

立法會  
*Legislative Council*

LC Paper No. CB(2)1360/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 20th meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 4 May 2018**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon Dennis KWOK Wing-hang (Deputy Chairman)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP

Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Dr Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, SBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH  
Hon Tony TSE Wai-chuen, BBS

**Members absent :**

Hon Michael TIEN Puk-sun, BBS, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Jimmy NG Wing-ka, JP  
Dr Hon Pierre CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon Kenneth LAU Ip-keung, BBS, MH, JP

**Clerk in attendance :**

Miss Flora TAI

Clerk to the House Committee

**Staff in attendance :**

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Joyce CHAN	Assistant Legal Adviser 1
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Wendy KAN	Assistant Legal Adviser 6
Miss Evelyn LEE	Assistant Legal Adviser 10
Mr Richard WONG	Senior Council Secretary (2)6
Ms Jasmine TAM	Senior Council Secretary (2)8
Miss Connie AU	Council Secretary (2)6
Mr Clement HAU	Council Secretary (2)7
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Confirmation of minutes of meeting**

**Minutes of 19th meeting held on 27 April 2018**

*(LC Paper No. CB(2)1303/17-18)*

The minutes were confirmed.

**II. Matters arising**

**Report by the Chairman on her meeting with the Chief Secretary for Administration**

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2. The Chairman said that there was nothing special to report.

### III. Business arising from previous Council meetings

(a) **Legal Service Division report on bill referred to the House Committee in accordance with Rule 54(4)**

**Inland Revenue (Amendment) (No. 3) Bill 2018**  
(*LC Paper No. LS55/17-18*)

3. At the invitation of the Chairman, Legal Adviser ("LA") briefed Members on the report prepared by the Legal Service Division ("LSD") on the Bill.

4. Mr Kenneth LEUNG considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Ms Starry LEE, Mr WU Chi-wai and Mr Kenneth LEUNG agreed to join the Bills Committee.

(b) **Legal Service Division report on subsidiary legislation gazetted on 27 April 2018 and tabled in Council on 2 May 2018**  
(*LC Paper No. LS54/17-18*)

5. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the five items of subsidiary legislation (i.e. L.N. 67 to L.N. 71) which were gazetted on 27 April 2018 and tabled in Council on 2 May 2018.

6. Mr LAU Kwok-fan considered it necessary to form a subcommittee to study the Smoking (Public Health) (Designation of No Smoking Areas) (Amendment) Notice 2018 (L.N. 70) in detail. Members agreed. Dr Helena WONG and Mr LAU Kwok-fan agreed to join the proposed subcommittee.

7. Members did not raise any questions on the other four items of subsidiary legislation (i.e. L.N. 67 to L.N. 69 and L.N. 71). Members noted that LSD was scrutinizing the Medical Council (Election and Appointment of Lay Members) Regulation (L.N. 67) and the Inland Revenue Ordinance (Amendment of Schedule 16) Notice 2018 (L.N. 69) and would report further if necessary.

8. The Chairman reminded Members that the deadline for amending the above five items of subsidiary legislation would be the Council meeting of 30 May 2018, or that of 20 June 2018 if extended by a resolution of the Council.

#### **IV. Further business for the Council meeting of 9 May 2018**

##### **(a) Tabling of papers**

##### **Report No. 12/17-18 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments (LC Paper No. CB(2)1305/17-18)**

9. The Chairman said that the Report covered seven items of subsidiary legislation and the period for amending them would expire at the Council meeting of 9 May 2018.

10. The Chairman informed Members that as Mr WONG Ting-kwong, Chairman of the Subcommittee on Rating (Exemption) Order 2018, Mr James TO and Mr WU Chi-wai had respectively indicated their intention to speak on the Order, she would, in her capacity as Chairman of the House Committee ("HC"), move a motion to take note of the Report in relation to the Order at the meeting.

##### **(b) Members' motions**

##### **Resumption of debate on the motion moved by Hon Paul TSE under Rule 49B(1A) of the Rules of Procedure (LC Paper No. CB(3)544/17-18)**

11. The Chairman said that the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motion to censure Dr Hon CHENG Chung-tai had presented its report to the Council on 11 April 2018. In accordance with RoP 40(6A), the debate on the censure motion would be resumed at the earliest meeting of the Council at which normal business was transacted after the report had been laid on the Table of the Council, i.e. the Council meeting of 9 May 2018.

#### **V. Business for the Council meeting of 16 May 2018**

##### **(a) Questions**

*(LC Paper No. CB(3)554/17-18)*

12. The Chairman said that 22 questions (six oral and 16 written) had been scheduled for the meeting.

Action

(b) **Bills - First Reading and moving of Second Reading**

13. The Chairman said that no notice had been received yet.

(c) **Bill - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading**

14. The Chairman said that at the HC meeting held on 31 January 2018, Members did not raise objection to the resumption of the Second Reading debate on the Employment (Amendment) Bill 2017. Members noted that the Second Reading debate on the Bill would be resumed at the Council meeting of 16 May 2018.

(d) **Government motion**

15. The Chairman said that no notice had been received yet.

(e) **Members' motions**

(i) **Motion to be moved by Hon WU Chi-wai**  
(*LC Paper No. CB(3)564/17-18*)

(ii) **Motion to be moved by Hon Jeffrey LAM**  
(*LC Paper No. CB(3)565/17-18*)

16. The Chairman said that the subjects of the motions to be moved by Mr WU Chi-wai and Mr Jeffrey LAM were "Developing primary healthcare services" and "Strengthening regional cooperation and jointing building the Guangdong-Hong Kong-Macao Bay Area" respectively. The deadline for giving notice of amendments, if any, to the two motions would be Wednesday, 9 May 2018.

17. The Chairman invited Members to note that if the Council was not able to deal with Members' motions on the Agenda at its meeting of 9 May 2018, the above two Members' motions would be rescheduled to the following Council meeting.

## **VI. Reports of Bills Committees and subcommittees**

### **Report of the Bills Committee on Inland Revenue (Amendment) Bill 2018**

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*(LC Paper No. CB(1)889/17-18)*

18. Mr WONG Ting-kwong, Chairman of the Bills Committee, briefed Members on the deliberations of the Bills Committee as detailed in its report. Mr WONG said that the Bills Committee supported the Bill in principle. He further said that the Administration would propose technical amendments to the Bill and the Bills Committee raised no objection to the proposed amendments. Members noted that the Bills Committee would not propose any amendments to the Bill and supported the resumption of its Second Reading debate at the Council meeting of 16 May 2018.

19. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above Bill would be Monday, 7 May 2018.

## **VII. Position on Bills Committees and subcommittees**

*(LC Paper No. CB(2)1304/17-18)*

20. The Chairman said that as at 3 May 2018, there were nine Bills Committees, nine subcommittees under HC and four subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

## **VIII. Proposed overseas duty visit to Brazil by the Panel on Food Safety and Environmental Hygiene**

*(LC Paper No. CB(2)1312/17-18)*

21. At the invitation of the Chairman, Mr Steven HO, Chairman of the Panel on Food Safety and Environmental Hygiene, said that the Panel proposed to conduct a duty visit to Brazil in August 2018 to study the country's safety and quality control over frozen and chilled meat and poultry meat for export purpose. The Panel had agreed to invite non-Panel Members to join the visit, and a total of seven Members (including two non-Panel Members) had indicated interest in taking part in the visit. He referred Members to the Panel's paper for details of the proposed visit.

Action

22. Members agreed that permission be given for the Panel on Food Safety and Environmental Hygiene to conduct the proposed duty visit.

**IX. Proposal from Hon Mrs Regina IP to move a motion under Rule 49B(1A) of the Rules of Procedure at the Council meeting of 23 May 2018 to censure Hon HUI Chi-fung**  
(*LC Paper No. CB(2)1321/17-18(01)*)

23. At the invitation of the Chairman, Mrs Regina IP said that the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bills Committee") held a meeting in the morning on 24 April 2018. While members of the Bills Committee were being summoned to the meeting following a quorum call requested by a member, Mr HUI Chi-fung snatched a piece of paper and a mobile phone from a female public officer against her will, dashed into the men's washroom and stayed there for some time. Furthermore, Mr HUI admitted that he had recorded the information contained in the female public officer's mobile phone by his own means. The female public officer was frightened by Mr HUI's acts and cried. Mrs IP commented that as Mr HUI's acts in question were grossly inappropriate, she considered it necessary and appropriate to move a motion under RoP 49B(1A) to censure Mr HUI.

24. Dr CHENG Chung-tai said that according to his recollection, the closed-circuit television ("CCTV") footage provided by the Legislative Council ("LegCo") Secretariat showed that the incident involving Mr HUI Chi-fung and the female public officer concerned ("the incident in question") occurred at around 9:20 am on 24 April 2018, and not during the period when members of the Bills Committee were being summoned to the Bills Committee meeting held in that morning as suggested by Mrs IP. Mr Charles MOK also raised a similar query and considered that it was a question of facts which should be clarified.

25. Ms Tanya CHAN pointed out that at the closed-door special meeting of the Legislative Council Commission ("LCC") held earlier, the Chairman of LCC had raised some points to note before inviting Members to watch the CCTV footage of the incident in question. As a criminal investigation into the incident in question was underway, she hoped that the Chairman of HC would consider drawing Members' attention to the points that they should note when speaking on Mrs Regina IP's proposal at this meeting.

Action

26. Mr Kenneth LEUNG said that Members should refrain from discussing the second point stated in the Schedule to the draft proposed censure motion attached to Mrs Regina IP's letter (LC Paper No. CB(2)1321/17-18(01)), as it might not be an accurate statement of the facts of the incident in question and should be one of the key areas that the Police would look into in their ongoing criminal investigation.

27. At the invitation of the Chairman, Secretary General ("SG") said that he considered it not appropriate to discuss the particulars of the incident in question at this meeting.

28. The Chairman said that if the matter stated in the proposed censure motion was referred to an investigation committee, it would be for the investigation committee to establish the facts stated in the motion. The Chairman further said that as all Members had been invited to the closed-door special meeting of LCC, she trusted that Members should have noted the points raised by the Chairman of LCC at that meeting in relation to the handling of the CCTV footage of the incident in question and would bear those points in mind when speaking on the proposal under discussion at this meeting.

29. Pointing out that there were currently eight subcommittees on policy issues ("policy subcommittees") on the waiting list awaiting activation as shown in the position report on Bills Committees and subcommittees (LC Paper No. CB(2)1304/17-18), the Deputy Chairman enquired about the arrangements for the activation of these policy subcommittees if an investigation committee was set up under RoP 49B(2A) in respect of the proposed censure motion. The Deputy Chairman further said that he was concerned whether the Secretariat had adequate manpower resources to cope with the servicing work arising from an additional investigation committee, given that the Secretariat had already been operating in full capacity in servicing various types of committees and the servicing work for an investigation committee was much more complex and demanding.

30. Ms Claudia MO criticized the Administration for deploying public officers, which were commonly called "paparazzi", to station at various passageways and doorways of the LegCo Complex to keep watch on Members. In her view, such arrangement of the Administration was totally unacceptable and had violated the fundamental principle that the Executive Authorities and the Legislature should be independent of and

Action

exercise checks and balances over each other. She also could not subscribe to the view that there was no question of intrusion into Members' privacy arising from the deployment of "paparazzi" by the Administration to the LegCo Complex simply on the ground that information on Members' movements in the Complex was known to other Complex users including reporters covering LegCo news. She stressed that the deployment of "paparazzi" by the Administration should not be confused with that by media agencies, as freedom of the press was of fundamental importance and the media was the "fourth estate" which had the duty to keep watch on people in power. Ms MO also commented that for reasons of gender equality, some Members should not have stressed that Mr HUI Chi-fung's acts in question were unacceptable because he had "offended women".

31. Dr KWOK Ka-ki commented that while Members of the pro-establishment camp were so keen to follow up the incident in question, they had turned a blind eye to many other issues which were much more serious in nature, such as the allegations regarding receipt of payments by Mr LEUNG Chun-ying after he had assumed the office of Chief Executive, collusion of Mr Holden CHOW with Mr LEUNG Chun-ying to interfere in the work of LegCo, and falsification of academic qualifications and failure to declare their land interests by some Members. Dr KWOK stressed that the incident in question mainly arose from the Administration's deployment of public officers to the LegCo Complex to monitor the whereabouts of Members. In his view, such arrangement of the Administration had not only shown the Administration's lack of respect for LegCo but also destroyed the trust between the Executive Authorities and the Legislature.

32. Mr Alvin YEUNG said that Members belonging to the Civic Party considered that while Mr HUI Chi-fung's acts in question were unacceptable and should be condemned, the proposed invocation of the mechanism under RoP 49B(1A), which could lead to disqualification of Mr HUI from office, was disproportionate to such acts of Mr HUI. Mr YEUNG further said that as Mr HUI had already made apologies to the female public officer concerned and to the public, it should be for the voters who elected Mr HUI to decide in future elections whether he should continue to serve as a LegCo Member. It should also be left to the Democratic Party ("DP"), to which Mr HUI belonged, to follow up on whether and what disciplinary actions should be taken against Mr HUI.

Action

33. Dr CHIANG Lai-wan expressed support for Mrs Regina IP's proposal. Dr CHIANG pointed out that LegCo was vested with the power under Article 79(7) of the Basic Law ("BL") to censure a Member for misbehaviour. In her view, if LegCo did not seek to invoke the mechanism under RoP 49B(1A) to censure Mr HUI Chi-fung for his acts in question, which were widely considered as violent and unacceptable and might constitute criminal offences, LegCo would not be able to uphold justice and would send a wrong message to the young generations that there would be no consequences of taking away other people's belongings against their will so long as one had apologized for doing so.

34. Mr WU Chi-wai said that Mr HUI Chi-fung had openly and sincerely apologized to the public officer concerned and to the public, indicating that he had reflected on his improper acts. Furthermore, Mr HUI might have to face criminal investigation and prosecution, and pursuant to BL 79(6), if he was convicted and sentenced to imprisonment for one month or more for a criminal offence, he would be relieved of his duties by a motion passed by two-thirds of the Members present. Given that the criminal investigation was underway, Mr WU questioned whether it was reasonable for Members to make a judgment at this stage as to whether Mr HUI should be disqualified from office. He added that Members of DP would not object to the setting up of an investigation committee so as to establish the whole truth of the incident in question, but whether they would support the proposed censure motion which would lead to disqualification of Mr HUI from office would be a separate issue.

35. Mr HO Kai-ming said that Mr HUI Chi-fung's acts in question were offensive irrespective of the sex of the public officer concerned and he supported Mrs Regina IP's proposal. He considered that it was unforgivable for Mr HUI to justify his wrongful acts by saying that he attempted to prevent the Administration from invading Members' privacy. In his view, public officers performing marshalling duties did nothing to invade Members' privacy and should not be called "paparazzi". Instead, information on whether and when Members attended meetings of LegCo and its committees should be made accessible to the public, and the Secretariat should consider enhancing the broadcasting system of LegCo so that the Administration as well as the public could observe the attendance of Members to meetings.

36. Ms YUNG Hoi-yan expressed support for Mrs Regina IP's proposal. In her view, Mr HUI Chi-fung's acts in question were unwise and unacceptable. Even worse, Mr HUI had claimed that his acts in question were to safeguard against invasion into Members' privacy, but his acts in question actually involved violence and invading privacy of the public officer concerned. Therefore, she believed that the public remained unconvinced of Mr HUI's explanation and queried whether his apology was sincere. Ms YUNG added that she had initiated an online petition expressing support for moving a motion to censure Mr HUI Chi-fung and more than 20 000 members of the public had signified their support. She called on other Members' support for Mrs Regina IP's proposal.

37. Mr WONG Ting-kwong considered that Mr HUI Chi-fung had committed a serious wrongdoing, and more disappointingly, attempted to justify himself by claiming that his privacy was being invaded. He queried whether Mr HUI sincerely felt sorry for his wrongdoing, and whether Mr HUI could still live up to the expectation of the voters who elected him. Therefore, Mr WONG considered it appropriate for Mrs Regina IP to move a motion to censure Mr HUI and he supported Mrs IP's proposal.

38. Mr LEUNG Che-cheung said that he as well as the public did not subscribe to the view held by some Members of the opposition camp that Mr HUI Chi-fung's acts in question were forgivable because Members' privacy was being invaded by the Administration. Instead, he concurred with the view of Ms Emily LAU, a former Chairman of DP, that offending a female was unforgivable. Pointing out that the incident in question had damaged the public image and credibility of LegCo, Mr LEUNG said that he could not agree with the view of Members of the opposition camp that people should let go of the incident in question because Mr HUI had sincerely apologized to the public officer concerned as well as to the public. He therefore supported Mrs Regina IP's proposal.

39. Mr KWOK Wai-keung queried whether Mr HUI Chi-fung had really reflected on his mistake, as he kept putting the blame on others. Mr KWOK further said that he considered it disappointing that even though DP had strongly condemned Mr HUI and suspended his membership, Members of the pro-democracy camp later on softened their tone and attempted to cover up Mr HUI's mistake by putting the blame on

Action

the Administration. In Mr KWOK's view, it was necessary to follow up on the incident in question so as to avoid undermining the dignity of LegCo. He supported Mrs Regina IP's proposal.

40. Dr Elizabeth QUAT considered it pathetic for a Member to snatch the mobile phone of a female public officer against her will. She also criticized Members of the pro-democracy camp for conniving at Mr HUI Chi-fung's acts in question. Furthermore, she noted that some people had posted threatening and abusive messages on Mr HUI's Facebook page against the female public officer concerned, resulting in her secondary victimization. Even though such messages had been deleted by Mr HUI, Dr QUAT queried why Members of the pro-democracy camp had not condemned those people who posted such messages. Dr QUAT commented that Members of the pro-democracy camp should not divert people's attention and Mr HUI's acts in question had undermined social morals and values. Therefore, she considered that a motion under RoP 49B(1A) should be moved to censure Mr HUI.

41. Mr Gary FAN considered that while Mr HUI Chi-fung's acts in question deserved to be condemned, Mr HUI should not be disqualified from office because of such acts. It was therefore improper and not proportionate to move a motion under RoP 49B(1A) to censure Mr HUI. In Mr FAN's view, Mr HUI had used a wrong method in an attempt to reveal that the Administration had kept watch on Members by deploying "paparazzi" to station in the LegCo Complex. He referred to BL 62 concerning the powers and functions of the Hong Kong Special Administrative Region Government, and criticized the Administration for interfering in the independent operation of LegCo. Furthermore, he queried whether a double standard was being adopted in dealing with Mr HUI and those Members of the pro-establishment camp who were also suspected of having committed misbehavior, such as falsification of academic qualifications, interference in the investigation work of a select committee, failure to declare interests, and making remarks to incite others to kill.

42. Mr CHAN Han-pan commented that the logic of Mr Gary FAN's views was "the logic of bandits". He said that Members of the pro-democracy camp had frequently filibustered by requesting quorum calls, with the intention of causing the adjournment of meetings due to a lack of quorum. In his view, the arrangement of deploying public officers to perform marshalling duties in the LegCo Complex was to ensure that meetings could be conducted smoothly with the presence of a

Action

quorum. Mr CHAN further said that DP had not always practised what it preached in terms of punishing the wrongdoings of the people on its side. He hoped that DP would follow up on Mr HUI's acts in question in a fair and objective manner.

43. Dr Priscilla LEUNG considered that in assessing whether to support the censure motion proposed by Mrs Regina IP, three criteria should be applied. The first two criteria were whether Mr HUI Chi-fung's acts in question might constitute any criminal or civil liability, and whether Members could accept such acts of a Member to express or vent his/her dissatisfaction with the Administration. The third criterion was, from a political and public expectation standpoint, how the incident in question was perceived by the public. Dr LEUNG further said that she noted from the submission tabled at the meeting that some members of the public would choose to let go the incident in question because Mr HUI had already apologized. However, she also noted that many members of the public considered Mr HUI's acts in question unacceptable. She therefore supported Mrs Regina IP's proposal.

*(Post-meeting note: A submission, which was received on the day of this HC meeting and tabled at the meeting, was circulated to members vide LC Paper No. CB(2)1349/17-18 on 4 May 2018.)*

44. Mr LUK Chung-hung considered that Members irrespective of their political affiliations had the duty to uphold the image and integrity of LegCo. Members therefore should pay attention to the facts of the incident in question, instead of taking positions blindly and covering up faults. He noted that not only supporters of the pro-establishment camp found Mr HUI's acts in question unacceptable, but even supporters of the pro-democracy camp disapproved of such acts. Mr LUK stressed that Members of the pro-democracy camp should not use privacy as an excuse to legitimize or rationalize Mr HUI's acts in question because the Privacy Commissioner for Personal Data ("PCPD") had already stated that public officers performing marshalling duties at LegCo did not violate the Personal Data (Privacy) Ordinance (Cap. 486)("PDPO").

45. Mr WONG Kwok-kin considered that the moving of the proposed censure motion would provide an opportunity for Members to discuss and condemn Mr HUI's acts in question. He was of the view that as Mr HUI and DP both admitted that the acts in question were wrong, Mr HUI should be censured for what he had done. In response to the Deputy Chairman's concern about the manpower of the Secretariat if an

Action

investigation committee was set up to investigate the matter stated in the proposed motion, Mr WONG said that he found it strange that the Deputy Chairman did not raise the same concern during the previous discussion by HC on the proposed motion to censure Dr Junius HO. He commented that Members of the opposition camp had adopted a double standard in considering the proposal of Mrs Regina IP.

46. Ms Alice MAK supported Mrs Regina IP's proposal. She shared the view of Mr WONG Kwok-kin, adding that if Members of the opposition camp truly cared about the heavy workload of the Secretariat, they should refrain from filibustering or making so many frivolous and meaningless amendments to bills. Noting that PCPD had already issued a press release in response to the queries raised by Mr HUI Chi-fung in his letter to PCPD about the marshalling work of public officers at LegCo on the day before this HC meeting, she considered that Members should not use privacy to divert people's attention from the incident in question and blur the focus of the discussion. Ms MAK stressed that Mr HUI Chi-fung's acts in question were wrong and should be condemned.

47. Mr LAM Cheuk-ting said that Mr HUI Chi-fung's acts in question were improper, and Mr HUI had already apologized for committing such acts. DP had strongly condemned Mr HUI, suspended his membership and decided that his case be dealt with by DP's internal disciplinary procedure. Mr LAM stressed that Members from DP would listen humbly to any criticism that was reasonable and proportionate to the seriousness of Mr HUI's acts in question. Referring to the earlier remarks made by Dr Elizabeth QUAT about some messages posted on Mr HUI's Facebook page, Mr LAM opined that it would be illogical and irresponsible to treat those messages posted on the social media as the stance of the pro-democracy camp. He added that if Dr QUAT's remarks were valid, he wondered whether the Democratic Alliance for the Betterment and Progress of Hong Kong should be held responsible for the improper behaviour of some supporters of the pro-establishment camp.

48. Mr IP Kin-yuen also considered it extremely unfair for Dr Elizabeth QUAT to hold a Member accountable to the messages posted by netizens on the Facebook page of the Member and put the blame on the Member for not condemning such inappropriate messages. Furthermore, as pointed out by Dr QUAT, the relevant messages had been deleted by Mr HUI Chi-fung and this, in his view, had indicated that Mr HUI did not want those unbearable messages to be disseminated on the Internet. Mr IP stressed that Members of the pro-democracy camp had

Action

condemned Mr HUI's acts in question, but such condemnation was different in nature from the proposed motion to censure Mr HUI as the passage of it would lead to disqualification of Mr HUI from office.

49. Dr Elizabeth QUAT clarified that she had only queried why Members of the pro-democracy camp had not condemned those people who had posted threatening messages on Mr HUI Chi-fung's Facebook page against the female public officer concerned.

50. Mr Steven HO said that Mr HUI Chi-fung's acts in question were "bullying the weak". In Mr HO's view, the apology from Mr HUI was made only under the pressure of public opinion. Judging from what Mr HUI had done in the past few days, such as the issuance of a letter to PCPD requesting clarification on whether the marshalling work of the Administration at the LegCo Complex had violated PDPO, Mr HUI was still trying to absolve himself from the responsibility towards his acts in question. Mr HO further said that the majority of Hong Kong people would not believe that Mr HUI had made a serious introspection over his acts in question. In his view, Mr HUI did not qualify to serve as a LegCo Member.

51. Mr CHU Hoi-dick said that he could not subscribe to the view that DP was tolerant towards Mr HUI Chi-fung's acts in question as it had strongly condemned such acts. Mr CHU considered that the deployment of public officers to monitor the movements of individual Members in the LegCo Complex was in violation of BL. Mr CHU also pointed out that pursuant to BL 79(6), if a Member was convicted and sentenced to imprisonment for one month or more for a criminal offence, the Member would be relieved of his/her duties by a motion passed by two-thirds of the Members present. Therefore, if Members considered that Mr HUI had committed criminal offence(s) and charge(s) against Mr HUI would be forthcoming, they should wait until the criminal proceedings had been concluded. In Mr CHU's view, it was inappropriate to move a motion to censure Mr HUI for misbehaviour under BL79(7) as doing so would be tantamount to making a judgment before trial.

52. Expressing disagreement with Mr WONG Kwok-kin's view that Members of the pro-democracy camp had applied a double standard in the case of Mr HUI Chi-fung, Mr AU Nok-hin pointed out that DP had admitted that Mr HUI's acts in question were improper and had already apologized to the public. In his view, DP had done what should be done. On the earlier remarks of Dr Elizabeth QUAT, Mr AU said that during the

Action

2018 LegCo By-election, he and his electioneering team were subjected to numerous verbal or even physical assaults and Ms Judy CHAN Ka-pui, one of the other candidates in the Hong Kong Island geographical constituency, had commented that such acts were "performance scripted and directed by himself". However, Mrs Regina IP, as the Chairman of the New People's Party, had not condemned such acts or the remarks of Ms Judy CHAN, who was a member of her party.

53. Regarding some Members' view that it should be for the voters to decide whether Mr HUI Chi-fung should be penalized for his acts in question, Mr Paul TSE said that voters could only exercise their right to penalize Mr HUI with their votes in the next LegCo election which would only be held in 2020. Mr TSE further said that BL 79(6) and BL 79(7) had clearly provided for a mechanism for LegCo to handle matters related to disqualification of Members from office. Pointing out that PCPD had clarified more than once that the performance of marshalling duties in the LegCo Complex by public officers was not in breach of PDPO, Mr TSE commented that Members should not use the privacy issue as an excuse for shrinking Mr HUI's responsibility for his acts. He added that as some Members had raised concern about a point stated in the Schedule to the draft proposed censure motion attached to Mrs Regina IP's letter, the relevant point should be revised, as appropriate, to ensure that it was factually correct.

54. Mr Martin LIAO said that Mr HUI Chi-fung's repeated accusations of the Administration's invasion of Members' privacy by "paparazzi" at the LegCo Complex were merely attempts to camouflage the facts and in so doing, rendered Mr HUI's apology for his acts in question insincere. Mr LIAO considered that those public officers engaged in the marshalling work should not be called "paparazzi" as they would only observe the movements of individual Members and such marshalling work did not cause any nuisance to him. Mr LIAO stressed that Mr HUI's acts of bullying a female public officer, snatching her mobile phone and looking through the information contained in the mobile phone without her consent could not be justified by whatever excuses made by Mr HUI.

55. Mr CHAN Chi-chuen said that he did not support Mrs Regina IP's proposed motion. He stressed that Members should try to understand the background leading to Mr HUI's acts in question and should refrain from judging solely by what they saw in the few minutes of the CCTV footage. Mr CHAN criticized Mrs IP for rushing through the scrutiny work of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

Action

(Co-location) Bill in order to meet the Administration's legislative timetable. He added that the Administration was deploying "paparazzi" to monitor the movements of individual Members in the LegCo Complex in order to avoid any adjournment of the meetings of the Bills Committee due to a lack of quorum. Mr CHAN said that if Members considered that the whereabouts of Members in the LegCo Complex were open information, the Administration should be requested to make available to Members and even to the public the information they had collected about the movements of Members in the LegCo Complex.

56. Mr CHUNG Kwok-pan commented that Mr HUI Chi-fung's acts in question were unjustifiable. Regarding the query raised by some Members about possible intrusion into Members' privacy arising from the Administration's deployment of "paparazzi" to the LegCo Complex, Mr CHUNG pointed out that such deployment was nothing new and LCC, a member of which was from DP, had discussed relevant issues many times over the years. He added that he would support Mrs Regina IP's proposed motion.

57. Mr Jeremy TAM said that while Members of the pro-democracy camp had also condemned Mr HUI Chi-fung's acts in question as these acts were wrong, they considered that such acts had not met the threshold for invoking the mechanism for the censure of a Member for misbehaviour under RoP 49B(1A) which could lead to disqualification of a Member from office. Mr TAM further said that in his view, the proposed censure motion should not be moved before the Police had completed their investigation into the incident in question. He pointed out that the incident in question had been reported to the Police and it should be for the Police to investigate and consider prosecution, and if so, for the court to decide whether Mr HUI's acts in question constituted any offence. If Mr HUI was found guilty by the court and was sentenced to imprisonment for one month or more, Members could then invoke BL 79(6) to relieve Mr HUI's duties as a LegCo Member if they so wished. Mr TAM added that he objected to Mrs Regina IP's proposal.

58. Dr Junius HO commented that as Mr HUI Chi-fung admitted that he had acted wrongly, Mr HUI should consider resigning as a Member of LegCo should he sincerely feel sorry for what he had done. In Dr HO's view, Mr HUI's resignation as a LegCo Member would obviate the need for Members to discuss Mrs Regina IP's proposal to move a censure motion against Mr HUI as well as the possible need for LegCo to set up an investigation committee to investigate the matter stated in the proposed motion.

Action

59. Mr Tommy CHEUNG said that while he shared the Deputy Chairman's concern that the investigation committee in respect of Mrs Regina IP's proposed censure motion, if set up, would add to the already immense workload of Secretariat staff, he believed that similar concern would not be raised by Members of the pro-democracy camp should they put forward other proposed censure motions in future. In response to the question raised by some Members as to whether Mr HUI Chi-fung's acts in question would be acceptable if the public officer concerned was male, Mr CHEUNG stressed that irrespective of the gender of the public officer concerned, Mr HUI Chi-fung's acts in question were outrageous, shameful, immoral and barbaric. He considered it particularly unacceptable for a LegCo Member to commit such acts in the LegCo Complex.

60. The Chairman invited Mr HUI Chi-fung and Mrs Regina IP to respond to Members' views.

61. Mr HUI Chi-fung said that he had acted wrongly in the incident in question and would respect Members' right to follow up the matter in accordance with the established mechanism and procedures of LegCo. He hoped that Members, the public and the Administration would reflect on whether the Administration's current practice of deploying public officers to the LegCo Complex to keep watch on Members was appropriate and whether it was in the public interest for the Administration to adopt such practice. He urged the Administration to immediately stop and review such practice.

62. Mrs Regina IP said that while she would clarify the time at which the incident in question occurred, she considered that no matter whether or not the incident occurred during the period when members of the Bills Committee were being summoned to the Bills Committee meeting held in the morning on 24 April 2018, Mr HUI Chi-fung's acts in question were extremely childish, constituted misbehaviour, and showed that Mr HUI was not suitable to continue to serve as a LegCo Member. She would therefore seek to move a motion under RoP 49B(1A) in Council to censure Mr HUI.

63. In response to the enquiry raised by the Deputy Chairman about the arrangements for activation of policy subcommittees on the waiting list should an additional investigation committee be set up in respect of Mrs Regina IP's proposed censure motion, the Chairman said that it was her understanding that the Secretariat would make its best endeavour to

Action

complement the work of the Council and its committees through redeployment of resources but many Members did worry about the heavy workload of Secretariat staff. At the invitation of the Chairman, SG advised that the Secretariat would review the work progress of the various committees and subcommittees in operation and work out the proposed arrangements for activation of the investigation committee in respect of Mrs Regina IP's proposed motion (should it be set up) and policy subcommittees on the waiting list for Members' consideration.

64. Summing up, the Chairman invited Members to note that the mechanism for the censure of a Member under RoP 49B(1A) was established to implement BL 79(7), which could lead to disqualification of a Member from office. Pursuant to the relevant rules of RoP, a Member could give the requisite notice for moving a censure motion at a Council meeting and the notice had to be signed by three other Members. Subject to the President's approval, the relevant censure motion would be placed on the Agenda of the Council. The Chairman further said that she noted that Members from different political parties and groupings had expressed their views on Mrs Regina IP's proposal. According to the established procedure for the censure of a Member under RoP, if the matter stated in the relevant censure motion was referred to an investigation committee, Members would debate and vote on the motion at a Council meeting after the investigation committee had completed its work and reported to the Council.

**X. Any other business**

65. There being no other business, the meeting ended at 3:51 pm.