

立法會
Legislative Council

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Ref. : CB(3)/M/MR

Tel : 2869 9205

Date : 24 November 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 9 December 2009

**Motion under Rule 49B(1A) of the
Rules of Procedure**

I forward for Members' consideration a motion to censure Hon KAM Nai-wai which Hon Miriam LAU Kin-ye will move at the Council meeting of 9 December 2009 under Rule 49B(1A) of the Rules of Procedure.

2. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion to censure Hon KAM Nai-wai
under Rule 49B(1A) of the Rules of Procedure
to be moved by Hon Miriam LAU Kin-yee
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).

(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.