

立法會
Legislative Council

LC Paper No. CB(3) 544/17-18

Ref. : CB(3)/M/MR

Tel : 3919 3300

Date : 30 April 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 9 May 2018

**Resumption of debate on the motion moved by Hon Paul TSE
under Rule 49B(1A) of the Rules of Procedure**

At the Council meeting of 14 December 2016, the debate on the above motion (“the censure motion”) (**Appendix**) was adjourned and the matter stated in the motion was referred to an investigation committee in accordance with Rule 49B(2A) of the Rules of Procedure. The Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Dr Hon CHENG Chung-tai has completed investigation of the matter referred to it, and presented its report to the Council on 11 April 2018.

2. In accordance with Rule 40(6A) of the Rules of Procedure, the debate on the censure motion will be resumed at the earliest meeting of the Council at which normal business is transacted after the report has been laid on the Table of the Council, **i.e. the regular Council meeting of 9 May 2018** as shown on the Legislative Council meeting schedule of the 2017-2018 session (issued vide LC Paper No. CB(3) 844/16-17 on 17 July 2017). Accordingly, the resumption of the debate on the censure motion will be included in the Agenda for the Council meeting of 9 May 2018. Whether this agenda item can be dealt with at this meeting will depend on the progress of the meeting.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion to be moved by Hon Paul TSE
under Rule 49B(1A) of the Rules of Procedure
to censure Dr Hon CHENG Chung-tai
at the Council meeting of 14 December 2016**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Dr Hon CHENG Chung-tai for misbehaviour (details as particularized in the Schedule to this motion).

Schedule

Details of Dr Hon CHENG Chung-tai's misbehaviour are particularized as follows:

- (1) Sixtus LEUNG Chung-hang and YAU Wai-ching requested to take their oath/affirmation afresh at the Council meeting of 19 October 2016 as their so-called oath/affirmation taken for the first time at the Council meeting of 12 October 2016 had been ruled invalid by the President of the Legislative Council ("LegCo") on the grounds that both of them could not be serious about their oath and were unwilling to be bound by it. At the Council meeting of 19 October, some 10 Members of the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") placed the mock-ups of the national flags of the People's Republic of China ("national flags") and the regional flags of the Hong Kong Special Administrative Region of the People's Republic of China ("regional flags") on their desks in the Chamber, so as to highlight the solemnity and pledge of taking oath to uphold the Basic Law and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China.
- (2) At the Council meeting of 19 October 2016, when the President directed Members to be summoned for a quorum and all DAB Members were not present, Dr Hon CHENG Chung-tai deliberately inverted the mock-ups of the national flags and the regional flags placed on the desks of DAB Members. After Dr Hon CHIANG Lai-wan found out what happened and returned to the Chamber to rearrange the mock-ups of the national flags and the regional flags and place them in the same position and manner as before, Dr CHENG again deliberately inverted the mock-ups of the national flags and the regional flags. Eventually, the President reprimanded him for leaving his seat at will and disturbing other Members displaying objects, and ordered him to withdraw immediately from the Council as his conduct was grossly disorderly, but he refused to leave all along. What was happening in the Chamber was broadcast live on the television throughout that period of time.
- (3) The aforesaid conduct of Dr Hon CHENG Chung-tai: (i) was in breach of the LegCo Oath taken by him at the Council meeting of 12 October 2016 under Article 104 of the Basic Law and the Oaths and Declarations Ordinance (Cap. 11) to "uphold

the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China"; (ii) constitutes misbehaviour as he openly and deliberately humiliated the national flags and the regional flags in his capacity as a Member of LegCo.