



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

立法會議員劉健儀

Hon. Miriam Lau Kin-Yee, GBS, J.P., Legislative Councillor



20 November 2009

To : Hon Members of the Legislative Council

Dear Colleagues

Motion to censure Hon KAM Nai-wai

I wish to inform Members that following the earlier agreement of the House Committee that a motion to censure Hon KAM Nai-wai for misbehaviour under Rule 49B(1A) of the Rules of Procedure should be moved by me, I have prepared a draft motion in consultation with the three other Members, viz Dr Hon Joseph LEE Kok-long, Hon IP Kwok-him and Hon Mrs Regina IP LAU Suk-ye, who have agreed to jointly sign the notice of the motion. The motion contains a schedule which sets out the details of the alleged misbehaviours of Hon KAM Nai-wai.

Given that the former assistant of Hon KAM Nai-wai ("the assistant") had earlier indicated that she was willing to assist in the wording of the censure motion, I forwarded the draft motion to her on 3 November 2009, through the lawyer representing her, and enquired if she would provide any comments and information which might assist me in finalizing the motion. The response of the assistant, which was provided to me through her lawyer on 17 November 2009, is that "due to immense pressure and strain caused by this matter, she has decided to disengage from further involvement in any investigation". The alleged misbehaviours set out in the schedule to the censure motion are based on what Hon KAM Nai-wai said in two open forums. As the drafting of the wording of the motion is not contingent upon any comments or information which may be provided by the assistant, with the agreement of the three Members concerned, I have given notice for moving the censure motion (copy attached) at the Council meeting on 9 December 2009.

Subject to the approval of the President to place the censure motion on the Agenda of the Council and upon the moving of the motion, it will be for the Council to decide whether the matter stated in the motion should be referred to an investigation committee in accordance with Rule 49B(2A) of the Rules of Procedure. As Members are aware, the mechanism under Rule 49B(1A) is the only mechanism available under the current Rules of Procedure for dealing with complaints and allegations concerning Members' misbehaviour.

Yours sincerely

(Miriam LAU Kin-ye)

Encl.

(翻譯本)

致：立法會議員

各位同事：

譴責甘乃威議員的議案

謹此告知議員，經內務委員會早前同意應由本人根據《議事規則》第 49B(1A)條動議議案，譴責甘乃威議員行為不檢後，本人已與另外 3 位同意聯名簽署該議案預告的議員(即李國麟議員、葉國謙議員及葉劉淑儀議員)磋商，草擬了該議案的擬稿。該議案載有附表，列明甘乃威議員被指行為不檢的詳情。

鑒於甘乃威議員的前助理(下稱"該名助理")早前曾表明她願意就譴責議案的措辭提供協助，本人已於 2009 年 11 月 3 日透過她的代表律師把該議案的擬稿送交她，並詢問她會否提供任何可能有助本人就該議案定稿的意見及資料。該名助理透過其律師於 2009 年 11 月 17 日給予本人的回應是，由於此事造成巨大壓力和焦慮，她已決定不會進一步參與任何調查。該譴責議案附表所列被指控的不檢行為，是以甘乃威議員在兩次公開場合的言論作依據。由於該議案的措辭草擬，並非取決於該名助理可能提供的任何意見或資料，經 3 位有關議員同意後，本人已作出預告，在 2009 年 12 月 9 日的立法會會議席上動議該譴責議案(副本隨附於後)。

如立法會主席批准把該譴責議案列於立法會議程內，並在該議案動議後，將由立法會決定該議案所述的事宜須否按照《議事規則》第 49B(2A)條交付調查委員會處理。議員諒亦知悉，第 49B(1A)條所訂的機制，是現行《議事規則》下唯一可用以處理有關議員行為不檢的投訴及指控的機制。

(劉健儀)

連附件

2009年11月20日

立法會

Legislative Council

致 : 立法會秘書 (傳真號碼 Fax No : 2537 1204)
To : Clerk to the Legislative Council

**議員根據《議事規則》第49B(1A)條
動議議案作出的預告**

**Notice of motion to be moved by Member
under Rule 49B(1A) of the Rules of Procedure**

謹按照《議事規則》第29(1)條作出預告，本人擬在 2009 年
12 月 9 日舉行的立法會會議上，動議附錄所列的議案。

In accordance with Rule 29(1) of the Rules of Procedure, I hereby give
notice of my intention to move the motion in the Appendix at the Legislative
Council meeting of 9 December 2009.

簽署

Signature:



姓名

Name:

Hon Miriam LAU

聯絡人姓名及電話號碼

Name and tel. no. of contact person:

日期

Date:


20 November 2009

按《議事規則》第30(1A)條的規定簽署本預告的另外3名議員：

Three other Members signing this notice in accordance with Rule 30(1A) of the Rules of
Procedure:

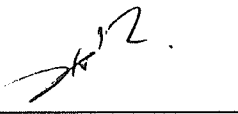
簽署

Signature:



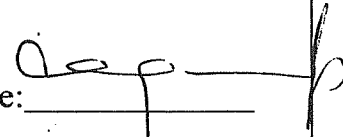
簽署

Signature:



簽署

Signature:



姓名

Name: Dr Hon Joseph LEE

姓名

Name: Hon IP Kwok-him

姓名

Name: Hon Mrs Regina IP

日期

Date: 20 November 2009

日期

Date: 20 November 2009

日期

Date: 20 November 2009

2009年12月9日(星期三)
立法會會議席上
劉健儀議員根據《議事規則》第49B(1A)條
動議針對甘乃威議員的議案

議案措辭

鑒於甘乃威議員行為不檢(有關詳情一如本議案附表所述)，本會根據《基本法》第七十九(七)條對其作出譴責。

(Translation)

**Motion under Rule 49B(1A) of the
Rules of Procedure on Hon KAM Nai-wai
to be moved by Hon Miriam LAU Kin-ye
at the Legislative Council meeting
of Wednesday, 9 December 2009**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Hon KAM Nai-wai for misbehaviour (details as particularized in the Schedule to this motion).

附表

甘乃威議員行為不檢的有關詳情如下所述：

(一) 甘乃威議員向傳媒發表的言論前後不一、有所隱瞞，使公眾對其誠信產生懷疑

傳媒於 2009 年 10 月 4 日報道甘乃威議員因求愛不遂而解僱其女助理，而該女助理是他以公帑聘請協助其履行立法會議員職務的。甘乃威議員在他於同日召開的記者招待會上：

- (i) 否認曾向該女助理示愛，亦沒有透露他曾向該女助理表示好感；及
- (ii) 否認因求愛不遂而解僱該女助理，並指出他是根據聘任合約，以一個月的代通知金終止該女助理的聘任合約，但他並無提及他曾向該女助理表示好感。

然而，當其後有傳媒報道他確曾有向該女助理示愛後，甘議員才於 2009 年 10 月 6 日一個電台節目中承認，他於 2009 年 6 月中，曾在一次與該女助理單獨會面時向她表示好感。

(二) 甘乃威議員對被他評為整體工作表現良好的女助理表示好感遭抗拒後而將她解僱，處事不公

在 2009 年 6 月中，甘乃威議員向其女助理表示好感，其後甘議員察覺到該女助理對他有些抗拒。在 2009 年 9 月初至 9 月中，甘議員邀請該女助理外出用膳，亦遭她拒絕。其後甘議員在 2009 年 9 月 24 日即日終止該女助理的聘任合約，並無解釋解僱原因，但該女助理的整體工作表現被他評為良好。

Schedule

(Translation)

Details of misbehaviours of Hon KAM Nai-wai are set out below:

(a) Hon KAM Nai-wai made inconsistent remarks to the media and withheld key information, causing the public to have doubts about his integrity

There were media reports on 4 October 2009 that Hon KAM Nai-wai dismissed his female assistant because of his unsuccessful advances to her. The female assistant was employed with public funds to assist him in performing his duties as a Legislative Council Member. At his press conference held on the same day, Mr KAM:

- (i) denied that he had made advances to his female assistant and did not disclose that he had expressed affection towards her; and
- (ii) denied that he had dismissed his female assistant because of his unsuccessful advances, and pointed out that the employment contract with his female assistant was terminated by giving one-month payment in lieu of notice which was in accordance with the employment contract, but did not mention that he had expressed affection towards her.

However, after the media subsequently reported that he had actually made advances to his female assistant, Mr KAM admitted on 6 October 2009 on a radio programme that he had expressed affection towards his female assistant when he was alone with her on one occasion in mid-June 2009.

(b) Hon KAM Nai-wai was unfair in dismissing his female assistant, whose overall work performance was judged by him to be good, after his expression of affection was rejected by her

In mid-June 2009, Hon KAM Nai-wai expressed affection towards his female assistant. Subsequently, he noticed some signs of his female assistant rejecting him. Between early September and mid-September 2009, Mr KAM invited his female assistant to dine out and was also refused by her. Subsequently on 24 September 2009, he terminated the employment contract with his female assistant with immediate effect without reason assigned, although her overall work performance was judged by him to be good.