

**立法會**  
**Legislative Council**

(issued by email only)  
LC Paper No. CB(3) 1155/20-21

Ref : CB(3)/P/2/OL

Tel : 3919 3300

Date : 6 December 2021

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Request for special leave of the Council  
to give evidence of Council proceedings**

The Department of Justice (“DoJ”) has submitted a request in **Appendix 1** for special leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (**Appendix 2**) and Rule 90 of the Rules of Procedure (“RoP”) (**Appendix 3**) for an officer of and person employed by the Council to give evidence in the criminal proceedings of *HKSAR v KWOK Wing-kin* (Case No. WKCC 3842/2020) (“the Request”), which have been scheduled to be heard on 15 December 2021.

2. Under section 7(2) of Cap. 382, during a recess or adjournment of the Council, the special leave referred to in section 7(1) thereof (as reflected in RoP 90(1)) may be given by the President. RoP 90(4) also provides that where the leave of the Council referred to in RoP 90(1) is sought during any recess or adjournment or dissolution of the Council, such leave may be given by the President.

3. In accordance with section 7(2) of Cap. 382 and Rule 90(4) of RoP, the President has ordered that the leave be given to DoJ in respect of the Request. Please note that special leave was granted by the former President in July and August 2016 after the prorogation of the Council.

4. As directed by the President, the reply (English version only) in **Appendix 4** has been issued to DoJ.

(Miranda HON)  
for Clerk to the Legislative Council

Encls.

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刑事檢控科

香港中環下亞厘畢道18號  
律政中心西座10樓

圖文傳真：852-3902 8356



DEPARTMENT OF JUSTICE  
Prosecutions Division

10/F, West Wing, Justice Place  
18 Lower Albert Road  
Central, Hong Kong

Fax: 852-3902 8356

本司檔號 Our Ref: WKCC 3842/2020  
來函檔號 Your Ref:  
電話號碼 Tel. No.: 3902 8205 (for Ms. Stella Lo, SPP(Ag.))

2 December 2021

Mr Kenneth CHEN  
Clerk to the Legislative Council  
The Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

**By Email (secgen@legco.gov.hk) and By Post**

Dear Mr CHEN,

**Application for Special Leave of the Legislative Council  
for officers of and persons employed by the Council to give evidence in respect of  
proceedings held before the House Committee of the Council on 8 May 2020 in  
the criminal proceedings of:**

**HKSAR v KWOK Wing-kin**  
**(Case No. WKCC 3842/2020)**

This is an application for Special Leave of the Legislative Council (“LegCo”) under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and rule 90 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region (Instrument No. A501) for the following officer of and person employed by the LegCo to give evidence in the criminal proceedings instituted against KWOK Wing-kin (“KWOK”) in respect of the proceedings held before the House Committee of the LegCo on 8 May 2020 (the “Committee meeting”):

	Name	Role	Remarks
1	<b>Mr. KAN Kwong-wing Donny</b> 簡廣榮	Security Officer of the LegCo	- witnessed the events that happened during the Committee meeting and was a victim in the events

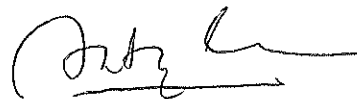
The reasons for the application are as follows. KWOK has been prosecuted for the offence of “Resisting or obstructing an officer of the Legislative Council in the execution of duty”, contrary to section 19(b) of the Legislative Council (Powers and Privileges) Ordinance, Cap. 382. KWOK has further been prosecuted for

the offence of "Contempt", contrary to section 17(c) of the Legislative Council (Powers and Privileges) Ordinance, Cap. 382. It is alleged that during the Committee meeting held in the Conference Room 1 of the LegCo on 8 May 2020, KWOK created a disturbance which interrupted or was likely to interrupt the proceedings of the Committee meeting, and he resisted and obstructed an officer of the LegCo, namely KAN Kwong-wing Donny, in the execution of his duty.

KWOK pleaded guilty to the above offences at the hearing on 30 November 2021, but disputed the brief facts of the Prosecution. The court set down a Newton hearing on 15 December 2021 for inquiry into the facts of the offences. The evidence of the above-named witness will be necessary in the Newton hearing of KWOK, and may involve events which had happened in the Conference Room 1 while the Committee meeting was held.

Please do not hesitate to contact me or Ms. Stella Lo (3902-8205) if we can be of any further assistance.

Kind regards,

A handwritten signature in black ink, appearing to read 'Anthony Chau', with a horizontal line extending to the right.

(Anthony Chau)  
Deputy Director of Public Prosecutions (Ag.)

cc. DSIP Allen NG, OC RPOEIT 1 HKI (By Fax (2200-4421) only)

《立法會(權力及特權)條例》(第 382 章)

7. 未經許可不得就立法會或任何委員會的會議程序作證

- (1) 如未經立法會特別許可，任何議員或立法會人員，以及受僱在立法會或任何委員會會議席上錄取會議紀要或保存證據紀錄的人，不得就上述會議紀要或證據紀錄的內容、或就提交立法會或任何委員會的文件內容(視屬何情況而定)、或就立法會或任何委員會所進行的會議程序或訊問(視屬何情況而定)，在其他地方作證。
- (2) 在立法會休假或休會待續期間，第(1)款所提述的特別許可，可由主席給予；如主席因不在香港或喪失履行職務能力以致不能行事者，則可按照議事規則給予。(由2002年第23號第126條修訂)

(由2000年第71號第3條修訂)

Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

7. **Evidence of proceedings in the Council or any committee not to be given without leave**

- (1) No member or officer of the Council, and no person employed to take minutes or keep any record of evidence before the Council or a committee, shall give evidence elsewhere in respect of the contents of such minutes or record of evidence, or of the contents of any document laid before the Council or committee, as the case may be, or in respect of any proceedings or examination held before the Council or committee, as the case may be, without the special leave of the Council.
- (2) During a recess or adjournment of the Council, the special leave referred to in subsection (1) may be given by the President or, if the President is unable to act owing to his absence from Hong Kong or incapacity, in accordance with the Rules of Procedure. (*Amended 71 of 2000 s. 3*)

90. 就立法會會議程序提供證據一事取得許可的程序

(1) 為取得根據《立法會(權力及特權)條例》(第382章)第7條所需的立法會許可，以就會議紀要、作證紀錄或提交立法會、委員會或小組委員會會議席上省覽的任何文件的內容，或就立法會、委員會或小組委員會的任何會議或審查程序，在立法會以外的地方提供證據，要求該許可的人須向立法會秘書書面陳述其請求及說明其理由，並須提供立法會秘書在個別情況下按立法會主席的指示所進一步要求的資料。(2017年第14號法律公告)

(2) 許可的請求須列入立法會主席所指定會議的議程內；除非立法會藉任何議員在該次會議動議的一項可無經預告的議案，決定拒絕給予許可，否則立法會須當作已命令給予許可。

(3) 立法會秘書須以書面將立法會的決定通知該要求許可的人。

(4) 凡有人在立法會休假、休會待續或解散期間，向立法會要求取得第(1)款所述的許可，可由立法會主席給予，如立法會主席不能執行主席職務，則可由主持立法會會議的議員給予許可。

90. Procedure for Obtaining Leave to Give Evidence of Council Proceedings

(1) For the purpose of obtaining the leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that evidence may be given elsewhere in respect of the contents of minutes, records of evidence or any document laid before the Council or a committee or subcommittee, or in respect of any proceedings or examination held before the Council or a committee or subcommittee, the person seeking such leave shall submit to the Clerk a written statement of the request and the reasons therefor and such further information as the Clerk, on the direction of the President, may require in any particular case.

(2) The request for leave shall be placed on the Agenda for such meeting as the President may appoint and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the person by whom the request for leave is made.

(4) Where the leave of the Council referred to in subrule (1) is sought during any recess or adjournment or dissolution of the Council such leave may be given by the President or, if the President is unable to act, by the Member presiding.



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

附錄4

Appendix 4

(只備英文本)

English version only)



立法會

LEGISLATIVE COUNCIL

來函檔號 YOUR REF : WKCC 3842/2020

本函檔號 OUR REF : CB(3)/P/2/OL

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電郵 EMAIL : cb3@legco.gov.hk

6 December 2021

By email

Mr Anthony CHAU  
Deputy Director of Public Prosecutions (Acting)  
Special Duties  
Prosecutions Division  
Department of Justice  
10/Floor, West Wing, Justice Place  
18 Lower Albert Road  
Central, Hong Kong

Dear Mr CHAU,

**Application for special leave of the Legislative Council  
for officers of and persons employed by the Council to give evidence  
in respect of proceedings held before the House Committee of  
the Council on 8 May 2020 in the criminal proceedings of:**

**HKSAR v KWOK Wing-kin  
(Case No. WKCC 3842/2020)**

I refer to your letter dated 2 December 2021 regarding the captioned application. Please be informed that under section 7(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and in accordance with Rule 90(4) of the Rules of Procedure of the Legislative Council, the special leave requested by you has been given by the President of the Legislative Council.

Yours sincerely,

(Miranda HON)  
for Clerk to the Legislative Council