

LEGISLATIVE COUNCIL

MINUTES

No. 1

Minutes of the meeting held on Wednesday 12 October 2016 at 11:00 am

Attendance

The attendance of Members and Clerks is in the Official Record of Proceedings.

Taking of Legislative Council Oath

Members took the Legislative Council (“LegCo”) Oath or Affirmation in the following order:

- Hon James TO took the LegCo Oath;
- Hon LEUNG Yiu-chung took the LegCo Affirmation;
- Hon Abraham SHEK took the LegCo Oath;
- Hon Tommy CHEUNG took the LegCo Oath;
- Prof Hon Joseph LEE took the LegCo Affirmation;
- Hon Jeffrey LAM took the LegCo Affirmation;
- Hon Andrew LEUNG took the LegCo Affirmation;

- Hon WONG Ting-kwong took the LegCo Affirmation;¹
- Hon Starry LEE took the LegCo Oath;
- Hon CHAN Hak-kan took the LegCo Affirmation;
- Hon CHAN Kin-por took the LegCo Affirmation;
- Dr Hon Priscilla LEUNG took the LegCo Oath;
- Hon WONG Kwok-kin took the LegCo Affirmation;
- Hon Mrs Regina IP took the LegCo Oath;
- Hon Paul TSE took the LegCo Oath;
- Hon LEUNG Kwok-hung took the LegCo Affirmation;
- Hon Claudia MO took the LegCo Affirmation;
- Hon Michael TIEN took the LegCo Oath;
- Hon Steven HO took the LegCo Affirmation;
- Hon Frankie YICK took the LegCo Oath;
- Hon WU Chi-wai took the LegCo Affirmation;
- Hon YIU Si-wing took the LegCo Affirmation;
- Hon MA Fung-kwok took the LegCo Affirmation;
- Hon Charles Peter MOK took the LegCo Oath;
- Hon CHAN Chi-chuen took the LegCo Affirmation;
- Hon CHAN Han-pan took the LegCo Affirmation;
- Hon LEUNG Che-cheung took the LegCo Affirmation;
- Hon Kenneth LEUNG took the LegCo Affirmation;
- Hon Alice MAK took the LegCo Oath;

¹ The President ruled on 18 October 2016 that the affirmation taken by Hon WONG Ting-kwong at the meeting was invalid.

- Dr Hon KWOK Ka-ki took the LegCo Affirmation;
- Hon KWOK Wai-keung took the LegCo Affirmation;
- Hon Dennis KWOK took the LegCo Oath;
- Hon Christopher CHEUNG took the LegCo Affirmation;
- Dr Hon Fernando CHEUNG took the LegCo Affirmation;
- Dr Hon Helena WONG took the LegCo Oath;
- Hon IP Kin-yuen took the LegCo Affirmation;
- Dr Hon Elizabeth QUAT took the LegCo Affirmation;
- Hon Martin LIAO took the LegCo Oath;
- Hon POON Siu-ping took the LegCo Affirmation;
- Dr Hon CHIANG Lai-wan took the LegCo Oath;
- Ir Dr Hon LO Wai-kwok took the LegCo Affirmation;
- Hon CHUNG Kwok-pan took the LegCo Oath;
- Hon Alvin YEUNG took the LegCo Affirmation;
- Hon Andrew WAN took the LegCo Affirmation;
- Hon CHU Hoi-dick took the LegCo Affirmation;
- Hon Jimmy NG took the LegCo Oath;
- Dr Hon Junius HO took the LegCo Oath;
- Hon HO Kai-ming took the LegCo Oath;
- Hon LAM Cheuk-ting took the LegCo Oath;
- Hon Holden CHOW took the LegCo Oath;
- Hon SHIU Ka-fai took the LegCo Oath;
- Hon SHIU Ka-chun took the LegCo Oath;

- Dr Hon YIU Chung-yim took the LegCo Affirmation;²
- Hon Wilson OR took the LegCo Affirmation;
- Hon YUNG Hoi-yan took the LegCo Affirmation;
- Dr Hon Pierre CHAN took the LegCo Oath;
- Hon CHAN Chun-ying took the LegCo Affirmation;
- Hon Tanya CHAN took the LegCo Affirmation;
- Hon CHEUNG Kwok-kwan took the LegCo Affirmation;
- Hon HUI Chi-fung took the LegCo Oath;
- Hon Sixtus LEUNG took the LegCo Oath;³
- Hon LUK Chung-hung took the LegCo Affirmation;
- Hon YAU Wai-ching took the LegCo Affirmation;⁴
- Dr Hon LAU Siu-lai took the LegCo Affirmation;⁵

² The Clerk to LegCo (“the Clerk”) noticed that Dr Hon YIU Chung-yim had not subscribed the affirmation with the words of the oath prescribed by the Oaths and Declarations Ordinance (Cap. 11) (“the Ordinance”) and hence he declined jurisdiction to administer the affirmation. As Dr YIU had not completed the oath-taking in accordance with the Ordinance, by virtue of Rule 1 of the Rules of Procedure (“RoP”), he could not attend a meeting or vote therein (including the election of the President to be held at that meeting).

³ The Clerk noticed that Hon Sixtus LEUNG had not taken the oath in accordance with the words of the oath prescribed by the Ordinance and had displayed an object (a banner bearing the words “HONG KONG IS NOT CHINA”) during his oath-taking. The Clerk thus had reasonable doubts as to whether Mr LEUNG understood the LegCo Oath, and hence he declined jurisdiction to administer the oath. As Mr LEUNG had not completed the oath-taking in accordance with the Ordinance, by virtue of Rule 1 of RoP, he could not attend a meeting or vote therein (including the election of the President to be held at that meeting).

⁴ The Clerk noticed that Hon YAU Wai-ching had not subscribed the affirmation with the words of the oath prescribed by the Ordinance and had displayed an object (a banner bearing the words “HONG KONG IS NOT CHINA”) during her oath-taking. The Clerk thus had reasonable doubts as to whether Miss YAU understood the LegCo Oath, and hence he declined jurisdiction to administer the affirmation. As Miss YAU had not completed the oath-taking in accordance with the Ordinance, by virtue of Rule 1 of RoP, she could not attend a meeting or vote therein (including the election of the President to be held at that meeting).

⁵ The President ruled on 18 October 2016 that the affirmation taken by Dr Hon LAU Sui-lai at the meeting was invalid.

- Hon LAU Kwok-fan took the LegCo Affirmation;
- Hon Kenneth LAU took the LegCo Affirmation;
- Dr Hon CHENG Chung-tai took the LegCo Affirmation;
- Hon KWONG Chun-yu took the LegCo Oath;
- Hon Jeremy TAM took the LegCo Affirmation; and
- Hon Nathan LAW took the LegCo Affirmation.

(After the taking of LegCo Oath, the meeting was suspended once.)

Election of President

(During the election, the meeting was suspended for four times.)

In accordance with paragraphs 6 and 7 of Schedule 1 to RoP, Hon LEUNG Yiu-chung was the presiding Member for the election of the President as he had the longest continuous service in the Council and was not being nominated for the office of President.

With Hon LEUNG Yiu-chung's consent, some Members spoke on matters relating to the election of the President. After Members had spoken, Mr LEUNG decided not to preside at the election. As a result, Hon Abraham SHEK, who was next in the order of precedence of Members and who was not being nominated for the office of President, became the presiding Member for the election of the President.

(As the order of the meeting had been disrupted and could not be restored, Hon Abraham SHEK announced that the meeting venue be changed to Conference Room 1.)

Hon Abraham SHEK announced that two valid nominations for the office of President had been received by the Clerk's office upon the close of the nomination period. Hon James TO was nominated by Hon Dennis KWOK and the nomination was seconded by Hon Alvin YEUNG, Hon WU Chi-wai, Dr Hon YIU Chung-yim, Hon Charles Peter MOK, Hon Claudia MO, Hon LEUNG Kwok-hung, Dr Hon Fernando CHEUNG, Dr Hon LAU Siu-lai and Hon CHU Hoi-dick. Hon Andrew LEUNG was nominated by Hon Starry LEE and the nomination was seconded by Hon Abraham SHEK, Hon MA Fung-kwok, Hon Mrs Regina IP, Hon CHAN Kin-por, Hon Jeffrey LAM, Hon Martin LIAO, Hon POON Siu-ping, Ir Dr Hon LO Wai-kwok and Hon Tommy CHEUNG. In accordance with the procedure set out in the Schedule to RoP, Hon Abraham SHEK ordered a vote by secret ballot.

Members cast their votes and the votes were counted. The result of the vote was that Hon James TO received no vote and Hon Andrew LEUNG received 38 votes. There were three blank votes. Hon Abraham SHEK declared Hon Andrew LEUNG elected as the President of LegCo.

Hon Andrew LEUNG took the chair and addressed the Council.

Tabling of Papers

The following papers were laid on the table under Rule 21(2) of the Rules of Procedure:

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
1. Pharmacy and Poisons (Amendment) (No. 4) Regulation 2016 (gazetted on 7.10.2016)	119/2016
2. Pilotage (Amendment) Order 2016 (gazetted on 7.10.2016)	120/2016
3. Pilotage (Amendment) Regulation 2016 (gazetted on 7.10.2016)	121/2016
4. Merchant Shipping (Safety) (Navigational Equipment and Safety of Navigation) Regulation (gazetted on 7.10.2016)	122/2016
5. Merchant Shipping (Safety) (Minimum Safe Manning Certificate) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	123/2016
6. Merchant Shipping (Safety) (Automatic Pilot and Testing of Steering Gear) Regulations (Repeal) Regulation (gazetted on 7.10.2016)	124/2016
7. Merchant Shipping (Safety) (Carriage of Nautical Publications) Regulations (Repeal) Regulation (gazetted on 7.10.2016)	125/2016
8. Merchant Shipping (Safety) (Navigational Equipment) Regulations (Repeal) Regulation (gazetted on 7.10.2016)	126/2016

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
9. Merchant Shipping (Safety) (Navigational Warnings) Regulations (Repeal) Regulation (gazetted on 7.10.2016)	127/2016
10. Merchant Shipping (Safety) (Arrangements for Embarkation and Disembarkation of Pilots) Regulation (Repeal) Regulation (gazetted on 7.10.2016)	128/2016
11. Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	129/2016
12. Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	130/2016
13. Merchant Shipping (Safety) (Passenger Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	131/2016
14. Merchant Shipping (Fees) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	132/2016
15. Merchant Shipping (Seafarers) (Certification of Officers) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	133/2016
16. Merchant Shipping (Seafarers) (Tankers) Regulation (gazetted on 7.10.2016)	134/2016
17. Merchant Shipping (Seafarers) (Engine Room Watch Ratings) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	135/2016
18. Merchant Shipping (Seafarers) (Navigational Watch) Regulation (gazetted on 7.10.2016)	136/2016
19. Merchant Shipping (Seafarers) (Certificates of Proficiency for Able Seafarers) Regulation (gazetted on 7.10.2016)	137/2016
20. Merchant Shipping (Seafarers) (Safety, Security and Designated Duties Training) Regulation (gazetted on 7.10.2016)	138/2016

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
21. Merchant Shipping (Seafarers) (Ro-Ro Passenger Ships—Training) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	139/2016
22. Merchant Shipping (Seafarers) (Certification and Watchkeeping) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	140/2016
23. Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) (No. 2) Regulation 2016 (gazetted on 7.10.2016)	141/2016
24. Merchant Shipping (Seafarers) (Fees) (Amendment) (No. 2) Regulation 2016 (gazetted on 7.10.2016)	142/2016
25. Administrative Appeals Board Ordinance (Amendment of Schedule) Order 2016 (gazetted on 7.10.2016)	143/2016
26. Merchant Shipping (Seafarers) (Tankers—Officers and Ratings) Regulation (Repeal) Regulation (gazetted on 7.10.2016)	144/2016
27. Merchant Shipping (Seafarers) (Navigational Watch Ratings) Regulation (Repeal) Regulation (gazetted on 7.10.2016)	145/2016
28. Merchant Shipping (Seafarers) (Certificates of Competency as A.B.) Rules (Repeal) Rules (gazetted on 7.10.2016)	146/2016
29. Merchant Shipping (Seafarers) (Safety Training) Regulation (Repeal) Regulation (gazetted on 7.10.2016)	147/2016
30. Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) Rules (Repeal) Rules (gazetted on 7.10.2016)	148/2016
31. Merchant Shipping (Seafarers) (Passenger Ships Other Than Ro-Ro Passenger Ships—Training) Regulation (Repeal) Regulation (gazetted on 7.10.2016)	149/2016

<u>Subsidiary Legislation / Instruments</u>	<u>L.N. No.</u>
32. Merchant Shipping (Seafarers) (Safety Officials and Reporting of Accidents and Dangerous Occurrences) (Amendment) (No. 2) Regulation 2016 (gazetted on 7.10.2016)	150/2016
33. Merchant Shipping (Seafarers) (Disciplinary Offences on Board Ships) (Amendment) Regulation 2016 (gazetted on 7.10.2016)	151/2016
34. Merchant Shipping (Seafarers) (Amendment) Ordinance 2013 (Commencement) Notice 2016 (gazetted on 7.10.2016)	152/2016
35. Merchant Shipping (Seafarers) (Health and Safety: General Duties) (Amendment) Regulation 2016 (Commencement) Notice 2016 (gazetted on 7.10.2016)	153/2016
36. Merchant Shipping (Seafarers) (Medical Examination) (Amendment) Regulation 2016 (Commencement) Notice (gazetted on 7.10.2016)	154/2016

Next meeting

The President declared that the next meeting of the Council would be held on 19 October 2016 at 11:00 am.

The Council was adjourned at 5:32 pm.


(Hon Andrew LEUNG Kwan-yuen)
President
Legislative Council

Chamber and Conference Room 1
Legislative Council Complex, Hong Kong

28 November 2016