

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1530/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 24th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 1 June 2018**

**Members present :**

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

Dr Hon Elizabeth QUAT, BBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH  
Hon Tony TSE Wai-chuen, BBS

**Members absent :**

Hon Tommy CHEUNG Yu-yan, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Martin LIAO Cheung-kong, SBS, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon SHIU Ka-chun  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Clerk in attendance :**

Miss Flora TAI

Clerk to the House Committee

**Staff in attendance :**

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Alice LEUNG	Chief Council Secretary (2)6
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Mr Clement HAU	Council Secretary (2)7
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Confirmation of minutes of meeting**

**Minutes of 23rd meeting held on 25 May 2018**

*(LC Paper No. CB(2)1487/17-18)*

The minutes were confirmed.

**II. Matters arising**

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

2. The Chairman said that the Chief Secretary for Administration ("CS") had noted the concerns reiterated and questions raised by Mr KWOK Ka-ki and Mr Gary FAN at the last House Committee ("HC") meeting regarding the Administration's deployment of civil servants at the Legislative Council ("LegCo") Complex to "observe" the movements of Members. CS advised that a reply letter had been issued directly to Mr

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Gary FAN on his enquiries about the marshalling duties performed by civil servants. As regards the concerns raised by Mr Jeremy TAM over the examination of funding proposals by the Finance Committee ("FC") and its Subcommittees, CS responded that the Chief Executive ("CE") had indicated earlier that following discussions with Members from different political parties and groupings in late March this year, the Administration had re-arranged the order of the agenda items for consideration by FC and its Subcommittees having regard to Members' views and fruitful results were yielded. CS expressed again his gratitude to Members.

**III. Further business for the Council meeting of 6 June 2018**

**(a) Tabling of papers**

**Report No. 14/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments**  
(*LC Paper No. CB(2)1490/17-18*)

3. The Chairman said that the Report covered eight items of subsidiary legislation and the period for amending them would expire at the Council meeting of 6 June 2018. No Member had indicated intention to speak on any of those items of subsidiary legislation.

**(b) Questions**

(*LC Paper No. CB(3)638/17-18*)

4. The Chairman said that she had replaced her oral question.

**(c) Members' motions**

**Proposed resolution to be moved by Hon Dennis KWOK under section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Practising Certificate (Solicitors) (Amendment) Rules 2018**  
(*LC Paper No. CB(3)643/17-18*)

5. The Chairman said that the purpose of the above proposed resolution was to extend the period for amending the Rules to the Council meeting of 4 July 2018.

#### **IV. The Chief Executive's Question Time on 13 June 2018**

6. The Chairman said that the CE's Question Time would be held from 11:00 am to 11:30 am, and the regular Council meeting of 13 June 2018 would be held immediately after the CE's Question Time ended.

#### **V. Business for the Council meeting of 13 June 2018**

##### **(a) Questions**

*(LC Paper No. CB(3)639/17-18)*

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

##### **(b) Bill - First Reading and moving of Second Reading**

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

##### **(c) Government motion**

**Proposed resolution to be moved by the Secretary for Justice under section 4(5) of the Fatal Accidents Ordinance (Cap. 22)**

*(LC Paper No. CB(3)647/17-18)*

*(LC Paper No. LS62/17-18)*

9. At the invitation of the Chairman, Legal Adviser briefed Members on the report prepared by the Legal Service Division on the above proposed resolution.

10. Mr CHAN Chi-chuen considered it necessary to form a subcommittee to study the proposed resolution in detail. Members agreed. Mr CHAN Chi-chuen agreed to join the proposed subcommittee.

11. The Chairman informed Members that in line with the established practice and the arrangement agreed with the Administration, the Administration would be requested to withdraw its notice for moving the proposed resolution so as to allow sufficient time for the proposed subcommittee to carry out its scrutiny work.

**(d) Members' motions**

- (i) Motion on "Report of the Subcommittee on Issues Relating to Bazaars" to be moved by Dr Hon KWOK Ka-ki**  
*(LC Paper No. CB(3)641/17-18)*
- (ii) Motion on "Expediting the promotion of smart city development" to be moved by Ir Dr Hon LO Wai-kwok**  
*(LC Paper No. CB(3)652/17-18)*

12. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Members' motions would be Wednesday, 6 June 2018.

Report of HC on Consideration of Subsidiary Legislation

13. The Chairman invited Members to note the list tabled at the meeting (LC Paper No. CB(3)648/17-18), which contained two items of subsidiary legislation the period for amendment of which would expire at the Council meeting of 13 June 2018. She reminded Members to indicate their intention by 5:00 pm on Tuesday, 5 June 2018, should they wish to speak on any of those items of subsidiary legislation.

**VI. Reports of Bills Committees and subcommittees**

**Report of the Bills Committee on Inland Revenue (Amendment) (No. 2) Bill 2018**

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14. Mr Kenneth LEUNG, Chairman of the Bills Committee, made a verbal report on the deliberations of the Bills Committee. He said that the objective of the Bill was to amend the Inland Revenue Ordinance (Cap. 112) ("IRO") to expand the scope of profits tax deductions for capital expenditure incurred for the purchase of intellectual property rights ("IPRs") from the existing five types to eight types. The three additional IPRs were protected layout-design (topography) rights, protected plant variety rights and performer's economic rights.

15. Mr LEUNG further said that the Bills Committee had held two meetings to meet with the Administration, and had invited written submissions on the Bill. He advised that members of the Bills

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Committee were generally supportive of the Bill. The major issues discussed by the Bills Committee included: (a) the rationale for choosing the proposed three types of IPRs for inclusion in the scope of profits tax deductions and the relevant estimated amount of tax revenue to be forgone; (b) the mechanism to determine whether an alleged purchase cost of an IPR was eligible for deduction under the proposed profits tax deduction; and (c) safeguards against abuses such as over-claiming the amount of capital expenditure incurred for the purchase of IPRs for tax deductions.

16. Mr LEUNG informed Members that the Administration had explained that there was an established mechanism to guard against abuses where the claim for deduction did not represent the true market value of an IPR at the time of purchase or sale. The Inland Revenue Department ("IRD") would determine the true value of the acquisition cost of an IPR based on the arm's length principle. For transactions involving related parties, IRD would take into account relevant transfer pricing provisions, and consider whether any anti-avoidance provisions of IRO would be applicable if the case demonstrated an intent of tax avoidance or tax evasion.

17. Members noted that the Administration would propose a textual amendment to the Bill. The Bills Committee supported the amendment proposed by the Administration and would not propose any amendments to the Bill. Members further noted that the Bills Committee had no objection to the Administration's proposal to resume the Second Reading debate on the Bill at the Council meeting of 20 June 2018, and that it would submit a written report in due course.

18. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Saturday, 9 June 2018.

**VII. Position on Bills Committees and subcommittees**  
(*LC Paper No. CB(2)1488/17-18*)

19. The Chairman said that as at 31 May 2018, there were 10 Bills Committees, 15 subcommittees under HC and four subcommittees on policy issues ("policy subcommittees") under Panels in action. Nine policy subcommittees were on the waiting list.

**VIII. Servicing work for committees of Legislative Council and activation of subcommittees on policy issues on the waiting list**

*(LC Paper No. CB(2)1489/17-18)*

20. The Chairman said that the paper invited Members to note the servicing work for committees of LegCo and consider the proposed timeline for the activation of policy subcommittees on the waiting list. She referred Members to Appendices I and II to the paper for details of policy subcommittees in operation and policy subcommittees on the waiting list.

21. The Chairman further said that following the establishment of the Investigation Committee ("IC") pursuant to Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motion to censure Mr HUI Chi-fung under Article 79(7) of the Basic Law ("BL") at the Council meeting of 23 May 2018 ("the third IC established in the Sixth LegCo"), the Secretariat had conducted another review of the work progress of the committees and subcommittees in operation and its available manpower against the demand from various committees, with a view to working out a feasible timeline for the activation of policy subcommittees on the waiting list. Members were invited to consider the following proposed timeline for the activation of policy subcommittees on the waiting list as set out in paragraph 9(a) and (b) of the paper:

- (a) should the Subcommittee on Matters Relating to Railways and the Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project be permitted by HC to continue to work in the 2018-2019 session if these two subcommittees so proposed, the first policy subcommittee on the waiting list (i.e. the Subcommittee to Follow Up Issues Related to Inadequate Housing and Relevant Housing Policies) would be activated in early January 2019; and
- (b) the second to fourth policy subcommittees on the waiting list would be activated when there were three vacant slots available in around early March 2019. These three subcommittees were the Joint Subcommittee on Issues Relating to the Regulation of Devices and Development of the Beauty Industry, the Subcommittee on Issues Relating to the Development of Chinese Medicine, and the Subcommittee on Hillside Escalator Links and Elevator Systems.

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22. The Chairman invited Members' views on the above proposed timeline for activation of policy subcommittees on the waiting list.

23. The Deputy Chairman said that he had expressed concern at a previous HC meeting about the arrangements for the activation of policy subcommittees on the waiting list if an additional IC was established and whether the Secretariat had adequate manpower resources to cope with the servicing work arising from the additional IC. In his view, it was highly undesirable that the first policy subcommittee on the waiting list, which sought to follow up issues related to inadequate housing and relevant housing policies, could only be activated in early 2019. He stressed that as the issues to be studied by many policy subcommittees on the waiting list were related to people's livelihood which were of significant public importance, there was a need for these subcommittees to commence work as soon as possible. Pointing out that the workload for servicing one IC was at least twice that for one policy subcommittee, the Deputy Chairman took the view that consideration should be given to not activating the newly established IC for the time being such that resources could be redeployed to support the servicing of policy subcommittees on the waiting list. He added that alternatively, the Legislative Council Commission should discuss the need to bid for additional resources in the Resource Allocation Exercise ("RAE") to support the servicing of policy subcommittees.

24. Mr Charles MOK said that he appreciated the pressure on the manpower of the Secretariat arising from the establishment of an additional IC, given in particular that the resources required for servicing one IC were at least twice that for one policy subcommittee. Mr MOK further said that while consideration might be given to seeking additional resources from the Administration, it was highly unlikely that such resources would be made immediately available to the Secretariat. Pointing out that LegCo was already halfway through its current term, Mr MOK expressed worry that many policy subcommittees on the waiting list might not be able to conclude their work before the end of the current term of LegCo. He opined that given the existing constraint in resources, priority should be given to activating these policy subcommittees as they were tasked to study important policies and issues relating to people's livelihood.

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25. Mr CHAN Hak-kan said that while he appreciated the wish of some Members for early activation of policy subcommittees on the waiting list to study policies and issues relating to people's livelihood, it was noteworthy that ICs, which were established pursuant to BL 79(7) and RoP 49B(2A), had a constitutional duty to establish the facts stated in the censure motions moved against Members and give its views on whether or not the facts as established constituted grounds for the censure. Mr CHAN further said that as stated in paragraph 7 of the paper, it had been the practice to accord priority to the servicing of ICs over that of policy subcommittees. He therefore considered it not appropriate for policy subcommittees on the waiting list to be given priority over the newly established IC for activation of work. He suggested that the Chairman and the Deputy Chairman should raise with CS at their next meeting the need to make available more resources to the Secretariat to support the servicing of policy subcommittees.

26. Dr KWOK Ka-ki opined that as compared with the work of some ICs which might be used as a tool for political suppression, the issues to be studied by many policy subcommittees on the waiting list, such as those relating to long-term care policy and support to cancer patients, were much more meaningful to the public. Dr KWOK further said that while he agreed that the Secretariat might seek additional resources from the Administration if deemed necessary, he considered that Members should accord priority to following up on livelihood issues before additional resources were made available to the Secretariat.

27. Mr LAU Kwok-fan said that while he agreed that the issues to be studied by the policy subcommittees on the waiting list were related to people's livelihood and of public importance, he considered it more appropriate to follow the practice of according priority to the servicing of ICs over that of policy subcommittees. He, however, hoped that Members would in future consider more carefully the need for and the appropriateness of moving a censure motion, which would trigger the establishment of an IC. He also hoped that the Chairman and the Deputy Chairman would relay to CS Members' request that additional resources be made available to the Secretariat to support Members' work in respect of policy subcommittees.

28. The Chairman invited Members to note that it had been the practice to accord priority to the servicing of ICs over that of policy subcommittees, as an IC established pursuant to BL 79(7) and RoP 49B(2A) was responsible for investigating serious allegations against a

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Member which could lead to the Member being disqualified from office. It was on this basis that the Secretariat had worked out the proposed timeline for the activation of policy subcommittees on the waiting list as set out in paragraph 9 of the paper for Members' consideration. The Chairman further said that she, the President and the Deputy Chairman had, since the beginning of the current LegCo term, conveyed to the Administration a number of times Members' wish for more resources to be made available to the Secretariat, and additional resources had been allocated to the Secretariat in the last RAE to meet its operational needs. While the Secretariat would critically examine the need to bid for additional resources in the coming RAE, she hoped that Members would focus their discussion on whether priority should be accorded to the servicing of ICs or to the servicing of policy subcommittees before additional resources were available to the Secretariat.

29. Mr Alvin YEUNG sought clarification on whether the IC established in respect of the motion to censure Mr Holden CHOW ("the second IC established in the Sixth LegCo") commenced work only after the IC established in respect of the motion to censure Dr CHENG Chung-tai ("the first IC established in the Sixth LegCo") had completed its work, and whether the timing for activation of policy subcommittees on the waiting list had been affected by the commencement of work of the second IC established in the Sixth LegCo.

30. At the invitation of the Chairman, the Clerk advised that following the establishment of the second IC in the Sixth LegCo at the Council meeting of 7 June 2017, Members were invited to consider the proposed arrangements for the extension of period of work of policy subcommittees in the Sixth LegCo at the HC meeting on 7 July 2017. Pursuant to Members' decision at that HC meeting, while the maximum number of policy subcommittees that might be in operation at any one time remained unchanged at 10, only nine policy subcommittees had continued or commenced their work and the timing for activation of certain policy subcommittees had been slightly deferred.

31. In response to Mr Alvin YEUNG's further enquiry, the Clerk confirmed that the first IC established in the Sixth LegCo and the second IC established in the Sixth LegCo had been in operation concurrently for a certain period. The former had completed its work and submitted a report to the Council in April 2018, while the latter was currently in operation. Subject to Members' agreement that the third IC established in the Sixth LegCo could commence its work immediately, a paper would

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be prepared to invite Members to consider the proposed procedure for the election of Members for appointment to that IC and the proposed timing for the holding of the election.

32. Ms Alice MAK considered it more proper to follow the practice of according priority to the servicing of ICs over that of policy subcommittees, as it could ensure that no political considerations would be involved in determining the timing for activation of ICs.

33. Dr CHIANG Lai-wan commented that apart from considering seeking more resources from the Administration, the Secretariat should review whether certain work procedures could be streamlined such that its manpower resources could be used more efficiently.

34. The Deputy Chairman said that it was his understanding that the second IC established in the Sixth LegCo commenced its work at the time when the first IC established in the Sixth LegCo was close to the conclusion of its work and about to submit its report. In his view, the present situation was different in that the second IC established in the Sixth LegCo and the third IC established in the Sixth LegCo would be in operation concurrently, if the proposed timeline for activation of policy subcommittees on the waiting list as set out in the paper was agreed to by Members. He reiterated his view that it was highly undesirable for the first policy subcommittee on the waiting list, which was appointed back in November 2016 and tasked to follow up issues related to inadequate housing which were of urgent public importance, to be able to commence work only in January 2019.

35. At the invitation of the Chairman, the Clerk clarified that both the first IC established in the Sixth LegCo and the second IC established in the Sixth LegCo commenced their work immediately after they were set up. As stated in paragraph 7 of the paper, it had been the practice to accord priority to the servicing of ICs over that of policy subcommittees.

36. Mr CHEUNG Kwok-kwan queried why the Deputy Chairman would know the work progress of the first IC established in the Sixth LegCo, given that neither the Deputy Chairman nor any other Members of the pro-democracy camp were members of that IC. Mr CHEUNG further said that while he was delighted to note that Members of the pro-democracy camp attached great importance to following up on livelihood issues, he wondered why they had not done so when the second IC in the Sixth LegCo was established.

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37. The Chairman said that given Members' diverse views, she would put to vote the proposal to adopt the proposed timeline for the activation of policy subcommittees on the waiting list as set out in paragraph 9(a) and (b) of LC Paper No. CB(2)1489/17-18. The Chairman ordered a division.

38. During the ringing of the voting bell, Dr Helena WONG asked whether, and if so, how the proposed timeline for the activation of policy subcommittees on the waiting list as set out in the paper would be affected if another IC was set up before January 2019.

39. The Chairman advised that where the situation warranted, the Secretariat would work out the proposed arrangements for activation of any new IC and/or policy subcommittees on the waiting list for Members' consideration. The Chairman then ordered that the meeting proceed to vote on the proposal.

The following Members voted in favour of the proposal:

Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Mr WONG Kwok-kin, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Vincent CHENG and Mr Tony TSE.  
(30 Members)

The following Members voted against the proposal:

Mr LEUNG Yiu-chung, Prof Joseph LEE, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr CHU Hoi-dick, Ms Tanya CHAN, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin.  
(15 Members)

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The following Members abstained from voting:

Dr Helena WONG, Mr Andrew WAN, Mr LAM Cheuk-ting, Mr HUI Chi-fung, Dr CHENG Chung-tai and Mr KWONG Chun-yu.

(6 Members)

40. The Chairman declared that 30 Members voted for and 15 Members voted against the proposal, and six Members abstained from voting. The Chairman declared that the proposal was supported.

**IX. Request of Hon Jeremy TAM to seek the House Committee's recommendation for the holding of an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure at the Council meeting of 13 June 2018 on issues relating to violation of security requirements of the Hong Kong International Airport by individual public officers (LC Paper No. CB(2)1492/17-18(01))**

41. At the invitation of the Chairman, Mr Jeremy TAM said that while Mr MA Fung-kwok was recently reported to have exerted pressure on the security staff at the Hong Kong International Airport ("HKIA") to let him carry his hair gel, which was placed in a tube the capacity of which exceeded the limit of 100 millilitres, on board the flight, he had not mentioned Mr MA in his proposal because it was his intention for the proposed adjournment debate to focus on the issue of violation of security requirements of HKIA by individual public officers, and not on finding faults with Mr MA. It was unfortunate that the said incident involving Mr MA ("the incident in question") had led to the airport security staff member concerned being subject to a disciplinary investigation. Pointing out that Mr LEUNG Chun-ying, former CE, and his family members had also been alleged to have contravened airport security checks requirements, Mr TAM stressed the importance of the rule of law, adding that public officers, including LegCo Members, should not abuse their positions to bypass rules and regulations.

42. At the invitation of the Chairman, Mr MA Fung-kwok said that the incident in question arose from a misunderstanding on his part of the security requirements applicable to cabin baggage laid down by the International Civil Aviation Organization. He thought that the 100-millilitre limit applied to the amount of liquid instead of the capacity of the container being carried on board. He had issued a statement and made an open apology immediately after realizing that he had

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misunderstood the relevant requirements. Mr MA further said that while he also considered it inappropriate for him to have mentioned his capacity as a LegCo Member and the name of the Chief Executive Officer of the Airport Authority Hong Kong ("AAHK") in his conversations with the security staff member concerned, he had not asked for any special treatment. He would like to apologize again to the security staff member concerned and to the public for having misunderstood the relevant security requirements and made inappropriate references during the incident in question.

43. Mr Gary FAN considered it unacceptable for individual public officers to seek special treatment by exerting pressure on airport security staff. In his view, the incident in question was of the same nature as the alleged contravention of airport security checks requirements by the then CE Mr LEUNG Chun-ying and his family members in March 2016. Referring to the statement issued by the Hong Kong Cabin Crew Federation on the incident in question, Mr FAN considered that Mr MA Fung-kwok had abused his position, undermined the public confidence in aviation safety, and also tarnished the reputation of LegCo, and therefore, it was necessary to hold an adjournment debate on the relevant issues.

44. Mr Kenneth LEUNG said that all air passengers should abide by aviation safety regulations, irrespective of their social status or positions. He recalled that there was an incident involving a senior executive of the Korean Air who, when on board a plane leaving New York as a passenger, was dissatisfied with the way nuts were served and required the plane to taxi back to the airport's gate. Subsequently, the executive apologized publicly and resigned from the company. Eventually, in 2015, the executive was sentenced to imprisonment, suspended for two years. Given the importance to ensure that no one could override aviation safety regulations, Mr LEUNG considered it a serious matter for individual public officers to have violated airport security requirements.

45. Mr IP Kin-yuen considered it unacceptable for Mr MA Fung-kwok to have allegedly abused his position. While Mr MA had apologized for the incident in question, Mr IP wondered whether Mr MA had apologized directly to the security staff member concerned and told AAHK that he was willing to be held accountable for the incident in question. Besides, Mr IP was concerned whether Mr MA would consider compensating the security staff member concerned, in the event that the staff member lost his/her job or received disciplinary punishment. He hoped that Mr MA would respond to the above questions.

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46. Ms Claudia MO said that she was worried that the recent cases of violating security requirements of HKIA by individual public officers, including those involving the then CE Mr LEUNG Chun-ying and Mr MA Fung-kwok, were signs that Hong Kong was becoming increasingly "Mainlandized". Expressing concern about the security staff member concerned, she hoped that Mr MA would offer help to that staff member who had to face disciplinary procedures as a result of making concession to him.

47. Mr LAM Cheuk-ting considered it of the utmost importance to safeguard the rule of law, and therefore, it was unacceptable for Mr MA Fung-kwok to have violated the airport security requirements. Mr LAM said that even though Mr MA had claimed that he did not attempt to seek any special treatment from the airport security staff, he did mention his position as a LegCo Member and the name of the Chief Executive Officer of AAHK during the incident in question, and concession was made to him after higher-ranking security staff were called in separately to deal with the matter. Mr LAM therefore considered that Mr MA had indeed been given a special treatment, and he urged all Members to conduct themselves in a more prudent manner.

48. Dr CHIANG Lai-wan said that she did not support Mr Jeremy TAM's proposal. In her view, an adjournment motion should only be moved for the purpose of debating an issue of urgent and important nature, and therefore, the relevant mechanism should not be invoked in such a casual manner. She added that in the past, some incidents involving individual Members of the opposition camp had also aroused public concern, but Members of the pro-establishment camp had not proposed the holding of adjournment debates on those incidents, such as Mr Andrew WAN being found driving a vehicle with an expired vehicle licence, and Mr Alvin YEUNG going to the United States ("US") for bad-mouthing Hong Kong.

49. Mr Tony TSE said that public officers should be mindful of their behaviour and conduct to avoid causing unnecessary misunderstanding that they were attempting to abuse their positions and powers. In Mr TSE's view, the incident in question was unfortunate, as it was caused by Mr MA Fung-kwok's misunderstanding of the relevant security requirements in respect of the carriage of liquids, gels and aerosols in cabin baggage. Mr TSE noted that Mr MA had already made an open apology. He believed that Mr MA had truly thought then he had not violated the relevant security requirements, and had no intention to abuse

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his position as a LegCo Member. Mr TSE therefore considered it not necessary to hold the proposed adjournment debate.

50. Mr SHIU Ka-fai said that he observed that many members of the public did not understand the restrictions on the amount of liquids passengers could take in their cabin baggage, and were not sure whether the 100-millilitre limit should apply to the capacity of the container being carried on board or the amount of liquid inside the container. Mr SHIU further said that as Mr MA Fung-kwok did not fully understand the relevant security requirements, he considered it reasonable for Mr MA to seek clarifications from airport security staff. He also considered it unnecessary for Mr MA to conceal his capacity as a LegCo Member.

51. The Deputy Chairman said that the incident in question was a matter concerning the character of a person and the manner in which the person dealt with matters and people. He considered it unreasonable for the Member involved in the incident in question to have mentioned his capacity as a LegCo Member and demanded to meet with higher-ranking staff. He hoped that the Member concerned would reflect on how and why the incident in question had happened.

52. Ms Tanya CHAN said that while Mr MA Fung-kwok had apologized for the incident in question, she was concerned that Mr MA's claim that he had not asked for any special treatment was in a way like shifting the blame to the security staff member concerned. She considered his claim irresponsible, as what he had said might influence the ongoing disciplinary investigation and affect the job of the security staff member concerned.

53. Mr Alvin YEUNG pointed out that the security requirements implemented at HKIA were applicable to all air passengers regardless of their occupations, whether he/she was a LegCo Member or CE. He stressed that air passengers should observe such security requirements and should comply with the reasonable requests made by the airport security staff with reference to the relevant security requirements. Referring to Dr CHIANG Lai-wan's earlier remarks, Mr YEUNG said that his trip to US in May 2018 was to meet with US officials to talk about the possible impact of the recent China-US trade war on Hong Kong and the implementation of "one country, two systems" in Hong Kong.

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54. Mr Holden CHOW said that Mr MA Fung-kwok had already apologized for the incident in question. Mr CHOW further said that as the relevant department/AAHK was following up the incident in question, he considered it a waste of the time and resources of LegCo to hold the proposed adjournment debate.

55. Responding to the earlier remarks of Ms Tanya CHAN, Mr Paul TSE said that it was not appropriate for Members to openly discuss the incident in question at the proposed adjournment debate because comments or conjectures about the incident in question might affect the investigation that was being carried out by the relevant department/AAHK to establish the facts. In Mr TSE's view, a motion for the adjournment of the Council pursuant to RoP 16(4) should only be moved for discussion on issues with urgency and concerning public interest and the Rule should not be abused by Members. Mr TSE added that he wondered why Members of the opposition camp had not raised any concern about the personal safety of the security staff of LegCo who had been pressurized by some Members of their camp when they were discharging their duties at the LegCo Complex.

56. Mr LAU Kwok-fan said that as Mr MA Fung-kwok had made an apology after realizing that he had misunderstood the relevant security requirements applicable to cabin baggage, he considered it not necessary to hold the proposed adjournment debate. Responding to Mr Gary FAN who commented earlier that Mr MA Fung-kwok had abused his position in the incident in question, Mr LAU pointed out that Members of the pro-democracy camp should be mindful that there were numerous occasions in which some Members of their camp were also alleged to have abused their position as LegCo Members.

57. Mr WONG Kwok-kin said that although he would not regard Mr MA Fung-kwok having conducted himself in an appropriate manner in the incident in question, he did not see the need to hold the proposed adjournment debate as there were many other important matters awaiting to be dealt with at the Council. Mr WONG commented that Members who supported the proposed adjournment debate were only trying to make use of the incident in question for political gain.

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58. Mr AU Nok-hin commented that Members of the pro-establishment camp only knew how to criticize others but would never reflect on themselves, and that they were adopting a double standard in considering proposals for the holding of an adjournment debate in Council. Responding to the earlier remarks made by Dr CHIANG Lai-wan, Mr AU said that Members of the pro-establishment camp had also supported proposals which, in his view, had no urgency, such as the holding of an adjournment debate on issues relating to the remarks about Hong Kong that Mr Benny TAI Yiu-ting had made at a forum held in Taiwan in March 2018.

59. Mr CHAN Chi-chuen considered that the proposed adjournment debate was not focused solely on the incident in question as Members were also concerned whether or not similar incidents had happened at HKIA which might have impacted on aviation safety. Regarding the security staff member concerned who had allowed Mr MA Fung-kwok to carry his hair gel on board the flight, Mr CHAN was worried whether the security staff member concerned would have to face any disciplinary actions or legal consequences as a result of his breach of the relevant airport security procedures. He added that Mr MA should also have the same worry about the security staff member concerned.

60. Responding to the question raised by some Members as to whether he had apologized directly to the security staff member concerned, Mr MA Fung-kwok said that he felt very uncomfortable upon learning that the security staff member concerned would be subject to a disciplinary investigation. He had written to AAHK to explain the incident in question and point out that he did not consider that the security staff member concerned was at fault. He had also requested AAHK to convey his apology to the security staff member concerned and had expressed his hope that no punishment would be imposed on that staff member.

61. Mr Jeremy TAM said that it was clear that the security staff member concerned had breached the relevant guidelines and the Civil Aviation Department had requested AAHK to submit a report on the incident in question. Pointing out that the incident in question might cause the security staff member concerned to lose his job, Mr TAM stressed that Members should be mindful that their behaviour could have serious consequences for others and they should refrain from abusing their position. He considered it necessary to hold the proposed adjournment debate in order to raise the awareness of the importance of

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safeguarding Hong Kong's aviation safety and ensuring that the frontline staff of the aviation industry would not be subject to unnecessary pressure in discharging their duties. Mr TAM added that the holding of the proposed adjournment debate, if supported by Members and permitted by the President, would not affect the conduct of other Council business as it would be held at the conclusion of all the business on the Agenda of the Council.

62. The Chairman put to vote the proposal of Mr Jeremy TAM to move a motion for adjournment of the Council, in addition to two Members' motions without legislative effect, pursuant to RoP 16(4) at the Council meeting of 13 June 2018 for the purpose of conducting a debate on issues relating to violation of security requirements of HKIA by individual public officers. The Chairman ordered a division.

The following Members voted in favour of the proposal:

Mr LEUNG Yiu-chung, Prof Joseph LEE, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Helena WONG, Mr IP Kin-yuen, 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 KWONG Chun-yu, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin.  
(21 Members)

The following Members voted against the proposal:

Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Mr WONG Kwok-kin, Mr Paul TSE, Mr Michael TIEN, Mr Steven HO, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr POON Siu-ping, Dr CHIANG Lai-wan, Mr Dr LO Wai-kwok, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Vincent CHENG and Mr Tony TSE.  
(28 Members)

The following Member abstained from voting:

Dr Pierre CHAN  
(1 Member)

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63. The Chairman declared that 21 Members voted for and 28 Members voted against the proposal, and one Member abstained from voting. The Chairman declared that the proposal was not supported.

**X. Any other business**

64. There being no other business, the meeting ended at 3:43 pm.

Council Business Division 2  
Legislative Council Secretariat  
7 June 2018