

立法會
Legislative Council

LC Paper No. CB(2)86/20-21

Ref : CB2/H/5/20

House Committee of the Legislative Council

**Minutes of the 2nd meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 23 October 2020**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon MA Fung-kwok, GBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon 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 Charles Peter MOK, JP
Hon CHAN Han-pan, BBS, 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 Dennis KWOK Wing-hang

Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, GBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon Jimmy NG Wing-ka, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai, JP
Hon SHIU Ka-chun
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan, JP
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Vincent CHENG Wing-shun, MH, JP
Hon Tony TSE Wai-chuen, BBS, JP

Member absent :

Dr Hon Fernando CHEUNG Chiu-hung

Clerk in attendance :

Miss Flora TAI

Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Ms Clara TAM	Acting Senior Assistant Legal Adviser 2
Mr Bonny LOO	Senior Assistant Legal Adviser 3
Ms Alice LEUNG	Chief Council Secretary (2)6
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Mark LAM	Assistant Legal Adviser 7
Miss Connie AU	Senior Council Secretary (2)6
Mr Richard WONG	Senior Council Secretary (2)8
Miss Michelle TANG	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

Action

I. Confirmation of minutes of meeting

Minutes of 1st meeting held on 16 October 2020

(LC Paper No. CB(2)48/20-21)

The minutes were confirmed.

II. Matters arising

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

2. The Chairman said that she and the Deputy Chairman had conveyed to the Chief Secretary for Administration ("CS") a number of issues raised at the last House Committee ("HC") meeting held on 16 October 2020. Regarding the Administration's delay in providing the Legislative Council ("LegCo") Brief(s) on 18 items of subsidiary legislation made under the Prevention and Control of Disease Ordinance (Cap. 599), the Chairman said that she had informed CS that Members had strongly requested the Administration to provide a written

Action

explanation on the matter and had called on the Administration to provide the LegCo Brief(s) concerned before the relevant subcommittee began scrutinizing the subsidiary legislation concerned at its meeting. Besides, she had reiterated to CS that in the future, the Administration should provide Members with the LegCo Brief(s) on the subsidiary legislation that had been submitted for LegCo's scrutiny as early as possible. CS had indicated that he had urged the relevant policy bureau to issue the LegCo Brief(s) concerned as soon as possible.

3. The Chairman further said that she had informed CS that Members had agreed to form two new Bills Committees to scrutinize the Waste Disposal (Charging and Municipal Solid Waste) (Amendment) Bill 2018 and the Smoking (Public Health) (Amendment) Bill 2019 respectively. She had pointed out to CS that the Administration should explain to and communicate with Members and stakeholders well in respect of these two Bills, so that the legislative processes of these two Bills could proceed smoothly.

Withdrawal of the Rating (Amendment) Bill 2019 and the Franchised Taxi Services Bill

4. Regarding the Rating (Amendment) Bill 2019 and the Franchised Taxi Services Bill, the Chairman said that CS had indicated to her that taking into account the latest economic situation, the earlier views made by the relevant Bills Committees and the views of the community, the Administration had decided to withdraw these two Bills.

5. Mr LUK Chung-hung said that Members belonging to the Hong Kong Federation of Trade Unions expressed deep regrets and disappointment about the Administration's withdrawal of the Rating (Amendment) Bill 2019, which sought to introduce Special Rates on vacant first-hand private residential units. He also expressed concern about how the Administration could expedite the supply of the unsold first-hand private residential units in completed projects in the market after the withdrawal of the Rating (Amendment) Bill 2019.

6. Mr Abraham SHEK expressed support for the Administration's withdrawal of the Rating (Amendment) Bill 2019 in view of the recent economic downturn. He was of the view that the Administration should increase housing supply to meet the public demand, especially the supply of public housing units and Home Ownership Scheme flats.

Action

7. Mr Kenneth LEUNG expressed strong dissatisfaction with the Administration's withdrawal of the Rating (Amendment) Bill 2019 and the Franchised Taxi Services Bill. Regarding the Rating (Amendment) Bill 2019, he said that while it might not be an opportune time to introduce Special Rates on vacant first-hand private residential units having regard to the latest economic situation, LegCo could pass the Bill first and the enacted Ordinance could commence on a later date to be specified by the Administration by way of subsidiary legislation. Mr LEUNG further said that the Franchised Taxi Services Bill sought to introduce franchised taxis as a new alternative to ordinary taxi services. He hoped that the Administration could provide justifications on the withdrawal of the Franchised Taxi Services Bill.

"Hong Kong Health Code" system and the clearance arrangements for cross-boundary travel

8. Mr CHAN Han-pan, Mr Holden CHOW, Ms Elizabeth QUAT, Mr SHIU Ka-fai, Dr Priscilla LEUNG, Ms Alice MAK, Mr LAU Kwok-fan and Mr WONG Ting-kwong expressed concern over the progress on the implementation of the "Hong Kong Health Code" system. These Members hoped that the Administration could launch the "Hong Kong Health Code" system as soon as possible, with a view to addressing the various needs of Hong Kong residents to travel between Hong Kong and the Mainland. Mr CHAN, Dr Priscilla LEUNG, Ms MAK and Mr LEUNG Che-cheung shared the view that if the "Hong Kong Health Code" system could not be implemented shortly, the Administration could consider exempting Hong Kong residents who returned from the Mainland and Macao from the 14-day quarantine requirement.

9. Mr SHIU Ka-fai considered that given the epidemic situation in the Mainland being under control, the Administration could consider allowing Mainland residents to travel between the Mainland and Hong Kong, with a view to boosting the economic recovery of Hong Kong. Mr WONG Ting-kwong called on the Administration to expedite its discussions with the Mainland authorities on the implementation of the "Hong Kong Health Code" system, so as to facilitate the cross boundary travel of those businessmen in the import and export trade sector.

10. Mr YIU Si-wing and Mr LEUNG Che-cheung referred to media reports which indicated that the clearance arrangements for cross boundary travel between Hong Kong and the Mainland would resume in mid-November this year, but the number of persons allowed for clearance

Action

would be set at 5 000 per week. Mr LEUNG considered the quota insufficient to address the high demand of Hong Kong residents travelling between Hong Kong and the Mainland. Mr YIU hoped that the Administration could provide the public with the latest position on the clearance arrangements for cross boundary travel between the Mainland, Hong Kong and Macao.

Viral tests and community surveillance for coronavirus disease 2019

11. Ms Alice MAK said that Hong Kong residents entering Guangdong or Macao were required to present a valid proof of a negative coronavirus disease 2019 ("COVID-19") nucleic acid test result issued by one of the testing institutions recognized by the Government of the Hong Kong Special Administrative Region ("HKSAR"). Expressing concern that such negative test results would only be valid for a short period of time, Ms MAK enquired if the Administration could liaise with the testing institutions on shortening the time required for the provision of test results. Mr YIU Si-wing expressed a similar concern as the provision of quick test results might help tour guides and tour escorts better schedule their work.

12. Mr LAU Kwok-fan expressed concern that the next wave of the epidemic might soon arrive and he considered it necessary for the Administration to introduce a mandatory community surveillance for COVID-19 to combat the epidemic. Mr Michael TIEN expressed concern that the Administration had recently set up a Holding Centre for Test Result at the Rambler Garden Hotel, Tsing Yi, which was in close proximity to a private housing estate. He considered that such kind of Holding Centre for Test Result should be located far away from the residential community.

The Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities

13. Mr Holden CHOW, Ms Elizabeth QUAT, Ms Alice MAK, Dr Priscilla LEUNG and Mr Michael TIEN expressed concern that according to media reports, the Administration planned to shelve its proposal to extend the coverage of the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities ("the Transport Fare Concession Scheme") to include elderly persons aged between 60 and 64. These Members pointed out that the implementation of the proposal to extend the coverage of the Transport

Action

Fare Concession Scheme to include elderly persons aged between 60 and 64 had been confirmed by the Chief Executive ("CE") and other government officials time and again. They urged the Administration to clarify its position as soon as possible. Dr LEUNG added that it would be a political disaster if the Administration decided to withdraw the proposal. Mr TIEN said that the proposed extension of the coverage of the Transport Fare Concession Scheme could encourage elderly persons aged between 60 and 64 to serve the community by participating in more voluntary work. He queried why there were views that the proposed extension was not economically beneficial.

14. Mr WU Chi-wai said that measures including the proposed extension of the coverage of the Transport Fare Concession Scheme and the proposed establishment of an unemployment assistance scheme were supported by Members belonging to various political parties and groupings. If the Administration did not take forward these measures, it would be difficult for the Administration to mend the relationship between the Executive Authorities and the Legislature.

Other issues

15. Mr YIU Si-wing said that the Administration had announced the establishment of a bilateral Air Travel Bubble between Hong Kong and Singapore. He hoped that the Administration could provide a timetable on and specific arrangements for the establishment of the Air Travel Bubble. Mr CHAN Han-pan said that various government sports facilities had been re-opened for public use except government campsites. As the camping season had started, he hoped that the Administration could consider re-opening government campsites for public use when reviewing the latest anti-epidemic measures.

16. Dr Helena WONG expressed the view that CE's sudden announcement to postpone the delivery of the 2020 Policy Address had upset the scheduling of LegCo business. She requested the Administration to provide a specific date for the delivery of the 2020 Policy Address. As there were media reports that CE would no longer attend Council meetings to answer questions from Members, she also requested the Administration to state clearly whether CE would attend CE's Question and Answer Session and CE's Question Time. Mr LAM Cheuk-ting referred to the speech delivered by President XI Jinping at the celebration of the 40th anniversary of the establishment of the Shenzhen Special Economic Zone and said that while President XI had said that

Action

Shenzhen was a "core engine" in the Greater Bay Area, CE had later said that she hoped that Hong Kong and Shenzhen could become "dual engines" for growth in the Greater Bay Area. Mr LAM requested CE to clarify whether it was President XI's view or just her own view that Hong Kong was the second engine in the Greater Bay Area.

17. Mr Jeremy TAM expressed concern over the recent large scale lay-off exercise conducted by Cathay Pacific Airways Limited. He requested the Administration to explain what follow-up actions it would take in order to minimize the adverse impact on Hong Kong's economy, and to ensure that the affected staff would receive reasonable compensation and treatment from the employer.

18. The Chairman said that Members' various views and concerns expressed at this meeting would be relayed to CS. With a view to enhancing the interaction between the Executive Authorities and the Legislature, she called on the Administration to follow up with Members on the relevant issues as soon as possible. The Chairman further said that Members should follow up the issues that they had raised at the relevant Panels if necessary and she also hoped that the Administration could give briefings on the issues that were of public concern to the relevant Panels as early as possible.

(b) Letter from the Secretary for Transport and Housing regarding the withdrawal of the Rating (Amendment) Bill 2019 and the Franchised Taxi Services Bill in accordance with Rule 64(2) of the Rules of Procedure
(Paragraphs 50 and 61 of the minutes of 1st meeting held on 16 October 2020)
(LC Paper No. CB(2)55/20-21(01))

19. The Chairman informed Members that she had received a letter from the Secretary for Transport and Housing ("STH") regarding the withdrawal of these two Bills. In his letter, STH had advised that after balancing the considerations of various parties, the Government had decided to withdraw these two Bills. Members noted that the Administration planned to resume the Second Reading debate on these two Bills at the Council meeting of 11 November 2020 for the purpose of making an announcement of the withdrawal of these two Bills in accordance with Rule 64(2) of the Rules of Procedure ("RoP").

III. Business arising from previous Council meetings

(a) Legal Service Division report on subsidiary legislation gazetted on 16 October 2020

(LC Paper No. LS3/20-21)

20. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on three items of subsidiary legislation (i.e. L.N. 206 to L.N. 208) which were gazetted on 16 October 2020 and tabled in Council on 21 October 2020. LA said that LSD had issued a letter to the Administration seeking certain clarification regarding L.N. 206 and would report further, if necessary.

21. Mr WU Chi-wai considered it necessary to form a subcommittee to study the Census and Statistics (2021 Population Census) Order (L.N. 206) in detail. Members agreed. Mr WU Chi-wai agreed to join the proposed subcommittee.

22. Dr Priscilla LEUNG considered it necessary to form a subcommittee to study the Registration of Determinations and Orders of Public Interest Entities Auditors Review Tribunal Rules (L.N. 207) and the Registration of Orders of Insurance Appeals Tribunal Rules (L.N. 208) in detail. Members agreed. Dr Priscilla LEUNG, Mr WU Chi-wai and Mr Kenneth LEUNG agreed to join the subcommittee.

(b) Legal Service Division report on subsidiary legislation gazetted on 20 October 2020

(LC Paper No. LS4/20-21)

23. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 12) Regulation 2020 (L.N. 209) which was gazetted on 20 October 2020 and tabled in Council on 21 October 2020.

24. At the suggestion of the Chairman, Members agreed that L.N. 209 should be studied by the Subcommittee on Subsidiary Legislation Relating to the Prevention and Control of Disease which had been formed at the last HC meeting.

Action

25. The Chairman reminded Members that the deadline for amending the above four items of subsidiary legislation would be the Council meeting of 18 November 2020, or that of 9 December 2020 if extended by a resolution of the Council.

IV. Business for the Council meeting of 4 November 2020

(a) Questions

(LC Paper No. CB(3)40/20-21)

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

27. Referring to LC paper No. CB(3)40/20-21 issued to Members on 21 October 2020, Mrs Regina IP expressed concern about the question intended to be raised by Mr Andrew WAN at the meeting on issues relating to the arrest of Mr TAM Tak-chi. She was of the view that the question concerned was out of order according to RoP 25(1)(g) and (h), which provided that a question should not be so drafted as to be likely to prejudice a case pending in a court of law, and a question should also not be asked for the purpose of obtaining the solution of an abstract legal question.

28. At the invitation of the Chairman, Assistant Secretary General 3 explained that it was the practice that Members' draft questions would be provided to HC Members for advance information before expiry of the notice period and approval by the President. The questions issued to Members on 21 October 2020 were Members' draft questions for the Council meeting of 4 November 2020. Members could modify their questions or even submit a new question before the notice period expired. She further said that Mr Andrew WAN had already replaced his question with another one. Once Members had finalized their questions, the President's approval would be sought for placing the questions on the Agenda of the Council.

(b) Government Bill - First Reading and Second Reading (debate to be adjourned)

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

Action

(c) **Government Motion**

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

(d) **Members' Motions**

Motion to be moved by Dr Hon KWOK Ka-ki under Article 73(5) and (10) of the Basic Law to summon public officers to produce papers and testify
(*LC Paper No. CB(3)47/20-21*)

31. The Chairman said that the above motion would be dealt with at the meeting. Besides, Members' motions which had stood over from previous Council meetings would also be dealt with at the meeting.

V. Position on Bills Committees and subcommittees
(*LC Paper No. CB(2)49/20-21*)

32. The Chairman said that as at 22 October 2020, there were two Bills Committees, 20 subcommittees under HC and one subcommittee on policy issues under a Panel in action. Two subcommittees on policy issues were on the waiting list.

VI. Vacancy in the Public Accounts Committee
(*LC Paper No. PAC 2/20-21*)

33. At the invitation of the Chairman, Mr Abraham SHEK, Chairman of the Public Accounts Committee ("PAC"), said that as Ms Tanya CHAN had ceased to hold office as a Member of LegCo since 1 October 2020, there was a need to elect a Member to fill the resulting vacancy PAC. It was recommended that an election be held at the HC meeting on 30 October 2020 in accordance with the established nomination and election procedure. Mr SHEK further said that HC's recommendation in regard to the member elected would then be submitted to the President for appointment.

34. Members agreed that the election of a Member to fill the vacancy in PAC be held at the HC meeting on 30 October 2020.

VII. Request of Dr Hon KWOK Ka-ki 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 28 October 2020 on issues relating to the arrest of 12 Hong Kong people by the law-enforcement departments of the Mainland
(*LC Paper No. CB(2)55/20-21(02)*)

35. Before inviting Dr KWOK Ka-ki to explain his proposal to seek HC's recommendation for the holding of an adjournment debate pursuant to RoP 16(4) at the Council meeting of 28 October 2020, the Chairman reminded Members that a motion for adjournment under RoP 16(4) might be moved at the conclusion of all the business on the Agenda of the Council for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer. As stipulated in rule 13(a) of the House Rules ("HR"), the holding of an adjournment debate pursuant to RoP 16(4) in addition to not less than two motion debates initiated by Members might be allowed by the President under special circumstances upon the recommendation of HC.

36. At the invitation of the Chairman, Dr KWOK Ka-ki said that on 23 August this year, 12 Hong Kong people had been arrested by the Mainland law-enforcement agencies in Mainland waters ("the Arrest"). As some media reports had alleged that the Government Flying Services ("GFS") had deployed a fixed-wing aircraft ("the GFS aircraft") on the morning of 23 August to execute a covert surveillance operation for about seven hours in the area concerned, Dr KWOK was concerned if the Administration had colluded with the Mainland authorities in the Arrest. He was also concerned that the rights of these 12 Hong Kong people currently under detention on the Mainland, including their rights to appoint legal representatives and to contact their own family members, were not adequately protected. Dr KWOK hoped that Members would support his proposal on the holding of an adjournment debate pursuant to RoP 16(4) at the Council meeting of 28 October 2020 with a view to eliciting a response from the Administration on issues pertaining to the Arrest and how the HKSAR Government could ensure that the 12 Hong Kong people would be treated by the Mainland authorities in a fair and equitable manner.

37. Mr LAM Cheuk-ting and Mr HUI Chi-fung expressed support for Dr KWOK Ka-ki's proposal. They also doubted if the Police and GFS had tracked the movement of the 12 Hong Kong people and had colluded with the Mainland authorities in the Arrest as it was reported that the

Action

flight path of the GFS aircraft was found to be similar to the navigation route of the speedboat on which the 12 Hong Kong people had boarded on that day. Mr LAM, Mr HUI and Ms Claudia MO considered that these issues were of public concern and the proposed adjournment debate would provide an opportunity for the Administration to clarify doubts surrounding the Arrest. Knowing that neither the family members nor the Mainland lawyers engaged by the families of these 12 Hong Kong people on their behalf were granted the opportunity to visit the 12 Hong Kong people being detained on the Mainland, Mr LAM, Mr HUI and Ms MO were concerned whether or not their human rights and personal safety could be safeguarded. Ms MO considered that the Mainland authorities should allow the 12 Hong Kong people to return to Hong Kong.

38. Mr Martin LIAO said that he objected to Dr KWOK Ka-ki's proposal. He was of the view that there was no proof that GFS and the Police were conducting surveillance on the 12 absconders on 23 August this year. That apart, the 12 absconders should be held responsible for their own unlawful actions. Expressing a similar view, Mr WONG Ting-kwong said that if the 12 Hong Kong people who were released on bail pending trial in Hong Kong had not chosen to flee Hong Kong, they would not have been caught in the Mainland waters.

39. Dr Helena WONG expressed support for Dr KWOK Ka-ki's proposal. She stressed that under the common law, any person, including the 12 Hong Kong people, should be presumed innocent unless proven guilty. Dr WONG questioned why the Police had not intercepted the speedboat carrying the 12 Hong Kong people while it was in Hong Kong waters. She considered it necessary for the Administration to clarify in public whether or not the Police had colluded with the Mainland authorities in the Arrest. Mr WU Chi-wai considered it incumbent upon the HKSAR Government to offer assistance to Hong Kong residents who were arrested outside Hong Kong for suspected offences. He criticized CE, CS and the relevant government officials for their refusal to meet the family members of the 12 Hong Kong people, and considered that to be in stark contrast to the manner in which these government officials had handled the Taiwan homicide case last year.

40. Mr Jeremy TAM also questioned if GFS and the Police had consciously let the 12 Hong Kong people flee Hong Kong without taking the appropriate enforcement actions. Mr Alvin YEUNG said that the proposed adjournment debate would provide an opportunity for the

Action

Administration to clarify the matter to the public. Mr TAM and Mr YEUNG said that if Members of the "royalist" camp really had zero tolerance for crimes, the Chairman and Mr Holden CHOW should have followed up more closely the case concerning CHAN Tong-kai, suspect of the Taiwan homicide case who had been released from prison for about a year already.

41. Ms Elizabeth QUAT and Mr Holden CHOW said that they objected to Dr KWOK Ka-ki's proposal. In their view, Dr KWOK Ka-ki was aiming to attack the HKSAR Government and the Police through the proposed adjournment debate. They said that the 12 Hong Kong people were absconders and were suspected of having committed a number of serious crimes in Hong Kong including riot and the making of explosives etc. Mr CHOW stressed that it was not appropriate for the HKSAR Government to interfere with the law-enforcement actions of the Mainland. He also expressed strong disagreement with the remarks made by some other Members about him on the case concerning CHAN Tong-kai.

42. Dr Priscilla LEUNG said that the 12 Hong Kong people were absconders and should be held responsible for the offence of fleeing Hong Kong. The offences committed by these 12 Hong Kong people on the Mainland in respect of illegal crossing of boundary of the Mainland would be dealt with in accordance with the law of the Mainland. Mr WONG Kwok-kin considered that issues relating to the Arrest were not worth discussing at all. Dr LEUNG and Mr WONG shared the view that should LegCo have passed the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Amendment Bill") last year, these 12 Hong Kong people could have benefited from the mutual legal assistance arrangements provided under the Amendment Bill. Mr WONG added that Members of the opposition camp should consider requesting the Administration to introduce the Amendment Bill to LegCo again should they wish to help the 12 Hong Kong people to return to Hong Kong.

43. Mr Paul TSE and Mr Steven HO pointed out that these 12 Hong Kong people had jumped bail in violation of the law. As the adjournment debate held in accordance with RoP 16(4) would be conducted only at the conclusion of all the business on the Agenda of the Council, Mr TSE and Mr HO considered that such a debate in practice could hardly be held given the large amount of business stood over from previous Council meetings. Mr HO said that the 12 Hong Kong people

Action

were arrested in Mainland waters because they had illegally crossed the boundary, it was highly irresponsible of Members to attempt to mislead the public into believing that GFS and the Police were acting in concert with the Mainland authorities in the Arrest. To facilitate Members' consideration of Dr KWOK Ka-ki's proposal, Mr Paul TSE hoped to seek LA's advice on the proposed adjournment debate at the Council meeting of 28 October 2020 as it was highly improbable that all the business on the Agenda of that meeting could be finished.

44. At the invitation of the Chairman, LA said that Dr KWOK Ka-ki's proposal was included in the agenda of this meeting with the concurrence of the Chairman and in accordance with HR. It was stipulated in HR 13(a) that the holding of an adjournment debate pursuant to RoP 16(4) in addition to not less than two motion debates initiated by Members might be allowed by the President under special circumstances upon the recommendation of HC. In this regard, it was for HC to decide whether or not the recommendation should be given taking into account factors that Members thought fit, including whether the item on the proposed adjournment debate would likely be reached at the conclusion of the Council meeting concerned.

45. Mr SHIU Ka-fai and Dr Junius HO considered that the 12 Hong Kong people should be held responsible for the offences that they had committed, and after the offences that they had committed on the Mainland were dealt with in accordance with the laws of the Mainland, they should return to Hong Kong to face the legal responsibility of the offences that they had committed in Hong Kong. Dr HO said that if Dr KWOK Ka-ki wished the Mainland authorities to return the 12 Hong Kong people, Dr KWOK should travel to the Mainland to lodge such a request in person.

46. Expressing objection to Dr KWOK Ka-ki's proposal, Mrs Regina IP said that in her view, the opposition camp should be held responsible for the current situation. Ir Dr LO Wai-kwok also stressed that as the 12 Hong Kong people had been arrested in Mainland waters, any request for their release should be directed to the Mainland authorities concerned. As regards the case concerning CHAN Tong-kai, both Mrs IP and Ir Dr LO criticized Taiwan for refusing to grant an entry permit to him despite the fact that he was willing to surrender himself to the Taiwan authorities. They said that should LegCo have passed the Amendment Bill last year, the HKSAR Government would be able to provide the necessary juridical assistance in this regard.

Action

47. In response to the earlier remarks made by some Members concerning the Taiwan homicide case, the Chairman said that the case concerning the 12 Hong Kong people should not be compared with the case concerning CHAN Tong-kai. She stressed that the Democratic Alliance for the Betterment and Progress of Hong Kong and herself had time and again urged CHAN Tong-kai to surrender himself and also urged the HKSAR Government to render all possible assistance in this respect. The Chairman also criticized Taiwan for refusing to grant an entry permit to CHAN Tong-kai, and hoped that he would be allowed to enter Taiwan soon.

48. Dr KWOK Ka-ki reiterated that as the family members of the 12 Hong Kong people as well as the Mainland lawyers engaged by these families were not given the opportunity to visit the 12 Hong Kong people, he urged the HKSAR Government to do what it should do in order to safeguard the rights of these 12 Hong Kong people and enable them to have a fair trial in Hong Kong.

49. The Chairman put to vote the proposal of Dr KWOK Ka-ki to move a motion for adjournment of the Council, in addition to two Members' motions not intended to have legislative effect, pursuant to RoP 16(4) at the Council meeting of 28 October 2020 for the purpose of conducting a debate on issues relating to the arrest of 12 Hong Kong people by the law-enforcement departments of the Mainland. Mr Alvin YEUNG requested a division.

The following Members voted in favour of the proposal:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr LAM Cheuk-ting, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu and Mr Jeremy TAM.
(16 Members)

The following Members voted against the proposal:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms

Action

Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Jimmy NG, Dr Junius HO, 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 Kenneth LAU, Mr Vincent CHENG and Mr Tony TSE.

(39 Members)

50. The Chairman declared that 16 Members voted for and 39 Members voted against the proposal, and that no Member abstained from voting. The Chairman declared that the proposal was not supported.

VIII. Any other business

51. There being no other business, the meeting ended at 3:38 pm.

Council Business Division 2
Legislative Council Secretariat
29 October 2020