

Ref: CB(3)/IC/09/3

Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the Motion to censure Honourable KAM Nai-wai

**Extract from the minutes of the forty-fourth meeting
which contains the proceedings on consideration of the report of
the Investigation Committee held on 22 February 2012 at 4:15 pm
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP (Chairman)
Hon CHAN Kin-por, JP (Deputy Chairman)
Hon LAU Kong-wah, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Dr Hon PAN Pey-chyou
- Members absent** : Hon Vincent FANG Kang, SBS, JP
Dr Hon LAM Tai-fai, BBS, JP
- Clerk in attendance** : Ms Pauline NG
Secretary General
- Staff in attendance** : Mr Jimmy Y T MA, JP
Legal Adviser
- Mrs Justina LAM
Assistant Secretary General 3
- Ms Connie FUNG
Senior Assistant Legal Adviser 1
- Mr Bonny LOO
Assistant Legal Adviser 3
- Mr Arthur LEUNG
Chief Council Secretary (3)1

Miss Joey LAM
Translation Officer 23

Miss Chapple CHAN
Administrative Assistant (3)4

I. Consideration and endorsement of the report of the Investigation Committee paragraph by paragraph
(LC Paper Nos. CB(3) 469/11-12 to CB(3) 473/11-12)

In accordance with Rule 73A(10)(a) of the Rules of Procedure, the draft report as set out in LC Papers Nos. CB(3) 469/11-12 to CB(3) 473/11-12 was accepted as a basis for discussion. The question that the Chinese text of the draft report be adopted as the Chairman's report and be read a second time paragraph by paragraph, was proposed, put and agreed to.

Chapter 1

2. Paragraphs 1.1 to 1.7 read and agreed to.
3. Paragraph 1.8 read and agreed to.
4. Paragraphs 1.9 and 1.10 read and agreed to.
5. Paragraphs 1.11 to 1.13 read and agreed to.
6. Paragraphs 1.14 to 1.19 read and agreed to.
7. Paragraph 1.20 read and agreed to.
8. Paragraphs 1.21 to 1.23 read and agreed to.
9. Paragraphs 1.24 to 1.26 read and agreed to.
10. Paragraphs 1.27 and 1.28 read and agreed to.
11. Paragraphs 1.29 to 1.31 read and agreed to.
12. Paragraphs 1.32 to 1.35 read and agreed to.
13. Paragraphs 1.36 to 1.40 read and agreed to.

14. Paragraphs 1.41 and 1.42 read and agreed to.
15. Paragraphs 1.43 and 1.44 read and agreed to.
16. Paragraphs 1.45 and 1.46 read and agreed to.
17. Paragraphs 1.47 and 1.48 read and agreed to.
18. Paragraphs 1.49 to 1.51 read and agreed to.
19. Paragraphs 1.52 to 1.55 read and agreed to.
20. Paragraphs 1.56 and 1.57 read and agreed to.
21. Paragraphs 1.58 to 1.60 read and agreed to.
22. Paragraphs 1.61 to 1.65 read and agreed to.
23. Paragraph 1.66 read, amended and agreed to.
24. Paragraphs 1.67 to 1.70 read and agreed to.
25. Paragraph 1.71 read, amended and agreed to.
26. Paragraphs 1.72 to 1.76 read and agreed to.

Chapter 2

27. Paragraph 2.1 read and agreed to.
28. Paragraphs 2.2 to 2.8 read and agreed to.
29. Paragraphs 2.9 to 2.20 read and agreed to.
30. Paragraphs 2.21 to 2.39 read and agreed to.
31. Paragraphs 2.40 to 2.46 read and agreed to.
32. Paragraphs 2.47 to 2.54 read and agreed to.
33. Paragraphs 2.55 to 2.61 read and agreed to.

34. Paragraphs 2.62 to 2.65 read and agreed to.
35. Paragraphs 2.66 and 2.67 read and agreed to.
36. Paragraphs 2.68 to 2.80 read and agreed to.
37. Paragraphs 2.81 to 2.96 read and agreed to.
38. Paragraphs 2.97 to 2.103 read and agreed to.
39. Paragraphs 2.104 to 2.114 read and agreed to.
40. Paragraphs 2.115 to 2.118 read and agreed to.
41. Paragraphs 2.119 to 2.128 read and agreed to.

Chapter 3

42. Paragraph 3.1 read and agreed to.
43. Paragraphs 3.2 and 3.3 read and agreed to.
44. Paragraph 3.4 read and agreed to.
45. Paragraph 3.5 read and agreed to.
46. Paragraphs 3.6 and 3.7 read and agreed to.
47. Paragraphs 3.8 and 3.9 read and agreed to.
48. Paragraphs 3.10 and 3.11 read and agreed to.
49. Paragraphs 3.12 and 3.13 read and agreed to.
50. Paragraph 3.14 read, amended and agreed to.
51. Paragraphs 3.15 and 3.16 read and agreed to.
52. Paragraphs 3.17 and 3.18 read and agreed to.
53. Paragraphs 3.19 to 3.25 read and agreed to.

54. Paragraphs 3.26 to 3.28 read and agreed to.
55. Paragraphs 3.29 and 3.30 read and agreed to.
56. Paragraphs 3.31 to 3.34 read and agreed to.
57. Paragraph 3.35 read and agreed to.
58. Paragraphs 3.36 to 3.39 read and agreed to.
59. Paragraphs 3.40 to 3.45 read and agreed to.
60. Paragraphs 3.46 to 3.51 read and agreed to.
61. Paragraphs 3.52 to 3.55 read and agreed to.

Chapter 4

62. Paragraph 4.1 read and agreed to.
63. Paragraphs 4.2 and 4.3 read and agreed to.
64. Paragraphs 4.4 to 4.6 read and agreed to.
65. Paragraphs 4.7 to 4.9 read and agreed to.
66. Paragraphs 4.10 to 4.16 read and agreed to.
67. Paragraphs 4.17 to 4.21 read and agreed to.
68. Paragraphs 4.22 to 4.25 read and agreed to.
69. Paragraph 4.26 read, amended and agreed to.
70. Paragraph 4.27 read and agreed to.
71. Paragraphs 4.28 to 4.35 read and agreed to.
72. Paragraphs 4.36 to 4.38 read and agreed to.
73. Paragraphs 4.39 to 4.41 read and agreed to.

74. Paragraphs 4.42 to 4.47 read and agreed to.

Chapter 5

75. Paragraph 5.1 read and agreed to.

76. Paragraph 5.2 read and agreed to.

77. Paragraphs 5.3 to 5.5 read and agreed to.

78. Paragraphs 5.6 to 5.8 read and agreed to.

79. Paragraphs 5.9 to 5.14 read and agreed to.

80. The question that the Chinese text of the report, as amended, be adopted as the report of the Investigation Committee was proposed, put and agreed to.

81. The Investigation Committee authorized the Chairman and the Deputy Chairman, where necessary, to make textual amendments to the Chinese text of the report and the Clerk to make necessary editorial amendments.

II. Any other business

82. There being no other business, the meeting ended at 5:56 pm.

Council Business Division 3
Legislative Council Secretariat
24 February 2012

Ref: CB(3)/IC/09/3

Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the Motion to censure Honourable KAM Nai-wai

Extract from the minutes of the forty-fifth meeting which contains the proceedings on consideration of the report of the Investigation Committee held on 29 February 2012 at 3:38 pm, 6:05 pm and 6:51 pm in Conference Room 3 of the Legislative Council Complex

Members present : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP (Chairman)
Hon CHAN Kin-por, JP (Deputy Chairman)
Hon LAU Kong-wah, JP
Hon Vincent FANG Kang, SBS, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Dr Hon PAN Pey-chyou

Members absent : Dr Hon LAM Tai-fai, BBS, JP

Clerk in attendance : Ms Pauline NG
Secretary General

Staff in attendance : Mr Jimmy Y T MA, JP
Legal Adviser

Mrs Justina LAM
Assistant Secretary General 3

Ms Connie FUNG
Senior Assistant Legal Adviser 1

Mr Bonny LOO
Assistant Legal Adviser 3

Mr Arthur LEUNG
Chief Council Secretary (3)1

Miss Joey LAM
Translation Officer 23

Ms Cicely WONG
Administrative Assistant I (3)1

Miss Chapple CHAN
Administrative Assistant (3)4

(the meeting resumed at 6:51 pm)

I. Consideration and endorsement of the report of the Investigation Committee paragraph by paragraph
(LC Paper Nos. CB(3)415/11-12, CB(3)519/11-12 to CB(3)523/11-12 and CB(3)541/11-12)

In accordance with Rule 73A(10)(a) of the Rules of Procedure, the draft report as set out in LC Papers Nos. CB(3) 519/11-12 to CB(3) 523/11-12 was accepted as a basis for discussion. The question that the English text of the draft report be adopted as the Chairman's report and be read a second time paragraph by paragraph, was proposed, put and agreed to.

Chapter 1

2. Paragraphs 1.1 to 1.7 read and agreed to.
3. Paragraph 1.8 read and agreed to.
4. Paragraphs 1.9 and 1.10 read and agreed to.
5. Paragraphs 1.11 to 1.13 read and agreed to.
6. Paragraphs 1.14 to 1.19 read and agreed to.
7. Paragraph 1.20 read and agreed to.
8. Paragraphs 1.21 to 1.23 read and agreed to.
9. Paragraphs 1.24 to 1.26 read and agreed to.
10. Paragraphs 1.27 and 1.28 read and agreed to.
11. Paragraphs 1.29 to 1.31 read and agreed to.

12. Paragraphs 1.32 to 1.35 read and agreed to.
13. Paragraphs 1.36 to 1.40 read and agreed to.
14. Paragraphs 1.41 and 1.42 read and agreed to.
15. Paragraphs 1.43 and 1.44 read and agreed to.
16. Paragraphs 1.45 and 1.46 read and agreed to.
17. Paragraphs 1.47 and 1.48 read and agreed to.
18. Paragraphs 1.49 to 1.51 read and agreed to.
19. Paragraphs 1.52 to 1.55 read and agreed to.
20. Paragraphs 1.56 and 1.57 read and agreed to.
21. Paragraphs 1.58 to 1.60 read and agreed to.
22. Paragraphs 1.61 to 1.71 read and agreed to.
23. Paragraphs 1.72 to 1.76 read and agreed to.

Chapter 2

24. Paragraph 2.1 read and agreed to.
25. Paragraphs 2.2 to 2.8 read and agreed to.
26. Paragraphs 2.9 to 2.20 read and agreed to.
27. Paragraphs 2.21 to 2.39 read and agreed to.
28. Paragraphs 2.40 to 2.46 read and agreed to.
29. Paragraphs 2.47 to 2.54 read and agreed to.
30. Paragraphs 2.55 to 2.61 read and agreed to.
31. Paragraphs 2.62 to 2.65 read and agreed to.

32. Paragraphs 2.66 and 2.67 read and agreed to.
33. Paragraphs 2.68 to 2.80 read and agreed to.
34. Paragraphs 2.81 to 2.96 read and agreed to.
35. Paragraphs 2.97 to 2.103 read and agreed to.
36. Paragraphs 2.104 to 2.114 read and agreed to.
37. Paragraphs 2.115 to 2.118 read and agreed to.
38. Paragraphs 2.119 to 2.128 read and agreed to.

Chapter 3

39. Paragraph 3.1 read and agreed to.
40. Paragraphs 3.2 and 3.3 read and agreed to.
41. Paragraph 3.4 read and agreed to.
42. Paragraph 3.5 read and agreed to.
43. Paragraphs 3.6 and 3.7 read and agreed to.
44. Paragraphs 3.8 and 3.9 read and agreed to.
45. Paragraphs 3.10 and 3.11 read and agreed to.
46. Paragraphs 3.12 to 3.16 read and agreed to.
47. Paragraphs 3.17 and 3.18 read and agreed to.
48. Paragraphs 3.19 and 3.20 read and agreed to.
49. Paragraph 3.21 read, amended and agreed to.
50. Paragraphs 3.22 to 3.25 read and agreed to.
51. Paragraphs 3.26 to 3.28 read and agreed to.

52. Paragraphs 3.29 and 3.30 read and agreed to.
53. Paragraphs 3.31 to 3.34 read and agreed to.
54. Paragraph 3.35 read and agreed to.
55. Paragraphs 3.36 to 3.39 read and agreed to.
56. Paragraphs 3.40 to 3.45 read and agreed to.
57. Paragraphs 3.46 to 3.51 read and agreed to.
58. Paragraphs 3.52 to 3.55 read and agreed to.

Chapter 4

59. Paragraph 4.1 read and agreed to.
60. Paragraphs 4.2 and 4.3 read and agreed to.
61. Paragraphs 4.4 to 4.6 read and agreed to.
62. Paragraphs 4.7 to 4.9 read and agreed to.
63. Paragraphs 4.10 to 4.16 read and agreed to.
64. Paragraphs 4.17 to 4.21 read and agreed to.
65. Paragraphs 4.22 to 4.26 read and agreed to.
66. Paragraph 4.27 read and agreed to.
67. Paragraphs 4.28 to 4.35 read and agreed to.
68. Paragraphs 4.36 to 4.38 read and agreed to.
69. Paragraphs 4.39 to 4.41 read and agreed to.
70. Paragraphs 4.42 to 4.47 read and agreed to.

Chapter 5

71. Paragraph 5.1 read and agreed to.
72. Paragraph 5.2 read and agreed to.
73. Paragraphs 5.3 to 5.5 read and agreed to.
74. Paragraphs 5.6 to 5.8 read and agreed to.
75. Paragraphs 5.9 to 5.14 read and agreed to.
76. The question that the English text of the report, as amended, be adopted as the report of the Investigation Committee was proposed, put and agreed to.

Executive Summary (LC Paper No. CB(3)541/11-12)

77. Paragraphs 1 and 2 read and agreed to.
78. Paragraph 3 read and agreed to.
79. Paragraphs 4 and 5 read and agreed to.
80. Paragraph 6 read and agreed to.
81. Paragraphs 7 and 8 read, amended and agreed to.
82. Paragraph 9 read and agreed to.
83. Paragraph 10 read, amended and agreed to.
84. Paragraphs 11 to 19 read and agreed to.
85. The question that the Executive Summary, as amended, be included in the report of the Investigation Committee was proposed, put and agreed to.
86. The Investigation Committee authorized the Chairman and the Deputy Chairman, where necessary, to make textual amendments to the English text of the report and the Clerk to make necessary editorial amendments.

87. The question that the documents as listed in LC Paper No. CB(3)415/11-12 be included as appendices in the report of the Investigation Committee was proposed, put and agreed to.

II. Any other business

Day of tabling of the report

88. Members decided that the report be laid on Table of the Council on 28 March 2012.

Provision of an advance copy of the report

89. Pursuant to paragraph 23 of the Practice and Procedure, members decided that an advance copy of the report would be made available on 28 March 2012, the day on which the report was tabled, from 9:30 am onwards for collection by Hon KAM Nai-wai, the Member under investigation, and the witnesses, after their signing a confidentiality undertaking. Members also agreed that an advance copy of the report would be made available on the same day from 10:30 am onwards for collection by other Members.

Declassification of confidential information

90. Members decided under paragraph 24 of the Practice and Procedure that all the documents contained in Volumes I, II and III of Members' Folders, should be declassified and uploaded onto the LegCo website on the day on which the report was made public.

Press conference

91. Members also agreed that a press conference would be held at 12:00 noon on 28 March 2012, after the report was tabled at the Council at 11:00 am on that day.

92. There being no other business, the meeting ended at 7:15 pm.

Council Business Division 3
Legislative Council Secretariat
1 March 2012