

立法會  
*Legislative Council*

LC Paper No. CB(2)1396/17-18

Ref : CB2/H/5/17

**House Committee of the Legislative Council**

**Minutes of the 21st meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 11 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 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 Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
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 POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, JP  
Hon CHUNG Kwok-pan  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, JP  
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  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon LUK Chung-hung  
Hon LAU Kwok-fan, MH  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
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 Tommy CHEUNG Yu-yan, GBS, JP  
Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Martin LIAO Cheung-kong, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG

**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
Miss Rachel DAI	Assistant Legal Adviser 2
Ms Wendy KAN	Assistant Legal Adviser 6
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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**I. Confirmation of minutes of meeting**

**Minutes of 20th meeting held on 4 May 2018**

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

The minutes were confirmed.

**II. Matters arising**

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

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

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3. Dr KWOK Ka-ki said that he had a strong view on the Administration's deployment of civil servants to station in the Legislative Council ("LegCo") Complex during Council and committee meetings to "observe" the movements of Members. In his view, such arrangements were not proper if the Administration gave due respect to the relationship between the Executive Authorities and the Legislature. Besides, the Administration should attach importance to the effective use of human resources in the civil service, and should not deploy these resources for such use. Dr KWOK asked the Chairman to relay to the Chief Secretary for Administration ("CS") the above views and also his hope that CS would attend a meeting of the House Committee ("HC") to discuss relevant issues with Members.

4. The Chairman said that Dr KWOK Ka-ki's views would be relayed to CS at her next meeting with CS.

**(b) Medical Council (Election and Appointment of Lay Members) Regulation**

*(Paragraph 7 of the minutes of the 20th meeting held on 4 May 2018)*

*(Letter dated 8 May 2018 from Dr Hon Pierre CHAN (LC Paper No. CB(2)1362/17-18(01)))*

*[Previous paper:*

*paragraphs 1 to 5 and 26 of LC Paper No. LS54/17-18 issued vide LC Paper No. CB(2)1334/17-18 dated 3 May 2018]*

5. The Chairman said that Members did not consider it necessary to form a subcommittee to study the above Regulation (i.e. L.N. 67) at the last HC meeting on 4 May 2018, but subsequently, Dr Pierre CHAN had written to her on 8 May 2018 explaining that he was absent from Hong Kong on the day of the last HC meeting and requesting HC to consider forming a subcommittee to study the above Regulation at this meeting. The Chairman reminded Members that given the relatively short scrutiny period for subsidiary legislation subject to negative vetting procedure, if Members considered it necessary to form a subcommittee to study any item of subsidiary legislation in detail but could not attend the relevant HC meeting at which the subsidiary legislation was considered by HC, they might ask other Members to make such request on their behalf or inform the Clerk in writing in advance, so that the subcommittee could commence work as early as possible.

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6. Mr WONG Kwok-kin was of the view that the Chairman could decide whether to accede to Dr Pierre CHAN's request and also expressed concern as to whether it would set a bad precedent if such request was acceded to. Mr Kenneth LEUNG, however, considered it acceptable for HC to adopt a flexible approach in dealing with similar requests. In response, the Chairman said that HC had all along taken a flexible approach in dealing with Members' requests for setting up Bills Committees and subcommittees on subsidiary legislation, and a Bills Committee or a subcommittee on subsidiary legislation would propose to be formed even if only one Member had made such request at the HC meeting. Furthermore, in the past, HC had acceded to requests similar to that of Dr Pierre CHAN.

7. Members agreed to Dr Pierre CHAN's request for setting up a subcommittee to study the Regulation in detail. The following Members agreed to join the subcommittee: Mr Kenneth LEUNG, Dr KWOK Ka-ki, Dr Helena WONG and Dr Pierre CHAN.

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

### **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)**

**Human Organ Transplant (Amendment) Bill 2018**  
(*LC Paper No. LS56/17-18*)

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

10. Mr CHAN Chi-chuen considered it necessary to form a Bills Committee to study the Bill in detail. Members agreed. Mr CHAN Chi-chuen, Dr KWOK Ka-ki and Dr Helena WONG agreed to join the Bills Committee.

**(b) Legal Service Division report on subsidiary legislation gazetted on 4 May 2018 and tabled in Council on 9 May 2018**

*(LC Paper No. LS57/17-18)*

11. At the invitation of the Chairman, LA briefed Members on the report prepared by LSD on the eight items of subsidiary legislation (i.e. L.N. 72 to L.N. 79) which were gazetted on 4 May 2018 and tabled in Council on 9 May 2018.

12. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Road Tunnels (Government) (Amendment) Regulation 2018 (L.N. 72) and the Road Tunnels (Government) Ordinance (Amendment of Schedule 1) Notice 2018 (L.N. 73) in detail. Members agreed. Dr KWOK Ka-ki agreed to join the proposed subcommittee.

13. Dr KWOK Ka-ki considered it necessary to form a subcommittee to study the Banking (Disclosure) (Amendment) Rules 2018 (L.N. 77) and the Banking (Specification of Multilateral Development Bank) (Amendment) Notice 2018 (L.N. 78) in detail. Members agreed. Dr KWOK Ka-ki and Mr CHAN Chun-ying agreed to join the proposed subcommittee.

14. Mr HO Kai-ming considered it necessary to form a subcommittee to study the Construction Workers Registration Ordinance (Expiry of Section 39(1)(b) and (d)) Notice (L.N. 79) in detail. Members agreed. Mr HO Kai-ming agreed to join the proposed subcommittee.

15. Members did not raise any questions on the other three items of subsidiary legislation (i.e. L.N. 74 to L.N. 76).

16. The Chairman reminded Members that the deadline for amending the above eight items of subsidiary legislation would be the Council meeting of 6 June 2018, or that of 27 June 2018 if extended by a resolution of the Council.

**IV. Further business for the Council meeting of 16 May 2018**

**Bills - resumption of debate on Second Reading, Consideration by Committee of the Whole Council and Third Reading**

17. The Chairman said that at the HC meeting held on 4 May 2018, Members did not raise objection to the resumption of the Second Reading debate on the Inland Revenue (Amendment) Bill 2018 at the Council meeting.

**V. The Chief Executive's Question Time on 23 May 2018**

18. The Chairman said that the Chief Executive's Question Time would be held from 11:00 am to 11:30 am, and the regular Council meeting of 23 May 2018 would be held immediately after the Chief Executive's Question Time ended.

**VI. Business for the Council meeting of 23 May 2018**

**(a) Questions**

*(LC Paper No. CB(3)573/17-18)*

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

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

20. The Chairman said that HC would consider the Inland Revenue (Amendment) (No. 4) Bill 2018 at its meeting on 25 May 2018.

**(c) Government motion**

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

(d) **Members' motions**

- (i) **Motion under Rule 49B(1A) of the Rules of Procedure to be moved by Hon Mrs Regina IP**  
(*LC Paper No. CB(3)579/17-18*)

22. The Chairman said that the above motion would be dealt with at the meeting.

- (ii) **Motion on "Cross-boundary elderly care" to be moved by Hon LEUNG Che-cheung**  
(*LC Paper No. CB(3)580/17-18*)

- (iii) **Motion on "Developing venues and creating room to support the development of local culture, arts, recreation and sports" to be moved by Hon MA Fung-kwok**  
(*LC Paper No. CB(3)581/17-18*)

23. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the above two Members' motions would be Tuesday, 15 May 2018. She added that since the Council could not deal with the Members' motions on the Agenda at its meeting of 9 May 2018, various Members' motions would be rescheduled to the Council meeting of 16 May 2018 and thereafter.

## VII. Reports of Bills Committees and subcommittees

### **Report of the Subcommittee on Proposed Senior Judicial Appointments**

(*LC Paper No. CB(4)1041/17-18*)

24. Dr Priscilla LEUNG, Chairman of the Subcommittee, briefed Members on the deliberations of the Subcommittee as detailed in its report. Dr LEUNG said that the Subcommittee supported the proposed appointments of the Honourable Mr Justice Andrew CHEUNG Kui-nung as a permanent judge of the Court of Final Appeal ("CFA"), the Honourable Mr Justice Robert TANG Ching as a non-permanent Hong Kong judge of CFA, and the Right Honourable the Baroness Brenda HALE of Richmond and the Right Honourable Beverley McLACHLIN, P.C., as non-permanent judges from other common law jurisdictions of



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CFA. The Subcommittee also noted that the Administration intended to move a resolution to seek the Council's endorsement of the proposed senior judicial appointments in accordance with Article 73(7) of the Basic Law ("BL") at the Council meeting of 30 May 2018.

25. Dr Junius HO said that BL prescribed that judges should be appointed by the Chief Executive ("CE") on the recommendation of an independent commission and also provided that CE should obtain the endorsement of LegCo in respect of the appointment of judges of CFA. While having no view on the Subcommittee's report, he took the view that LegCo had the power to decide whether to endorse the proposed senior judicial appointments and that it should be one of the essential functions of the Subcommittee to gauge public views on the proposed senior judicial appointments through holding a public hearing.

26. The Chairman said that she was also a member of the Subcommittee and she noted that members of the Subcommittee had diverse views on issues concerning the proposed appointment of CFA judges including the need to hold a public hearing. She, however, pointed out that this agenda item was meant for the Chairman of the Subcommittee to report on the deliberations of the Subcommittee, and that Members should not turn HC into another platform for discussing again the subject matter under the Subcommittee's purview. The Chairman further said that Members could express their views and explain their stance to the public on the proposed senior judicial appointments at the Council meeting at which the relevant proposed resolution would be dealt with.

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

*(LC Paper No. CB(2)1361/17-18)*

27. The Chairman said that as at 10 May 2018, there were nine Bills Committees (one of which would need to work beyond three months since its commencement), 10 subcommittees under HC and four subcommittees on policy issues under Panels in action. Eight subcommittees on policy issues were on the waiting list.

**IX. Request of Hon Claudia MO to seek the House Committee's recommendation for the holding of an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure at the Council meeting of 23 May 2018 on the Government's deployment of the so-called "paparazzi" at the Legislative Council Complex to "monitor" Members' whereabouts**  
(*LC Paper No. CB(2)1362/17-18(02)*)

28. At the invitation of the Chairman, Ms Claudia MO said that the Administration had for quite a long time deployed civil servants to station in the LegCo Complex to "monitor" Members' whereabouts, and the Legislative Council Commission ("LCC") had discussed relevant issues for several times. While there were nine Members of the pro-establishment camp in LCC, the pro-democracy camp was represented by only four Members in LCC. Therefore, she did not trust that LCC would follow up relevant issues in a fair manner. In her view, deploying the so-called "paparazzi" to station in the LegCo Complex was detrimental to the independent operation of LegCo, and this arrangement was a waste of public money and human resources in the civil service. She stressed that such arrangements by the Administration should not be confused with those by media agencies, as the "paparazzi" deployed by the Administration had nothing to do with safeguarding the public's rights to know and public interest. Therefore, Ms MO considered it necessary to hold an adjournment debate at the Council meeting of 23 May 2018 on the relevant issues.

29. Mr LUK Chung-hung said that he did not support Ms Claudia MO's proposal. In his view, Ms MO's proposal was an attempt to divert public attention from the incident of Mr HUI Chi-fung snatching a mobile phone from a female public officer against her will on 24 April 2018 ("the incident of Mr HUI Chi-fung"). Besides, it was reasonable for the Administration to deploy public officers to perform marshalling duties in the LegCo Complex, and the Privacy Commissioner for Personal Data ("PCPD") had already stated that such arrangements did not violate the Personal Data (Privacy) Ordinance (Cap. 486) ("PDPO"). Mr LUK added that it was disrespectful to those officers in calling them "paparazzi", and the proper name was "全程監察小組" (i.e. a team responsible for monitoring of the movements of Members).

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30. Referring to BL 62(6), Mr Gary FAN considered that BL did not provide that the Administration could designate officials to perform duties in the LegCo Complex other than sitting in on meetings of LegCo and its committees and speaking on behalf of the Government. He did not subscribe to CS's explanation that public officers were deployed to station in the LegCo Complex only to "observe" the movements of Members, and considered that such arrangements had influenced Members' voting decisions and amounted to interfering with the independent operation of LegCo. Therefore, Mr FAN considered it necessary to request the Administration to provide more details on the relevant issues.

31. Mr CHU Hoi-dick was of the view that if those civil servants stationing in the LegCo Complex were really called "全程監察小組", then the Administration did not just "observe" but also "monitor" the movements of Members. He said that pursuant to BL, it was one of the functions of LegCo to monitor the Government but not the other way round. Holding an adjournment debate at the Council meeting was therefore warranted so that Members could discuss with the Administration the relationship between the Executive Authorities and the Legislature. Mr CHU also requested the Administration to release to the public information collected by those civil servants.

32. Mr Jeremy TAM said that in respect of civil servants stationing at various entrances, passageways and doorways of the LegCo Complex, he had previously made complaints to the security staff of the Secretariat. Given that the work of LegCo and that of the Administration should be independent of each other, he considered it improper for the Administration to deploy civil servants to station in the LegCo Complex to monitor the movements of Members. He felt offended by such arrangements which he also considered disrespectful to LegCo.

33. Dr CHIANG Lai-wan said that she objected to Ms Claudia MO's proposal. In her view, as Members of the opposition camp had frequently filibustered by requesting quorum calls, it was understandable for the Administration to deploy civil servants to perform marshalling duties in the LegCo Complex so as to ensure that meetings could be conducted smoothly with the presence of a quorum. As regards the remarks made by Mr Gary FAN about BL 62(6), she pointed out that according to the decision of the Court of First Instance in an application for leave for judicial review dated 8 May 2018 in the case of *Kwok Cheuk Kin v President of the Legislative Council & Another* (HCAL 751/2018), there was no reasonable legal basis to support the Applicant's contention

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that it was unconstitutional for Government officers to perform duties at LegCo other than sitting in on meetings of LegCo and its committees and speaking on behalf of the Government.

34. Mr IP Kin-yuen said that to his understanding, the Administration started deploying the so-called "paparazzi" to station in the former LegCo Building to monitor the movements of Members back in 1995, adding that such practice of the Administration had been criticized by Mr SZETO Wah, a former LegCo Member and former President of the Hong Kong Professional Teachers' Union, as extremely impolite and inappropriate. Pointing out that a total of about 3 000 admission passes had been issued to public officers for entry into the LegCo Complex in the 2016-2017 session, Mr IP stressed that the Administration's deployment of the so-called "paparazzi" to station in the LegCo Complex had aroused concerns about whether public money had been well spent.

35. Mr WONG Kwok-kin said that according to his recollection, the Administration had been deploying more civil servants to perform marshalling duties in the LegCo Complex since 2012 in order to deal with the incessant filibustering by some Members of the pro-democracy camp which had caused adjournment of meetings of the Council and its committees, and hindered the scrutiny of many important Government bills and motions as well as financial proposals. The civil servants concerned served mainly to obtain information about Members' attendance at meetings held in the LegCo Complex and remind Members of the pro-establishment camp of the need to stay in the LegCo Complex to attend meetings as necessary. In his view, such arrangements of the Administration had not only facilitated the scrutiny of Government bills and motions as well as financial proposals by LegCo but also effectively reduced the risk of adjournment of meetings, thereby saving a lot of public money.

*(Some Members spoke aloud in their seats while Mr WONG Kwok-kin was speaking.)*

36. The Chairman reminded Members that they should not speak aloud in their seats while another Member was speaking on the proposal under discussion. She said that in the past, various Members had complained to her about this situation. Given that all Members who had requested to speak would have the opportunity to do so, she hoped that Members would respect the Member who was speaking, no matter whether they agreed to the views expressed by that Member.

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37. Referring to Ms Claudia MO's remark that it was a waste of human resources to deploy civil servants to station in the LegCo Complex, Mr HO Kai-ming said that such deployment would not have been necessary if no Member had deliberately caused the adjournment of meetings of the Council and its committees. He also could not see why a Member's voting decision would, as suggested by Mr Gary FAN, be influenced by the presence of civil servants performing marshalling duties in the LegCo Complex. Mr HO added that 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 at meetings.

38. Mr MA Fung-kwok said that the Administration had considered it necessary to deploy civil servants to perform marshalling duties in the LegCo Complex mainly because some Members of the Fifth LegCo had resorted to filibustering and making frequent quorum calls to obstruct the passage of Government bills and motions. Mr MA further said that the civil servants performing marshalling duties in the LegCo Complex were only concerned about the whereabouts of Members of the pro-establishment camp. Given that some Members might deliberately cause the adjournment of meetings, he was thankful to these civil servants who were tasked to remind Members to attend meetings, thus helping to prevent the waste of public money arising from the adjournment of meetings and enhance the efficiency of the conduct of Council business.

39. Mr Kenneth LEUNG said that both the Administration and PCPD admitted that public officers performing marshalling duties in the LegCo Complex had collected information about Members which were considered personal data under PDPO. While he noted that PDPO contained certain exemption provisions and PCPD had stated publicly that public officers performing marshalling duties in the LegCo Complex had not violated PDPO, he hoped that PCPD would explain in more detail the provisions upon which he arrived at such a conclusion. Mr LEUNG further said that according to PDPO, Members being the data subject had the right to request the Administration to explain how the information it had collected about Members would be used, whether such information was accurate and for how long such information would be kept by the Administration. He considered that these issues might be discussed during the proposed adjournment debate.

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40. Mr HUI Chi-fung said that it was necessary and in the public interest for HC to discuss the Administration's practice of deploying the so-called "paparazzi" in the LegCo Complex to keep watch on Members. He pointed out that should the Administration wish to explain Government policies and lobby Members' support for such policies, it could have done so by calling or sending messages to Members instead of deploying the so-called "paparazzi" to monitor the movements of Members. In his view, the Administration was using public powers to put pressure on Members and influence their voting decisions. He stressed that under the principle of separation of powers, LegCo should monitor the work of the Administration and Members should not be under the Administration's surveillance.

41. Mr SHIU Ka-fai said that to his understanding, the Administration had been deploying more civil servants to perform marshalling duties in the LegCo Complex because more Members had resorted to filibustering and making frequent quorum calls with the intention to cause the adjournment of meetings of the Council and its committees. Therefore, the Administration had to take actions to ensure the presence of a quorum throughout the meetings in order to facilitate the passage of Government bills and motions. He did not consider that the marshalling work of the Administration violated the privacy of Members, a view which, he added, was also clearly expressed by PCPD.

42. Mr LEUNG Yiu-chung considered that if enough Members of the pro-establishment camp could sit through meetings of the Council and its committees, then meetings would not be adjourned due to a lack of quorum and all Government bills and motions would be passed. He observed that the civil servants deployed by the Administration to monitor the movements of Members would only remind Members of the pro-establishment camp to turn up for meetings, but not Members of the pro-democracy camp. Holding the view that Government officials should only come to LegCo to attend meetings to answer Members' questions and to promote Government policies, Mr LEUNG asked the Secretary General ("SG") whether civil servants performing marshalling duties at LegCo would violate any rule of Rules of Procedure ("RoP").

*(Some Members spoke aloud in their seats while Mr LEUNG Yiu-chung was speaking.)*

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43. The Chairman said that the subject under discussion was the proposal of Ms Claudia MO to seek HC's recommendation for the holding of an adjournment debate at the Council meeting of 23 May 2018. Should Members have questions to ask SG, they should do so on other occasions.

44. Mr LAM Cheuk-ting raised a point of order. He said that some Members of the pro-establishment camp had interrupted Mr LEUNG Yiu-chung, and queried why the Chairman had not stopped them. In response, the Chairman said that the point made by Mr LAM was not a point of order. The Chairman further said that as she had said earlier that there had been occasions in the past where various Members had spoken aloud in their seats while another Member was speaking. She had already reminded all Members that they should not interrupt another Member who was speaking, and she was prepared to remind Members again after Mr LEUNG Yiu-chung finished speaking. The Chairman then called on Members to exercise self-restraints to facilitate smooth conduct of the meeting.

45. Mr CHEUNG Kwok-kwan said that what Members of the opposition camp had said at the meeting was full of sophistry. Given that the deployment of civil servants to station in the LegCo Complex to perform marshalling duties was a long-standing practice of the Administration with nothing amiss, he questioned why this suddenly became a serious issue. Mr CHEUNG reckoned that it was an attempt of Ms Claudia MO to downplay and rationalize Mr HUI Chi-fung's acts, hoping to divert public attention from his incident.

46. Dr KWOK Ka-ki commented that the current political system was distorted in that the Administration could work with Members of the pro-establishment camp to get the LegCo's approval for whatever proposals it submitted. Therefore, Members of the pro-democracy camp had to make use of all the opportunities to make their voices heard in LegCo, in order to stop the passage of draconian laws and white elephant projects. He held a strong view that public money should not be used to interfere with the independent operation of LegCo and damage the mutual respect between the Executive Authorities and the Legislature.

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47. Dr Helena WONG said that the deployment of "paparazzi" by the Administration to monitor the movements of Members in the LegCo Complex was a controversial issue which was worth discussion by Members, and therefore she supported Ms Claudia MO's proposal. She further said that the Democratic Party had also raised this issue at LCC meetings. Dr WONG pointed out that in accordance with BL, it was one of the functions of LegCo to monitor the Government but not the other way round. She considered that the Administration's practice of deploying "paparazzi" in the LegCo Complex to monitor Members' movements was in breach of BL. She was also concerned about what kind of information the Administration had collected about Members and whether such information was accurate and for how long such information would be kept by the Administration.

48. Mr CHAN Chi-chuen said that according to what Mr James TIEN had said, back in those days when Mr TIEN was a LegCo Member, "paparazzi" was mainly deployed to keep watch on the movements of Members of the pro-establishment camp. In his view, the growing prevalence of "paparazzi" in the LegCo Complex revealed that Members of the pro-establishment camp were increasingly ineffective in defending the position of the Government and "paparazzi" was needed to remind them to attend meetings of the Council and its committees in order to avoid the adjournment of meetings due to a lack of quorum. Mr CHAN said that if Members considered that there was no problem with the deployment of "paparazzi" to station in the LegCo Complex by the Administration, the data that they had collected should be made available to the public.

49. Mr KWOK Wai-keung pointed out that the civil servants performing marshalling duties in the LegCo Complex had no contact with Members at all and their work had nothing to do with "paparazzi" as they would neither shadow Members nor engage in clandestine photographing. He therefore considered it inappropriate to describe and discredit them as "paparazzi". Mr KWOK said that as a member of the Hong Kong Federation of Trade Unions, he had all along supported equal pay for equal work and he could not subscribe to the view of Mr LEUNG Yiu-chung that the responsibility of attending meetings of the Council and its committees should rest with Members of the pro-establishment camp only.



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50. Ms Alice MAK said that the Administration had to deploy civil servants to keep watch on the attendance of Members at meetings of the Council and its committees because some Members had frequently filibustered and deliberately attempted to cause the adjournment of meetings by requesting quorum calls. She did not see any problem for the Administration to think ahead and work out plans in anticipation of the actions that would be taken by those Members who attempted to obstruct the passage of Government bills and motions.

51. Mr WONG Ting-kwong considered that the marshalling work of the Administration in the LegCo Complex in fact could facilitate the smooth conduct of meetings of the Council and its committees. Pointing out that Members of the opposition camp could still go wherever they wished without any hindrance or being asked by the civil servants performing marshalling duties in the LegCo Complex, he queried why these Members were so afraid of the marshalling work of the Administration. Mr WONG stressed that LegCo Members were public figures and should be responsible to members of the public for their performance and activities in LegCo.

52. Mr CHAN Kin-por said that to his understanding, the civil servants performing marshalling duties in the LegCo Complex were only trying to ascertain whether the Members were in the LegCo Complex and they would not cause any disturbance to Members. In his view, such marshalling work had nothing to do with the issue of privacy, and those Members who continued to dwell on this issue would only give the public an impression that they were attempting to divert public attention from the incident of Mr HUI Chi-fung.

53. Mr LAM Cheuk-ting said that if it was an acceptable practice for the civil servants being deployed to keep watch on the movements of Members of the pro-establishment camp to ensure their attendance at meetings of the Council and its committees, it should also be acceptable for Members of the pro-democracy camp to use filibusters as a tactic. However, he considered it unacceptable for the Administration to deploy civil servants to station in the LegCo complex to monitor the movements of all Members as it involved using resources to interfere with the operation of LegCo, which violated the principle of separation of powers.

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54. Dr Junius HO said that although the issues raised in Ms Claudia MO's proposal might relate to public interest, he did not see any urgent need for the holding of an adjournment debate at a Council meeting on such issues. Besides, as the Administration had for more than a decade deployed civil servants to perform marshalling duties in the LegCo Complex, he considered such arrangements acceptable. He further said that Members should not be too concerned about such arrangements as they would also be monitored by the closed-circuit television system in the LegCo Complex.

55. Dr Priscilla LEUNG said that records of Members entering and leaving the Chamber should not be regarded as information related to Members' privacy. Furthermore, according to her recollection, Ms Emily LAU, a former Member, had indicated that in the past, in the event of a lack of quorum, those civil servants stationing in the LegCo Complex would notify Members of different political parties and grouping to attend Council meetings. However, in recent years, under similar circumstances, these civil servants tended to only notify Members of the pro-establishment camp. Given that it was the duty of all Members to attend Council meetings, Dr LEUNG considered that from now on, such civil servants should notify all Members in the event of a lack of quorum.

56. Mr CHAN Han-pan considered that information on whether or not Members were in the LegCo Complex did not relate to Members' privacy, and therefore, Members should not be too concerned about such information being collected. In his view, the Administration had to deploy civil servants to perform marshalling duties in the LegCo Complex mainly because Members of the opposition camp had frequently filibustered by requesting quorum calls, with the intention of causing the adjournment of meetings. He stressed that as it was the duty of all Members to attend meetings, Members of the pro-democracy camp should also be held accountable in the event of a lack of quorum.

57. Mr Charles MOK said that as many Members of the pro-establishment camp were eager to express views on the matter, they should support the holding of the proposed adjournment debate at the Council meeting.

Action

58. Ms Claudia MO reiterated her view that it was unacceptable for the Administration to deploy the so-called "paparazzi" to station in the LegCo Complex to monitor the movements of Members. To her understanding, a total of about 3 000 admission passes had been issued to public officers for entry into the LegCo Complex in the 2016-2017 session, and therefore, a great amount of public money was involved. She considered it incumbent upon the Administration to provide a detailed breakdown of the public money used for such arrangements.

59. The Chairman put to vote the proposal of Ms Claudia MO to move a motion for adjournment of the Council, in addition to two Members' motions without legislative effect, pursuant to RoP 16(4) at the Council meeting of 23 May 2018 for the purpose of conducting a debate on the Government's deployment of the so-called "paparazzi" in the LegCo Complex to "monitor" Members' whereabouts. The Chairman ordered a division.

The following Members voted in favour of the proposal:

Mr LEUNG Yiu-chung, Ms Claudia MO, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Dr Helena WONG, Mr IP Kin-yuen, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Ms Tanya CHAN, Mr HUI Chi-fung, Mr KWONG Chun-yu, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin.

(19 Members)

The following Members voted against the proposal:

Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Dr Elizabeth QUAT, Mr POON Siu-ping, Dr CHIANG Lai-wan, Mr CHUNG Kwok-pan, Mr Jimmy NG, Dr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Vincent CHENG and Mr Tony TSE.

(32 Members)

Action

60. The Chairman declared that 19 Members voted for and 32 Members voted against the proposal and no Member abstained from voting. The Chairman declared that the proposal was not supported.

**X. Any other business**

61. There being no other business, the meeting ended at 3:39 pm.

Council Business Division 2  
Legislative Council Secretariat  
17 May 2018