

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 850/16-17

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

Tel : 3919 3300

Date : 21 July 2017

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 I** for special leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (**Appendix II**) and Rule 90 of the Rules of Procedure (“RoP”) (**Appendix III**) for one Member and 10 officers of the Council to give evidence in the criminal proceedings of *HKSAR v LEUNG Kwok-hung* (Case No. ESS 16969/2017) (“the Request”).

2. Under section 7(2) of Cap. 382, during a recess of the Council, the special leave referred to in section 7(1) thereof (as reflected in Rule 90(1) of RoP) may be given by the President. Rule 90(4) of RoP also provides that where the leave of the Council referred to in Rule 90(1) of RoP 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 given by the former Presidents in accordance with the relevant provisions during recess of the Council in September 2003, August 2015, and July and August 2016.

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

(Dora WAI)  
for Clerk to the Legislative Council

Encl.

律政司  
刑事檢控科

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金鐘道政府合署高座 6 樓  
圖文傳真：852-2845 1609

DEPARTMENT OF JUSTICE  
Prosecutions Division

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Queensway Government Offices  
66 Queensway, Hong Kong  
Fax: 852-2845 1609

本司檔號 Our Ref: ESS 16969/2017

來函檔號 Your Ref:

電話號碼 Tel. No.: 2867 2263

11 July 2017

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

By Fax (2845-2444) and By Post

Dear Mr CHEN,

**Application for Special Leave of the Legislative Council  
for Members and officers of and persons employed by the Council to give  
evidence in respect of proceedings held before the Panels of the Council on  
15 November 2016 in the criminal proceedings of:**

**HKSAR v LEUNG Kwok-hung  
(Case No. ESS 16969/2017)**

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 Member; and officers of, and persons employed by, the LegCo to give evidence in the criminal proceedings instituted against Hon LEUNG Kwok-hung ("Hon LEUNG") in respect of the proceedings held before the Panel on Housing and Panel on Development of the LegCo (the "Panels") on 15 November 2016 (the "Committee meeting"):-

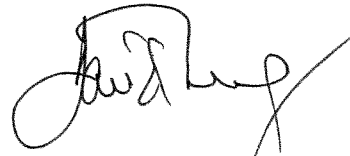
	Name	Role	Remarks
1	<b>Hon MAK Mei-kuen Alice</b> 麥美娟	Member of the LegCo	- Witnessed the events concerning the criminal proceedings that happened during the Committee meeting
2	<b>Mr LO Wing-kwong</b> 盧永光	Office Assistant of the LegCo	- Controlled the filming of the LegCo webcast video which captures the events that happened during the Committee meeting
3	<b>Mr LEE Wai-sun</b> 李偉森	Assistant Information Technology Officer of the LegCo	- Monitored the upload of the LegCo webcast video which captures the events concerning the criminal proceedings that happened during the Committee meeting
4	<b>Mr HO Chu-hei</b> 何曙禧	Public Information Officer of the LegCo	- Provided video discs containing the LegCo webcast video which captures the events concerning the criminal proceedings that happened during the Committee meeting
5	<b>Mr LAM Tsz-fung</b> 林子峰	Senior Information Technology Officer of the LegCo	- Provided video discs containing the CCTV footage of the LegCo and the LegCo webcast video which capture the events that happened during the Committee meeting
6	<b>Mr LAU Wai-kun</b> 劉偉權	Senior Security Assistant of the LegCo	- Witnessed the events concerning the criminal proceedings that happened during the Committee meeting
7	<b>Mr LI Ka-fai</b> 李嘉輝	Security Assistant (I) of the LegCo	- Ditto
8	<b>Mr TAM Wai-pui Ben</b> 譚偉培	Security Assistant (I) of the LegCo	- Ditto
9	<b>Mr LAU Kin-wai</b> 劉建偉	Security Assistant (II) of the LegCo	- Ditto
10	<b>Mr LEE Kam-hung</b> 李錦鴻	Security Assistant (II) of the LegCo	- Ditto
11	<b>Ms SHIU Hoi-lun Helen</b> 蕭海倫	Steward of the LegCo	- Ditto

The reasons for the application are as follows. Hon LEUNG has 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 Conference Room 2 of the LegCo Complex on 15 November 2016, Hon LEUNG left his seat, approached the then Under Secretary for Development Mr MA Siu-cheung, snatched away Mr MA’s folder containing some confidential documents placed on the bench and passed the said folder to Hon CHU Hoi-dick despite the Chairperson’s repeated demands made to Hon LEUNG requesting him to return to his seat and to return the said folder to Mr MA. It is the prosecution case that Hon LEUNG had created a disturbance which interrupted, or was likely to interrupt, the proceedings of the Panels while the Panels were sitting. The evidence of the above-named witnesses will be necessary in the trial of Hon LEUNG, and may involve events which had

happened in Conference Room 2 of the LegCo Complex during the Committee meeting.

Hon LEUNG pleaded not guilty to the above offence at the hearing on 12 June 2017. The court set down a Pre-trial Review hearing on 7 August 2017. It is expected that the date of the trial will be fixed soon.

Please do not hesitate to contact me, Mr Raymond Cheng (2867-2217) or Mr Antony Leung (2867-2191) if we can be of any further assistance.

A handwritten signature in black ink, appearing to read 'David Leung', with a stylized flourish at the end.

( David Leung, SC )

Deputy Director of Public Prosecutions

c.c. DIP Adam TONG, OC DCS 1 CDIST (By Fax (3660-1296) only)

第 382 章 立法會 (權力及特權) 條例

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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) 在立法會休會或押後會議期間，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 2000 年第 71 號第 3 條修訂)

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CAP. 382 *Legislative Council (Powers and Privileges)*

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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

立法會

LEGISLATIVE COUNCIL

來函檔號 YOUR REF : ESS 16969/2017  
本函檔號 OUR REF : CB(3)/P/2/OL  
電話 TELEPHONE : 3919 3300  
圖文傳真 FACSIMILE : 2810 1691

附錄 IV  
Appendix IV  
(只備英文本  
English version only)



21 July 2017

**By Fax (2845 1609) and By Post**

Mr David LEUNG, SC  
Deputy Director of Public Prosecutions  
Prosecutions Division  
Department of Justice  
6/F, High Block  
Queensway Government Offices  
66 Queensway, Hong Kong

Dear Mr LEUNG,

**Application for special leave of the Legislative Council  
for a Member and 10 officers of the Council to give evidence in  
the criminal proceedings of HKSAR v LEUNG Kwok-hung  
(Case No. : ESS 16969/2017)**

I refer to your letter of 11 July 2017 regarding the captioned application. This is to advise you that the special leave you requested has been given by the President under section 7(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90(4) of the Rules of Procedure of the Legislative Council.

Yours sincerely,

(Dora WAI)  
for Clerk to the Legislative Council