

立法會
Legislative Council

LC Paper No. CB(3) 354/15-16

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Tel : 3919 3300

Date : 1 February 2016

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Amendment to motion on
“Report of the Committee on Members’ Interests on complaints against
Honourable LEE Cheuk-yan and Honourable LEUNG Kwok-hung”

Further to LC Paper No. CB(3) 334/15-16 issued on 25 January 2016, Hon Emily LAU has given notice to move an amendment to Hon LEUNG Che-cheung’s motion on “Report of the Committee on Members’ Interests on complaints against Honourable LEE Cheuk-yan and Honourable LEUNG Kwok-hung”. Members have been informed vide LC Paper No. CB(3) 350/15-16 issued earlier today that the above motion **will stand over until the Council meeting of 16 March 2016**. As directed by the President, Hon Emily LAU’s amendment will be printed in the terms in which it was handed in on the Agenda of the Council.

2. For Members’ reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Report of the Committee on Members’ Interests on complaints against
Honourable LEE Cheuk-yan and Honourable LEUNG Kwok-hung”
to be held at the Council meeting of 16 March 2016**

1. Hon LEUNG Che-cheung’s original motion

That at the meeting of 16 December 2015, the Chairman of the Committee on Members’ Interests presented to the Legislative Council the ‘Report of the Committee on Members’ Interests on complaints against Honourable LEE Cheuk-yan and Honourable LEUNG Kwok-hung’, in which the explanations given by the two Members on the complaints not only failed to clarify all the doubts but also aroused many queries, at which the public deeply worry; the doubts include:

Complaints against Hon LEE Cheuk-yan

- (1) Mr Jimmy LAI Chee-ying’s statement was made only after the media had reported on the donations;
- (2) while Mr Jimmy LAI Chee-ying claimed that he had been making regular donations of \$500,000 to the Labour Party (‘LP’) annually prior to making the first donation, Hon LEE Cheuk-yan said that Mr LAI had donated to LP only once;
- (3) Green Initiative had yet to be set up when Hon LEE Cheuk-yan received the first donation in late October 2013, and he did not transfer the donation to LP in the first place; Mr LEE’s explanation for keeping the first donation in his personal bank account for such a long period of over eight months is unconvincing; Mr LEE did not forthwith deposit the second donation into LP’s bank account upon receipt of the donation on 4 July 2014; and the two donations had all along been kept in Mr LEE’s personal bank account, and it was only after the media had reported on the donations that the two donations were transferred to LP’s bank account on 29 July 2014;
- (4) there was no information showing that Hon LEE Cheuk-yan had eventually transferred to LP’s bank account the interest income accrued from the two donations during the period when they were kept in his bank account;

Complaints against Hon LEUNG Kwok-hung

- (5) the decision to accept the donation was made by Hon LEUNG Kwok-hung himself;
- (6) there was no record on the decision of the League of Social Democrats on how the donation was to be used;
- (7) Mr John TSUI could not explain why the certificate he signed had been backdated;
- (8) both the certificate signed by Mr John TSUI and the statement made by Mr Jimmy LAI Chee-ying were made only after the media had reported on 22 July 2014 that Hon LEUNG Kwok-hung had received donations from Mr LAI;
- (9) the donation-handling process defies common sense and is inconceivable: according to Hon LEUNG Kwok-hung and Mr WONG Huk-kam, (i) Mr LEUNG passed the donation of \$500,000 to Mr WONG in cash, (ii) Mr WONG deposited the money into his personal bank accounts and did not issue any receipt to Mr LEUNG, (iii) 10 months after receipt of the money and on the instruction of a certain person purportedly designated by the League of Social Democrats rather than that of Mr LEUNG, Mr WONG passed the money to Messrs. JCC Cheung & Co. for settling the legal costs incurred by Mr TSANG Kin-shing, and (iv) Messrs. JCC Cheung & Co. issued to Mr TSANG a receipt with Mr WONG as the payer; and

Others

- (10) the Committee on Members' Interests decided not to invite Mr Mark SIMON, the key witness in both complaints, to provide evidence;

in this connection, this Council urges the law enforcement agencies to expeditiously follow up the cases relating to the receipt of the donations by Hon Cheuk-yan and Hon LEUNG Kwok-hung, so as to let the public know the truth.

2. Motion as amended by Hon Emily LAU

That *this Council notes that* at the meeting of 16 December 2015, the Chairman of the Committee on Members' Interests presented to the Legislative Council the 'Report of the Committee on Members' Interests on complaints against Honourable LEE Cheuk-yan and Honourable LEUNG Kwok-hung', ~~in which the explanations given by the two Members on the complaints not only failed to~~

worry; the doubts include:

Complaints against Hon LEE Cheuk-yan

- (1) ~~Mr Jimmy LAI Chee-ying's statement was made only after the media had reported on the donations;~~
- (2) ~~while Mr Jimmy LAI Chee-ying claimed that he had been making regular donations of \$500,000 to the Labour Party ('LP') annually prior to making the first donation, Hon LEE Cheuk-yan said that Mr LAI had donated to LP only once;~~
- (3) ~~Green Initiative had yet to be set up when Hon LEE Cheuk-yan received the first donation in late October 2013, and he did not transfer the donation to LP in the first place; Mr LEE's explanation for keeping the first donation in his personal bank account for such a long period of over eight months is unconvincing; Mr LEE did not forthwith deposit the second donation into LP's bank account upon receipt of the donation on 4 July 2014; and the two donations had all along been kept in Mr LEE's personal bank account, and it was only after the media had reported on the donations that the two donations were transferred to LP's bank account on 29 July 2014;~~
- (4) ~~there was no information showing that Hon LEE Cheuk-yan had eventually transferred to LP's bank account the interest income accrued from the two donations during the period when they were kept in his bank account;~~

Complaints against Hon LEUNG Kwok-hung

- (5) ~~the decision to accept the donation was made by Hon LEUNG Kwok-hung himself;~~
- (6) ~~there was no record on the decision of the League of Social Democrats on how the donation was to be used;~~
- (7) ~~Mr John TSUI could not explain why the certificate he signed had been backdated;~~
- (8) ~~both the certificate signed by Mr John TSUI and the statement made by Mr Jimmy LAI Chee-ying were made only after the media had reported on 22 July 2014 that Hon LEUNG Kwok-hung had received donations from Mr LAI;~~

~~(9) the donation handling process defies common sense and is inconceivable: according to Hon LEUNG Kwok-hung and Mr WONG Huk kam, (i) Mr LEUNG passed the donation of \$500,000 to Mr WONG in cash, (ii) Mr WONG deposited the money into his personal bank accounts and did not issue any receipt to Mr LEUNG, (iii) 10 months after receipt of the money and on the instruction of a certain person purportedly designated by the League of Social Democrats rather than that of Mr LEUNG, Mr WONG passed the money to Messrs. JCC Cheung & Co. for settling the legal costs incurred by Mr TSANG Kin-shing, and (iv) Messrs. JCC Cheung & Co. issued to Mr TSANG a receipt with Mr WONG as the payer; and~~

Others

~~(10) the Committee on Members' Interests decided not to invite Mr Mark SIMON, the key witness in both complaints, to provide evidence;~~

~~in this connection, this Council urges the law enforcement agencies to expeditiously follow up the cases relating to the receipt of the donations by Hon Cheuk-yan and Hon LEUNG Kwok-hung, so as to let the public know the truth *and the conclusion of the Report is: the questions that the Committee on Members' Interests had sufficient evidence to substantiate the complaints that Hon LEE Cheuk-yan and Hon LEUNG Kwok-hung had breached Rule (3) of the Rules of Procedure were not passed.*~~

Note: Hon Emily LAU's amendment is marked in *bold and italic type* or with deletion line.