

立法會
Legislative Council

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Tel : 3919 3300

Date : 27 February 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

**Special leave given under section 7
of the Legislative Council (Powers and Privileges) Ordinance and
Rule 90 of the Rules of Procedure of the Legislative Council
in respect of Applications for Leave to Apply for Judicial Review
(HCAL 1094, 1095 and 1120 of 2017)**

This circular informs Members that special leave has been given by the President of the Legislative Council under section 7(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90(4) of the Rules of Procedure ("RoP") for the Clerk to the Legislative Council ("the Clerk") to give evidence in the captioned Judicial Reviews in respect of the contents of relevant documents laid before the Council or its committees, or in respect of the relevant proceedings before the Council or its committees.

2. In December 2017, Mr KWOK Cheuk-kin, Mr CHEUNG Tak-wing and Mr LEUNG Kwok-hung filed Notices of Application for Leave to Apply for Judicial Review to the Court of First Instance ("CFI") to challenge the constitutionality of section 5 of the Schedule to the resolution passed by the Council on 15 December 2017 to amend RoP 17 to reduce the quorum for a committee of the whole Council from not less than one half of all its members to 20 members including the Chairman. The President and/or other Members of the Legislative Council are named as putative respondents in the Judicial Reviews. On 4 January 2018, the Honourable Mr Justice CHOW of CFI directed, among others, that the putative respondents do file evidence in opposition by 22 February 2018.

3. After the retention of Senior Counsel on 24 January 2018 to represent the putative respondents in the Judicial Reviews and with their advice, the Clerk made three Affirmations on behalf of the putative respondents for filing on 22 February 2018 in accordance with CFI's direction. As the Council had been adjourned when the Affirmations were due to be filed on 22 February 2018, on 21 February the President gave special leave under section 7(2) of Cap. 382 and RoP 90(4) for the Clerk to refer to, produce and exhibit in the Affirmations the relevant minutes or records of proceedings held, or any relevant documents laid, before the Council or its committees relating to various issues to be determined in the Judicial Reviews. If necessary, the Clerk may have to file further affirmation(s) in the Judicial Reviews.

4. Should any Member wish to have sight of the Affirmations, please contact me at 3919 3300 or Mr Thomas WONG at 3919 3302.

(Dora WAI)
for Clerk to the Legislative Council