



31 October 2016

The Honourable Andrew Leung Kwan-yuen, GBS, JP  
President  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear

*Andrew,*

**Meetings of the Legislative Council,  
its Committees and Subcommittees**

As you are aware, the fact that certain Members of the Legislative Council ("LegCo") had declined, neglected or otherwise failed to take the LegCo oath ("the LegCo Oath") in accordance with the law have aroused divergent views over many issues, including those concerning the running of the LegCo business. Against this background and entirely without prejudice to the Government's position in respect of the pending proceedings in HCAL 185/2016 and HCMP 2819/2016 ("the Proceedings"), I write to state that the Government believes that public officers attending meetings of the Legislative Council and its committees (including subcommittees and panels) should only deal with LegCo Members who have duly taken the LegCo Oath in accordance with the law.

On 25 October 2016, you decided that you would defer the administration of oath or affirmation for Mr Sixtus LEUNG and Miss YAU Wai-ching until the Court has made a decision on the judicial review application (i.e. HCAL 185/2016). On the other hand, while the taking of the LegCo Oath by Ms LAU Siu-lai was placed on the Agenda of the Council meeting of 26 October 2016, the meeting was adjourned before the item could be reached.

Rule 1 of the Rules of Procedure of the LegCo provides that except for the purpose of enabling this Rule to be complied with, no Member of the Council shall attend a meeting or vote therein until he has made or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declaration Ordinance (Cap. 11). By reason of this Rule and applicable legal principles, we take the view that only Members who have duly taken the LegCo Oath in accordance with the law may attend meetings of the LegCo and its committees or vote therein. In the circumstances and pending the final determination of the Proceedings by the Court, the Government wishes to state its position that public officers attending meetings of the Council or its committees will only respond to questions or comments from such Members who have duly taken the LegCo Oath in accordance with the law.

Needless to say, the Government fully respects the rule of law and will revisit the matter after the Court has made a final determination of the Proceedings.

Yours sincerely,



( Mrs Carrie Lam )

Chief Secretary for Administration

cc : Financial Secretary  
Secretary for Justice  
All Directors of Bureaux  
Director, Chief Executive's Office  
Director of Administration