

**LEGISLATIVE COUNCIL**

**MINUTES**

**No. 4**

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**Minutes of the meeting held on Wednesday 2 November 2016 at 11:00 am**

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**Attendance**

The attendance of Members, public officers and Clerk is in the Official Record of Proceedings.

**Taking of Legislative Council Oath**

Dr Hon LAU Siu-lai took the Legislative Council affirmation.

**Presentation of Petition**

Hon Kenneth LEUNG and Hon Andrew WAN presented, under Rule 20 of the Rules of Procedure, a petition to the Council as set out on the Agenda. Immediately after Hon Kenneth LEUNG had presented the petition, Hon Andrew WAN rose in his place and requested that the petition be referred to a select committee. As 28 Members rose to support the request, the President referred the petition to a select committee in accordance with Rule 20(6) of the Rules of Procedure.

## 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. Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2016 (gazetted on 28.10.2016)	163/2016
2. Public Health and Municipal Services Ordinance (Public Swimming Pools) (Amendment of Fourteenth Schedule) Order 2016 (gazetted on 28.10.2016)	164/2016
3. Inland Revenue Ordinance (Amendment of Schedule 17E) Notice 2016 (gazetted on 28.10.2016)	165/2016

## Other Papers

1. No. 1 - Fish Marketing Organization  
Financial statements for the year ended 31 March 2016  
(published on 14.10.2016)
2. No. 2 - Vegetable Marketing Organization  
Financial statements for the year ended 31 March 2016  
(published on 14.10.2016)
3. No. 3 - Marine Fish Scholarship Fund  
Report for the period from 1 April 2015 to 31 March 2016  
(published on 14.10.2016)
4. No. 4 - Agricultural Products Scholarship Fund  
Report for the period from 1 April 2015 to 31 March 2016  
(published on 14.10.2016)
5. No. 5 - Protection of Wages on Insolvency Fund Board  
Annual Report 2015-16  
(published on 14.10.2016)

6. No. 6 - Companies Registry Trading Fund  
Annual Report 2015-16  
(published on 14.10.2016)
7. No. 7 - Report of changes made to the approved Estimates of  
Expenditure during the first quarter of 2016-17  
Public Finance Ordinance : Section 8  
(published on 14.10.2016)
8. No. 8 - Hong Kong Council on Smoking and Health  
Annual Report 2015-2016  
(published on 17.10.2016)
9. No. 9 - The Legislative Council Commission  
Annual Report 2015-2016  
(published on 17.10.2016)
10. No. 10 - Competition Commission  
Annual Report 2015/2016  
(published on 17.10.2016)
11. No. 11 - The Government Minute in response to the Report of the  
Public Accounts Committee No. 66 of July 2016  
(published on 18.10.2016)
12. No. 12 - West Kowloon Cultural District Authority  
Annual Report 2015/16  
(published on 19.10.2016)
13. No. 13 - The Land Registry Trading Fund Hong Kong  
Annual Report 2015/16  
(published on 20.10.2016)
14. No. 14 - Hong Kong Productivity Council  
Annual Report, Independent Auditor's Report and Financial  
Statements 2015-16  
(published on 20.10.2016)

15. No. 15 - Hong Kong Science and Technology Parks Corporation  
Annual Report, Report of the Directors and Financial  
Statements 2015-2016  
(published on 20.10.2016)
16. No. 16 - Electrical and Mechanical Services Trading Fund  
Report 2015/16  
(published on 24.10.2016)
17. No. 17 - Office of the Privacy Commissioner for Personal Data,  
Hong Kong  
Annual Report 2015-16  
(published on 24.10.2016)
18. No. 18 - Office of the Communications Authority  
Trading Fund Report 2015/16  
(published on 26.10.2016)
19. No. 19 - Urban Renewal Authority  
Annual Report 2015-2016  
(published on 26.10.2016)
20. No. 20 - Hongkong Post  
Annual Report 2015/16  
(published on 26.10.2016)

## Questions

(The meeting was suspended twice in the Chamber due to disruption of order.)

Before the asking of Question 1, Hon Sixtus LEUNG and Hon YAU Wai-ching, who did not adhere to the President's decision made in his written ruling of 25 October 2016<sup>1</sup>, entered the Chamber in an attempt to take the Legislative Council oath/affirmation. The President ordered them to withdraw immediately from the Council. As they refused to leave the Chamber and the order of the meeting could not be restored, the President announced that the meeting venue be changed to Conference Room 1.

(The meeting resumed in Conference Room 1.)

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<sup>1</sup> The President decided to defer the administration of oath/affirmation for Hon Sixtus LEUNG and Hon YAU Wai-ching until the Court of First Instance of the High Court had made a decision on the relevant judicial review application. According to Rule 1 of the Rules of Procedure, no Member of the Council shall attend a meeting or vote therein until he has made or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11). The Court of First Instance granted a declaration on 15 November 2016 that Mr Sixtus LEUNG and Miss YAU Wai-ching had been disqualified from assuming the office of a member of the Legislative Council since 12 October 2016.

Motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedure

Hon James TO rose to seek the President's permission for him to move at this meeting a motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedure for debating issues relating to the interpretation of the Basic Law. The President suspended the meeting to consider Mr TO's request.

Upon the resumption of the meeting, the President announced that he would not allow the moving of this motion as, in his view, there were no sufficient grounds to convince him that the issues raised in the motion were so urgent that they must be debated at this meeting.

Question 1

Question 1 as set out on the Agenda was put by Hon HUI Chi-fung and an oral reply was given by the Under Secretary for Constitutional and Mainland Affairs.

(The meeting was suspended due to the storming acts outside Conference Room 1.)

As the storming acts could not be stopped, the President adjourned the Council for the sake of safety.

Written replies to Questions 7 to 14 and 16 to 22 as set out on the Agenda were supplied to Members<sup>2</sup>.

**Adjournment of the Council**

The President adjourned the Council at 1:17 pm.



(Andrew LEUNG Kwan-yuen)  
President  
Legislative Council

Chamber and Conference Room 1  
Legislative Council Complex, Hong Kong

8 December 2016

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<sup>2</sup> Question 15 as set out on the Agenda was put by Hon Sixtus LEUNG. In the letter to the President dated 31 October 2016, the Administration stated its position that it will only respond to questions or comments from such Members who have duly taken the Legislative Council Oath in accordance with the law.