

**Motion to be moved by Hon WU Chi-wai
under Rule 49B(1A) of the Rules of Procedure
to censure Hon CHAN Kin-por
at the Legislative Council meeting of 6 December 2017**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Hon CHAN Kin-por for misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).

Schedule

Details of Hon CHAN Kin-por's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Serious conflict of interest and dereliction of duty as Chairman of the Finance Committee

In his capacity of a Member of the Legislative Council, Hon CHAN Kin-por, who is the Chairman of the Finance Committee, was in serious conflict of interest and dereliction of duty in handling matters related to the amendments to the Finance Committee Procedure proposed by Hon Martin LIAO in his letter to the Chairman of the Finance Committee on 9 October 2017 (Legislative Council papers: FC4/17-18(01) and FC4/17-18(02)) (“the FCP Amendments”). As the Chairman of the Finance Committee, Hon CHAN Kin-por announced to the public in August 2017 his proposal to amend the Finance Committee Procedure, of which the contents were substantively identical to the FCP Amendments. Also, Hon CHAN Kin-por was in serious neglect of his duty of following the proper rules and conventions of the Council in convening an unofficial meeting to discuss the FCP Amendments on 17 October 2017, in that the contents of the meeting were not recorded in the agenda and official records of the Council. The Chairman of the Finance Committee must be, and has to be seen to be impartial when presiding over the proceedings of the Finance Committee. With an obvious support to the implementation of the FCP Amendments, Hon CHAN Kin-por failed to recuse himself from presiding over the proceedings of the meeting and continued to deal with matters related to the FCP Amendments.

The Legislative Council Oath requires a Member to “serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity”. With serious conflict of interest

and dereliction of duty, the aforementioned conduct of Hon CHAN Kin-por amounts to misbehaviour and breach of oath under Article 104 of the Basic Law, particularly when he did not serve the Hong Kong Special Administrative Region conscientiously and dutifully as a Member of the Legislative Council and Chairman of the Finance Committee.