



NEWSLETTER JANUARY – FEBRUARY 2010
Hon Margaret Ng

Member of Legislative Council,
Hong Kong Special Administrative Region

Room 116, 11/F., New Henry House, 10 Ice House Street, Central, Hong Kong
Tel: 2869 8317 Fax: 2179 5190 Email address: margaret@margaretnng.com

www.margaretnng.com

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Dear Colleague

Happy New Year.

May I wish you a fruitful and prosperous 2010. My holiday was greedily spent in cooking. Products of my exertions included a rose shape orange almond cake with chocolate bits, and a tunnel-boned roast leg of lamb marinated in a paste of chopped rosemary, garlic, lemon peel and olive oil. You will find the recipe of the lamb elsewhere in this Newsletter. This culinary activism was to prove that I have recovered the use of my right hand.

Liu Xiaobo jailed for “subversion”

On Christmas Day, drafter of “Charter 08” Liu Xiaobo was sentenced to 11 years of imprisonment in Beijing for incitement and subversion, by writing articles and circulating them on the internet. The full text of the judgment and extracts of the articles were published in the Ming Pao Daily News. Charter 08 was a manifesto calling for democratic reform, respect for rights and freedoms and the rule of law in China. In his articles, Liu criticized the Chinese Government as autocratic, and advocated the development of civil society through peaceful action as the way to bring about change.

Liu’s imprisonment provoked widespread public outcry. A group of Hong Kong protesters marching to Lo Wu were dragged over to the Shenzhen side and arrested by mainland security officials who moved into Hong Kong territory to effect the arrests. The Hong Kong police looked on and did nothing to stop them, although under the Basic Law, mainland officials are prohibited to exercise their powers in Hong Kong.

The Liu Xiaobo incident has shown Hong Kong people that we cannot be complacent about the freedoms we still enjoy in Hong Kong. Without democracy, freedom and the rule of law are at risk. I published an article in the Ming Pao on 28 December on the lesson of Liu Xiaobo for Hong Kong.

March for Democracy on New Year’s Day

The march for democracy organized by the pan-democrats started from Chater Road in Central and ended at the back entrance of the China Liaison Office on Des



Voeux Road West. This destination point was chosen instead of the SAR Government headquarters to emphasize that Beijing is responsible for the lack of progress towards universal suffrage, and that it is pointless to appeal to the SAR Government.

Although the turnout (30,000 at the organisers' estimate) of the march was moderate, the morale of the participants was high. Many were angered by Liu Xiaobo's imprisonment. Supporters of "de facto referendum" turned out in force. As reported, a clash between police and some protesters took place at the back entrance of the China Liaison Office. This is much to be regretted, but did not diminish the overall message of the demand for genuine universal suffrage for Hong Kong.

Forums on human rights in China and democracy for Hong Kong

The topics for our next two Friday tea gatherings are most timely in the context of recent events. On 22 January, Professor Fu Hualing will speak on "Human Rights in China". On 5 February, 2 weeks before the close of the consultation period on the Government's proposals on the selection of the CE and election of LegCo in 2012, a panel discussion will be organized on the proposals and development of democracy in Hong Kong. Professor Benny Tai has agreed to speak. Please come and join us.

Financing the High Speed Rail

On 18 December 2009, voting on the Government's proposal for \$66.9 billion to fund the high speed rail was postponed. At the heart of the controversy was the justification of the high cost, the rationality of the alignment and the demolition of Tsoi Yuen Village, and the lack of transparency of the whole project, including the issue of allowing mainland immigration and customs officials to carry out their functions within HKSAR territory, in clear contravention of the Basic Law.

People in my Chambers in New Henry House complained to me about the noise made by the demonstrators outside LegCo all afternoon which, they said, prevented them from concentrating on their work. I am afraid that to get the message to some officials and legislators nowadays, one really cannot do less!

Discussion on the item will be resumed on 8 January. We have been notified that the Committee will sit late into the night if necessary to reach a decision.

Motion to censure Hon. Kam Nai Wai under Rule 49B(1A)

On 9 December 2009, Hon. Miriam Lau moved a motion under Rule 49B(1A) that the Council censure Hon. Kam Nai Wai for misconduct, under Article 79(7) of the Basic Law. I supported a motion moved by Hon. Tse Wai Chun that the matter should not be proceeded with. We failed. The matter will now proceed to the next stage whereby a 7-member committee will be formed to investigate into the alleged misconduct.

In the debate, I was attacked for backing down from my previous position of supporting an investigation. The attack is groundless. My stance was in fact thoroughly principled. I have consistently spoken out and upheld due process and fought against its abuse, regardless of the person targeted. From the first, I did not propose that LegCo should embark upon an investigation, but strongly urged my colleagues that any proposed investigation into the conduct of a member should only take place in accordance with proper procedure, and the only existing procedure was by way of Rule 49B(1A). At that stage, there was material before the House Committee to support such a procedure, because there were extremely serious allegations including dismissal following sexual harassment, and misuse of public funds.

However, by the time Hon. Miriam Lau had formulated the allegations of misconduct to be investigated, neither of the most serious allegations remained. The conduct now specified does not amount to the sort of misconduct for which an elected member should be removed from office by the internal procedure of LegCo. To continue to insist on an investigation under Rule 49B(1A) in these circumstances is clearly an abuse of process. I

explained all that in my speech of 9 December 2009, and I would invite anyone interested to read it for themselves on my website at http://www.margaretnng.com/legco_speeches_details.php?id=12. Since the investigation amounts to abuse, I will have nothing to do with the investigation committee.

Amendment of the Domestic Violence Ordinance

After much ado, the amendment to the Domestic Violence Ordinance to extend its protection to cohabitants of the same sex was passed in LegCo on 16 December 2009. I made no comment on the twists and turns the Government took to avoid offending sensitivities about hints of approval of same sex marriage. But I balked at allowing such unseemly language to be incorporated into the law as 「作為情侶」. Literally living in intimate relationship “as lovers” is to be an essential element of “cohabitation relationship”. I do not know why the Court should be asked to look into whether two persons living together are doing so as “lovers”. So I moved an amendment to remove the offensive and unnecessary reference. However, such was the Government’s paranoia that I was vehemently attacked for my amendment. Needless to say, my amendment was defeated. Now you can have a good laugh at the expense of good law drafting.



A great predecessor, a New Year Resolution

I was most privileged to be invited as the Guest of Honour to speak at the LLB Graduation Ceremony 2009 on 14 November 2009. I took the opportunity to pay tribute to an illustrious predecessor Wu Tingfang 伍廷芳, who was a member of the Legislative Council (1880 – 1882), a barrister who trained in England, practised in Hong Kong, and ultimately made a great contribution to the modernization of Chinese law and legal system. Those who lament the difficulty of translating English legal terms and concepts into Chinese should take a lesson from his work in the first decades of the 20th Century. It is high time the legal profession in Hong Kong made a comparable contribution. My ambition is to interest enough people of like mind to establish a Wu Tingfang Society, to carry on where he had left off. Let that be our joint New Year resolution.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Margaret Ng'.

Margaret Ng

Lamb from the slaughter house

I was lucky enough to be given this leg of lamb (about 2.5 kg) from Lydgate, our favourite organic butchery in London. I removed the bone by inserting a boning knife into the joint, leaving the meat in one piece with a tunnel going through it. I chopped several sprigs of rosemary together with some cloves of garlic, a piece of lemon rind, some sea salt and cracked pepper, and made up the mixture into a paste with some virgin olive oil. I rubbed the lamb inside and out with the paste, put it into a large bowl with the bones, poured on a little more olive oil, and for good measure sliced a large onion and stewed it on top, then covered the bowl with cling film. It was then ready for roasting whenever convenient.

We have this huge shallow cast-iron enamel pot with a lid. Into the bottom of the pot I scattered the sliced onion and some sprigs of rosemary. I placed the meat on top, the bones on the side, put the pot on the stove, pour on a couple of glasses of white wine, and brought the whole thing gently to the boil. It is then put into a 325°F oven, for an hour with the lid on, and a further 40 minutes with the lid off, basting the meat a few times. By the end of that time, the meat had turned a golden brown. The carving was child’s play. The succulence of the lamb was incomparable. We served it with boiled new potatoes. As you can see, it is a simple dish to make, and serves 6 very well, but you need a good butcher, which is now almost impossible to find in the Hong Kong SAR.

Friday Tea Workshop

January - February 2010



Date	Topic	Guest Speaker(s)
22 Jan 2010 (6:30 – 7:45pm)	Human Rights in China <i>Venue: Jurors Assembly Room, 1/F., High Court Building, HK.</i>	Professor Fu Hualing, Faculty of Law, HKU
5 Feb 2010 (6:30 – 7:45pm)	The Government's Proposals for 2012 and development for democracy <i>Venue: Jurors Assembly Room, 1/F., High Court Building, HK.</i>	Prof. Benny Tai Yiu Ting, Faculty of Laws, HKU (Other speakers to be confirmed)

*Accreditation for CPD points being sought.

An administration fee of \$30 is payable for those who want CPD points.

Please fill in the reply slip below if you are interested to join.

Refreshments served. Enquiries: 2869 8317 / 2869 9693

Reply Slip : Friday Tea Gathering

(Please type or write in capital letter and reply by fax 2179 5190 or by email:margaret@margaretnng.com)

I shall attend the gathering(s) on 22 Jan 2010 5 Feb 2010

Name: (Mr/Ms) _____

Firm/Chambers: _____

Tel: _____ Fax: _____

Email: _____

Position (in the firm): _____

Year of Admission/Call: _____

The sessions may be accredited with CPD points. Please tick if you require:

Remarks:

- (1) An Administrative fee of HK\$30 is payable for those who require CPD points in respect of each tea gathering *Note: You must register in order to attend the workshop. Registration WILL be confirmed by EMAIL only.*
- (2) If you do not need CPD points, no payment is required.
- (3) If, for any reason, you are unable to attend the tea gathering, the fee paid is non-refundable and is not transferable to other tea gathering(s).
- (4) Payment should be made latest by 6:00p.m. the day before the tea gathering. Any on-the-spot payment will not be accepted.

Reply slip : Subscription to e-newsletter

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