



立法會黃毓民議員辦事處

Office Of Raymond WONG Yuk-man, Legislative Councillor

香港金鐘立法會道1號立法會綜合大樓1001室
Rm 1001, LegCo Complex, 1 Legislative Council Road, Admiralty, HK

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曾主席：

本人希望回應有關閣下在2014年2月14日會議的裁決。閣下裁決本人不應對行政長官使用侮辱性及冒犯性言詞。

其實本人過去亦曾與閣下爭論過同樣的議題，可是，當時閣下並未提供《議事規則》那一項條文有關議員對行政長官的發言的相關限制。我建議閣下參詳附件內容從而了解過去我們的爭論。

根據《議事規則》第41(4)條，條文只保障「立法會議員」；憑藉10(2)條，相關的保障引伸至「官員」。由於行政長官並非官員；因此，他與普通市民無異，同樣不享有第41(4)條的保障。故閣下的裁決是沒有根據及不合乎議會常規。

下列是一些有關對行政長官使用侮辱性及冒犯性言詞而又沒有被裁決的例子：

- (1) 2012年12月10日，田北俊議員指出梁特首是透過欺詐獲取行政長官的位置。
- (2) 2013年10月16日，在對行政長官提出不信任動議的會議上，侮辱性及冒犯性的言詞經常在議員發言中使用。

不論閣下如何討厭「梁匪振英」的客觀陳述，這也不能改變大眾對行政長官的負面評價。

立法會議員




黃毓民

附件

副本抄送：立法會全體議員（不連附件）

2014年3月19日



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〈附件一〉

1 November, 2013

Mr. Kenneth CHEN
Clerk to the Legislative Council

Dear Kenneth,

Your letter dated 30 October 2013 refers.

I trust you are aware that the President has made no rulings in respect of the use of offensive and insulting language about the Chief Executive by some Members during the Chief Executive's Question and Answer Session on 17 October 2013, despite the requests by four other Members. In refusing to make a ruling, the President gave the following worth-noting remarks, "such languages are frequently used in Council meetings".

The President's letter of 17 October 2013 merely talks about his personal expectation of Members' behavior in Council meetings and his incorrect understanding of the Rules of Procedure, which do not constitute any rulings of points of order. Hence, the finality under Rule 44, as raised by you, is not applicable; or there would be no point to set up the Committee on Rules of Procedure as everything could be decided by the President arbitrarily.

I regret that in the discussion of what conduct and/or language are permissible in Council meetings, there has been no reference to the Rules of Procedure. Is it what we called "unparliamentary"?

Yours sincerely,



Wong Yuk Man

cc. All Hon Members of the Legislative Council

<附件>



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China



立法會秘書處
LEGISLATIVE COUNCIL SECRETARIAT

來函編號 YOUR REF :
本局編號 OUR REF :
電話 TELEPHONE : 3919 3003
圖文傳真 FACSIMILE : 2877 9600

香港中區
立法會道1號
立法會綜合大樓1001室
黃毓民議員

黃議員：

閣下 10 月 24 日致立法會主席的來函收悉。立法會主席囑咐我代他作覆。

對於議員在行政長官出席立法會會議時，對他使用冒犯性及侮辱性言詞，立法會主席已作出裁決。立法會主席對他在 2013 年 10 月 23 日致閣下的函件所述內容，沒有任何補充，而該函件的副本亦已送交全體議員。正如閣下所知，立法會主席的裁決為最終決定。

立法會秘書

(陳維安)

副本送：立法會全體議員

2013 年 10 月 30 日



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30 October 2013

Hon WONG Yuk-man
Room 1001
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr WONG,

I refer to your letter of 24 October to the President.
The President has asked me to reply on his behalf.

The President has already made his ruling on the use of
offensive and insulting language by Members about the Chief Executive
when he attends Council meetings. The President has nothing to add to
what was stated in his letter of 23 October 2013 to you, which was also
copied to all Members. As you know, the President's rulings are final.

Yours sincerely

(Kenneth CHEN)
Clerk to the Legislative Council

c.c. All Members of the Legislative Council



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<附件三>

24 October, 2013

Dear President Tsang,

I refer to your letter dated 23 October 2013.

Whereas there could be no doubt that you have to play your role as President in the conduct of the LegCo proceedings, it does not follow that you have unlimited or arbitrary power in doing so, more particularly:

- (1) You could only enforce the Rules of Procedure as they stand, and not as improvised by you from time to time, especially when you have absolutely no power so to do. Your addition of the expression "unparliamentary" conduct to the Rules of Procedure is meaningless as it is circuitous to describe any conduct as "unparliamentary" without resort to the Rules of Procedure as they stand;
- (2) You have not yet clarified how the Rules of Procedure could have covered the Chief Executive, which failure on your part points to the non-applicability of the Rules of Procedure to him. Your assumption of their applicability to the Chief Executive, if deliberate, implies an abuse of power on your part that you are re-writing or extending the Rules of Procedure without going through the requisite procedure.
- (3) Your power to conduct the meeting does not include the power to re-write or extend the Rules of Procedure as aforesaid, or there would be no need to specify "Members" in Rule 41(4) as it could be interpreted by you to cover anyone you like.
- (4) The fact that the Chief Executive was elected by 689 people is already very insulting and humiliating. Are you going to ban all references of 689 when Members address Mr. Leung in LegCo?



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(5) Your reference to "immunity" is irrelevant as the context for its relevance could only be in circumstances where legal actions are contemplated or at least possible.

In the circumstances, it would be beneficial to you and to LegCo if you could in future demonstrate your correct understanding of the Rules of Procedure before sending letters like those dated 17th and 23rd October 2013 to Members so that no one needs to be misled by your errors.

Yours Sincerely,



Wong Yuk Man

cc. All Hon Member of the Legislative Council



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China

附件四

立法會
LEGISLATIVE COUNCIL

來函編號 YOUR REF
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電話 TELEPHONE: 3919 3001
圖文傳真 FACSIMILE: 2180 7578

黃毓民議員
香港中區
立法會道1號
立法會綜合大樓1001室

黃議員：

閣下 2013 年 10 月 22 日來函收悉。

作為立法會主席，我定會行使我的權力，確保立法會會議有秩序、公平及正當地進行。根據《議事規則》，行政長官可向立法會發言，並就政府的工作，答覆議員提出的質詢。議員對身為香港特別行政區首長的行政長官使用冒犯性及侮辱性言詞，我認為在議會中並不適宜，因而亦屬濫用議員的言論自由及有關法律程序的豁免權，有損立法會的尊嚴。

立法會主席

(曾鈺成)

副本送：立法會全體議員

2013 年 10 月 23 日



中華人民共和國香港特別行政區
 Hong Kong Special Administrative Region of the People's Republic of China



立法會
 LEGISLATIVE COUNCIL

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 電 話 TELEPHONE : 2180 7578
 圖文傳真 FACSIMILE :

23 October 2013

Hon WONG Yuk-man
 Room 1001
 Legislative Council Complex
 1 Legislative Council Road
 Central, Hong Kong

Dear Mr WONG,

I refer to your letter dated 22 October 2013.

As President, I will not hesitate to exercise my powers to ensure the orderly, fair and proper conduct of meetings of the Council. Under the Rules of Procedure, the Chief Executive may address this Council and answer questions from Members on the work of the Government. I regard the use of offensive and insulting language by Members about the Chief Executive, who is the Head of the Hong Kong Special Administrative Region, to be unparliamentary, and as such, an abuse of Members' freedom of speech and immunity from legal proceedings, which offends the dignity of the Council.

Yours sincerely

(Jasper TSANG Yok-sing)
 President
 Legislative Council

c.c. All Members of the Legislative Council



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<附件五>

22October 2013

Dear President Tsang,

I refer to your letter to all members of the Council dated 17 October 2013 regarding the language used by some Members at Chief Executive's Question and Answer Session on the same day.

For the purposes of the Rules of Procedure, the Chief Executive is **NOT** a public officer and therefore not entitled to the protection given to public officers under Rules 10(2) and 41(4). It follows that any offensive and insulting language about the Chief Executive which is not unparliamentary is permissible under the Rules.

Dignity of the Council will certainly be upheld when the era of universal suffrage comes.

Yours Sincerely,



Wong Yuk Man

cc. All Hon Members of the Legislative Council



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China

〈附件六〉

立法會主席

PRESIDENT OF THE LEGISLATIVE COUNCIL

曾鈺成 GBS, 太平紳士 Jasper Tsang Yok Sing GBS, JP

來函檔號 YOUR REF

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圖文傳真 FACSIMILE 2180 7578

致：立法會全體議員

各位議員：

我察悉並深切關注到一些議員在今天行政長官答問會上所用的言詞。我想提醒議員，根據《議事規則》，凡議員在立法會會議中對其他議員或官員使用冒犯性及侮辱性言詞，即屬不合乎規程。一些不適宜在議會使用的言詞，亦不可使用。

我籲請各位議員維護立法會的尊嚴，並尊重所有出席立法會會議的人士。

立法會主席

(曾鈺成)

2013年10月17日



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立法會主席

PRESIDENT OF THE LEGISLATIVE COUNCIL

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17 October 2013

All Hon Members of the Legislative Council

Dear Members,

I noted with grave concern the choice of words used by some Members at Chief Executive's Question and Answer Session today. I wish to remind Members that under the Rules of Procedure, it shall be out of order for Members to use offensive and insulting language about other Members or public officers in the Council. The use of unparliamentary expressions is also impermissible.

I call upon Members to uphold the dignity of the Council and respect all persons who attend Council meetings.

(Jasper Tsang Yok Sing)
President