this is really a lucky day because surprisingly, the President cannot attend this meeting. I do not know if he has been listening to the proceedings or has decided to finish work earlier instead.

First of all, I thank Prof Joseph LEE for moving this motion. Today, I am going to tell Members the story of "Water Devil's promotion to God of the Town". The promotion of an incompetent person to an important position will bring disasters. Initially, Water Devil hid at the bottom of the pond. If no one supported him, it would be impossible for him to become God of the Town. As Members would know, God of the Town has to handle many matters and protect his territory, like the Legislative Council of Hong Kong. The Legislative Council is responsible for monitoring the Government, performing a gatekeeping role in public finance and most important of all, safeguarding the rule of law.

However, if Water Devil is promoted to God of the Town for no reason, and even becomes the President of the Legislative Council, he will not only fail to protect Hong Kong, but also bring disasters. This story began in 2016. Water Devil was automatically returned from functional constituency as a Member of the Legislative Council for four terms in a row since 2004. He was the Chairman of the House Committee from 2012 to 2016. Even though he is a Member with many years of experience, his popularity level is pathetically low. At most, only one or two members of the public know his name; and more often, no one know him, even though he has been a Member for more than 10 years.

Why did Water Devil become the President of the Legislative Council? I believe many Hong Kong people still remember that he had a British passport, but he gave up his British nationality and discarded his British passport in order to become the President of the Legislative Council. After making such a big sacrifice, he obtained the consolation prize of being the President of the Legislative Council. When he assumed office as the President, he was probably not Water Devil anymore. However, the facts about his popularity reveal the truth. In March 2018, 16 members of the public knew his name, representing about 2.3% of the interviewees.

It is really embarrassing that the President of the Legislative Council, being in such a high position, has such a low popularity rate. Deputy President, you have worked with two former Presidents of the Legislative Council. In particular, your mentor, former President Mr Jasper TSANG, was at least one of the 10 most popular Members of the Legislative Council, and so was Mrs Rita FAN. In fact, Mr TSANG often ranked third in popularity with high scores; people thought he acted fairly and his performance was good. Nevertheless, very few people knew the name of the incumbent President, which is very unfortunate.



After Water Devil became God of the Town and was promoted to become the President of the Legislative Council, he has really made a lot of effort, probably to prove his existence or strive to perform well. However, Deputy President, you know that a person can become well-known in two ways. First, the person is honourable and respectable and so his good name will be remembered in history. Second, the person is infamous. It is obvious to which category the incumbent President belongs. How can disasters be prevented if an incompetent person has taken up the highest position?

The performance of the President in these two years has been shocking. He nakedly showed people how to abuse power, exploit his powers to the fullest, work for his own destruction, bring shame to the Legislative Council and deprive the Legislative Council of its dignity. In as short as two years, the President has produced some witless quotes. An example is "the President's ruling is final and not subject to debate". This is as bizarre as seeing a ghost in an eerie night. The President often makes arbitrary rulings which shock Members. He does not understand the Rules of Procedure ("RoP"), and RoP 44 is the only provision he knows. However, after studying RoP 44, it does not provide that "the President's ruling is final and not subject to debate", as he often claims. I do not know if Members have checked the provision. The President fails to expound on his justifications, if he has such; and he fails to deceive people with his specious arguments. He is only good at abusing his powers and forbidding Members from speaking.

Furthermore, the President liked to switch off the microphones of Members in these two years, an action which no former President had ever taken. He simply switched off the microphones of Members and forbade them from speaking. Another famous quote of his is, "I will regard your conduct as grossly disorderly". When a Member keeps protesting against President Andrew LEUNG's ruling, the President will lose in his argument as he is in the wrong. His only remark is that the Member's conduct is grossly disorderly. After forcing the Member to stop speaking and issuing a warning, he will expel the Member from the Chamber. I will talk about the frequency of such actions later; the President has simply broken all records in this respect.

Besides, the President has also said "the contents of the speeches of Members or public officers at Council meetings are not necessarily facts". Deputy President, I do not know if you remember this incident; I surely do. On 15 November last year when we had a debate on the non-binding motion on the

co-location arrangement, former Secretary for Justice Rimsky YUEN honoured the Legislative Council with his attendance to explain the co-location arrangement. I and other Members asked Secretary for Justice Rimsky YUEN to elucidate certain points, but to our surprise, the President said, "[t]he contents of the speeches of Members or public officers at Council meetings are not necessarily facts". I took the trouble to look up Hansard and really found that remark. Since the President has openly let the Secretary for Justice off the hook, will this Council have any dignity? The President even said, "RoP strengthens my powers". He is really extraordinary.

The most outrageous incident occurred on 13 June this year when the Legislative Council deliberated on the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill. As the President insisted on setting a time limit for the Second Reading debate, many Members did not have the chance to speak in the debate. Worse still, the President even ignored Members' requests to raise certain points of order and allowed the Secretary for Transport and Housing to continue to speak at the top of his voice as if he was competing with Members in terms of loudness. Certainly, the President then adopted his usual practice of exercising power and applying force instead of reasoning with Members. He asked the security officers to remove five Members from the Chamber. He put the security officers in a dilemma time and again, and I stress, he did it time and again. Such a result is attributed to the incompetence of the President, for he does not know how to preside over meetings and deal with issues. The President should serve the Legislative Council and should not abuse his powers. He should not be self-conceited as if he were God, and should not put security officers in a dilemma whenever there is a problem.

Deputy President, I wonder if you know; we have checked the records. In the past, when former Presidents ordered Members to leave the Chamber, the security officers would simply assist Members to leave. However, in these two years, the President had, on eight occasions, ordered to remove Members from the Chamber. What really is the problem? Had Members really been too defiant or was the President too incompetent in presiding over meetings? When Members queried whether the President had violated RoP, he had the cheek to say that RoP strengthened his powers. He is really arrogant, self-conceited and overbearing. He must comply with RoP. The purpose of RoP is not to confer him with powers and he may act beyond his powers.

Speaking of "Water Devil's promotion to God of the Town", a Member with no outstanding performance over the past 10 years, unknown to the public and returned by zero vote has surprisingly been hand-picked as the President of the Legislative Council, how can this not bring disasters? I cannot give all the examples of the President's abuse of power and high-handedness over the past two years in just seven minutes. I will certainly support the motion of no confidence today.

I so submit.

**MR CHARLES PETER MOK** (in Cantonese): Deputy President, I thank Prof Joseph LEE for moving this motion on vote of no confidence in the President of the Legislative Council Andrew LEUNG. After listening to the comprehensive, brilliant and succinct speeches delivered by Mr Alvin YEUNG and Ms Tanya CHAN, I now say a few more words, lest we will get too angry with the President.

This meeting of today is the last one in this legislative session. Looking back on the past year, this Council had first dealt with the amendments to the Rules of Procedure and then scrutinized the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"). During the period, the approach adopted by the President has aroused much controversy, leaving pro-democracy Members with no choice but to move this motion of no confidence today. Although the motion has no legislative effect, we must give support. I think the argument ultimately concerns the neutrality of the President. As the President of the Legislative Council, he should uphold the roles and dignity of the Legislative Council, but has the incumbent President done so? Under the meeting arrangements made by him, can Members of the Legislative Council exercise their powers and functions?

The Legislative Council is the institution responsible for monitoring the administration of the Government and scrutinizing bills. Article 73 of the Basic Law stipulates that the Legislative Council has the power to scrutinize bills introduced by the Government. Article 73(6) clearly provides that the Legislative Council can debate any issue concerning public interests. In the Legislative Council, Members' right to speak is almost the only power and tool of policy discussion. If Members cannot speak on bills or motions, how are they going to discuss policies? If Members cannot discuss policies, how can the

Legislative Council perform its function? The role of the President is not to deprive Members of their powers and restrict what they can do; to facilitate the administration of the Government; or even to act as a puppet of the Central Government. Will these actions go against the principle of separation of powers which we should uphold? Under the principle of balance of powers, we must protect the legislature and fulfil our responsibility of monitoring the Government; but can we perform such duties now?

The President may belong to a political party or has his own political stance, but he must maintain his neutrality when presiding over meetings. Obviously, the democrats move this motion because Andrew LEUNG has not fulfilled his responsibilities as the President and he has not maintained his neutrality. In fact, we can say that this debate is nonsensical because Members even have to explain to the President the importance of the President's neutrality and fairness. The incidents in the past year just show that we need a President who will really act fairly and impartially.

Why can't we Members question the Government in the Legislative Council on issues which have aroused wide concern in society? Why did the President disapprove our many proposals to raise urgent questions this year? Why did the President accommodate pro-establishment Members by holding additional meetings to scrutinize the Rules of Procedure; and accommodate the Government by setting the time limit of the debate on the Bill to 36 hours? As Members have mentioned the meeting arrangements made by the President in detail, I shall not repeat. However, the President's handling of the Bill became the last straw that broke the camel's back and left us with no choice but to move this motion.

Initially, the President was conferred with the power to make meeting arrangements, but he used that power to suppress views opposing the Government, so as to facilitate the expeditious passage of bills. Should this be the role of the President? The President must maintain his neutrality and act fairly to win Members' trust. The President should be trusted by the public, or at least, he should be trusted by Members. All the former Presidents had, to a large extent, succeeded in this respect. But honestly, has the incumbent President succeeded in this regard? We even heard that pro-establishment Members are somewhat dissatisfied with him.

In the past, Andrew LEUNG liked to cite Article 72 of the Basic Law. The provision stipulates that the President has the power to decide on procedural matters, including the power to hold meetings and make meeting arrangements. In fact, the role of the President of the Legislative Council is only a convenor of meetings. Undeniably, the President has the power to arrange agenda items, but does it mean that the President can abuse this power to re-order agenda items in a partial way to achieve certain political objectives? If not, it is unreasonable for the President to act partially in holding meetings and making meeting arrangements. No President in the past had ever adopted the practice of the incumbent President to restrict Members' right to speak or strictly limit the speaking time of Members at the Committee stage of a bill. No President in the past had ever acted like the incumbent President, giving people the impression that he would fit in the timetables of Members of his own political party. No President in the past had ever amended the Rules of Procedure to strengthen his own power, so that meeting arrangements can be arbitrarily made without consulting Members.

Finally, I would like to talk about the neutrality of the President. In fact, many overseas parliaments attach a lot of importance to this aspect. Take the Parliament of the United Kingdom as an example. The Speaker of the House of Commons must withdraw his membership from his political party after assuming office so that he is free of party affiliation. There is no such requirement in the laws of Hong Kong, but it does not mean that the President can abuse his power. Obviously, the performance of President Andrew LEUNG during the past year has really been eye-opening. As we do not want this situation to continue, we thus move this motion in the middle of this legislative term with a view to rectifying the problems. Through a vote of no confidence in Andrew LEUNG, we wish to re-elect a President who will uphold the dignity of the Legislative Council. *(The buzzer sounded)*

**DEPUTY PRESIDENT** (in Cantonese): Mr MOK, your speaking time is up.

**MS CLAUDIA MO** (in Cantonese): Normally, I think expressing gratitude to someone when we speak at Council meetings is very old-fashioned, as we are not here to give out the Academy Awards. I will, however, make an exception this time. First of all, I wish to thank Mr CHAN Chi-chuen for agreeing to move his motion on equal rights for people of different sexual in the next session. I also

thank Prof Joseph LEE for moving the motion on "Vote of no confidence in the President of the Legislative Council" on behalf of the pro-democracy camp today. All Members from the pro-democracy camp are in support of this motion.

I personally think that Andrew LEUNG has committed three sins. First, he does not have credibility. Second, he does not have humanity. Third, he does not have conscience. He lacks credibility because his "passport row" has left people with a very bad impression. At that time, he evaded all questions from the public, I had to pursue and asked the British Consulate-General in Hong Kong if he had renounced his British passport, and it was only by then could I confirm that he was no longer a British citizen. Why didn't he give up his British passport before the row? A possible reason is that Members from functional constituencies are not bound by the relevant legal requirement on nationality. Yet, Members from the non-democracy camp are patriotic, aren't they? When they speak, they love to say "China is successful", "China is good", "China is rising" and "Hong Kong is rising" all the time. It turned out that when Andrew LEUNG declared his patriotism to China in this Council, he was holding a British passport. This is his original sin.

On the point that he has no humanity, I do not mean to say he acts like a beast. Instead, when he is sitting in the President's seat, he looks like a wind-up toy, repeating several expressions. Just now, a number of members have already pointed out, his pet phrase is "this is my ruling and it is not subject to debate". It is always shocking to hear such a remark and his ferocious look is really offensive. In the past, even Rita FAN enjoyed high popularity. At that time, I was a political writer and I put down in black and white that it was really nice to be the President of the Legislative Council as she could gain popularity simply by remaining silent. As long as she pretended to stay neutral and spoke sensibly on public occasions, she would be much admired. Was her successor Jasper TSANG a charming politician? Sorry, I do not think so. Was he a leader with much charisma? I would say no. That said, Jasper TSANG at least made people feel that he was fair and just. First, he never shouted at Members. Sitting in the seat of the President, he was well aware of his powers but he was willing to reason with Members as far as possible. Unlike Andrew LEUNG, Jasper TSANG did not indulge himself in self-delusion of grandeur. We call these people a tin-pot dictator who believed he had power over everything after wearing a tin-pot crown. Andrew LEUNG is really terrible!

To be fair, back in the days when Jasper TSANG was the President of the Legislative Council, he also remarked that what Members said in the Council was not necessarily facts. He made this remark for fear that we might say the wrong things. However, that is exactly why legislators have to be protected by the Legislative Council (Powers and Privileges) Ordinance. After all, Jasper TSANG would negotiate with Members. If Members were willing to take a step back, he would consider doing the same. In contrast, the incumbent President will just follow his own will after summoning Members to have a "negotiation", but will then openly say that he has "communicated" with pro-democracy Members. How dishonest he is!

Thirdly, he does not have conscience. I am not saying that he is crazy but he lacks conscience in the Council. The Legislative Council must work independently. When we are now discussing the motion of no confidence, the government benches are empty. These benches are of course empty because this motion is about an internal affair of the Legislative Council. Which officials dare to join such a discussion to intervene and comment? Government officials will certainly stay away from this discussion. However, more often than not, Andrew LEUNG, as the President, plainly acts in concert with the Government in the Legislative Council. Can Members recall the scene in the scrutiny of the Bill on the co-location arrangement? Andrew LEUNG simply neglected us even if we hit the benches or protested loudly in the Chamber. Meanwhile, Frank CHAN was like a fool busking on the street. Fearing that people might not hear him, he held up a microphone, instead of a clipping microphone, to read out the Government's speech nonstop in a loud voice. All he wished was the passage of the Bill. As long as the Bill could get passed as wished by the Government, everything would go fine. Wasn't it ridiculous? That scene must be put on record of the world's history of legislative procedure. What a laughing stock!

I hope that Andrew LEUNG ... He may not like to listen to Members, assuming that we will tell him off in our speeches. He also knows that there is no way this motion can get passed because many Members here have indicated their strong support for the President. Even so, he must handle the Council business with the heart of fairness. I am not talking about the heart of conscience. He is not only capricious but highly inconsistent. What a terrible President!

**DEPUTY PRESIDENT** (in Cantonese): Ms Claudia MO and other Members, I urge you not to launch personal attacks even though pointed remarks are inevitable.

**MR CHAN CHI-CHUEN** (in Cantonese): I support Prof Joseph LEE in moving a motion of no confidence in the President of the Legislative Council Andrew LEUNG. Originally, my motion on "Studying the formulation of policies for homosexual couples to enter into a union" was scheduled to be debated today at this time slot. However, when Prof Joseph LEE proposed to me the re-ordering of motions, I agreed without any hesitation. This is indeed a collective decision of pro-democracy Members. Prof Joseph LEE also sacrificed his own motion after queuing for 13 weeks before there could be a chance of debate. Why were we willing to make different degrees of sacrifice? I would say that Prof Joseph LEE made greater sacrifice than I did because while my motion would be discussed in October, Prof LEE might not be allocated with another debate slot in this term for proposing a motion.

In this situation, why did we insist on re-ordering the motions? Let me draw an analogy with World cup matches. Referees are very important to football matches. In case there is anything wrong with a particular referee, we must deal with the problem immediately given that he will play the role of a referee each week and each of the upcoming matches are crucial. As the Legislative Council has to deal with a lot of controversial government policies at its meetings, if the Legislative Council President—whose role is similar to that of a referee—is corrupt and unfair and abuses his power, we must tackle the problem under the established mechanism. Therefore, all Members' motions should give way to this big issue so that the Legislative Council can first handle the problems with Andrew LEUNG.

What are the problems with Andrew LEUNG? As the President of the Legislative Council, Andrew LEUNG should serve the Legislative Council rather than the Government. Yet, we see him dancing to the tune of the Government and acting in concert with the Government. He has even acted more outrageously, like a eunuch who is overly anxious about the emperor's business. The current row was originated from the scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"). While Frank CHAN told the press that the scrutiny was expected to take three weeks to complete, Andrew LEUNG went further by asking Members to



complete the scrutiny in two weeks. In order to pass the Bill as soon as possible as wished by the Government, he over-fulfilled the plan and requested the scrutiny be completed at a pace faster than that expected by the Government. As a result, he made a series of mistakes, including limiting the speaking time of Members.

The practice of limiting Members' speaking time was seen in the era of Jasper TSANG. While Jasper TSANG had also cut off the filibusters and set time frame for debate, he only applied this "time-limited debate" tactic to budget debates held in different sessions. In the scrutiny of bills such as the Copyright (Amendment) Bill 2014 and the Medical Registration (Amendment) Bill 2016, Jasper TSANG did not abuse his power.

Andrew LEUNG has, however, magnified the meaning of the phrase "to preside over meetings" in the Basic Law indefinitely and enlarged the power of the President as if there were no bounds. Meanwhile, as he has in hand another weapon—the court's judgment—he does not seem to care a fig about any judicial review against his ruling.

The problems concerning the scrutiny of the Bill were even worse. He went so far as to deprive Members of the time to speak once in the Second Reading debate as stated by the Rules of Procedure ("RoP"). This is simply outrageous. We had guessed that Andrew LEUNG would order a time-limited debate; no matter the limit was set at 36 hours, 30 hours or 28 hours, it was only a matter of degree and I would raise objection. Why should he deprive Members of the right to speak once in the Second Reading debate? Pro-establishment Members were also the victims. Some pro-establishment Members were so obedient that they shortened their speeches to five or six minutes to save the valuable time, but some others did not even have the chance to speak. It was evident that Andrew LEUNG had put political missions before Members' right to speak and the Council's duty to monitor the Government.

Another major problem is being self-contradictory. During the Second Reading of the Bill, five pro-democracy Members were expelled from the Chamber after making protest. Earlier, when RoP was amended, the pro-establishment camp requested that the quorum of a committee of the whole Council be reduced to 20 Members. I queried their request on that day because, under Article 75 of the Basic Law, the quorum for the meeting of the Legislative Council shall be not less than one half of all its members, and one half of 70 is 35.

At that time, pro-establishment Members justified their request by saying that Article 75 of the Basic Law referred to the meeting of the Legislative Council, and a committee of the whole Council was different from the Legislative Council and its nature was similar to other committees. As the quorum of other committees should be decided by the Legislative Council on its own, the quorum of a committee of the whole Council could be decided by the Council and was then set at 20 Members in the last RoP amendment. Noting that a committee of the whole Council is now different from the Legislative Council and Second Reading is a discussion stage of the Council, I thus put up my hand at the Committee stage and asked the President whether the five pro-democracy Members expelled from the Chamber in the Second Reading debate could return to the Chamber. He said no without giving any immediate explanation. When I asked for his explanation, he told me to contact him later but he has yet to give me any reasonable explanation.

If the President or the Secretariat of the Legislative Council considers that there is a reasonable argument over the aforementioned situation, I now openly call for their expeditious and detailed written explanation of whether the Council is different from a committee of the whole Council. If the answer is in the affirmative, why couldn't the Members expelled from the Council meeting return to the Chamber to join a committee of the whole Council? If the answer is in the negative, was there a self-contradiction? In my words, this situation is like moving the goalposts before and during the match, there is no way that he can explain.

Lastly, while many people say that it is hard to seek judicial review against the President's ruling as the court may not grant leave, I think it is worth applying for judicial review to clarify whether a committee of the whole Council is the same as or different from the Legislative Council, as well as whether the reduction of the quorum of a committee of the whole Council to 20 Members should be allowed. Of course, I am too poor to file a lawsuit but I know this is the wish of many members of the public. Even if this motion of no confidence is voted down, we should not give up. We cannot just sit on the problem and allow the President to act autocratically and arbitrarily, depriving the rights and even dignity of Members and the Council by all means.

(Ms Claudia MO stood up)

**DEPUTY PRESIDENT** (in Cantonese): Ms Claudia MO, what is your point of order?

**MS CLAUDIA MO** (in Cantonese): Deputy President, you told us not to launch personal attacks. There were four Members speaking on this motion before me. As this motion is on vote of no confidence in Andrew LEUNG, who is a person, Members will naturally criticize him personally when they speak. How do you draw a line between "criticism" and "attack"? What do you mean by "personal attacks"? Which statements are you referring to?

**DEPUTY PRESIDENT** (in Cantonese): Ms Claudia MO, you have already raised your point of order. According to the Rules of Procedure ("RoP"), Members shall not use offensive language about other Members when they speak. However, noting that the subject of this motion is to call for a vote of no confidence in President Mr Andrew LEUNG, I am well aware that pointed remarks will inevitably be made in the debate and will be open to interpretation. That was why I only reminded Members earlier that they should avoid launching personal attacks to maintain the overall dignity of the Council. Yet, if any Member uses expressions which have been ruled as offensive or even use offensive expressions to launch personal attacks, I will strictly enforce RoP.

(Ms Claudia MO remained standing and continued to speak)

**DEPUTY PRESIDENT** (in Cantonese): Ms Claudia MO, I have already given my explanation. Please sit down. Mr Gary FAN, please speak.

**MR GARY FAN** (in Cantonese): On behalf of the Neo Democrats, I speak in support of the motion of no confidence in the President of the Legislative Council Andrew LEUNG.

Among the three Members serving as the President of the Legislative Council since 1997, only the incumbent President, Andrew LEUNG, has never been tested in direct elections. Rita FAN served her first two terms through running in the Election Committee election, and in her third term, she won in a direct election. Jasper TSANG, President of the last term, was a directly elected Member. While President Andrew LEUNG of the current term has served as a

Member for four terms, he secured all his four terms after being elected uncontested in functional constituency election. Having served as a Member for 14 years, he has not secured even one single vote. The election of a Member with zero votes as the President of the Legislative Council is in itself devoid of legitimacy.

A series of moves on the part of Andrew LEUNG following his election as the President have humiliated Hong Kong voters time and again. Following the 2016 Legislative Council Election, it was reported in the press that the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("LOCPG") favoured Andrew LEUNG as the President. It was also rumoured that LOCPG had been sounding out the pro-establishment camp/royalists about the candidates for the President. Andrew LEUNG's tyrannical and domineering style was very popular with LOCPG, which obviously intended to control the Legislative Council through Andrew LEUNG, thus passing various draconian laws—WANG Zhimin, I am exactly talking about you and LOCPG.

A controversy surrounding the nationality of Andrew LEUNG occurred before the election of the President. He had not declared that he held a British passport and this fact was revealed by the media when he showed his interest in contesting for the post of President. That said, he initially still refused to give a reply, and it was only after a series of queries that he provided a certificate. The incident ultimately turned into a political controversy. While LOCPG clearly knew there was a problem with the nationality of Andrew LEUNG, it still tried to override all objections, with the obvious hope that he would serve the regime and chair Legislative Council meetings in a tyrannical and domineering fashion.

Deputy President, Andrew LEUNG has actually set quite a number of bad precedents in presiding over meetings. Since taking office as the President, he has not approved any urgent question proposed by Members under Rule 24(4) of the Rules of Procedure. Even in the case of urgent incidents involving vital public interests, such as the arson case in an MTR station in 2017, the loss of all Hong Kong voters' personal information by the Registration and Electoral Office, and the collapse of seawalls on an artificial island of the Hong Kong-Zhuhai-Macao Bridge, on which I intended to put an urgent question, Andrew LEUNG ruled all the questions proposed by Members inadmissible on the grounds that they were not of an urgent character. This is a blatant attempt to weaken the monitoring power of the Legislative Council.

In the eyes of Andrew LEUNG, all major social events seem to have no urgency, and even the meeting time of the Legislative Council can be wasted arbitrarily. The Legislative Council meeting usually adjourns at 8:00 pm, but since Andrew LEUNG has become the President, the meeting adjourns at around 7:00 pm on Wednesday if it is a horse racing day with night horse racing. When Jasper TSANG was the President of the Legislative Council, the meeting was adjourned at 8:00 pm, 8:30 pm, 9:00 pm, 9:30 pm or even 10:00 pm. The meeting was only adjourned after all items on the Agenda had been dealt with.

Deputy President, my colleague has made a rough estimate based on the minutes of meeting prepared by the Secretariat. From 18 October 2017 to 20 June this year, the early adjournment of meetings on Wednesdays by Andrew LEUNG has resulted in a waste of a good 487 minutes or over eight hours of meeting time. Since last December, the early adjournment of meetings has been extended from 10 to 20 minutes to more than 30 minutes. The situation of early adjournment of meetings has become increasingly outrageous and has become a standing practice, with new records being broken constantly. At the Legislative Council meeting on 28 June this year, Andrew LEUNG unprecedentedly adjourned the meeting at 5:00 pm, three hours earlier than the scheduled time.

Andrew LEUNG has run amok, acting as he pleases with no regard to public interest. When being assigned a political task by the Government, such as forcibly taking forward the "cession-based co-location arrangement", he would depart from his normal practice and unnecessarily extend meetings for scrutinizing the bill on the "cession-based co-location arrangement" to 8:00 pm, 9:00 pm or even 10:00 pm, so that the draconian bill, which is still highly controversial today, could be passed before the deadline set by the Government.

Andrew LEUNG's decision was unnecessary because before we began scrutinizing the bill on the "cession-based co-location arrangement", he had already reduced the 75 amendments proposed by the pro-democracy camp to only 24, so as to dovetail with the deadline set by the Government. He had even unprecedentedly set a time limit to shorten the time for scrutinizing the entire bill to 36 hours and the legislature had to complete the Second Reading debate within eight hours.

Deputy President, the Rules of Procedure and the House Rules of the Legislative Council clearly provide that during the Second Reading debate a Member may speak once, subject to a time limit of 15 minutes, so the time

needed for conducting the Second Reading debate can well be computed. However, under Andrew LEUNG's arrangement, only about 30 Members could speak at the Second Reading stage of the draconian bill—the controversial bill on the "cession-based co-location arrangement". Other Members who wished to speak were not given a chance to speak. Was this not a bad precedent? When the Second Reading debate was resumed on 7 June in the Legislative Council, 11 Members were still waiting to speak, but Andrew LEUNG drew a line and did not allow them to speak, and the Second Reading debate was forcibly concluded.

Andrew LEUNG prohibited those Members who were waiting to speak from speaking, and when Members raised their points of order and queried the President's decision, this President with zero votes evicted them from the Chamber. At the final stage, Andrew LEUNG still constantly challenged Members who spoke, interrupting them time and again even if it was he who failed to listen clearly, stripping Members of their right to speak. For this reason, Andrew LEUNG is no longer eligible to serve as the President of the Legislative Council.

In addition, Deputy President, I support this motion of no confidence because Andrew LEUNG has allegedly been involved in conflicts of interest, as he held remunerated directorships in 18 companies when he took office as the President.

For the aforesaid reasons, I speak to support the motion of no confidence in the President of the Legislative Council Andrew LEUNG, so as to put on record his acts, including his brutal abuse of power and contravention of rules and regulations.

I so submit.

**MR HOLDEN CHOW** (in Cantonese): Deputy President, I speak in opposition to this motion of no confidence in the President of the Legislative Council Andrew LEUNG, for the reason that the opposition camp moved this motion of no confidence to shift the blame onto someone else. Why do I say so? In the past when they filibustered, we considered it necessary to cut off the filibusters; when we wanted to enforce the law, they objected; when we wanted to right the wrong, we were invariably besieged by the opposition camp. When Andrew LEUNG decided, in his capacity as the President of the Legislative Council, to

put the legislature back on track or enable it to resume normal operation, they resorted to every possible means to charge at the President. For this reason, I oppose the motion of no confidence moved by them today.

Deputy President, in the case of the bill on the co-location arrangement, we had spent a total of some 100 hours from scrutinizing the bill at the Bills Committee to handling it at Council meetings. In the process, opposition Members kept raising questions, turning a blind eye and a deaf ear to whatever answers given by the Government. No matter how much more time was given to them, they would only continue to dilly-dally. They constantly raised points of order in the process, but Deputy President, they actually wanted to stir up trouble by ostensibly raising points of order. They had a hidden motive. They raised the so-called points of order mainly for the purpose of obstructing the passage of the bill. If the situation persisted, we believe that the legislature would not be able to accomplish anything.

Deputy President, just now Mr Alvin YEUNG raised a point of view, that is, after President Andrew LEUNG has made a decision, he does not allow queries or discussion by Members. Mr YEUNG has some issues with this. Deputy President, as we all know, there is a reason why no debate shall arise on a decision of the President. If the President, after making a ruling or decision, still allows Members to keep arguing about that ruling or decision, the outcome is that Members will continue to spend time on such arguments, and the endless arguments at the meeting will make it impossible for Members to deal with Council business in a normal manner. The reason is so simple that Mr Alvin YEUNG, being the Leader of the Civic Party and a person of high intelligence, should be able to understand. If he really does not understand, we can only blame him for his ignorance, but if he is not ignorant but just pretends that he does not understand, it only proves that Mr Alvin YEUNG is a sore loser in making such remarks.

Deputy President, the opposition camp has constantly attacked President Andrew LEUNG mainly for his arrangement to deal with filibusters, particularly his arrangement to cut off the filibusters and set a time limit for debates. However, Deputy President, as I said just now, if the opposition camp insists that it is justified for them to filibuster, members of the public will ultimately taste the bitter fruit. If the legislature cannot function normally, members of the public will ultimately have to foot the bill. I believe that Hong Kong people can see this point.

Deputy President, Members have mentioned former President Mr Jasper TSANG just now. Mr Jasper TSANG commands our great respect. His erudition is known to all. We consult him about a lot of things, and I will take the initiative to consult him about my personal problems. His words are actually very convincing. I would like to remind Members that former President Jasper TSANG had indicated on various occasions that it was necessary to make a decision to cut off the filibusters. I wish to take this opportunity to urge the opposition camp not to whitewash their abominable filibusters. They should not seek to use this motion of no confidence to justify their filibusters and disorderly conduct in the legislature. Members of the public can discern their acts. In order to prevent them from using such a deceitful motion of no confidence to justify their abominable filibusters and disorderly conduct, we must oppose this motion of no confidence.

Deputy President, I so submit.

**MR MARTIN LIAO** (in Cantonese): Deputy President, upon the completion of the scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") by this Council last month, Members from the non-establishment camp sent a joint letter to the Chairman of the House Committee on the next day, expressing their intention to propose a motion of no confidence in the President of the Legislative Council in the light of his conduct of the meeting concerned. On 21 June, I, together with the other 39 Members of the pro-establishment camp, issued a joint open letter, indicating our opposition to this motion of no confidence, so as to set the record straight. Our reason is very simple, and that is, the allegations made by the non-establishment camp against the President of the Legislative Council are totally untrue.

Though this motion of no confidence has failed to secure support from the House Committee, the non-establishment camp still tried by all means to raise the motion at today's Council meeting. Under the circumstances, please allow us to express, in this Chamber, our strong opposition against this false accusation loaded with strong political tints. In fact, although Members who support or oppose the motion are distinctively divided, as long as they reason with facts, they will, regardless of their political views and stands, come to the same conclusion as that of the pro-establishment camp.



First of all, the non-establishment camp accused the President of the Legislative Council of violating the Rules of Procedure ("RoP"). The truth was that when the President presided over the meeting at that time, he not only had not violated RoP, but was supported by a firm legal basis. That is because the power of the President of the Legislative Council in presiding over meetings—including exercising powers and imposing regulations during the meeting—come from Article 72(1) of the Basic Law, the judgment handed down by the Court of Final Appeal and the Court of Appeal of the High Court on the case of *Leung Kwok Hung v The President of the Legislative Council*, as well as RoP of the Council.

Concerning the President's proposed allocation of debate time and his maintenance of discipline in meetings, the comments were "the arrangements were extremely improper" and the President had "deprived Members of their rights". The truth was that the issue had been extensively discussed both within and without the legislature over the past year after the Government's announcement of implementing the co-location arrangement through the "Three-step Process". At the end of last year, the Council had spent 26 hours to scrutinize and pass the non-binding motion on the co-location arrangement; the Bills Committee concerned, with a membership of as many as 64 Members out of 67 Members of this Council, had held 17 meetings with a total of 45 hours spent on scrutinizing the Bill. Separately, a total of 19 hours were spent to receive public views in two public hearings. Hence, supporting and opposing views had been raised repeatedly. As a matter of fact, when the Bill was submitted to the Legislative Council, it had already come to a state that neither side could convince the other no matter how much time was spent. The problem of not having sufficient time for discussion simply did not exist.

On the contrary, in the course of scrutiny of the Bill, Members from the non-establishment camp wantonly neglected their constitutional duty of scrutinizing bills. They kept obstructing the scrutiny of the Bill which they had all along opposed by various filibustering means, including proposing an adjournment motion which took up 9.5 hours, and requesting headcounts which took up three hours, during the Second Reading of the Bill. They also jumped on their benches and shouted, attempted to charge at the President Podium and the Government Despatch Box, as well as pushed and shoved causing injuries to security staff. They had blatantly violated RoP, yet they turned to accuse the President of violating RoP. This is indeed ridiculous like a thief crying "stop

thief". If non-establishment Members had not wasted the 12.5 hours, they would not have to worry about not having a chance to speak in the Second Reading debate.

If Members from the non-establishment camp had suited their actions to their word and respected the Court, they should have respected the fact that Members did not have the right to filibuster, and that it was appropriate for the President of the Legislative Council to impose restrictions on debates. The judgment of the Court of Appeal has affirmed that "any such constitutional right to participate in the legislative process in accordance with the Rules of Procedure cannot possibly include the right to filibuster". As for the right to participate in the legislative process, it must be read with, and subject to, the power of the President to preside over meetings under Article 72(1) of the Basic Law. According to the judgment handed down by the Court of Final Appeal on the same case, the President of the Legislative Council has the power to impose restrictions on and put an end to debates; the Court of Final Appeal also ruled that the law-making powers and functions described in Article 73(1) of the Basic Law are not given to Members as individuals but to the Legislative Council itself sitting as a legislative body, and the provision concerned does not confer on a Member of the Legislative Council a right to participate in its legislative processes by speaking.

In fact, the meeting arrangement made by the President of the Legislative Council for the scrutiny of the Bill was lawful, fair and reasonable. The President has considered in detail the relevant provisions of the Basic Law, the judgments of the Court regarding the constitutional powers and functions of the President of the Legislative Council and the time-related experience from past scrutiny of bills. He has also struck a balance between Members' right to speak and the efficiency of the Council. The arrangement has demonstrated an attitude of tolerance and patience and a dedication to upholding the order and dignity of the Council, thereby ensuring the smooth completion of the scrutiny of the Bill.

Based on the reasons mentioned above, the pro-establishment camp opposes this motion, and advises Members of the opposition camp not to create trouble any more, lest they will probably be the ones to lose the trust of the public.

Deputy President, I so submit.

**MR SHIU KA-CHUN** (in Cantonese): Deputy President, this motion on "Vote of no confidence in the President of the Legislative Council" is a very heavy one. Both you and I know that the words "no confidence" are actually very hurtful. The feeling of having no confidence in people is invisible and intangible, but it is really hurtful when it pervades different domains and different relationships. If we have no confidence in people, we have no sense of security, and if we have no sense of security, we have no warmth or hope. This holds true in society as well as in the legislature. According to sociologist Niklas LUHMANN, if a person lost all confidence in the world, he or she would not even be able to get out of bed in the morning. Likewise, if a Member lost confidence in the President of the Legislative Council, he or she sometimes would not even be able to get out of bed in the morning to come into the Chamber for a meeting.

Deputy President, I speak in support of Prof Joseph LEE's motion of no confidence in the President of the Legislative Council, Andrew LEUNG, whose failures to properly conduct himself and discharge his duties as the President of the Legislative Council are really too numerous to mention. This is something strongly criticized by different Honourable colleagues just now. The President has abused his power and turned the legislature topsy-turvy time after time. I have no alternative but to support this no-confidence motion against the abuse of power by President Andrew LEUNG, whom I think should even be censured. My justifications are as follows:

First, the President always ignored Members' points of order as if they had never been raised. The degree of his imperviousness to reason is world-class. I remember that when this Council was dealing with the motion on amending the Rules of Procedure ("RoP") and the motion on the co-location arrangement, many Members put up their hands or even stood up to indicate their wish to raise points of order, but they were not given the chance to do so. That said, there were rare occasions when the President was "magnanimously" willing to call the names of the Members who wished to raise points of order. One might think that those occasions were opportunities for rational communication, but as it transpired, the President just let the Members say what they wished to say and never responded to the points raised. On every such occasion, he just turned a deaf ear and then called the name of the next Member to raise a point of order as if nothing had happened. To draw an analogy, it was like in a World Cup match, the referee pretended that he did not see the scoring of a penalty goal, looked away and told another player to shoot again, but even if the player kicked the ball into the goal, the referee would simply ignore and would not count it as a goal.

Second, the President presided over meetings in a very partial manner and misinterpreted RoP. During the Second Reading debate on the co-location bill, some Members were ordered to withdraw from the Council, but when the Council became a committee of the whole Council to consider the bill (that is, to consider the bill at a separate meeting), the President did not allow them to return to the Chamber to participate in the debate. The President's interpretation of RoP was purely based on his personal preference, and he even put forward the far-fetched argument that the amendments to RoP were aimed at strengthening the President's power. According to Mr Andrew WONG, former Legislative Council President, the purpose of RoP is not to strengthen but to restrict the President's power, which shall not include any power not expressly stipulated. One who exercises this power should adopt this attitude and act cautiously, and should not wilfully say that their power has to be strengthened.

Third, the President stepped out of line in rushing to get off work and shortening Members' speaking time. I am always uncertain about the length of a Council meeting, as the duration of a meeting presided over by the President is always variable and completely "flexible". By convention, a Council meeting is to be adjourned at 8:00 pm, but my observation—I am not sure if this is true—is that if the Council happens to meet on a night-time horse racing day, the President likes to get off work before 7:30 pm. Nonetheless, this was not the case for the meeting to force through the co-location bill, as he extended the meeting until 10:00 pm in order to achieve the goal. Yet, on 28 June, for example, he suddenly adjourned the meeting at the unprecedentedly early hour of 5:00 pm. He ended the meeting three hours earlier without good cause. Andrew LEUNG certainly will not admit that he did so to prevent us from being able to move a no-confidence motion against him before the summer recess, but the fact remains that three hours of the Council's time were wasted without good cause.

The pro-establishment camp is fond of expressing costs in terms of the number of cans of luncheon meat. As shown by the statistics compiled by a media outlet, during Andrew LEUNG's tenure so far, there was a total of 24 times when he adjourned the Council meeting more than 15 minutes earlier for no reason. In doing so, he wasted a good 23 hours and 23 minutes of the Council's time, considering the convention that a Council meeting should be suspended or adjourned at about 8:00 pm on Wednesday. According to a paper for a special meeting of the Finance Committee of the Council, the hourly expenditure incurred for servicing Council meetings is \$222,000. Calculated on this basis,

the amount of public money lost due to the early adjournment of meetings by Andrew LEUNG is close to \$5,200,000, which is enough to buy as many as 325 000 cans of luncheon meat, each costing \$16, for grass-roots families. Not only did Andrew LEUNG waste resources, but he also deprived Members of the right to speak, leading the public to think that Members were very lazy while in fact it was the President himself who was truly lazy.

Fourth, the President ignored the dignity of the Council. At the meeting dealing with the co-location bill, in order for the bill to be passed as quickly as possible, Andrew LEUNG actually allowed the voices of Members and the voice of the speaking public officer to overlap and the bill to be bulldozed through in an indecorous and extremely ugly manner. Ms Claudia MO vividly described that scene just now. Mr Andrew WONG has stated outright that this problem arose because of the President's ignorance of how to perform his duties as the President and his slapdash way of doing things.

Fifth, the President cheated and wheedled. As the Council's proceedings in the Chamber were covered by the media, broadcast live, videoed and recorded, everything could be discussed openly in an above-board manner, but when points of order were raised by Members, the President did not know how to handle them and even kept saying that Members who had any questions could discuss with him in his office after the meeting. However, what was left to be discussed after the bill was bulldozed through? In a World Cup match, if a player complains about a goal after it was scored, can the referee tell the complainant to discuss with him in his office after the match on condition that the goal remains valid? This cannot be the case. An opportunity missed is an opportunity lost. What is left to be discussed after the opportunity is lost?

The *Analects* advocates being strict with oneself and lenient with others, but it seems that Andrew LEUNG has been doing the opposite as he is strict with others and lenient with himself. Deputy President, I support Prof Joseph LEE's motion on "Vote of no confidence in the President of the Legislative Council".

**MR KENNETH LEUNG** (in Cantonese): Deputy President, I speak in support of this motion on "Vote of no confidence in the President of the Legislative Council" moved by Prof Joseph LEE. While this motion is not legally binding, it provides a very important opportunity for us to reach a conclusion about the performance of the President of the Legislative Council over the past two years.

Many pro-establishment Members, including Mr Martin LIAO, mentioned just now the Court of Final Appeal's judgment in the case of *LEUNG Kwok-hung v The President of the Legislative Council*, which points out clearly that under common law principles, public policy and the provisions of the Basic Law, Hong Kong practices the separation of powers between the executive, the legislature and the judiciary, which operate independently of each other, and that the Court will only determine the existence, but not the manner of exercise, of a power of the Legislative Council or its President. In addition, Article 75 of the Basic Law stipulates that "[t]he rules of procedure of the Legislative Council shall be made by the Council on its own, provided that they do not contravene this Law." Of course, this judgment is based on the fact that our legislature originated from the Westminster parliamentary system in the United Kingdom, as well as respect for the Legislative Council as an independent body.

However, perhaps some pro-establishment Members have never thought of another legal principle, i.e. when one exercises a power, one must have a bona fide ultimate purpose for exercising the power. This is not about the nominal legitimacy of exercising the power, but about the purpose one wants to achieve. It seems that our President's purpose in exercising his power is to ensure the passage of a motion within a particular time frame, but in his capacity as the head of the legislature, that is, the President of the Legislative Council, his ultimate purpose in exercising his power should be to enable the legislature to transact its business fairly and with dignity, instead of ensuring the passage of a bill within a particular time frame for certain political parties or the Government, because any bill must be debated in detail fairly and openly.

In their speeches just now, many Members talked about President Andrew LEUNG's various misdeeds during the debate on the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"). In fact, the catalogue of Andrew LEUNG's misdeeds is really too long to list. When he ran for President of the Legislative Council in 2016, he was coy about his nationality, and it was only after a series of revelations by the media that he provided dubious evidence of his renunciation of British nationality. I did follow up this issue afterwards. In view of the important constitutional status of the President of the Legislative Council, I hope that every future candidate for the office of President will make a statutory declaration in accordance with the Rules of Procedure, which may be amended in the future, to enable the public and Members to rest assured that he or she has met all the conditions that the Basic Law requires the President to meet.

Unfortunately, when handling the subsequent incident in which the oaths taken by some Members were deemed out of order, our President put himself in a dilemma, contradicted himself and was completely confused. One week he gave a particular explanation, but another week he gave another explanation when he saw the political situation take a turn for the worse. This is the second point I have to make.

Third, Mr Andrew LEUNG seemed too busy to remember that he was an executive director of a number of companies, and had stakes in many companies. He also forgot to declare his interest as a shareholder of a British holding company, and was therefore instructed by the Committee on Members' Interests to make a retrospective declaration. Leaving aside the debate arrangements he made for the Bill, it is unbelievable that Andrew LEUNG, vested with important constitutional powers as the President of the Legislative Council under the Basic Law, actually had time to double as a non-executive director of listed companies. This is something we had never heard of before. Before him, no President had ever doubled as a non-executive director of any listed company in the history of this Council or the former Council.

The office of President of the Legislative Council is a full-time job. This is also reflected in the difference in remuneration between the President and an ordinary Member. Even though we have put in place a declaration mechanism, Andrew LEUNG is unable to know whether any commercial interest of the three colossal listed groups of which he is a non-executive director will pose a conflict of interest with any policy or bill under discussion in the Legislative Council. It is impossible for him to carry out a review before every meeting of the Council to see if there is any connection or conflict between a bill to be considered and the business of those listed companies or their subsidiaries (numbering a few hundred in total). A declaration of interest made at the beginning of the year is simply insufficient to address such actual or potential conflicts of interest. Therefore, I would also like to take this opportunity to advise President Andrew LEUNG to immediately resign from all director positions in listed companies, or else he should immediately resign as the President of the Legislative Council.

**MR LAU KWOK-FAN** (in Cantonese): Deputy President, I speak in opposition to the motion moved by Prof Joseph LEE on "Vote of no confidence in the President of the Legislative Council".

Regarding the motion of no confidence in the President of the Legislative Council Andrew LEUNG, a similar discussion was in fact held at the House Committee meeting last month. What the opposition colleagues said today was almost the same as those spoken at that meeting. Frankly speaking, the opposition camp has distrusted the President of the Legislative Council for a long time. Even though Jasper TSANG, the former President, was always considered as fair and impartial by members the public and just now the opposition colleagues also praised his performance, it turned out that the opposition colleagues had also moved a motion of no confidence in Jasper TSANG when he was the President.

Regarding the rulings made by the incumbent President in respect of certain Members' disruption of order when he presided over regular Councils meetings or the meetings to scrutinize the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, they fully complied with the Rules of Procedure ("RoP") and the President had not acted ultra vires. Even so, the opposition camp has time and again proposed motions of no confidence. They are reversing effect and cause, trying to justify the troubles they stirred up and their filibusters. Just now some Members even blamed the President for the injuries sustained by some security staff. How dare they raise such kind of false reasoning, which can well be described as the villain suing his victim. At that time, if the Members being expelled were willing to leave the Chamber voluntarily, assistance from security staff would not be required; and when security staff nicely asked them to leave the Chamber, they refused to leave and challenged the security staff to remove them by force. In that case, how could the security staff not be injured? Hence, opposition Members should bear the greatest share of responsibility.

Do not say that I am making groundless accusation. Just now a Member told a story in her speech. I will not tell stories. I just wish to quote the actual words spoken by someone to prove what I said, (I quote): "If someone disrupt the meeting, what shall I do? If I judge that some pan-democratic colleagues will surely disrupt the meeting and violate RoP if the meeting proceeds, and as one of the pan-democrats, I cannot bring myself to evict them. If I see that the problem cannot be solved and some pan-democratic colleagues must be evicted, I prefer not to preside over the meeting." Can you guess whose words are those? Let me tell you the answer. Those were the words of Mr LEUNG Yiu-chung, not TAM Yiu-chung, a senior opposition Member. In an interview conducted earlier, he made it clear that he did not wish to act as the Deputy President to



preside at the election of the President of the current-term Legislative Council. According to Mr LEUNG, if he presided at the election, pan-democratic Members, (i.e. Members of the opposition camp) would most likely violate RoP and obstruct the voting process, by then he would be caught in a very difficult situation as he was unwilling to evict them as provided by RoP.

Opposition Members "only care about political stands without regard for rights and wrongs". Mr LEUNG Yiu-chung had actually straightened his thinking and understood the important principles. He fully understood that colleagues of the opposition camp only cared about political stands. Although they had violated RoP, they would not let others expel them from the Chamber. They wanted to set their own rules. He also understood that if he had to handle the situation impartially, he would have to expel the trouble makers from the Chamber according to the rules, and if he did so, he would definitely be berated by his allies and they might even fall out with him. As such, opposition Members have a lot to say about the chairmanship, but when they have the chance to become the Chairman, they avoid as far as possible because they never want to bear the responsibility of presiding over meetings impartially. They may not even know how to undertake this duty.

Take Mr LEUNG Yiu-chung as an example again. Last month, he had the chance to be the chairman of a subcommittee, but he refused on the ground that he did not like to serve as a chairman. Even though he was criticized by the public, he still reiterated that if he became the chairman, he could not speak on certain subjects. Therefore, he would avoid being the chairman as far as possible. To be fair, apart from Mr LEUNG Yiu-chung, I have also witnessed many other opposition Members refusing to be the chairman of various committees. Since they have no intention to be the President or the chairman, they might as well act more outrageously in stirring up trouble or causing disruptions. When they are being berated for violating the rules, they can lay the blame on the President, which is just wonderful. It is always more pleasant to berate others than being berated.

Hence, I find some matters rather strange. For example, when opposition Members see that there are more pro-establishment Members in a certain committee, they always strive to run for chairmanship, but for committees comprising the same number of Members from both sides or with fewer pro-establishment Members than pan-democratic Members, they never run for

chairmanship. Even if someone nominates them to be the chairman, they will refuse. Do they want to be the chairman or not? They only want to put on a show but not being a chairman because the burden is so much lighter.

In respect of livelihood matters, we also see a similar pattern. When pro-establishment Members have strived to forge a consensus in respect of certain government proposals, the opposition will ask for more. Take paternity leave as an example. After we had made great efforts and succeeded in getting a three-day paternity leave, they demanded a few more days of paternity leave. And now after a review, we want to extend the paternity leave for a few more days; they want to extend the leave even further. This is their usual tactic. Hence, I think this motion of no confidence is directed against individuals rather than facts. They only want to justify their filibusters or unruly behaviours, which I will never accept.

Regarding the responsibilities of the President, some person is committed while some evades as far as possible; regarding the conduct of meetings, some presides over meetings impartially while some pretends not to see the trouble makers; at meetings, some maintains the order while some deliberately stirs up trouble. Today, in the face of the deteriorating parliamentary culture, Legislative Council President Andrew LEUNG discharges his duties properly by making fair and forceful rulings in accordance with RoP. To sum up my aforesaid points, I oppose this motion of no confidence.

I so submit. Thank you.

**MR ANDREW WAN** (in Cantonese): Deputy President, owing to the arrangement of the meeting, I cannot say the following words to President Andrew LEUNG's face. I have specially made these two props for him to show my heartfelt feelings and I am sure everyone knows the implications behind. I want to hold up this red card on behalf of the pan-democrats to send Andrew LEUNG off. Since he became the President of the Legislative Council, as many Members have said, his style of work is so despicable that I support this motion on "Vote of no confidence in the President of the Legislative Council". I have to show a red card to send him off.

Deputy President, Legislative Council President Andrew LEUNG is awesome, why? He has set many records. First, he is the first President of the Legislative Council to whom Members move a motion of no confidence in him.

Second, he may be the least respected speaker of all national assemblies in the whole world. Besides, I guess he may be the most reluctant President to preside over meetings after being elected. This is a very special condition and is somewhat self-contradictory.

Deputy President, in view of the World Cup matches being held recently, I have displayed many props here to satirize the President of being a corrupt referee who abuses his power to expel players from the field. There are some football jargons that satirize footballers' weaknesses, such as "slow", "without speed" and "not fast enough". The President of the Legislative Council also has similar weaknesses, such as "inept", "incapable" and "incompetent". Some may say that I am too mean. I will explain later on. But if you do not like these expressions, I can also use other expressions to describe the character of the President, including playing foul, being a corrupt referee and moving the goalposts, which all express the same thing. The President is so awesome that he can use all these tactics on different occasions to achieve the best results.

Mr Alvin YEUNG spent a long time drawing a conclusion, which has been mentioned by many colleagues, including Mr SHIU Ka-chun. In my opinion, the President has three basic problems. First, he is unreasonable and does not follow the Rules of Procedure ("RoP") when presiding over meetings. Second, even if he follows RoP when presiding over meetings, he uses two yardsticks, that is, two sets of standards. While he treats the pan-democratic colleagues unfairly, he adopts a different attitude towards the pro-establishment colleagues. We are all very angry about his double standards and hence he fails to win the support and respect of all Members. As a result, Council meetings cannot proceed smoothly. Third, I believe he may be the laziest Legislative Council President in the history of Hong Kong.

Deputy President, let me cite some examples briefly. As many colleagues have talked about such examples, I will not repeat. First, I do not know if I am lucky or not, I was evicted from the Chamber by the President twice in two years. The situation for my first eviction was bad. As I said just now, the President has adopted double standards and has been unfair. At that time, I was just querying whether the remark made by a pro-establishment colleague was correct. I just wanted to seek clarification but the President disapproved and ordered me to sit down. If I remember correctly, this incident happened shortly after the start of the legislative session and only a few meetings had been held. At that time, Mr LAM Cheuk-ting who was sitting next to me questioned an official's remarks.

The President berated him for making inappropriate comments and asked him to clarify. Mr LAM was told to sit down and could not continue with his speech. Mr LAM Cheuk-ting was forced to stop speaking. As we all know, the President's ultimate tactic to stop a Member from speaking was to turn off his microphone. I was very angry at that time. I searched RoP to see under what rule I could reason with the President. But unfortunately, the President did not listen and I threw the booklet on the table and said, "Shame on you". The President flew into a rage immediately and evicted me from the Chamber.

Another incident happened during our recent debate on the co-location arrangement, which many colleagues have mentioned earlier. However, they have only told half of the story, which I think is unfair. I was not evicted from the Chamber by the President. I stayed in my seat when protesting against the President's unfair handling of the incident. His evicted Mr LAM Cheuk-ting merely because Mr LAM accused him of not complying with RoP. I debated with the President in my seat. But later I did not know who gave the instruction, some security staff tried to evict me from the Chamber by force but the President turned a blind eye to the situation. Actually, if the President wanted to play tricks brilliantly, he could easily do so. All he had to do was to warn me twice during the chaos and then he could immediately evict me from the Chamber. Yet, he was not even capable of playing such a trick. Deputy President, I believe you are smarter. At least you would make such a move and stopped me from refuting. In that incident, we were all injured. These two incidents well illustrated how rude and unreasonable the President was and the double standards he adopted when presiding over meetings.

Andrew LEUNG has one famous phrase. Whenever he fails to refute Members' arguments, he would say, "I have made the ruling. Please sit down." We expect the President to talk eloquently and reason with us. In this Chamber, there are always people holding different opinions and we will debate. Yet, the President is incapable of convincing people with reasons when there are divergent views. As the President, he takes the lead to adopt double standards. When pro-establishment Members have strayed far away from the subject, he allowed them to continue to criticize pan-democratic Members for five or six minutes on matters totally unrelated to the subject, but if we have strayed from the subject, we could not even make two sentences. Let me cite an extreme case. Once, I only said, "President, a point of order, I would like" and the President said I had digressed and told me to sit down. I was meant to criticize the President at that

time, but did he have a crystal ball? How could he anticipate what I was going to say? I believe this incident is still fresh in Members' memory. It is Hong Kong's misfortune to have such a President of the Legislative Council

Deputy President, Mr Holden CHOW was right when he commended Jasper TSANG for being learned and well cultivated, as well as being fair and impartial when presiding over meetings. I wonder if he was comparing Andrew LEUNG to Jasper TSANG and used Jasper TSANG as the standard, and if so, I support his view.

Deputy President, lastly, the President of the Legislative Council is dubbed "off-duty guy". Of the normal meetings that he conducted, over 95.83% of them were adjourned after 7:00 pm in the last session and 90% of them were adjourned after 7:00 pm in this session. If he was a footballer, his rate of goaling is almost 100%. Since the President was once a British citizen, he must have heard of John Simon BERCOW, the Speaker of the House of Commons of the British Parliament. I believe that if the British Parliament had a speaker like Andrew LEUNG, John Simon BERCOW would have resigned long ago. If he had not commanded the respect from other Members of Parliament, he was so ashamed to stay. But unfortunately, our President will not do so, which forces our colleague, after experiencing all kinds of his heinous acts, to move a motion of no confidence. There is no other alternative. We can only show Andrew LEUNG a red card. Thank you, Deputy President.

**MR IP KIN-YUEN** (in Cantonese): Deputy President, first of all, I thank Mr CHAN Chi-chuen and Prof Joseph LEE for swapping the order of their motions so that the motion on "Vote of no confidence in the President of the Legislative Council" can be discussed at the last meeting of this legislative session.

Deputy President, although it is highly unlikely that the motion of no confidence will get passed, I consider it necessary to put our views clearly on the record of the Legislative Council. We hope to remind Andrew LEUNG himself and his successors to bear in mind the genuine duties of the President and the true spirit of the Council.

Deputy President, I have listened to the speeches of a number of Members who have discussed a wide variety of issues today. I will mainly focus my remarks on what had happened during the deliberation of the

Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") by the Council. In my view, the problems which had arisen back then were unprecedented in the Legislative Council. Why do I support the motion of no confidence today? I consider the situation to be very serious, not simply because the President had cut off filibuster and restricted the speaking time of Members. Had the President acted in accordance with the Rules of Procedure ("RoP") when he cut off the filibuster or restricted the speaking time, no one would have the grounds to criticize him. While we might disagree with him or be unconvinced, we would have no grounds to criticize him. However, if the President has violated RoP and seriously infringed upon the rights conferred on Members by RoP, he would be considered to have abused his power. We find it absolutely unacceptable if the President has forced Members into submission with the power which had not been conferred on him.

Deputy President, as Members may still recall, after the Bill had been put before the Council, a time limit was imposed in respect of its Second Reading debate. Was this arrangement reasonable? At that time, a total of 32 Members had spoken for seven hours and eight minutes combined. The time expended had not been particularly long. Eleven Members were still waiting for their turn to speak. Why didn't the President allow them to speak? According to Andrew LEUNG, since the eight-hour time limit was up, he had to put the Second Reading debate to a halt. I could not help asking: Members should be given at least one opportunity to speak during the Second Reading debate, shouldn't they?

RoP has laid down very clear provisions on Members' speaking time. Under Rule 36(5), Members shall not make a speech lasting more than 15 minutes; and Rule 38 stipulates that Members may not speak more than once on a question. As RoP has clearly prescribed the time limit for Second Reading debate in the Legislative Council, the President should act in accordance with the relevant rules. As I mentioned just now, Andrew LEUNG had imposed the additional eight-hour limit, making it impossible for the 11 Members who had been waiting in line to speak at least once. Why did he still have to do so?

As stated by a Member just now, during the Second Reading debate, it would not be necessary to repeat the various views expressed by a number of Members at the Bills Committee. I must point out that Second Reading debates at the Legislative Council carry a completely different meaning. All the speeches made by Members during Council debates are put on record. The positions and arguments of all Members on specific issues are recorded verbatim

in a detailed manner, based on which Members can be held accountable to history, the community and their voters in the future. People who wish to track down any responsible parties may also refer to the Official Record of Proceedings of the Legislative Council. On the contrary, no such arrangement has been put in place for Bills Committees. Therefore, Council meetings and Bills Committee meetings should not be mentioned in the same breath. For this reason, RoP has laid down clear provisions to restrict Members' speaking time and offer them protection at the same time. Why had the President turned a blind eye to this stipulation and restricted Members' speaking time unreasonably? What were the justifications for his decision? Could he provide conclusive and clear justifications?

Back then, not only had pro-democracy Members expressed resentment, a number of pro-establishment Members had also considered the approach adopted by the President completely unacceptable and unreasonable. All Members should be allowed to speak once, shouldn't they? By the term "filibuster", we mean that Members continuously repeat their speeches to obstruct the proceedings by making frivolous remarks or using other means. However, during the Second Reading debate on the Bill, Members simply asked for one opportunity to speak, a right conferred on them by RoP. Why did the President not give Members at least one opportunity to speak? Infringement on Members' right to speak is a very serious issue which I find absolutely unacceptable. Subsequently, during the consideration by committee of the whole Council, 18 Members had once again not been given the opportunity to speak. The situation is indeed unacceptable.

The President is not entitled to absolute authority. In accordance with the Court's judgment, the President is entitled to make decisions on such grounds as maintaining order, reasonable management of time to facilitate the conduct of proceedings, as well as fairness. However, has the President really made the ruling on time limit based on the aforementioned reasons? In a modern society, no one should be given absolute authority. Therefore, we should never justify the approach adopted by the President under the misconception that he has absolute authority.

I so submit.

**DR CHENG CHUNG-TAI** (in Cantonese): Deputy President, this Council has waited till today to move the motion on "Vote of no confidence in President Andrew LEUNG of the Legislative Council", it is really very late. The motion should have been moved as early as the beginning of the current legislative term. We do not have confidence in Andrew LEUNG not simply because he had failed to act in accordance with the Rules of Procedure ("RoP") and the established procedures, or he had failed to remain neutral. In fact, the most compelling reason had already appeared as soon as he assumed the presidency. How could a foreign passport holder become the President of the Legislative Council of the Hong Kong Special Administrative Region? Amid great controversy, he took office to preside over the legislative affairs of Hong Kong's most important legislative organ. The problem is: Why do we have to wait until today to move a vote of no confidence in him? In hindsight, we should have placed no confidence in him two years ago, shouldn't we?

Frankly speaking, given the inherent shortcomings of the Council, it would be a bit superfluous indeed for Members to discuss the extent to which we do not trust the President who has his acquired shortcomings. In this Council which is inherently inadequate, we should not have criticized him simply for being a Member returned with zero votes or becoming the President in the capacity of a Member returned by functional constituency. Given the inherent shortcomings of the Council, we should simply ignore the number of votes he had obtained to become a Member, shouldn't we? Under the separate voting system of the Legislative Council, the grouping of Members is questionable in the first place. Even elected Members do not look like Members. Frankly speaking, in my view, Members appear to be psychotic when delivering speeches at Council meetings on Wednesdays. We are simply speaking to the air as other Members are not actually present. Can this place be called the Chamber? Council meetings are indeed just public hearings of the Legislature Council, which are even inferior to the usual public hearings.

The Council meetings in our childhood days could still exhibit traces of British-style parliamentary discussions. Members would argue with each other and exchange sarcastic remarks. For example, Dr CHIANG Lai-wan and I ... The President had earlier asked me to face him when I spoke, but I replied that I was unable to speak if I faced him. Although such dialogues are relatively low-level interactions, mutual sarcasm can still be regarded as mild interactions. What has happened in the Legislative Council currently should never have been



seen in any chambers. The Council meetings on Wednesdays have become mere public hearings where Members' speeches only to fall on the Government's deaf ears.

Members are certainly constrained by inherent shortcomings because the Basic Law has restricted our entitled power as elected Members and representatives of the people. We are now discussing whether the President had been elected with zero votes. Frankly speaking, any Member who is elected as the President will also be subject to inherent shortcomings. However, meanwhile, Andrew LEUNG has his acquired shortcomings as well. As a Member returned by functional constituency, he should have been more cautious. However, he had not been cautious at all on matters which might involve transfer or conflict of interests. He has in fact gone so far as to retain his positions as independent non-executive Directors. As the head of a legislature, how could he have dealings with external companies? Deputy President, you would not have done so yourself. You had also declared your interests before taking office. He even told people that he had acted in accordance with RoP when presiding over meetings. Given the power conferred on him by RoP, he has urged Members to trust him. However, how could we trust him?

Putting the inherent shortcomings of our legislative system aside, the Council has also acquired its shortcomings since its formation. His previous performance had given people a perception of being extremely partial or even outrageously partial. In fact, I am a very candid person. I basically do not quite remember how he had been biased against me. The reason for me to speak in support of the motion is not because Andrew LEUNG had been biased against me. Summing up my experience in the past two years, I can only come up with one conclusion. No matter what issue I had spoken on at the meetings, or even when I simply breathed, he would have ruled that I had digressed. At the meetings presided over by Andrew LEUNG, all my speeches would be ruled irrelevant.

I am not speaking against his rulings. His problem is that he had been handling procedural matters too inconsistently, creating an impression that he had gone too far and had been outrageous. For example, in the past two years, all urgent oral questions, whether they be raised by pan-democratic or pro-establishment Members, had been ruled inadmissible. A total of 23 Members, including 17 pan-democratic Members and 6 pro-establishment Members, had raised 43 urgent oral questions, covering such issues as politics

and people's livelihood. But none of them had been ruled admissible. This shows that all matters are not urgent in his mind. This is really unfathomable. To him, these issues really might not be urgent. Seated on the President's bench, he might have been thinking about the grass on the racecourse.

His arrangements for the discussion on issues relating to the interpretation of the Basic Law by the National People's Congress and the co-location arrangement had been called into question. However, I would put this aside for now. At that time, pro-democracy Members had separately proposed five adjournment motions. However, he only approved motions of which notice had been given, but not any motions of which notice had not been given. According to him, Members should give prior notice in accordance with RoP. He had even set a precedent during the deliberation of the bill on the co-location arrangement by the Council. Never before had a restriction been imposed on Members' speaking time during Second Reading debate or consideration by committee of the whole Council. Taking all these incidents into account, the Council definitely has fairly sufficient grounds to move a motion of no confidence in him today. He had been accused of being partial. The reason might not simply be his mistaken belief that he could exploit his power to the fullest extent under RoP. Considering from an opposite perspective, I was wondering if he had the intention of pledging allegiance to Beijing.

His inherent shortcoming lies in the fact that he once held a foreign passport. He became the President because no one else wanted to take up the post. He has pledged allegiance to Beijing and expressed support for the current political regime. Deputy President, I am imputing a motive to him and you should have stopped my speech. Has he done all these things to prove his loyalty to the governing party? What I meant by the governing party was not necessarily the Communist Party. Was that the reason why he had acted in an unreasonable manner as I mentioned just now? In my view, taking into account the inherent and acquired factors, in addition to the solid proof of his unfair handling of procedural matters, I will cast a vote of no confidence in the President. (*The buzzer sounded*) ... I so submit.

**DEPUTY PRESIDENT** (in Cantonese): Dr CHENG, please stop speaking.

I would like to remind Members once again. In the motion debate on "Vote of no confidence in the President of the Legislative Council", sharp rhetoric will inevitably be used. However, under the Rules of Procedure ("RoP"),

Members shall not use offensive language or impute improper motives to other Members in their speeches. Will Members please observe RoP during the debate. Mr LAM Cheuk-ting, please speak.

**MR LAM CHEUK-TING** (in Cantonese): Deputy President, I certainly support this motion on "Vote of no confidence in the President of the Legislative Council, Andrew LEUNG". I support the motion not because Mr Andrew LEUNG suddenly decided to assume the office of the President of the Legislative Council and pledged allegiance to the People's Republic of China while he was still holding British nationality. The decision of pledging political allegiance depends on the inner thoughts of a person and we cannot read Mr LEUNG's mind. Thus, if he loudly sang "God Save the Queen" in the past, but suddenly pledged allegiance to the People's Republic of China, it is alright too and it is not a problem.

However, let me quote what Dr Stanley NG, Chairman of The Hong Kong Federation of Trade Unions said when he commented on Mr Holden CHOW's earlier collaboration with LEUNG Chun-ying in interfering with the investigation of the Legislative Council. He said, "He is an incompetent, indolent and shameless man who abuses his power". That is the impression of many Members as well as the public on Andrew LEUNG.

What do I mean by "incompetent"? Members often question the authority of the President in the Chamber, asking to justify his decisions and specify which provisions of the Rules of Procedure ("RoP") form the basis of his rulings. The President will use his "three valuable tools" in response. First, "I have made a ruling". Second, "My ruling is not subject to debate". Third, when he does not know how to explain at all, he will say, "Come to my office after the meeting and I will explain to you". Without exception, he cannot justify his rulings to Members and the public on the spot.

Deputy President, my teacher, Mr Andrew WONG of the Department of Government and Public Administration of The Chinese University of Hong Kong is very knowledgeable about RoP, as well as the operation and traditions of the Legislative Council. In contrast, Andrew LEUNG has not thoroughly studied RoP and has not followed the traditions of the Legislative Council in conducting business. When he deviated from the traditions of the Legislative Council, he would say that the President has discretionary power.

My second point is indolence. The President has been dubbed "the guy who rushes to get off work" by the media. At about 6:00 pm during a meeting, I would often bet with the Member next to me whether the President would start the discussion on another motion. My guess was often correct, and actually no one would guess otherwise, even though it was just shortly after 7:00 pm.

According to the tradition of the Legislative Council, a Council meeting will usually be adjourned at 8:00 pm; why was Andrew LEUNG in a hurry to leave? I will not speculate whether his motive is to go to the racecourse and watch races. I do not know because I have never followed him. Nevertheless, the objective result of his decision is that he has wasted the valuable discussion time of the Legislative Council. Last time, he even announced the adjournment of the meeting shortly after 5:00 pm, saying that he wanted to preserve the completeness of the motion debate. In fact, many motion debates will continue on the next day or even in the following week. I do not see how his decision would greatly affect the completeness of a debate. Furthermore, he announced the adjournment of the meeting a few hours before 8:00 pm; why did he adjourn the meeting so early?

Third, he abuses his power and is shameless. When Andrew LEUNG assumed the office of the President, we already doubted how he could find the time to act as director of 18 companies, including remunerated director in some cases. The President of the Legislative Council has a supreme status which ranks third in the constitutional hierarchy of Hong Kong. Is Andrew LEUNG short of money? Why does he have to act as non-executive director for so many companies? He told us back then that he would consider resigning from some of the positions. I am afraid he is still a non-executive director of some consortia and listed companies. I do not know the amount of director's fees he earns in a year, perhaps as much as several hundred thousand dollars or even over 1 million dollars, not to mention that his monthly remuneration is already twice as much as that of an ordinary Member, i.e. over \$200,000.

Why should Andrew LEUNG, being a member of the business sector, also act as non-executive director? Is it possible that he really has serious financial problems? If not, he should focus on performing his duties as the President of the Legislative Council. The President of the Legislative Council has important duties to perform and the workload is very heavy. Very often, the President has to receive overseas guests or Mainland visitors on behalf of the Legislative Council, why would he have so much energy and time to act as non-executive

director of listed companies? Those are positions with great responsibilities, including assisting the companies in monitoring their administration. Furthermore, people will inevitably query whether there is any problem when Andrew LEUNG obtains money from private companies on the one hand, and presides over meetings of the Legislative Council on the other. Can he maintain a neutral and supreme role as the President?

Besides, Andrew LEUNG has seriously abused his power. RoP provides that each Member can speak for 15 minutes in the Second Reading debate on a bill, but he surprisingly set a limit, disallowing each Member to speak for 15 minutes. He explained that he had already reminded Members who spoke earlier to speak concisely so that other Members would have the chance to speak, but since Members who spoke earlier made rather long speeches, the other Members did not have the chance to speak. What kind of a reason is that? How could he ask Members who spoke first to sacrifice some of their speaking time to which they are entitled under RoP to accommodate Members who have not spoken?

Moreover, some pro-establishment Members said earlier that we were filibustering. As each of us can only speak once for 15 minutes; how can we filibuster? It was totally impossible to filibuster during the Second Reading debate. If they argue that it is necessary to set a time limit to prevent Members from filibustering in other parts of the meeting, e.g. the Committee stage when Members can speak for an unlimited number of times, then the argument may be valid. Nevertheless, Members' right to speak under RoP had obviously been deprived by the President's abuse of power now, which was totally unacceptable. Thus, I raised my strong objection back then.

Deputy President, I notice that Andrew LEUNG really has a hard time to perform as the President of the Legislative Council. He does not know how to reason with Members. All he can do is to abuse his power with a loud voice and he simply cannot handle unexpected incidents. Since he has such a hard time, it would be better for him to resign from the position. If he is just an ordinary Member, he can choose to attend meetings or not. As he is a Member returned from functional constituency, he will be re-elected in any case. He can go anywhere he likes, including joyous places such as a lawn or the Hong Kong Jockey Club. That will be good for his health too.

I so submit.

**MR AU NOK-HIN** (in Cantonese): Deputy President, I am having a slight cough today and I hope I can smoothly deliver my entire speech. Today, we discuss the motion on vote of no confidence in the President of the Legislative Council Andrew LEUNG. I absolutely support the motion.

With the adjournment of this Council meeting, half of this legislative term will formally be passed. I believe many people who are very concerned about current affairs in society would be saddened when they see the collapse of rites and decorum of the Legislative Council in these two years. Within just two years, we witnessed that the Legislative Council had allowed the Standing Committee of the National People's Congress ("NPCSC") to strip some Members of their seats through interpreting the Basic Law; that amendments to the Rules of Procedure and the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"), which contravened the Basic Law, were passed; and that the Legislative Council's function to monitor the governance of the Government has been weakened, thereby further reinforcing and strengthening the authoritarian and dictatorial practice of the Executive Authorities. We know very clearly that the Chief Executive, who was elected by 1 200 people, only needs to serve the interests of the coteries and the Communist Party of China. The Legislative Council is the only authority which monitors the administration of the Government and keeps it in check, yet only one half of its Members are elected by the people.

However, to what extent has the Legislative Council been degenerated at present? Although the Legislative Council has real powers, it has not exercised them and has rendered itself into a consultative committee. If the President of the Legislative Council even restricts Members from performing their function and responsibility of monitoring the Government, he has made himself unworthy of his position. If the President acts in that way, what function can the Legislative Council still perform? The Legislative Council may as well let the Government submit any bill and pass all the bills in one go without even discussing them within a time limit. The democrats certainly know that it will be hard to pass the motion today under the support and shielding of pro-establishment Members. Nevertheless, I believe we have to strive for the impossible; or at least, we must take some time to consider this question: What are the qualities required to be the President of the Legislative Council?

Sometimes, we may say that since Hong Kong has a colonial history, the parliamentary system of Hong Kong is modelled on the system of the United Kingdom. Then, what are the qualities required to be the Speaker of the British

Parliament? During the election of the Speaker, a candidate must resign from his political party and kept himself aloof from party affairs. When there are disputes in the Parliament, the Speaker should convince others with reasons and after making a ruling, he should make every effort to explain the ruling and act impartially. The Speaker must act fairly towards public officers too. When former Secretary of State of the United Kingdom Boris JOHNSON once used words which might offend ladies when he spoke in the House of Commons, he was immediately reprimanded by the Speaker John BERCOW. Can we possibly see a similar action taken in the Legislative Council of Hong Kong to uphold the dignity of the legislature? The President of the Legislative Council will speak courteously to public officers, but he will ask Members to shut up. When Members argue with the President, he will only say, "My ruling is not subject to debate". These remarks are known to everyone, and we can recite them.

Andrew LEUNG is the first zero-vote Member returned from functional constituency who became the President of the Legislative Council after the reunification. Other former Presidents of the Legislative Council, Mrs Rita FAN and Mr Jasper TSANG who is the mentor of Deputy President, were Members returned from direct elections. Both of them had to face the public and account to them, but Andrew LEUNG has no mandate and credibility at all. No matter how poorly he has performed or how ugly his looked, he will not be monitored by the public, nor will he be accountable to them. Obviously, the background of being returned automatically with zero vote has given Andrew LEUNG plenty of room to manoeuvre. Thus, he has become a President who will fully utilize his powers and charge forward to defend the privileges of the Government. His rulings made at critical moments in the past were based on the interests of the Government and pro-establishment Members instead of the usual practice of the Legislative Council and reasons.

When LEUNG Chun-ying instituted proceedings against some former Members and intended to disqualify them through seeking to interpret the Basic Law, what had the President done to uphold the dignity of the Legislative Council? How many Members-elect had taken oath in front of the President? In fact, it was the President who administered the oath for these Members; why didn't he defend them in court? During the discussion on the proposed amendments to the Rules of Procedure ("RoP"), the President surprisingly approved the reduction of the quorum of a committee of the whole Council to 20 Members. Regarding this controversial amendment which contravenes the Basic Law, the President has not given us a clear explanation up till now.

During the amendment of RoP, he said that the meeting of the Legislative Council was different from the meeting of a committee of the whole Council; how come the two suddenly become the same now?

Very often, when we asked the President to explain his rulings on some points of order, he did not even know what the justifications were. During the discussion on the Bill, he prevaricated and did not directly explain the difference between the meeting of the Legislative Council and the meeting of a committee of the whole Council. Besides, when a Member persisted in asking him a question, he would suddenly give us the look as if his system had broken down. Did Andrew LEUNG know which rules he based on when making his rulings? Deputy President, I believe your performance is at least better than his. Every time a democrat asked Andrew LEUNG to explain his ruling, he would only say, "My ruling is not subject to debate". As he has no intention to explain to members of the public, how can he convince them? During the debate on the Bill, he ignored Members' requests to raise some points of order and belligerently made his rulings to shorten the debate time. He even remarked that RoP was meant to strengthen his powers, which I consider unacceptable. Has RoP turned into the Infinity Gauntlet in the Avengers? He does not understand the rule of law. Do I have to remind him that the objective of RoP is to restrict the powers to be exercised by the President and the President is required to act according to the rules? That is what the rule of law is about. RoP is not for strengthening the powers of the President.

I believe the calibre of the President of the Legislative Council indicates not only the quality of the Legislative Council, but also the level of civilization of the place. The words and deeds of Andrew LEUNG have brought shame to the Legislative Council and Hong Kong and his ugliness has been fully exposed. It can be said that Andrew LEUNG, having neither talent nor virtue, is the worst President of the Legislative Council in history. Even though the motion may not be passed today, history will record the names of all those who has shielded Andrew LEUNG.

**DEPUTY PRESIDENT** (in Cantonese): Will Members please avoid as far as possible using words of personal attack and discuss the motion on the basis of facts. Mr LEUNG Yiu-chung, please speak.



**MR LEUNG YIU-CHUNG** (in Cantonese): Deputy President, while we know that this motion on "Vote of no confidence in the President of the Legislative Council" will certainly not be passed, given the support and shielding of pro-establishment Members, we still persevere against all odds, with the hope that through public speeches and debates, more people will know how incompetent the incumbent President Andrew LEUNG is.

It has been two years since Andrew LEUNG took office, and controversial incidents have occurred one after another, from the early problem concerning his nationality to his tyrannical and dictatorial style of presiding over Council meetings and his blatant disregard of the Rules of Procedure ("RoP") and Members' right to deliberate. Queries are even raised as to whether his holding of directorship in various listed companies has given rise to potential conflicts of interest, making people hardly convinced about his qualifications and capabilities to serve as the President of the Legislative Council.

It is widely known that when dealing with the extremely controversial Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"), Andrew LEUNG acted in concert with the Government. In order to pass the Bill expeditiously, he went so far as to place his personal will above RoP, and without any legal basis and the backing of provisions of RoP, he forcibly drew a line, setting in advance a timetable for the scrutiny of the Bill, and restricting the speaking time of Members and the number of times they can speak. Apart from the scrutiny of the Budget, there has been no precedent in which a time limit was set for debating a bill in this Council, and it was even more unprecedented to set a time limit for the Second Reading. As regards such a controversial Bill attracting divergent views in society, he went so far as to require Members to complete the entire legislative process within 36 hours, and only 8 hours were reserved for the Second Reading, meaning that only 30 Members could speak.

Andrew LEUNG even went the whole hog by evicting protesting Members from the Chamber. If other democratic countries learn about this practice, I believe it will become a laughing stock. Whenever a Member raises a point of order or queries the fairness of his ruling, he repeats the same remark "My ruling is not subject to debate" as if he were a tape recorder. He is really autocratic. The same situation had arisen in the battle to amend RoP. When handling an extremely controversial motion, he acted in an autocratic manner, giving obvious preferential treatment to pro-establishment Members, hoping to accomplish the task assigned to him and get off work early.

I wonder where he places Hong Kong people's interest deep in his heart. Will it be good if all Members do not speak and do not deliberate, and resign to being rubber stamps? Although he has been President for only two years, he already ranks first among all Presidents of the Council in terms of his tyrannical and dictatorial style and the many controversial problems related to him.

Apart from setting a time limit for Members' speeches and arbitrarily evicting Members, Andrew LEUNG even disregarded Members' right to raise urgent questions. During the past two legislative sessions, various Members proposed to ask urgent questions on certain important events, but they were all ruled inadmissible by him on the grounds that they were not of an urgent character. For example, none of the following major incidents that obviously involved public interest were not of an urgent character in his eyes: water leakage at the basement of the Passenger Clearance Building at the Hong Kong Port of the Hong Kong-Zhuhai-Macao Bridge, the subsidence of the viaduct piers of Yuen Long Station, the unauthorized building works of Secretary for Justice Teresa CHENG, Hong Kong reporters being violently prevented from reporting on the Mainland, and unpleasant odour in drinking water in various public housing estates. For this reason, the number of urgent questions so far admitted during the current term of the Council is zero.

In addition, apart from being the first functional constituency Member to serve as the President since the first term of the Council, he is also the first Member to serve as the President while concurrently holding directorship in various listed companies, which involve such industries as real estate, finance and logistics. As the President performs various important functions under the Basic Law, he must maintain full independence and neutrality. In particular, quite a number of motions handled by the Council recently were related to the listed companies in which he holds directorship, thus inevitably making people query the credibility and neutrality of the legislature and dampening its prestige. For this reason, we in the pro-democracy camp all hope that he can make an informed decision, and we have initiated a joint signature campaign to urge him to resign from such directorship. Regrettably, since the release of the joint letter he has remained unconcerned and has given no reply whatsoever. This is indeed very disappointing.

I wonder what kind of mindset Andrew LEUNG has when serving as the President. The most important thing to him is probably getting off work on time and getting paid, so he acts as requested by the Government, turning an institution

that supposedly should monitor the Government on behalf of Hong Kong people into a rubber stamp of the Government. He arbitrarily interprets RoP, thinking that he can do whatever he likes as long as he is the President. If the President cannot safeguard the power of the legislature and the power of Members to monitor the Government, and even deprives Members of their basic rights to speak and to deliberate Council business, what is the point of having this legislature?

As such, I support Prof Joseph LEE's motion of no confidence for Andrew LEUNG is obviously inept in presiding over meetings, and he even lacks the neutrality and commitment required of a President.

Deputy President, I so submit.

**MR WU CHI-WAI** (in Cantonese): Deputy President, after Chris PATTEN implemented his political reform package in 1992, the Legislative Council has undergone a fundamental change.

Before 1992, the President of the Legislative Council of Hong Kong was the head of the executive authorities, i.e. the Governor of Hong Kong, hence the legislature and the executive breathed through the same nostril. Before 1992, the colonial government regarded the Legislative Council as its rubber stamp. However, after the implementation of the political reform package in 1992 and the reunification, the President of the Legislative Council is elected among Members under the present parliamentary system. This mode of election was modelled on the traditional practice of the Westminster system of the British parliament. Because of that, the President of the Legislative Council has specific duties, roles and functions, unlike the past when the legislature was the extension of the executive authorities. The President is duty-bound to assist the Legislative Council in monitoring the Government and keeping the Government in check. The President should assist the Legislative Council in monitoring the governance of the Government.

The President of the Legislative Council is also duty-bound to safeguard the dignity of the Council and ensure that it will not return to its past role of rubber stamping all proposals put forward by the executive authorities. Hence, for over two decades, Members have deliberated Council business in this Chamber and the Government has also shown its respect for this Council. If

Members' arguments raised during discussions were valid, the Government would accept their points, unlike what is happening now. At present, the Council can push through any bills and motions as long as there are enough supporting votes, and with the help of the President, no one cares about the controversies aroused.

Actually, the crux of the problem is that if the President of the Legislative Council is unable to perform his function of helping the Council defend its dignity, strengthening the political status and role of the Council, as well as assisting the Council in monitoring the Government's governance, the Council will lose its power to monitor the Government. It is obvious that Andrew LEUNG was unprepared to take up the position of the President. It was not until it was clear that no one would compete with him for this post that he renounced his British nationality. If he had had any sense of commitment, he would have renounced his British nationality before campaigning for presidency. Obviously, Andrew LEUNG wanted to exploit as much benefit as he could; otherwise, people with some sense of commitment ... When we run for the Legislative Council election, if we knew we would have the chance to become the President who could not have a foreign passport, we would renounce the foreign nationality long ago. If one had attached more importance to the relevant work than his own benefits, he would have done so.

Likewise, after being elected the President, he should avoid giving people the impression that he had underhand dealings with others involving personal interest. Hence, he should resign from all positions of remunerated director and non-executive director, so that he can rightly and confidently take up the position of the President of the Legislative Council. However, even after pan-democratic Members had jointly signed a petition, requesting Andrew LEUNG to resign from his position as executive director and non-executive director of various companies, he refused to comply. As a matter of fact, this kind of loss is negligible to him personally, but his refusal to act accordingly has damaged the dignity of the Legislative Council and its long-established tradition, which is more important.

There are several photos outside this Chamber. Every time when members of the public come to visit, we will tell them those are the photos of the previous Presidents of the Legislative Council, including Mr Andrew WONG, Mrs Rita FAN and Mr Jasper TSANG. As a matter of fact, in order to maintain the tradition that we have so painstakingly built up, the position of the President should be taken up by a Member returned by geographical constituency through

direct election. I recall when Mrs Rita FAN ran for election, she clearly said that in order to perform the duty of the President, she had to receive the baptism of direct election. Mr Jasper TSANG also went through such a process. Andrew LEUNG, who has no knowledge of his shortcomings, was returned by zero vote (*The buzzer sounded*) ... he abuses his power to the greatest extent. We can absolutely not accept that.

**DEPUTY PRESIDENT** (in Cantonese): Mr WU, your speaking time is up. Please stop speaking.

**MR JEFFREY LAM** (in Cantonese): Deputy President, after over a month of discussion and days of scrutiny, the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") was read the Third time and passed in the Legislative Council last month. This signifies that Hong Kong is about to enter a new era of high-speed rail travel. Nevertheless, some Members opposing the co-location arrangement are deeply resentful of the passage of the Bill. They act like sore losers and point the finger at the President of the Legislative Council, Andrew LEUNG, who presided over the meeting at which the Bill was passed. By initiating a motion of no confidence in him, they are trying to use him as a punching bag and put the blame on him.

The opposition camp's reason for initiating the motion of no confidence in President Andrew LEUNG is that he has abused his power and violated the Rules of Procedure ("RoP"). They opine that the President should not have set a time limit for the scrutiny of the Bill, and claim that he did not give Members enough time for discussion. In my view, such accusations are complete fabrications which confuse right and wrong.

In fact, the Basic Law and the Legislative Council's RoP expressly confer powers and functions on the President of the Legislative Council so that he can ensure the orderly conduct of meetings. Article 72(1) of the Basic Law provides that the President of the Legislative Council has the power and function to preside over meetings. Moreover, there are detailed provisions in RoP stipulating the powers of the President of the Legislative Council and governing Members' right to speak, including that Members shall not stray from the subject they speak on, and that the President's decision shall be final. RoP 92 further stipulates that in any matter not provided for in RoP, the practice and procedure to be followed in

the Council shall be such as may be decided by the President. Therefore, I can see no justification for accusing the President of abusing his power and violating RoP.

Deputy President, opposition Members have repeatedly made the criticism that President Andrew LEUNG should not have set a time limit for the scrutiny of the Bill, and alleged that the President did not give them enough time for discussion. In fact, mainstream public opinion on the co-location arrangement was very clear after months of discussion in society, and the President had given notice well in advance that he would set a time limit of 36 hours for the debate on the Bill in respect of its Second Reading, consideration by committee of the whole Council and Third Reading. If opposition Members reckoned that the time was not enough, they should make good use of the time and complete the debate and voting in a rational and pragmatic manner.

However, everyone could see what actually happened. During the debate on the Bill, opposition Members waged a "filibuster battle". They initiated an adjournment motion, repeatedly requested the ringing of the summoning bell for quorum counts, kept raising points of order, and even resorted to pounding on the desks, yelling, snatching microphones, charging at the President Podium, and so on, resulting in disruption of order at the meeting and chaos in the Chamber. On the one hand, they claimed that the time was not enough, but on the other hand, they wasted time. On many occasions, they left the Chamber after pressing the "Request to speak" button, and were nowhere to be seen when it was their turn to speak. I do not think these Members cherished their speaking time. I recall that President Andrew LEUNG did remind Members time and again during the debate that yelling would be regarded as disorderly conduct, but some Members did not pay heed, and one of them even said, "So what? Just evict us, Andrew LEUNG!" What were they doing, if not provoking Andrew LEUNG and stirring up trouble? Judging from their attitude, even if they were given 360 or 3 600 hours instead of 36 hours, they would still say that the time was not enough.

Deputy President, in his capacity as President of the Legislative Council, Andrew LEUNG has always presided over meetings impartially and made just rulings in accordance with the powers conferred on him by RoP. In the process, he has taken into account Members' power to participate in Council business and acted in full compliance with relevant statutory requirements. When a Council meeting is derailed, a responsible President should decisively exercise his power to evict any Member causing trouble. As I see it, this is to fulfil the President's

duties and responsibilities, and is in line with the President's role and obligations. Therefore, we, pro-establishment Members, have signed a joint letter to show our support for President Andrew LEUNG and our opposition to this motion against him.

Deputy President, as Hong Kong is a pluralistic society, it is only normal for different Legislative Council Members to have different political inclinations. That said, we must not act like sore losers, and must not treat the President of the Legislative Council as a punching bag or even vent our anger on RoP just because the Bill was passed.

As a matter of fact, the co-location arrangement for the Express Rail Link is relevant to the future development of Hong Kong in terms of our economy and people's livelihood. Its implementation is in the interests of Hong Kong people, and is the mainstream consensus of the community. The general public hopes that the Express Rail Link can be commissioned expeditiously and smoothly, so that this large-scale cross-boundary infrastructure project can bring about greater economic and social benefits. After years of political wrangling in Hong Kong, members of the public are fed up with meaningless filibusters and have realized that if Hong Kong is to develop, it must not sink into a quagmire of "discussions without decisions, and decisions without actions". I hope that in the future, the Legislative Council will be able to contribute to the well-being of the people and reduce internal conflicts, so as to put Hong Kong back on the right track.

I oppose Prof Joseph LEE's motion. Deputy President, I so submit.

**MR HUI CHI-FUNG** (in Cantonese): Thank you, Deputy President. I believe Andrew LEUNG's abuse of power and incompetence has become objective facts and common sense. It is simply disgusting to hear royalist Members such as Mr Jeffrey LAM praising Andrew LEUNG just now. Over a period of time, we ...

**DEPUTY PRESIDENT** (in Cantonese): Mr HUI Chi-fung, I have repeatedly reminded Members not to make personal remarks even though pointed remarks are inevitable in the discussion of this motion. Members should also refrain from using expressions of personal attacks as far as possible. Please continue with your speech.

**MR HUI CHI-FUNG** (in Cantonese): I do not think it is a personal attack to point out the abuse of power by Andrew LEUNG and his incompetence. I am simply describing facts. In saying that I felt disgusted, I was describing how I felt about the behaviour of royalist Members. I do not know which part of my speech is a false description of facts. Deputy President, could you please let me continue with my speech?

**DEPUTY PRESIDENT** (in Cantonese): Mr HUI Chi-fung, please continue with your speech.

**MR HUI CHI-FUNG** (in Cantonese): Over a long period of time, the operation of the Council has gradually caused many colleagues to lose their basic respect for Andrew LEUNG. They have even lost all their trust in him. Personally, I do not have the slightest respect for Andrew LEUNG, and I am frank on this point. I never call him "President Andrew LEUNG" but "Mr LEUNG" or at most "Mr Abuse LEUNG".

On the issues that he was elected by zero vote and he always rushes to get off work, I will not go into details as they have been mentioned by other Members time and again. This legislative session will soon come to an end. When the press asked me for my comment on Andrew LEUNG, I paused for a while and said "terrible" in reply. I could not think of a more derogatory word to describe this President. In fact, the comment "terrible" was not made out of emotional hatred or a way to give vent to my discontent. I know it was a serious accusation. I am aware of the seriousness of this expression. However, it is true that Andrew LEUNG has acted unfairly and has abused his power. Worse still, his abuse of power has belittled the constitutional status and role of the Legislative Council, as well as deprived Members of their basic rights. These are the acute problems which cause our society to suffer most. Regarding Andrew LEUNG's signature phrases, such as "my ruling is not subject to debate and please sit down", I will not settle the score with him. While the former Presidents, including Rita FAN and Jasper TSANG, might have acted unfairly in certain political disputes, they could at least uphold the minimum fairness for the Council to operate smoothly in normal situation. Andrew LEUNG, however, has failed to do so. That is why I think he is incompetent.



I will now give some concrete examples. When Andrew LEUNG presides over meetings, he often makes rulings to support the establishment camp and side with the Government. His behaviour in the battle to amend the Rules of Procedure ("RoP") is a case in point. As pro-democracy Members were also entitled to propose amendments to RoP, we thus gave notice to the Council to propose motions, yet he asked us to first discuss the motions at the Committee on Rules of Procedure and then submit the motions together with the pro-establishment Members.

Another example is related to a general livelihood issue which I just mentioned, i.e. the Fatal Accidents Ordinance. As I noted a loophole in the Ordinance, I proposed an amendment to fix it. After I gave notice of proposing an amendment, Andrew LEUNG asked me to wait because the Government was not yet ready. He told me to first discuss my proposed amendment with other members in the subcommittee. His tricky act was that he neither approved nor disapproved my request but simply did not deal with it. That was an example of his unfairness. Does he think that his unfairness will not be known by the public? His act is crystal clear to us.

What is more, Andrew LEUNG puts politics in the first place in his rulings. He allows politics to override rules in order to harbour the Government and condone the abuse of power. Motions that will embarrass the Government will not be approved. After the attack of Hong Kong reporters in Beijing, not even the Chief Executive dared to reprimand. A pro-democracy Member—that is me—requested an adjournment debate on this issue, but my request was turned down as it would embarrass the Government. How could we discuss this incident openly in the Council when Carrie LAM dared not reprimand? When LIU Xiaobo was on his deathbed, we proposed an urgent adjournment debate on his medical parole but our proposal was again rejected. After the interpretation of the Basic Law by the Standing committee of the National People's Congress, Mr James TO proposed an adjournment debate on the impact of the interpretation but his proposal was again turned down. In the eyes of Andrew LEUNG, none of these issues are urgent or important. What matters most is to save the face of the Government, say pleasing words to the Beijing Government, harbour the Government on every issue and condone the abuse of power.

A more serious problem is that he has restrained Members' rights. In the past, it was completely normal for Members to have heated debates in the Council; confrontations and protests were also seen in the last few terms.

However, in this term, whenever confrontation arises, Andrew LEUNG always expels Members from the Chamber. He will then tell the press that Members have injured our security staff, and then write to us, accusing us of breaching the Legislative Council (Powers and Privileges) Ordinance and obstructing staff members from performing their duties. He even claims that we will be sued. Is he trying to threaten us? Is he trying to make Members holding opposite views keep their mouth shut? None of our former Presidents had ever done so. They would at most ask security staff to carry Members away or expel Members from the Chamber. How come Andrew LEUNG, the incumbent President, has to play dirty and threaten Members?

Just now, other Members pointed out one after another that during the scrutiny of the important Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, Andrew LEUNG acted in concert with the Government by setting an extremely short time frame for the Second Reading debate. I was one of those who could not speak in the Second Reading debate. I pressed the "Request to speak" button as usual and waited for my turn, but at the end of the day, I was not given the opportunity to speak. Because of Andrew LEUNG, I could neither leave a record in history nor give an account to my voters. His act had actually belittled the constitutional role of the Council. When the so-called President always sides with the pro-establishment camp, harbours the Government, abuses his power, curtails the rights of Members and belittles the constitutional role of the Council, will the public still have trust in him? No, I will not.

Today, I choose to cast a vote of no confidence. I so submit.

**DR FERNANDO CHEUNG** (in Cantonese): Deputy President, I support the motion on "Vote of no confidence in the President of the Legislative Council".

As the head of the highest institution of public opinions (i.e. the legislature), the President of the Legislative Council must, regardless of his/her political stance, follow the rules, or to put it another way, "act in accordance with the law" as we often say. The laws include the Basic Law and the Rules of Procedure ("RoP") of the Council. If the President does not comply with RoP of the Legislative Council, we should no longer trust him/her.

In the past, pro-establishment Members often showed obvious bias when they chaired important meetings of committees under the Legislative Council, including the Finance Committee and the Public Works Subcommittee. If the Legislative Council President also behaves in this way, the whole Council will be completely tilted. Structurally speaking, this Council is already tilted, given that merely half of the Members are returned through direct election and many others are from functional constituencies. The incumbent President is the first functional constituency Member to become President since the reunification of Hong Kong with China. He basically has not been baptized by elections after joining the Council in 2004 as he has all along been elected by zero vote. When a person with such a background is crowned the President of the Legislative Council, people will naturally doubt whether he is credible and competent enough to stop the Council from getting overly tilted.

While the Council is structurally tilted and the constitutional system as a whole is totally in the Government's favour, the adages remind us that "power must be checked" and "absolute power corrupts absolutely". When a Member becomes the President of the Legislative Council, he/she must be bound by the basic rules—even if they are already tilted—to prevent our regime from getting corrupted. The President should not cause the Council to tilt further. The biggest problem with Andrew LEUNG is that he ignores our most important tradition ... When Members speak in the Council, particularly at the Committee stage when bills are debated, they may speak as many times as they want with no time frame set, provided that they do not speak repeatedly and frivolously. On this condition, the President definitely has the power to make a ruling. As long as the ruling is reasonable, no Member will raise objection. However, if the President is totally biased, the Council will no longer be able to function and will lose public confidence.

We, as Members, should make the best use of this platform to play our role and speak for our voters after being elected to join the Legislative Council. We have made pledges to our voters, telling them what we will do if elected. It is completely normal for Members to have different views in the Council. The President may just let these views co-exist and turn the discussion into a major force or a public sentiment to keep the Government in check. Unfortunately, that is not how our President performs his role. His concern is to impose restrictions on Members opposing the Government or on pro-democracy Members. Such restrictions are, however, unreasonable. As stated by former Member Mr Andrew WONG—the President of the legislature years ago—the

purpose of RoP is to limit rather than strengthen the power of the President. The President does not have power over anything unmentioned in RoP. Nevertheless, while there are clear rules on the speaking arrangement for Members in RoP, Andrew LEUNG has not complied. How can he serve as the President? We have lost all our trust in him. When there is no trust but hostility in the Council, our society will also be filled with hostility.

If Andrew LEUNG takes the lead to break the rules or if he is directed to do so ... If the current Government or the Central Government insists on engaging in power struggle, they should note that such kind of struggle has actually been continued for years. What has LEUNG Chun-ying achieved after years of power struggle? Is it right to lead our society to confrontation, with different parties exhausting all means to suppress others? On top of that, the Government has played the catch-all tactic to "lure the snake away from its hole", barring pan-democrats from running for election and disqualifying the elected pan-democrats. The arrest and jailing of democrats for breaking the law are also frequent. In this legislature, the Legislative Council (Powers and Privileges) Ordinance is now used the other way round in an arbitrary manner to charge Members; and the legislature may also claim to reserve its right to sue us.

What kind of legislature is it? A President who behaves so badly and drags the Legislative Council to such a state should quit voluntarily! Of course, he will not do so, neither will the regime behind him back down. This story will end up in a tragedy. While the motion of no confidence moved today seems to target at Andrew LEUNG, the logic behind ... If those in power insist on upholding this logic, there is no way for us to have a harmonious society as confrontation will intensify.

**MR YIU SI-WING** (in Cantonese): Deputy President, I oppose the motion on "Vote of no confidence in the President of the Legislative Council". According to one of the allegations made by the mover of the original motion and opposition Members, during the deliberation on the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"), President Andrew LEUNG had, in the absence of any legal basis, restricted the number and duration of Members' speeches, thereby depriving some Members who had been waiting for their turn to speak of the opportunity to speak. Given the dereliction of duty on his part, he should no longer be suitable to be the President of the Legislative Council.

To discuss if there had been dereliction of duty on the part of Mr LEUNG, we first have to examine whether he had a legal basis when handling the Bill. Regarding the dispute in question, the Court of Final Appeal made a judgment regarding the limit on debate time in as early as 2014 in the case of *Leung Kwok Hung v The President of the Legislative Council of the Hong Kong Special Administrative Region*. The Court of Final Appeal had dismissed LEUNG Kwok-hung's statement, i.e. when conferring legislative power on the Legislative Council, Article 73(1) of the Basic Law must confer individual constitutional rights on Members of the Legislative Council in the legislative process, which include the right to speak at Legislative Council meetings. The Court of Final Appeal had also noted that the purpose of the Article is to confer certain powers and functions on the Legislative Council as a law-making body and is not directed to the rights of individual Members. In other words, Members' right to speak at meetings should be subject to the functions of the law-making body as a whole, rather than being an inherent right of Members.

According to the Court of Final Appeal, pursuant to Article 75(2) and Article 72 of the Basic Law, the Legislative Council is to have exclusive authority in determining its procedure and the President of the Legislative Council is to exercise his power to preside over meetings so as to ensure the orderly, efficient and fair disposition of the business by the Legislative Council.

In respect of the restriction on speaking time, the President is clearly empowered to limit the debate time and terminate a debate. Under Article 72(1) of the Basic Law, such power is either inherent in or incidental to the power of the President to preside over meetings. As such, there is a legal basis for all the decisions made by President Andrew LEUNG during the deliberation of the Bill.

Secondly, is it reasonable to impose a restriction on speaking time? Undeniably, it is necessary to allow sufficient time for a debate on some controversial aspects of the Bill. In the view of opposition members, the speaking time limit imposed by the President had deprived them of the opportunity to fully debate the Bill. However, what was the actual situation? If Members still remember, the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bills Committee"), under the chairmanship of Mrs Regina IP, has a membership of 64 Members, including all opposition Members. The Bills Committee had held 19 meetings, using a total of 64 hours. In order to facilitate the proceedings of Council meetings, President Andrew LEUNG had drawn a line by restricting the total speaking time

for the debate to be 36 hours. I consider the time arrangement to be appropriate given that previous Presidents had also drawn lines. Since the Court of Final Appeal had also endorsed such power of the President of the Legislative Council, I consider the arrangement made by the President to be completely reasonable.

Lastly, I will talk about whether President Andrew LEUNG's arrangement for various debates were justifiable. In line with the established practice, and with reference to the time previously needed for handling bills and numerous amendments, the President announced the speaking time arrangement for the debate early in advance, so as to allow time for Members to make preparation as soon as possible. As a matter of fact, opposition Members had revealed to the press long ago their plan to filibuster during the deliberation of the Bill. Consequently, their filibuster had started even before the resumption of the Second Reading debate on the Bill.

On the day when the United Nations Sanctions (Amendment) Bill 2018 was about to be read the First time, an opposition Member moved to hold an adjournment debate on the works quality and safety risks of the Shatin to Central Link. After the President refused to grant leave for the motion, another Member moved that the aforementioned Bill not to be referred to the House Committee. In fact, this act was taken as a delaying tactic to impede the deliberation of the Bill. During the debate, opposition Members had repeatedly requested headcounts, wasting nearly three hours. Had opposition Members been willing to stop filibustering and take part in the debate, the debate time reserved by President Andrew LEUNG should have been totally sufficient. Some Members had no opportunity to speak during the Second Reading debate due to the speaking time limit. However, those Members who had filibustered should understand that if the President had taken a lenient approach by allowing the remaining Members to speak, the speaking time limit would have lost its significance, and more criticisms and challenges would be directed against the meeting arrangements in the future. As reflected by a number of previous examples, opposition Members would take the opportunity to filibuster every time after the presiding President had made a lenient decision.

Deputy President, in my view, President Andrew LEUNG had handled the Bill in an entirely justifiable, reasonable and lawful manner. He had effectively exercised the power and duties conferred on him by the Basic Law to ensure that Council meetings were conducted in an orderly, efficient and fair manner. The

accusations of opposition Members regarding President Andrew LEUNG's abuse of power is totally untenable. We hope that they will no longer waste their time on this matter.

I so submit.

**MR CHRISTOPHER CHEUNG** (in Cantonese): Deputy President, I absolutely oppose the motion on "Vote of no confidence in the President of the Legislative Council" moved by Prof Joseph LEE, not because President Andrew LEUNG is a member of the Business and Professionals Alliance for Hong Kong, but because the opposition camp has been making unfounded accusations and creating trouble out of thin air. They have gone to great lengths to continue to express their dissatisfaction with the implementation of the co-location arrangement at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"). When moving this motion, they have questionable motive in the first place. Instead of focusing on the issue concerned, they have got increasingly personal.

The opposition camp and Dr Pierre CHAN had jointly signed a petition letter to move the motion on "Vote of no confidence in the President". In the letter, the so-called "four sins" of the President were listed, including: predetermining the schedule for deliberating the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"), restricting Members' speaking time, misinterpreting the Rules of Procedure ("RoP"), and evicting five Members from the Chamber for protesting against the lack of speaking opportunities. For the above reasons, the opposition camp accused Andrew LEUNG of dereliction of duty over his failure to safeguard Members' rights, arguing that he was not suitable to be the President of the Legislative Council. However, if we think more deeply, we would find that all these allegations were unsubstantiated and unfounded.

During the three-month scrutiny of the Bill, a total of 21 meetings and 18 hours of public hearings had been held. However, the opposition camp had tried all possible means to question whether the Bill had been constitutional and had complied with the principle of "one country, two systems" under the Basic Law. They had also continued to scare Hong Kong people by claiming that the law enforcement authorities of the Mainland would cross the boundary to enforce the law. With unlimited imagination, they had even likened the emergency exit

doors of XRL to the "Everywhere Door" in a classic anime series, claiming that Mainland law enforcement officers would go through the doors and arrest people at any time. They had gone to extremes in employing alarmist tactics.

Deputy President, in fact, members of the public have also been yearning for the early commissioning of the transport service, which will facilitate travellers and businesses. It is necessary to pass the Bill as early as possible in order to confer full legal basis on XRL to be commissioned in September.

However, at the Bills Committee, the opposition camp had been trying to obstruct the introduction of the Bill into the Council for scrutiny. After they had failed to do so, they moved the battlefield to the Legislative Council. By proposing a large number of amendments, they sought to impede the early passage of the Bill. Despite the amendments to RoP passed earlier by the Legislative Council, filibustering had not been stamped out after all. Hence, based on the power conferred on him by the Basic Law, the President had decided on the procedures for scrutinizing the Bill in accordance with RoP. In my view, the arrangements had been reasonably made to facilitate the proceedings of the Council. The only problem was that opposition Members had been trying to stir up trouble and target against the President.

Opposition Members alleged that the arrangements made by the President had stifled freedom of speech and deprived them of the last opportunity to voice their opposition. I do not consider this allegation to be substantiated. By setting time limits for the debate, the President had simply intended to allow Members to better manage their progress. If Members had coordinated among themselves in advance, they could speak freely during the Second Reading debate, the consideration by the committee of the whole Council or the Third Reading, to repeat for a thousand times the comments they had been making in the past. That said, in my view, nonsensical remarks will remain the same and never become the truths even repeated a thousand times.

In fact, a number of Members who had been waiting for their turn to speak that day were not present at the Chamber when their turn came, thereby missed the opportunity to speak. In the meantime, however, they asked the President to extend the debate time. The situation was like in a football match, after the referee had blown the whistle to end the match, some football players said that they had not played to their hearts' content and requested an overtime game. Did the opposition camp really think that they could keep moving the goalpost to suit their needs?



Dissatisfied with the President's rulings, a few Members kept yelling and even stood on the benches. Their disorderly behaviour in the Chamber, which was worse than a puerile act, would only bring shame on the Council. No wonder some members of the public had mocked the Council as a "rubbish council". In fact, Members who were evicted from the Chamber for breaching RoP could blame no one but themselves.

Deputy President, the opposition camp has certainly taken this opportunity to constantly attack the President personally by discrediting his work in other areas. I really cannot think of any other reasons why the opposing camp moves the motion on "Vote of no confidence in the President" apart from removing a thorn in their side by means of character assassination of the President. Hence, I oppose the motion.

**DR KWOK KA-KI** (in Cantonese): Deputy President, first I would like to thank Prof Joseph LEE for moving this motion at the last Legislative Council meeting of this session, giving us a chance to discuss Andrew LEUNG. Actually I find it self-contradictory and difficult to spend seven minutes to comment on someone who is not worth commenting on, or to comment on the President of the Legislative Council who is not worthy of our respect. However, I believe that as a Member, I have the responsibility to point out the wrongdoings of Andrew LEUNG and that is my reason for supporting this motion of no confidence.

Since Andrew LEUNG became the President, he has set many precedents. He is the first Member not returned through direct election to become the President. Second, I believe he is also the first Member who hurriedly renounced his British nationality barely before taking the oath. Both incidents have become the laughing stock. He reminds me of the saying, "In the country of the blind, the one-eyed man is king." I lament that among all Members from the pro-establishment camp and the royalists, there was not even a one-eyed man whom they could nominate but Andrew LEUNG, a person of such a standard, as the President. This is a downright scandal.

Perhaps I should talk about the Basic Law first. Enacted in 1990, the Basic Law clearly stipulates that to uphold "one country, two systems", Hong Kong will continue to implement the original systems after the reunification. Articles 66 to 79 of the Basic Law stipulate the powers and functions, election and work of the legislature of the SAR. Article 73 of the Basic Law also

specifically stipulates that the Legislative Council has the power to raise questions on the work of the Government and debate the policy addresses of the Chief Executive. In short, constitutionally the Basic Law grants the Legislative Council the power to monitor the Government. This has been proven effective in Hong Kong under "one country, two systems" and is also an important requirement under the separation of powers.

It is not that I have not seen Presidents belonging to the pro-establishment or royalist camp. Jasper TSANG, the former President of the Legislative Council, and Rita FAN, the President before Jasper TSANG, are both faithful servants of the Western District or Beijing through and through. No one would doubt the loyalty of Jasper TSANG and Rita FAN to Beijing; neither would anyone doubt that Jasper TSANG or Rita FAN would not defend Beijing. There were many controversies during their tenure as the President and I still remember the joke about Rita FAN being nicknamed JIANG Qing by former Legislative Council Members. However, when compared with Andrew LEUNG, they were able to maintain the due dignity, proceedings and order of deliberations of the Legislative Council.

For example, owing to the Government's vicious policies and failure to fulfil its responsibility to help the people by implementing universal retirement protection, our former colleague Mr LEUNG Kwok-hung spared no effort in trying to engage the Government in the discussion of this topic when the Finance Committee examined the budget each year. When handling this thorny situation, Jasper TSANG did his best to safeguard both the Government and Beijing and was still able to do a decent job. Hence, when the Court of Final Appeal handled the controversy concerned, it decided to let the Legislative Council handle the situation on its own, having considered the Legislative Council's authority and the relatively satisfactory performance of Jasper TSANG. I wonder if the Court, having seen the capability of Andrew LEUNG, will still believe that the President of the Legislative Council is fit and qualified to properly perform the functions expected of the President.

When I think of the late Member MA Lik and former Member Jasper TSANG, I am sad to find that the overall standard of policy deliberation of pro-establishment Members has been on the decline. Sometimes I feel lonely too as there are no good rivals to argue with us on different subjects, trying to reason the problems out. At present, Members from the pro-establishment camp and the royalists ... Just look at the empty seats in the Chamber, the situation is

really appalling. Perhaps owing to this reason, Andrew LEUNG became the pro-establishment camp's only choice out of no choice but this choice has done greater harm to Hong Kong.

Andrew LEUNG does not represent himself alone. At present, the chaotic situation of Hong Kong is plagued with various scandals involving the Guangzhou-Shenzhen-Hong Kong Express Link, the Hong Kong-Zhuhai-Macao Bridge and the MTR Shatin to Central Link. Such scandals have warned us that our well-established and proven effective mechanism to monitor the Government has kept losing power. The loss of such power will only have one result, which is, the Government will go unrestrained and act wilfully to harm public interest. Even though I do not believe Carrie LAM is that kind of people, yet as everyone knows, absolute power will corrupt a person or a government absolutely, as in the case of the Mainland China.

Hence, if we allow the Legislative Council to be reduced to become an official rubber stamp and allow the position of the President to be taken up by a short-sighted, incompetent and ignorant person of an extremely low standard without making any achievement, the greatest harm is not inflicted on the person concerned as he is irredeemable, but on the entire Hong Kong community. Andrew LEUNG fails to maintain the separation of powers in Hong Kong. Because of him, the Legislative Council cannot sufficiently monitor the Government or keep it in check, resulting in chaotic governance of Hong Kong today. These damages are neither reparable nor reversible.

With these remarks, I support the motion of no confidence in Andrew LEUNG (*The buzzer sounded*)...

**DEPUTY PRESIDENT** (in Cantonese): Dr KWOK, your speaking time is up.

**MR JAMES TO** (in Cantonese): Deputy President, as the title suggests, in order to comment on the motion on "Vote of no confidence in the President of the Legislative Council", we must discuss two things. First, comment on an individual, a situation that seldom appears in the Legislative Council; second, comment on the fact instead of on individuals. As we will not dislike a person because of his name, there are actually no objective criteria for judging a person. Hence, political judgment will be involved in our consideration, such as whether

the person is trustworthy; whether the decisions made by that person will benefit Hong Kong, whether the legislature can give full play to its role under the Basic Law, and how will the political environment and background of the entire community and the implementation of "one country, two systems" be impacted.

Deputy President, as the saying goes, "comparison breeds inferiority", hence I cannot help comparing the incumbent President with the former ones. I might have a few more years of experience in the Legislative Council than most colleagues, in particular, after the reunification, I had been a Member during the tenure of former Presidents Mrs Rita FAN and Mr Jasper TSANG. No one would doubt that when they presided over meetings, they had their bottom line, which might well be the bottom line of Beijing, but at least they were comparatively more convincing. Sometimes, even though I did not want to admit verbally, deep down in my heart, I would admit that Jasper had done a good job. Both of them had wisdom and had a good understanding of the Basic Law. They saw no problems in letting Members speak, propose amendments and raise urgent questions. At the Question and Answer session this morning, Mrs Carrie LAM said that she liked to answer questions put to her by Legislative Council Members. Government officials under her leadership will naturally make the same remark. What is there to be afraid of? However, perhaps under the general environment of "Western District ruling Hong Kong", LEUNG Chun-ying was elected the Chief Executive. During the eras from TUNG Chi-hwa, Donald TSANG to LEUNG Chun-ying, different Presidents of the Legislative Council had different interpretations of "one country, two systems" and different degrees of stringency. As regards the incumbent President Andrew LEUNG, as his wisdom and competence are both under par, his mission is to implement a tightening system that matches with his personal competence featured by the lack of wisdom.

Deputy President, the present situation is pathetic, it reflects the continuous tightening of all policies under "one country, two systems" over the past two decades. Andrew LEUNG has been chosen by the pro-establishment camp to be the President. He is forced to enforce a set of rules which can be considered as very stupid but ... Of course, even if he wanted to tighten the rules, he could do so with great wisdom, convincing the public and democratic Members that he was right. However, without sufficient wisdom, when he tightened the rules arbitrarily, people naturally considered that there were problems and they would hardly be convinced.

The problem is, the Central Authorities had dumped LEUNG Chun-ying to be replaced by Carrie LAM. According to Carrie LAM, she wished to untie the knots and resolve the conflicts, but Andrew LEUNG has tightened the Rules of Procedure and arbitrarily banned Members from debating, proposing amendments or even raising urgent questions. Is he trying to untie the knots or tighten them? Do the Central Authorities intend to turn the knots into dead knots; prosecute the democrats so that they cannot, after being convicted, run for the Legislative Council election again; replace old Members with new Members and then disqualify them, so that there is no Member from the democratic camp? Will all problems be resolved in this way? What will the end result? Ultimately, serious problems will arise because the implementation of "one country, two systems" cannot be manifested, no matter how persuasive the Central Authorities are.

I recall that we had a private conversation with a few heavyweights from the pro-establishment camp. They said, "Without you democrats, how can 'one country, two systems' be showcased?" Applying these words to the Legislative Council, without the democrats, how can there be lively debates and inquiries in this Council? Even if the President pretends to let us debate, speak, raise questions and propose amendments on whatever subjects we like, ultimately we will not win in voting. But at least foreigners and Taiwan compatriots will say that the legislature of Hong Kong can truly monitor the Government. But Andrew LEUNG insists on making the Legislative Council look bad by having Members arrested and banning them from raising questions or proposing amendments on all issues. In the end, this exemplary case is killed.

Deputy President, I can only say that the Beijing authorities must reflect on these issues. If people from the Central Authorities think that tougher measures and stricter rules must be implemented in ruling Hong Kong, I have nothing to say. It will make no difference no matter who becomes the President. Even if Ms Starry LEE becomes the President, the situation will still be tough as they will all dance to the tune of Beijing. However, if the Central Authorities do not think so and they want to ease the tension by appointing Carrie LAM, then the Central Authorities have to think carefully whether appointing Andrew LEUNG as the President will turn the heart of Hong Kong people to the Central Government and enable our Taiwan compatriots and the international community to have more faith in "one country, two systems". This is a question that rulers of Hong Kong on behalf of the Central Government and the supreme leaders must think thrice.

**DR PRISCILLA LEUNG** (in Cantonese): Deputy President, I speak to oppose this motion of no confidence moved against President Andrew LEUNG. My speech is mainly divided into two parts, and I will explain why I oppose this motion of no confidence from the legal and political perspectives.

Firstly, let us look at the Basic Law and its relationship with the Rules of Procedure ("RoP"). Under Article 8 of the Basic Law, the Basic Law is the highest law in Hong Kong and shall prevail on the basis of the principle of "one country, two systems" laid down by China. I mention these two reasons because while we are discussing how the President should preside over meetings, we must refer to Article 72 of the Basic Law, which has clearly set out the six powers and functions that the President may exercise, including paragraph (1), "to preside over meetings" and paragraph (6) "to exercise other powers and functions as prescribed in RoP of the Legislative Council". With regard to RoP, Article 75(2) of the Basic Law stipulates that the Legislative Council may make its own rules of procedure.

Just now many colleagues expressed disagreement and highlighted that during the Second Reading debate of the bill on the co-location arrangement, a number of Members who had been waiting for their turn to speak did not have an opportunity to speak. This arrangement had not only contravened RoP, but also infringed the basic right of Members of the Legislative Council. Hence, someone has indicated a wish to seek a judicial review. Members may refer to the previous judgments, and among them the most exhilarating judgment is the case *Leung Kwok Hung v President of Legislative Council* in 2013. The Court of Appeal had given a very detailed description of the relevant principles, which were subsequently confirmed by the Court of Final Appeal. According to paragraph 24 of the judgment handed down by the Court of Appeal, unless the operation of the Legislative Council or RoP formulated by the Legislative Council is in contravention of the Basic Law, or the Legislative Council has conducted its business in such a way as to infringe the right of an individual protected under the Basic Law, otherwise the court will not intervene. Paragraph 25 further pointed out that even where there is ambiguity, the court will respect the decision of the Legislative Council. The entire discussion back then was directed at the power of the former President of the Legislative Council to cut off the filibusters.

As we all know, there is no such provision in either the Basic Law or RoP for the so-called filibusters or cutting off the filibusters as these are only common terms. Actually, I do not want to say, yet during those 36 hours, many speeches

were made for the sake of filibustering. I would not describe all the speeches as filibustering, but the debate on the motion for adjournment was indeed a waste of time. As indicated in the relevant judgment, the Court of Appeal had been very careful in making the ruling and had referred to the relevant disputes arising in courts and parliaments of the common law jurisdictions. At that time, Martin LEE, the barrister representing Mr LEUNG Kwok-hung, had quoted an Israeli example as a last resort, but was ridiculed by the Judge that there were material differences between Israeli laws and common law, and therefore had no reference value at all.

Furthermore, paragraph 53 of the judgment also clearly pointed out that: "the Rules of Procedure are there to give the President additional powers, rather than take away from him his power, given under the Basic Law, 'to preside over meetings'". In other words, RoP has provided more detailed requirements in certain respects. For example, even if a time limit has been set by the President, Members might still expect that those who have pressed the "request to speak" button would have an opportunity to speak at the Second Reading debate. And yet, the Court has clearly stated that this is not the case. The power of the President to preside over meetings is derived from the Basic Law, and RoP merely facilitates him to preside over meetings more effectively. Paragraph 52 has clearly explained what is meant by "to preside over meetings", and that is, the President has the "power and function to exercise proper authority or control over the process ...", meaning that he has to effectively preside over meetings and make decisions pursuant to the Basic Law. Therefore, as far as the present case is concerned, even if Members seek a judicial review, I do not think there is any leave, nor is it reasonably arguable as clear explanation has already been given in the previous court judgments.

The President had exercised his powers conferred by the Basic Law and allocated 36 hours for discussion. I remember that during an interview, I had also queried the adequacy of 36 hours, but after some computation, I thought it should be sufficient. The approaches adopted by Presidents may be lax and stringent. The former President was considered by pro-establishment Members as too lenient in some cases by allocating too many hours for discussion. I have also thought what would happen if 64 but not 36 hours were allocated instead. According to my personal judgment, the last scene would still be Members yelling and this situation is bound to happen. I fully understand that they seek to raise opposition because politically speaking, they have to be accountable to their supporters. In my opinion, if they had not spent 9.5 hours to discuss the adjournment motion for the sake of filibustering, they should have enough time

for discussion. That was the judgment of the President and he had already told us, upon our repeated request, that the time spent on the adjournment motion would be included in the 36 hours allocated for discussion. He had also confirmed that all discussions would be included in the 36 hours, and advised Members to make good use of the time. However, while we were making good use of the time, the opposition party moved the motion for adjournment. I would not mention the time spent on their request for quorum calls as they would argue that quorum calls were made because we were not present at the meeting. I just want to focus on the 9.5 hours on the adjournment motion, which was moved for impeding the passage of the Bill. That was indeed a political judgment. The President considered it necessary to decisively enforce the 36-hour debate limit; this is his way of conducting business, and Members can be dissatisfied with it.

The moving of this motion of no confidence is actually a political action. However, I noticed that the President's decision to cut off the filibusters has obtained widespread public support, as against the expected political outcome of bringing about strong backlash from members of the public, which is not the case. This issue had been previously discussed in the form of government motions, public hearings and meetings of the Bills Committee for 90 hours, and coupled with the 36 hours, a total of 126 hours had been spent, which was highly sufficient in the eyes of members of the public. Therefore, I firmly oppose this motion of no confidence from the legal and political perspectives.

Deputy President, I so submit.

**MS ALICE MAK** (in Cantonese): Deputy President, originally I did not intend to speak on this motion, and so I have not prepared any script. However, after listening to the speeches made by some colleagues just now, I considered it necessary to make some responses. I understand that some colleagues might feel pretty unhappy or dissatisfied because they did not have an opportunity to speak on the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"), but is this a strong reason to cast a vote of no confidence in the President? I understand that Members must be very unhappy for not being able to express their views, but should they thus move the motion on "Vote of no confidence in the President of the Legislative Council"? Since Prof Joseph LEE has already projected that the motion would not be passed, Members only take this opportunity to vent their emotions. I considered this understandable and so I originally did not intend to speak.



However, I changed my mind after listening to the speeches made by some colleagues, especially Mr HUI Chi-fung's criticism against the President, which can be summarized as "You wrote to threaten me after I made an assault". He disrupted the order of this Council and caused injuries to the security staff, so the President proposed in the Legislative Council Commission ("LCC") ... Although I often take part in the LCC meetings, I cannot disclose the details of our discussions and I just want to recap what I had said. I blamed the President and was unhappy with his handling of the incident. In my view, there was no reason why he did not protect the staff of the Legislative Council. If any security staff or other staff of the Legislative Council were injured in the disruption caused by Honourable Members, LCC Chairman, being their employer, was obliged to report to the Police to ensure that employees had a safe working environment. The President had only issued a reminder after the disruption caused by Mr HUI but did not report to the Police. The warning letter was issued to Mr HUI by the President only upon the request of LCC. However, Mr HUI describe the letter as a threat. If this act was considered acceptable, I would find it very difficult to teach our children. Mr HUI is a father himself and should teach his children to obey the rules. Members of this Council should observe the rules as well. Mr HUI made a mistake or broke the rules and the President had merely given him a reminder without suing him, yet he accused the President of threatening him. I do not think this constitutes a reason for Members to support this motion of no confidence, as the President was simply trying to ensure that the employees of the Legislative Council had a safe working environment. Mr HUI should not deem the warning letter issued to him as an intimidation letter.

Mr HUI said he was scared, but how would he be scared? If he was really scared, he would not have taken that action. As an employer, the President is obliged to ensure that all colleagues working in the Complex have a safe working environment. Can the issuance of a letter to remind Members to observe the rules be regarded as a kind of threat? Should Members cast a vote of no confidence for this reason? Does this argument hold water? He said the former President would not do so, but the former President had erred for not taking action. I had criticized the former President for being too tolerant of Members in the past. Should we allow Members to arbitrarily harass other colleagues and endanger their personal safety simply because they are "the Honourable Members"? The President is duty-bound to protect the safety of colleagues, I therefore hold that he had done the right thing this time. If anyone disrupts the order of this Council again in the future, the President should strictly

enforce the Legislative Council (Powers and Privileges) Ordinance and report to the Police where necessary, so as to ensure that the employees of the Legislative Council have a safe working environment.

Furthermore, as Members may be aware, every time Dr KWOK Ka-ki speaks, his speech is more or less the same, and he makes the same remark for all motions. He said he was eager to have a match for discussion, but that is very difficult because "people with luck" normally would not be able to hear what he said. This is why I felt uneasy after hearing his speech just now because normally "people with luck" should be able to avoid his speech. No matter what subject he is speaking on, his speech will be more or less the same, mostly personal attacks. I always wonder why such a highly educated person would say such words. Worse still, his vocabulary for making criticisms is seriously monotonous. Can he be more innovative? Can he properly package his speeches and criticize other people more politely? No, he will not do so. How can he find a match to discuss with him? As "people with luck" would normally evade his speech, I therefore felt very uneasy when I heard his speech today. Luckily, I just heard one sentence, or else I will be in big trouble.

Over the past year, there have been numerous conflicts or disruptions of order in this Council, I really hope that the President can strictly maintain the order of this Council in the future, so as to ensure that colleagues working in the Complex can have a safe working environment. We should not place our colleagues in an unsafe environment. I also hope that our Honourable colleagues will respect the staff working in this Complex, and refrain from behaving violently in case of a dispute. When the President issued a reminder to Mr HUI, he in turn accused the President of acting improperly. He is really "invincible", and this is tantamount to flipping a coin and he wins if it is either head or tail. Whatever he does is right. However, we as Members should not be so. I understand that colleagues may feel very dissatisfied for not having an opportunity to speak, but they should not support this motion of no confidence for this reason. As for the Member who received a letter of reminder or warning issued by the President after disrupting the order of the Council, it is particularly inappropriate for him to support this motion of no confidence.

Deputy President, I so submit.

**MR KWONG CHUN-YU** (in Cantonese): First of all, I am grateful to Deputy President. Alice said just now that we should speak more gently and package our speeches in a nicer way. I dare not call her Miss MAK because I once called her Madam MAK, she asked me to call her Alice. I have to correct myself.

As a matter of fact, if we really can conduct a discussion according to the proceedings, why would we have to behave so violently? After all, what infuriated us most the other day was that the President had restricted the freedom of speech of Members, because according to the proceedings, Members in fact can speak during the Second Reading debate on the co-location bill. I once argued here with the incumbent President of the Legislative Council Andrew LEUNG. Simply put, he is a new President and I am a novice Member. If he has questions, he can seek advice from his predecessors, who is Jasper TSANG. When Jasper TSANG was the President of the Legislative Council, such scenes had not often happened. Andrew LEUNG presides over the meetings wearing a poker face, the message behind was that what he said is an order. But can Honourable Members in this Chamber be convinced?

As a matter of fact, I trust that in this Chamber, Members with different spectrum and from different political parties joined this Council with different intentions. For our side, when dealing with the controversial issue of the co-location arrangement, if the President of the Legislative Council had allowed each Member to speak during the Second Reading of the bill according to the Rules of Procedure ("RoP"), the scenario described by Alice just now would not have happened and we would not have behaved so violently. We did not want to act so violently, but we had no choice. If our protest had been duly handled, we would not have scuffled with the staff of the Legislative Council Secretariat. This is also the last thing that we wish to see.

Apparently, there are procedures for the President to follow, but he instead set a time limit on the debate in order to save time and meet his desired deadline. If the same incident happens in a very mature parliament of other democratic countries, Members may not have to propose a motion of no confidence for the Speaker concerned already has to be held accountable for his boorish conduct of the meeting. The truth is, we do not know what is going to happen in the next term. It is possible that a number of Members may be qualified to become the President of the Legislative Council. I also do not know the future movement of Deputy President.

We are all Members and representatives of public opinion, thus regardless of whether we are returned from functional constituencies or through direct elections, we should think about how we can make use of our speeches to promote different discussions in the Council. Most importantly, the President must be fair to all Members. He simply had no intention to discuss with us, he just set a timetable, and then sat in the President's seat, listening to our speeches painfully. When the time for discussion was up, he was delighted and rushed to force through the bill without hesitation. That was a painful experience and as everyone can see, it was a lose-lose situation.

Just now Dr Priscilla LEUNG was so right in saying that all Members have their supporters. While this is true, people of Hong Kong may wonder why the proceedings were not complied with. As a Member has pointed out, RoP clearly stipulates that Members may speak. The President, however, did not allow them to speak, saying that he derived his power from the Basic Law but not RoP. Let me assume that he is right, but can he act more fairly by taking into consideration the prevailing situation, especially when the bill under discussion is very controversial and has been subject to persistent argument. I do not understand why the Bills Committee to scrutinize the co-location bill could spend so much time on deliberation, but when the bill was submitted to the Legislative Council, the President boorishly forced it through in a way almost like cutting off the filibusters by force.

As public opinion representatives, we are bound to defend the proceedings in this Chamber. There is no problem for the President to set limits on the speaking time, but in view of the fact that the legislature will continue to operate for many more terms in the future, so if a rule is breached today, the outcome would be like playing the game of "layer on layer", where the removal of a block would cause the whole stack to tumble down.

As a matter of fact, Members rose to defend the Council's proceedings on that day, trying to stop the President from setting any limit. It was unfair for the President to disallow some Members, who had not yet spoken, to speak during the Second Reading debate of the bill, given that such a right is stipulated in RoP. Even if Members had different political views or as some of them have claimed, the opposition party was actually filibustering and had not made good use of the time, the proceedings, which have been clearly laid down, should be complied with. The chaotic situation on that way was attributed to the approach adopted by the President.

Should the meetings of this important legislature in Hong Kong continue to be presided by such an unfair person, I wonder how we can have trust in him. In the case of former President of the Legislative Council Jasper TSANG, though he holds different political views and has a different spectrum, would he preside over the meetings in such a way? I am a novice Member and had yet to join the Legislative Council back then, but I saw on television the performance of Jasper TSANG. I can say that Jasper TSANG performed much better than Andrew LEUNG.

Very often, whenever this Council is about to debate controversial issues, Members can feel the tense atmosphere once they enter the Chamber. Take that incident as an example, if Andrew LEUNG thought that the title "President" would earn him respect, I am sorry to say that he was wrong. Our request is obviously reasonable as some Members who had yet to speak during the Second Reading debate of the co-location bill, had really been forbidden to speak by the President. He should have allowed Members to speak and should not cut short their speeches to meet the time limit. If he had allowed Members to speak on that day, would there be another scenario? I do not know. Some colleagues have described the present motion of no confidence as a declaration of political stance, but it is not. Rather, it urges us to think carefully what kind of President the Legislative Council needs and what is meant by fair. I so submit.

**MR WONG TING-KWONG** (in Cantonese): Deputy President, there is a saying that goes, "You love a man and wish him to live; you hate him and wish him to die." And there is a saying that goes, "Those who submit will prosper; those who resist shall perish." I really feel for President Andrew LEUNG. As President, he is responsible for ensuring the smooth conduct of meetings, and yet he has been subjected to endless mud-slinging and calumny in the Chamber.

Today, I have stayed in the Chamber listening to Members' speeches for a long time. Many opposition Members were lying through their teeth. They seemed to think that they could make a falsehood true by repeating it a few times. For instance, regarding the early adjournment of the meeting mentioned by them, I have heard another version of what actually happened. Discussion was held with them that day, and many of them agreed to have the meeting adjourned shortly after five o'clock that afternoon. Subsequently, a staff member of the Secretariat even burst into tears when clarifying the case with them. Was that the case? That is just what I have heard. I would like the persons involved to step forward and clarify whether Andrew LEUNG adjourned the meeting early

because he was in a rush to go and watch horse racing that day. I have known Andrew LEUNG for a long time. He does go to the racecourse, but he does not gamble on the horses. As far as I know, he has been to the racecourse only once or twice in recent years for meal gatherings. However, they hinted that Andrew LEUNG adjourned the meeting early so that he could visit the racecourse for entertainment. Did they see him go to the racecourse? Did they go there with him? Did they bump into him at the racecourse? What I am trying to say is that even if it is a slander, they should still give reasons and facts to support it.

Opposition Members kept using the examples of former Presidents Andrew WONG, Rita FAN and Jasper TSANG to make comparisons; were they Members back then? I was not yet a Member when Andrew WONG was President, but I was already a Member during the times of Rita FAN and Jasper TSANG. In those days, what was the parliamentary atmosphere like in the Council? Was it as violent as it is now? Did anyone charge at the President? Did anyone yell? Back then, the Council was characterized by orderliness, and what the former Presidents had to do was much easier than Andrew LEUNG's current job. Those Members accuse Andrew LEUNG of boorishly presiding over meetings, but they themselves behaved boorishly at meetings. So how could Andrew LEUNG not "demonstrate his strength" when presiding over meetings? Was he supposed to let the oppositionists do whatever they wanted? It must not be the case that we only criticize others without being critical of ourselves. Everything is causally connected. "Junior Fung", you should not call Miss Alice MAK "Alice"; you should address her as "Madam Alice".

The opposition camp takes pride in violating the rules and breaking the law these days, whereas Andrew LEUNG is being assailed for enforcing the Rules of Procedure. What kind of world are we living in? I am in my senior years, and I really find this heart-wrenching. They have set a bad example for children and young people. Is it not ridiculous that snatching another person's cell phone is deemed perfectly okay and inverting the national flag is deemed awe-inspiring? What has become of this Council? While it is said that the Legislative Council is the highest legislature in Hong Kong, some people now call us the "Garbage Council" instead of the Legislative Council. How miserable we are!

I therefore hope that those Members who criticize others can be critical of themselves as well. As for Andrew LEUNG, I have deep sympathy for him, and I support him in exercising his power to preside over meetings as President to ensure the effective conduct of meetings. Thank you, Deputy President.

**MR CHU HOI-DICK** (in Cantonese): Deputy President, I am not sure if Dr CHENG Chung-tai is proud of inverting the mock-ups of the national flag, but I believe Mr WONG Ting-kwong may be proud of executing the orders of the Communist Party of China ("CPC"). There is actually a line of succession here. Andrew LEUNG is a clown of CPC's autocratic governance of Hong Kong. All his critical decisions which attracted criticism were made to follow the autocratic political line taken by CPC in Hong Kong. Here are three examples.

Firstly, on 25 October 2016, he refused to administer the oaths/affirmations taken by elected Members Sixtus LEUNG and YAU Wai-ching, saying that he had to first wait for the interpretation of the Basic Laws by the Standing Committee of the National People's Congress and the outcome of the judicial review. He is the President of the Legislative Council. No matter how fierce the criticisms against these two elected Members were—such as condemning them as traitors or running dogs—Andrew LEUNG, as the President, should administer the oaths/affirmations for them, but he did not do so.

Secondly, when LEUNG Kwok-hung, LAU Siu-lai, Nathan LAW and YIU Chung-yim were sued by LEUNG Chun-ying, Andrew LEUNG, being the respondent on behalf of the Legislative Council, did not even defend the independence and dignity of the Legislative Council. His lawyer had remained silent. Consequently, the Executive Authorities exploited the judicial system to disqualify the elected Members. He held an unshirkable responsibility on this matter and had stood on the opposite side of the Legislative Council.

Thirdly, as mentioned by a number of colleagues, he abused his power in the amendment of the Rules of Procedure and the scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill, but I am not going to repeat their viewpoints. Members of the public should understand that this motion of no confidence is not moved out of our personal dislike of the President. To illustrate, I do not care whether he loves visiting the racecourses or not. Instead, the fundamental question is: Two years ago, members of the public still had some respect for the Council and some confidence in the political system of Hong Kong. Has Andrew LEUNG undermined the confidence of Hong Kong people in the Council by what he did over the past two years? To me, the answer is in the affirmative.

As Dr Fernando CHEUNG stated just now, the parliamentary system of Hong Kong has been distorted since many Members returned by functional constituencies were elected by zero vote. While these Members should

supposedly speak for Hong Kong people as their representatives in the Council, they do not have the people's mandate. The President thus plays a crucial role under this distorted system if the reputation of the Council is to be upheld. Yet, I am sure the presence and behaviour of Andrew LEUNG reflect not only his personal qualities but, more importantly, a significant change in Beijing's strategy for gaining full control over Hong Kong. Today, I will vote in favour of the motion of no confidence in Andrew LEUNG, a political puppet, to indicate my lack of trust in CPC, which intends to destroy "one country, two systems" and takes full control over Hong Kong.

Deputy President, a lot of netizens put the following question to me on my Facebook page: If Andrew LEUNG had failed to renounce his British nationality in time, would there have been any changes in our political landscape in the past two years? I must say that there is no "what if" in the politics of Hong Kong. Beijing always calls the shots. Many Members are now destroying the delicate reputation and balance enjoyed by the Legislative Council over the past 10 years or so. They want to destroy the system, taking away every single hope of Hong Kong people for the Council, the future of democracy and the political reform, in order to help CPC achieve its goal of gaining full control over Hong Kong. This is the reality facing us but pro-democracy Members will keep on fighting for the freedom and autonomy (*The buzzer sounded*) ...

**DEPUTY PRESIDENT** (in Cantonese): Mr CHU, your speaking time is up. Please stop speaking.

**MR CHU HOI-DICK** (in Cantonese): ... of Hong Kong people.

**MR CHAN KIN-POR** (in Cantonese): Deputy President, today, Members from the opposition camp mainly accuse the President of limiting the number of times a Member could speak and terminating the debate at the time specified by him. Does the President have the power to set time limits for debates and terminate debates at meetings? In fact, there is no express provision for this in the Rules of Procedure. When the Rules of Procedure were made a decade or two ago, it was not envisaged that Members would filibuster, and the political ecology back then was worlds apart from what it is like now.



In the case of *LEUNG Kwok-hung v The President of the Legislative Council*, the Court of Final Appeal ("CFA") ruled that the President has the power to set limits to and terminate a debate, and the existence of the power is inherent in, or incidental to, the power granted by Article 72(1) of the Basic Law to the President to preside over meetings. In this regard, I also wish to refer to some other relevant court judgments. CFA held that the President is to exercise his power to preside over meetings under Article 72 of the Basic Law so as to ensure the orderly, efficient and fair disposition of the Council's business. CFA held that the President has the constitutional power and function to exercise proper authority over the process, and that the orderly, fair and proper conduct of proceedings must be within the province of the President. The Court of First Instance held that when presiding over meetings, the President does not simply sit at his seat listening to the speeches of Members but actually has the constitutional function and power to exercise proper control over the process to ensure that the orderly, fair and proper conduct of business in the Council is not derailed.

Why do I have to refer to these court judgments? This is because when I presided over the meetings of the Finance Committee, I was, like the President, often questioned by opposition Members as to whether it was in my power to make certain decisions. As I have clearly read out the relevant court judgments today, I hope that Members will no longer question me as to whether I have such power at the meetings of the Finance Committee in the future. The Secretariat has printed a pile of copies of the court judgments for me. If, in the future, any Member questions me as to whether I have such power, I can distribute the copies of the judgments to Members anytime. Fortunately, I think not many Members will challenge me about this anymore. Should any Member challenge me, I will give him or her a copy of the judgments.

When presiding over the meeting on the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill"), the President made it very clear that he had, after taken reference from similar contentious bills with amendments, decided to set a total time limit of 36 hours for the scrutiny of the Bill, including the Second Reading debate, consideration by committee of the whole Council and Third Reading procedure. This decision, made reasonably on a sound basis, sought to enable Members to make good use of the meeting time and allow them to make proper arrangements for their speeches and talk about the things they considered most important first, knowing how much debate time was left. If Members really considered the debate important, they actually had enough time to speak. However, the oppositionists chose not to make good use of their time

to scrutinize the Bill; instead, they initiated a motion to adjourn the Second Reading debate on the Bill. Consequently, this Council spent a good nine hours debating the adjournment motion. How come opposition Members do not blame themselves but blame the President?

Moreover, another very important point which I must make is that CFA has stated clearly that the power to scrutinize bills is vested in the whole legislature, not individual Members. Opposition Members often think that their power has been infringed upon, but I hope they can respect the rule of law in Hong Kong. CFA has made it clear that such power is vested in the Legislative Council as the legislature, rather than individual Members, and that the President, as the person responsible for regulating the proceedings of the Council, has both the need and the power to set time limits for debates and terminate debates.

Thus, in my view, if Members are willing to get the facts straight, they will oppose this motion on "Vote of no confidence in the President of the Legislative Council". Thank you, Deputy President.

**DR CHIANG LAI-WAN** (in Cantonese): Deputy President, this motion has been debated for almost four or five hours. I believe that even if one has been listening to this debate all along, one has yet to figure out what it is all about. Everyone wants to know what mistakes the President had made which caused a Member to move a motion of no confidence in him. What rules has he violated? Which provision of the Basic Law has he violated? Which rule of the Rules of Procedure ("RoP") has he violated? No Member could tell clearly.

Mr CHAN Chi-chuen said that, in sum, the President had abused his power and was an unfair referee who red-carded Members for no reason. Mr SHIU Ka-chun said that the President had turned the legislature topsy-turvy since taking office. I hope that the audience watching the live broadcast of these proceedings on television, regardless of whether they support the pro-establishment camp or the pan-democrats, can ask themselves these questions: Who are the ones who have turned the legislature topsy-turvy? Who charged at the President Podium to snatch the microphone? Who stood on a desk in the Chamber? Who shoved security officers?

All the President did was ask rowdy Members to leave the Chamber. He must do so in order for the meeting to run smoothly. Both the Basic Law and RoP confer powers on the President to enable him to preside over meetings

efficiently. According to Mr CHAN Chi-chuen, when this Council discussed an item of business earlier, as there was clearly still time for Members to speak, the President should not have "gone beyond the call of duty" in ending the discussion hurriedly, and it was wrong of him to make the meeting go so fast. But I think this precisely shows that the President was commendably efficient.

Actually, it is not unprecedented for the opposition camp to hit out at a pro-establishment President. Opposition Members criticize President Andrew LEUNG for not being as tolerant as former President Jasper TSANG, but then again, they had initiated a motion of no confidence in Jasper TSANG before. This is something they like to do, and they do this just because the President is a pro-establishment Member. As everyone knows, they proposed an exceedingly long list of agenda items to censure a number of Members last year. Ms Starry LEE is a very good Chairman of the House Committee. With great patience and a nice temperament, she always spoke to them with a smile, but they still sought to censure her. Why? It is simply because they are the oppositionists. They once said that Rita FAN at least pretended to be neutral and was willing to talk with them. However, Rita FAN said earlier that the opposition camp did nothing but raised objections.

A little while ago, I listened attentively to Ms Claudia MO's speech, for I knew that she would put forward many "arguments". Why is she so dissatisfied with President Andrew LEUNG that she has to back this motion of no confidence in him? According to her, the President has no conscience, lacks recognition and is inhuman. What conscienceless and inhuman things has President Andrew LEUNG ever done to Ms Claudia MO? I really do not understand.

Deputy President, no Member from the opposition camp could say clearly which provisions of the Basic Law and RoP the President has violated. That being the case, I am unable to support this motion moved by Prof Joseph LEE. I oppose this motion.

**DR JUNIUS HO** (in Cantonese): Deputy President, this is another political show, the debate of a motion with no legislative effect.

Today, what we have heard is another round of condemnation, like a lovelorn woman who keeps making meaningless complaints all the time. Even if a lovelorn woman wants to act like a spoiled child in front of her husband, she

has to be more innovative to draw the attention of her husband. However, the remarks made by pro-democracy Members are no more than platitudes and the only difference this time is that the subject matter of the debate has changed to a motion on "Vote of no confidence in the President of the Legislative Council".

(Dr CHIANG Lai-wan indicated a wish to raise a point of order)

**DEPUTY PRESIDENT** (in Cantonese): Mr HO, please hold on. Dr CHIANG Lai-wan, what is your point?

**DR CHIANG LAI-WAN** (in Cantonese): I want him to elucidate why he described some Members as lovelorn women today. Why did he not describe them as lovelorn men? Thank you.

**DEPUTY PRESIDENT** (in Cantonese): Mr Junius HO, Dr CHIANG asked you to elucidate and you can choose to elucidate or continue with your speech.

**DR JUNIUS HO** (in Cantonese): Fine, I have no sex discrimination at all and this is just an expression commonly-used in the community. In fact, it can also be lovelorn men. But regardless of whether it is a lovelorn man against a lovelorn women or vice versa, there is at least some kind of a relationship of trust between the two of them and they are partners. When you blame me, I will see if you have a point because after all, there is a relationship between us. Maybe I will do as you say if it sounds pleasing to my ears.

With regard to today's motion of no confidence, first of all, the pan-democracy and pro-establishment camps do not have the relationship of a lovelorn couple. We are different most of the time in terms of political stance, but we both seek to achieve one common aim and we reason things out. We will accept each other if we share common reasons. However, with regard to this motion of no confidence, as I said earlier on, it is purely a show and there is no point of doing so. Secondly, why do they have no trust in the President? Is it because he has deprived pro-democracy Members of their right to speak during the scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") in this Council?

Let us first talk about the right to speak. Prof Joseph LEE always said in this Chamber that he did not intend to speak originally, but he just joined in the fun. Also, he said that he wanted to speak but was not given the chance. What should be done then? Perhaps he really did not have an opportunity to speak, but even if he did—this is not my wild guess—no new ideas would be conveyed.

Before the Government introduced the Bill into the Legislative Council, we had already discussed a motion with no legislative effect on the co-location arrangement. At that time, we discussed three principles, including whether the co-location arrangement was constitutional, lawful and consistent with the Basic Law; whether it would deprive Hong Kong of its rights, and whether the jurisdiction of Hong Kong would be compromised. Apart from the above mentioned legal principles, we had also discussed the layout of the station, for example, how the demarcation line of the yellow zone should be drawn; the design of the corridors; who would be using the station, Chinese or Hong Kong personnel? All these were technical issues. In fact, technical issues have never been the concern of Legislative Council Members, but still we had discussed all of these issues.

Regarding the legal principles, before a decision was made by the Standing Committee of the National People's Congress ("NPCSC"), we could still argue about the constitutionality and legality of the co-location arrangement. Yet, after a decision was made by NPCSC, even if we have any conjecture or doubt about this final decision made by the highest authority, the question was settled. This is my personal opinion. Of course, there are currently a number of judicial review cases to challenge the endorsed Bill, so Members have to wait to find out what happens next. Although I do not have a crystal ball in hand, I can tell you that these cases will definitely lose.

Judging from the above mentioned situation, had the President deprived opposition Members of their right to speak when the Bill was passed? I do not think so because the deliberation of the Bill can be divided into several stages. Opposition Members had reiterated their arguments time and again. Their strongest, most powerful or convincing justification was that the Hong Kong Bar Association ("Bar Association") held that the co-location arrangement was in contravention of the Basic Law. I have nonetheless addressed this concern as well. Is the Bar Association invincible? I certainly respect the Bar Association because it is the authority as far as Hong Kong laws are concerned. And yet, when it comes to the national constitution, does the Bar Association have the

professional standard to comment on whether the Bill is in conformity with the Chinese Constitution or the Basic Law? No one can answer and even the Chairman of the Bar Association said that it was "irrelevant". If it was "irrelevant", then why did it criticize the Bill for contravening the Constitution?

Lastly, given that Members were well aware of the situation and what should be said had mostly been said, we must therefore decide on the timeline. If the Express Rail Link is to commission in mid-September, the Bill must be passed before the current legislative session ends in July. In view of the severity and importance of these two issues, imposing a limit on the speaking time for the Second and Third Readings of the Bill is not a deprivation of Members' right to speak. What is more, Members had actually been given ample opportunities to speak so long as they proceeded as scheduled. Just now Mr CHAN Kin-por has clearly explained that the President does have constitutional power because the Basic Law and even the decision of the Court of Final Appeal have clearly stipulated that the President has the power to preside over meetings. In view of the overall interests of Hong Kong, the President's acts are fully justified. I therefore cannot support this motion on "Vote of no confidence in the President of the Legislative Council".

Also, I originally did not intend to comment on the incident, but after hearing Mr CHU Hoi-dick's saying that Mr Andrew LEUNG was a clown of the Communist Party, I thought this is downright a humiliation to the entire system of Hong Kong. In his view, whoever speaks for the Government is an agent of the Communist Party. His remark is surely groundless, but does it matter if there are grounds? The fact is, if he sees things with such a gloomy attitude, will it make any difference with the dismissal of Andrew LEUNG? If his argument is correct, will there not be another clown after the first one is removed? He is actually shooting himself in the foot. Under the existing system, he should support Hong Kong, do good deeds for Hong Kong and act in accordance with the Basic Law. Why did he arbitrarily stray that far and attribute the cause of the problem to the Communist Party, which is totally irrelevant? (*The buzzer sounded*)

**DEPUTY PRESIDENT** (in Cantonese): Mr HO, your speaking time is up.

**MR CHAN HAK-KAN** (in Cantonese): Deputy President, a Member said earlier that if a motion of no confidence in a person is moved, it indicates that either the person has blundered terribly, or he has infuriated the mover of the motion so much that a serious grudge is held against him. However, I have not noticed any serious grudge held by Prof Joseph LEE, the mover of the motion of no confidence in the President of the Legislative Council today. Prof Joseph LEE is now smiling at us. Sometimes, when a Member moves such a motion at the Legislative Council, he himself may not want to do so, maybe his friends want to express their political stance. Many Members have also expressed this view earlier.

Before I deliver my speech, I must respond to Dr KWOK Ka-ki who mentioned the standard of speeches made by two former Chairmen of the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB"), Mr MA Lik and Mr Jasper TSANG. Certainly, the standard of the speeches made by the two former Chairmen was very high and I am afraid that our speeches cannot measure up to theirs. However, I cannot agree with Dr KWOK Ka-ki that the speeches of many pro-establishment Members are below par. I sometimes think of Mr CHEUNG Man-kwong and Ms Audrey EU, my former colleagues in the Legislative Council, with fond reminiscence. They delivered succinct and high-standard speeches with a skillful use of Chinese idioms and rhetoric, which were incomparable to the speeches made by other Members who only use simple words.

However, considering the points made in Dr KWOK's speeches, I share Miss Alice MAK's view that Dr KWOK seems to use the same script in all debates, whether the subject concerns people's livelihood, medical care or constitutional issues. His general view is that all problems are caused by the political system and the Government, and he has done nothing wrong. Thus, I think the public knows very clearly whether a Member's speech is good or bad.

I heard many democrats say earlier that they have no confidence in the President of the Legislative Council Andrew LEUNG because he has contravened the Rules of Procedure ("RoP"). Nevertheless, we have to consider the matter as a whole. Are the powers of the President derived only from RoP? Many Members told us earlier that the powers of the President were derived from the Basic Law. Article 72 of the Basic Law clearly provides that the Legislative Council can make RoP on its own, and that is also provided in RoP 74.

If Members are not forgetful, they should remember that former Member "Long Hair" instituted a judicial review against the ruling of former President Jasper TSANG on cutting off filibusters back then. Nevertheless, "Long Hair" failed in the first trial, the Court of Appeal and the Court of Final Appeal. Let me refer to the judgment of the Court of Appeal which provides a very clear explanation. First, the powers of the President of the Legislative Council are derived from Article 72 of the Basic Law. The provision authorizes the President to exercise certain powers, including suitable power or control in the proceedings; and his power to preside over meetings is further provided by RoP in terms of other powers and functions. The judgment of the Court of Final Appeal also points out that the President of the Legislative Council has the power to set limits to debates and stop them. The judgment clearly points out that the powers of the President of the Legislative Council are based not only on RoP and thus, such powers have a very solid legal basis.

Prof Joseph LEE said that the ruling of the President of the Legislative Council deprived him of his right to speak. I would like to say that according to the judgment of the Court of Final Appeal, the powers and functions of the Legislative Council do not refer to the power of an individual Member to participate in the deliberation of bills, but the power of the Legislative Council as a whole. The provisions do not confer on individual Members the power to participate and speak in the law-making process. Thus, we should not consider the situation of one Member, but the situation of the Legislative Council as a whole.

Many Members said that since the President set the time limit of the debate to 36 hours, they did not have enough time to speak. Let me give an example. The Legislative Council spent the longest time on debating on the Interception of Communications and Surveillance Bill in 2006. There were 65 clauses, 5 schedules and 280 amendments to the bill; and a total of 58 hours was spent on its deliberation. Nevertheless, in relation to the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill") which involved only 8 clauses, 5 schedules and 24 amendments, the President still allocated 36 hours for its debate, and a total of 38 hours was actually spent on it. Thus, if we compare these two bills, the President's ruling on the Bill was comparatively tolerant.

Some Members felt that they did not have enough time to speak; and what was the reason for that? They spent nine hours on berating the ruling of the President, three hours on requesting headcounts and then they shouted, jumped on



the table, charged at security staff and created an awful row in the Chamber. They wasted the time due to their own acts, and it was not true that the President did not allow them to speak. Their argument was based on the logic of bandits. It is similar to saying that since someone failed to close the door or hold the mobile phone in his hand, it is his fault and not mine that I took his mobile phone. That is a fallacious argument.

Thus, Deputy President, I and Members of DAB oppose Prof Joseph LEE's motion on "Vote of no confidence in the President of the Legislative Council". We consider that the meeting arrangements and rulings of the President of the Legislative Council are sensible, reasonable and lawful. In presiding over meetings, the President is impartial, fair, orderly and efficient. Therefore, we will not support the motion moved by Prof Joseph LEE.

Thank you, Deputy President.

**DEPUTY PRESIDENT** (in Cantonese): It is now 7:45 pm. I will adjourn the meeting after dealing with this motion. The mover of the next motion, Mr Michael TIEN, has indicated to the President his wish that his motion be dealt with at the next meeting. This Council will now continue with the motion under debate. Dr Helena WONG, please speak.

**DR HELENA WONG** (in Cantonese): Deputy President, I speak in support of the motion on "Vote of no confidence in the President of the Legislative Council" moved by Prof Joseph LEE. We are aware that this motion has no legislative effect, but still we consider it necessary to leave a record in this very last meeting of the current session.

Being the President of the Legislative Council is a great honour and in a democratic legislature, this post is normally taken up by the most senior directly elected Member. This person is not only credible, but is also supported by Members from different political parties and groupings. What is more, he has considerable experience in dealing with Council business. Of course, most importantly, he has to be impartial and act in accordance with the rules. To our greatest regret, our incumbent President of Legislative Council has been subject to controversy all the way from running for the election and being elected to presiding over meetings in the past one or two years.

Some Members, such as Mr WONG Ting-kwong, expressed deep sympathy for President Andrew LEUNG in view of the criticisms hurled against him during the discussion of this motion of no confidence today. In fact, Members of the pro-establishment camp also have to bear responsibility because if they had not forced Mr Andrew LEUNG to take up the post as the President, or if he had not renounced his British nationality and become the President of Legislative Council under their entourage, he would not have to face this motion of no confidence today.

Actually, Mr Andrew LEUNG is an inept President. If he had presided over meetings in an impartial manner, given sufficient time to Members to speak and spent some time to deal with the points of order raised by Members in relation to the Rules of Procedure ("RoP"), this motion would not have been moved, on which we are going to take hours to discuss today. And yet, this motion of no confidence will not be passed at the end of the day because Andrew LEUNG was elected by pro-establishment Members who will definitely defend him and share the weal and woe with him.

Mr Andrew LEUNG has failed to earn the respect of Members from different political parties and groupings in this Council right from the outset, and the rift between them has been widening day by day. If Members leave the Chamber and ask people on the streets for their views on Mr Andrew LEUNG's conduct of meetings, I do not think the majority of them would praise his performance.

Today, Members of the pro-establishment camp are defending Mr Andrew LEUNG and this is fully understandable because they elected him in the first place. Dr CHIANG Lai-wan said she had no idea why we moved this motion of no confidence, and queried what the President had done wrong to make us distrust him. In my opinion, his most outrageous act was to set a time limit on the Second Reading debate of the co-location bill. Although the Chairman of the Finance Committee Mr CHAN Kin-por also echoed that time limits might be set from time to time to ensure the smooth operation of meetings, Members must note that the time limits set for the co-location bill are 8 hours, 22 hours and 6 hours. Are such deadlines scientific? There are subjective elements in many cases. The deadlines are not scientific at all; the President only estimated the time required for the meeting. The question is when it came to the Second Reading debate of the bill, 11 Members who had pressed the "Request to Speak"

button were forbidden to speak because a deadline had been set by the President. This deadline, however, has become the golden rule, overriding the rights of Members to speak and to take part in the debate. Is this reasonable?

Members of the pro-establishment camp, such as Mr Holden CHOW, criticized pro-democracy Members for their vices of filibustering. Does he know what filibustering is? If Members did not even have an opportunity to speak during the Second Reading debate, this is an unreasonable attempt to cut off the filibuster. There is no filibuster at all. Members may recall that at that time, a number of Members stood on the benches or raised points of order to express their anger, but the President had simply ignored them and called on the Secretary to speak immediately. The Secretary spoke loudly to drown out other people's voices because all the microphones were muted, except his. It is precisely because of Andrew LEUNG's unreasonably restriction of Members' right to speak that we have to fight against him.

Members of the pro-establishment camp should not regard specious argument as truth and put the cart before the horse. If the President had been competent enough to maintain order in the Council and allow Members of different political parties and groupings ample opportunities to speak, the scenes of Members standing on the benches, being forcibly expelled from the Chamber by the President or even being injured together with the security staff would not have occurred. These are absolutely the last thing that we wish to see.

Therefore, the problem lies in the President elected by the pro-establishment camp. First, he is inept; second, he is not impartial, and third, he has not acted in accordance with the provisions of RoP and the House Rules to allow each Member to speak once for 15 minutes each time when a bill resumes the Second Reading debate, and has even unreasonably deprived Members of their right to speak. All these are the important justifications for us to move this motion of no confidence today.

A Member mentioned the judgment handed down by the Court of Final Appeal earlier in the hope of absolving the President of his responsibility, but we must not forget that the principles of separation of powers and non-intervention form the basis of the judgment of the Court, therefore it has not directly provided any detailed decision on how the President should preside over meetings or deal with the adjournment debate, nor has it stated that the adjournment of debate is reasonable (*The buzzer sounded*) ... Deputy President, I so submit.

**DEPUTY PRESIDENT** (in Cantonese): Dr WONG, your speaking time is up. Does any other Member wish to speak?

(Ir Dr LO Wai-kwok indicated his wish to speak)

**DEPUTY PRESIDENT** (in Cantonese): Ir Dr LO Wai-kwok, please speak.

**IR DR LO WAI-KWOK** (in Cantonese): Deputy President, there are only a few words in the original motion of Prof Joseph LEE, i.e. "That this Council has no confidence in the President of the Legislative Council, Andrew LEUNG". However, the cause and effect of the motion, the actions taken by the non-establishment camp in paving for this motion, as well as the arguments presented by the camp, have all reflected the poor attitude of non-establishment Members, who are fuming with rage and hostility.

Deputy President, regarding the background of the motion, as well as the views or justifications repeated by non-establishment Members time and again, the main allegation is that the President of the Legislative Council had failed to preside over meetings according to the Rules of Procedure ("RoP"), had made seriously inappropriate arrangements and had deprived Members of their rights during the resumption of Second Reading, the Committee stage and the Third Reading of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bill").

I must point out that non-establishment Members' criticisms against President Andrew LEUNG do not agree with the facts. These Members are simply confusing right and wrong and confounding black and white.

First of all, the President, conferred with the presiding power under the Basic Law, had exercised this power in accordance with RoP to ensure that meetings were held orderly and smoothly.

Secondly, given the urgency of the Bill, the President had, after drawing reference from the precedent for having a time-limited debate in the scrutiny of the past appropriation bills, prudently set a reasonable time frame of 36 hours for conducting debate and voting on the Bill. In addition, he gave a clear account of his ruling and justifications in his letter to all Members. It was regrettable that non-establishment Members wasted a lot of time by resorting to their old tricks of

filibustering, such as proposing adjournment motions, requesting headcounts repeatedly and raising all sorts of points of order. Such actions showed that they were not sincere in fighting for speaking opportunities; instead they only sought to delay the passage of the Bill. What was more unacceptable was that individual Members from the non-establishment camp were so radical that they shouted in their seats, tried to charge at the President Podium and the government benches, injured security staff in physical scuffles, and so on, causing serious obstruction to the meeting. The President thus had no choice but to handle the problems seriously according to RoP. Forty pro-establishment Members also released a joint letter on 21 June to solemnly support the President in presiding over meetings in accordance with the Basic Law, the laws of Hong Kong and RoP, with a view to clarifying the truth.

Deputy President, non-establishment Members often wildly speculate on the motives of President Andrew LEUNG with a conspiracy theory. How ridiculous they are! They queried why, at the Council meeting on 28 June, President Andrew LEUNG decided to declare the meeting adjourned three hours before 8:00 pm, which is the usual time for adjournment. In their view, the meeting should continue and proceed to the next agenda item, i.e. my Members' motion on "Expediting the promotion of smart city development". They held that the decision of President Andrew LEUNG was grossly inappropriate and Ms Claudia MO raised this issue at one of the subsequent meetings of the House Committee. Although she acknowledged that President Andrew LEUNG had the discretion to decide on meeting arrangement, she held that the debate on the motion of no confidence in President Andrew LEUNG, which had been scheduled for this meeting, might then be postponed to the next session, i.e. the first meeting after the summer recess. She believed President Andrew LEUNG had made a decision to his own favour, particularly when President Andrew LEUNG and I belong to the same political party. It is like giving a dog a bad name in order to hang it!

These comments are extremely unfair to the President and me. Being the mover of the motion on "Expediting the promotion of smart city development", I know very well what happened on that day. On that day, a colleague from the Secretariat followed the established practice and called me at 4:29 pm. After telling me that the Council was expected to finish the debate on the Members' motion under discussion at around 5:00 pm, the colleague asked me whether I wanted my motion to be handled on that day or at the next meeting. Considering the fact that there were six Members proposing amendments to my motion, as well as the speaking time of government officials and other Members,

I anticipated that the discussion of my motion would take about five hours. Therefore, I told the Secretariat staff that I preferred the motion debate to be held at the coming meeting to avoid the debate being split into two parts.

The objective fact was that my motion was eventually handled on 5 July, starting from 9:00 am. Apart from the six Members proposing amendments, there were 23 other members speaking on the motion. The debate and voting procedures ended at 1:40 pm. The whole process took about five hours. The actual length of discussion was very close to my anticipation. Facts speak louder than words. The President of the Legislative Council, the Secretariat and I strictly followed RoP and past practices. The speculations made by non-establishment Members adopting the conspiracy theory are completely untenable.

Deputy President, another fact was that President Andrew LEUNG had not thought of postponing the handling of the motion of no confidence to the next session.

Deputy President, the current situation reminds me of a song titled "難為正邪定分界" (Hard to draw a line between justice and evil), which I like very much. One of its lines is "努力興建，盡情破壞，彼此也在捱" (building diligently, destroying recklessly, neither of us has an easy life). The fact is that while the pro-establishment camp is building diligently, the non-establishment camp is destroying recklessly. I am happy and willing to devote time and effort to fulfil my duties as a Member, as well as speaking for the engineering industry and the public. Yet, the toughest challenge is to sit in the Chamber, listening to the pointless and nonsense speeches of non-establishment Members. Sometimes, they may even launch personal attacks. The order, function and reputation of the Legislative Council have all been destroyed by the non-establishment camp recklessly.

With these remarks, Deputy President, I oppose Prof Joseph LEE's motion.

**MR JEREMY TAM** (in Cantonese): Deputy President, I support the current motion moved by Prof Joseph LEE. The reasons for giving support are so simple that I do not even have to prepare a script and can speak spontaneously. The only problem is that I can only speak for seven minutes.

To start with, how did Mr Andrew LEUNG become the President? The process did leave people with a deep impression. So, what happened at that time? His British nationality had led to a saga. When a pro-establishment member who claimed to love the country and Hong Kong loved his British passport so much that he was not willing to give it up until he had to stand for the presidential election of the Legislative Council, his loyalty to Hong Kong would naturally be in doubt. If not for the position of the President, Mr Andrew LEUNG would not have renounced his British nationality. It was the greed for the seat of the President that drove a man like him, who has little confidence in Hong Kong, to take up this post. For this reason alone, Members should not have elected him as the President. Is that right?

After the nationality saga, he has become the President of the Council. What are the words that we hear most from him? That is, the names of Members, say, "Mr Jeremy TAM, Mr Jeremy TAM, Mr Jeremy TAM". He simply has no idea what he is talking. All he knows is to shout loudly as if a loud voice would make his moves justified under the Rules of Procedure ("RoP"). He does not seem to know that there is actually a book called "Rules of Procedure". In fact, all of us have a copy of this book in our drawer and the President also has one at hand. He loves telling Members that "My ruling is final and is not subject to challenges"—the phrase "not subject to challenges" was coined by him. Another phrase is "please sit down and this is not a point of order". I do not know why he can know in advance that our points will not be points of order before they are raised. This is how "interesting" our President is. I believe his understanding of RoP is based on his personal feeling and imagination rather than the rules themselves.

Many colleagues have spoken on the scrutiny of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill held earlier. On that day, I rose to raise a point of order but he ignored me completely, saying that it was not necessary to respond to my point because, in his view, it was not a point of order. The President is simply amazing! He knew my point was not a point of order before I had said a word on it. What was more ridiculous was that he said no Member could rise without his permission. According to RoP, a Member must first rise before he/she can interrupt another person or seek elucidation from another Member. This is the rule in RoP. After the Member has risen, the President will instruct the Member speaking to stop for a while and ask the standing Member for his/her point of order. This is what we call a normal procedure. Yet, he did not follow this

procedure and claimed that no Member could rise without his permission. I really do not know why Members could accept such a President at the outset, not to mention that he was once a British citizen. Members of the pro-establishment camp, why can you accept a President like this?

On the seat of the President, there is the regional emblem of the Hong Kong Special Administrative Region. This seat is, however, taken by a British citizen. Some people may argue that he is no longer a British citizen as he had immediately cancelled his British passport, but is it that easy for a person to recognize his change in identity? I do not know why he was so keen on being the President, but according to what I said earlier about his conduct of meetings, has he acted in accordance with RoP after becoming the President? He just keeps saying that his decision is final and asks Members to follow up on their questions after meetings. As such, what is the point of holding meetings? When Members have any questions about the subject under discussion at a meeting, they will of course follow up at once, right? The situation is just like a doctor or a nurse who has found a problem during an operation. Should they just ignore the problem and handle it after the operation, leading to the death of the patient? Is this a normal approach? I do not think so.

There is another example which is even more interesting. It comes from our previous discussion of the motion on re-industrialization. This discussion remains fresh in my memory. Mr MA Fung-kwok may also be able to recall the incident. Back then, I proposed a motion amendment, the wording of which more or less suggested that the cultural industry was part of industry. This amendment had been approved by the President before the meeting. Surprisingly, he said at the meeting that the cultural industry was not an industry and my speech had hence digressed from the subject. How could he be so "interesting"? If he considered that my speech had digressed from the subject, he should not have allowed me to propose my amendment in the first place. What was the rationale of stopping me from speaking on a viewpoint stated in my amendment? He was like a referee punishing a football player for playing football with his legs. What was his logic? But it is how our President behaves. I am not sure whether he made this unfair ruling intentionally, unintentionally or unconsciously. He did not seem to care what reasons or excuses he had given as long as he could stop Members from speaking and make us sit down with our mouth shut. In future, he may even accuse Members of violating RoP by saying that our hair is black and his decision is final. Will that be acceptable?



The President does not only abuse his power but worse still, he abuses his power illogically. If he sticks to the same direction whenever he turns to, we can still roughly guess what he will do. He, however, sounds like "variable wind" now. How can we guess what he will do? Having a President like this ... I indeed consider it a bit too late for this motion of no confidence to be moved today. If possible, I would love to see Prof Joseph LEE move this motion at the first Council meeting.

The President is a man who has an attachment to his nationality, fails to preside over meetings according to RoP and act logically, has low EQ and keeps on repeating the same words again and again. He owes me a reason. Why did he ask me to stop speaking? Why did he stop me from continuing with my speech? How did I violate RoP? He must give me an explanation instead of saying repeatedly "Mr Jeremy TAM, Mr Jeremy TAM, Mr Jeremy TAM"—as if something spoken for 10 times would become truth—and "please sit down and this is not a point of order". We do not need a President like this. We need (*The buzzer sounded*) ... a sensible President with good analytical power.

**DEPUTY PRESIDENT** (in Cantonese): Mr TAM, your speaking time is up.

If no other Member wishes to speak, Prof Joseph LEE, you still have 27 seconds to reply. Then, the debate will come to a close.

**PROF JOSEPH LEE** (in Cantonese): Deputy President, Members from the pro-democracy camp are in the minority today, and we have been constantly and unreasonably deprived of our rights by an unintelligent presiding officer. As a result, this motion today can only be debated in a time slot for a motion with no legislative effect. Of course, it will inevitably be negated in the end. This is really lamentable. Thank you, Deputy President.

**DEPUTY PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Prof Joseph LEE be passed. Will those in favour please raise their hands?

(Members raised their hands)

**DEPUTY PRESIDENT** (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Gary FAN rose to claim a division.

**DEPUTY PRESIDENT** (in Cantonese): Mr Gary FAN has claimed a division. The division bell will ring for five minutes.

(When the division bell stopped ringing, some Members had yet to return to their seats)

**DEPUTY PRESIDENT** (in Cantonese): Will Members please return to their seats. Will Members please proceed to vote.

**DEPUTY PRESIDENT** (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr SHIU Ka-chun and Mr KWONG Chun-yu voted for the motion.

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Tony TSE voted against the motion.

THE DEPUTY PRESIDENT, Ms Starry LEE, did not cast any vote.

Geographical Constituencies:

Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted for the motion.

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Paul TSE, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan and Mr Vincent CHENG voted against the motion.

THE DEPUTY PRESIDENT announced that among the Members returned by functional constituencies, 29 were present, 9 were in favour of the motion and 19 against it; while among the Members returned by geographical constituencies through direct elections, 32 were present, 16 were in favour of the motion and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, she therefore declared that the motion was negated.

## **END OF SESSION**

**DEPUTY PRESIDENT** (in Cantonese): This is the last Council meeting in this session. I hope Members can recharge their batteries and put aside arguments during the recess. I look forward to seeing greater tolerance in this Council after it resumes business. I now adjourn the meeting.

*Adjourned accordingly at 8:15 pm.*