

**Court proceedings involving the Legislative Council since 1 July 1997
(as at May 2014)**

Court (Case No.) <i>Filing date</i>	Parties	Description of Court Proceedings	Date of Hearing / Judgment	Outcome
<p>Court of First Instance (HCAL 71 of 1998)</p> <p><i>7 Sep 1998 (Application for leave to apply for judicial review)</i></p>	<p>CHIM Pui Chung v President of the Legislative Council</p>	<p>The applicant questioned the proper construction of Article 79(6) of the Basic Law on disqualifying a Member upon the Member being convicted and sentenced to imprisonment of one month or more and challenged the decision of the President to place on the Agenda of LegCo a motion seeking to relieve CHIM of his duties as Legislative Council Member</p>	<p>8 Sept 1998 / <u>8 Sept 1998</u> (<u>Keith J.</u>)</p>	<p>Application dismissed</p>
<p>Court of First Instance (HCA 1189 of 2004)</p> <p><i>15 May 2004 (Originating Summons for a civil claim against the Legislative Council)</i></p>	<p>CHAN Yuk Lun v The Legislative Council of the HKSAR</p>	<p>The plaintiff sought an order to compel the Legislative Council to substitute the expression of "Crown" and other similar terms in legislation with other terms, and claimed damages against the Legislative Council</p>	<p>13 Oct 2004 / 24 Nov 2004 (Master Wong in Chambers)</p>	<p>Originating summons struck out</p>

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<p>Court of First Instance (HCA 1189 of 2004)</p> <p><i>27 Oct 2004 (Notice of Appeal)</i></p>	<p>CHAN Yuk Lun v The Legislative Council of the HKSAR</p>	<p>The plaintiff sought to appeal against the decision of Master Wong in HCA 1189 of 2004</p>	<p>21 Mar 2005 / 1 Jun 2005 (Yam J.)</p>	<p>Appeal dismissed</p>
<p>Court of First Instance (HCAL 112 of 2004)</p> <p><i>4 Oct 2004 (Application for leave to apply for judicial review)</i></p>	<p>LEUNG Kwok Hung v Clerk to the Legislative Council</p>	<p>The applicant sought an order to compel the Clerk to the Legislative Council to administer the applicant's own version of oath when he assumed his office as a Member of Legislative Council; and sought a declaration that his version of oath was in accordance with the requirements of Article 104 of the Basic Law</p>	<p>5 Oct 2004 / <u>6 Oct 2004</u> (<u>Hartmann J</u>)</p>	<p>Application dismissed</p>
<p>Court of First Instance (HCAL 87 of 2006)</p> <p><i>5 Aug 2006 (Application for leave to apply for judicial review)</i></p>	<p>LEUNG Kwok Hung v The President of the Legislative Council of the HKSAR</p>	<p>The applicant sought a declaration that Rule 57(6) of the Rules of Procedure which imposed restrictions on moving amendments with charging effect contravened Articles 73(1) and 74 of the Basic Law</p>	<p>13-15 Nov 2006 / <u>22 Jan 2007</u> (<u>Hartmann J</u>)</p>	<p>Application dismissed</p>

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Court of Appeal (HCMP 1227 of 2007) <i>28 Jun 2007</i>	LEUNG Kwok Hung v The President of the Legislative Council of the HKSAR	The applicant applied for an extension of time to appeal against the judgment of Hartmann J in HCAL 87/2006	20 July 2007 / <u>10 Aug</u> <u>2007</u> (<u>Tang VP</u>)	Application dismissed
Court of First Instance (HCAL 93 of 2006) <i>29 Aug 2007</i> <i>(summons to join the Legislative Council as a party to the proceedings)</i>	Glory Success Transportation Limited v Secretary for Justice	The applicant sought to join the Legislative Council as a party to the proceedings (summons served on the Secretary General)	18 Sept 2007 and 21 Feb 2008 (with no written judgment) (Chu J) <u>31 Mar 2008</u> (<u>Ruling on costs by Chu J</u>)	Application dismissed Application withdrawn by Applicant on 8 Dec 2008
Court of Appeal (HCMP 2059 of 2008) <i>20 Oct 2008</i> <i>(Summons for leave to appeal out of time)</i>	Glory Success Transportation Limited v Secretary for Justice & President of the Legislative Council of HKSAR	The applicant sought to appeal against the order of Chu J. on 21 Feb 2008 in HCAL 93 of 2006 out of time	10 Nov 2008 / <u>10 Nov</u> <u>2008</u> (<u>Rogers VP</u> <u>and Le</u> <u>Pichon JA</u>)	Application dismissed

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<p>Court of First Instance (HCA 1293 of 2008)</p> <p><i>11 July 2008 (Filing of writ of summons)</i></p>	<p>Cheng Yin-fong v The Legislative Council</p>	<p>The plaintiff claimed for damages against the Legislative Council for certain alleged conducts which purportedly amounted to the destruction of the People's Republic of China</p>	<p><u>14 Nov 2008</u> (<u>Yam J</u>)</p>	<p>Plaintiff's claim struck out</p>
<p>Court of Appeal (CACV378/2008 on appeal from HCA 1293 of 2008)</p> <p><i>29 Dec 2008 (Notice of Appeal)</i></p> <p>Court of Appeal (CACV378/2008)</p> <p><i>29 Jan 2013 (Application for leave to appeal to the Court of Final Appeal)</i></p>	<p>Cheng Yin-fong v The Legislative Council</p>	<p>The plaintiff applied for leave to appeal against the decision of Yam J on 14 Nov 2008 in HCA 1293 of 2008</p> <p>The applicant applied for leave to appeal to the Court of Final Appeal on the Court of Appeal's decision</p>	<p><u>14 Jan 2013</u> (<u>Yuen JA,</u> <u>Kwan JA and</u> <u>Chu JA</u>)</p> <p>9 Apr 2013 / <u>12 Apr 2013</u> (<u>Yuen JA,</u> <u>Kwan JA and</u> <u>Chu JA</u>)</p>	<p>Application dismissed.</p> <p>Application dismissed</p>
<p>Court of First Instance (HCAL 79 of 2009)</p> <p><i>10 Jul 2009 (Application for leave to apply for judicial review)</i></p>	<p>CHENG Kar-shun and LEUNG Chi-kin v The Hon LI Fung-ying & others</p>	<p>The applicants sought a review of the orders of a Select Committee of the Legislative Council requiring the applicants to appear before a hearing of that Committee to give evidence and to produce documents</p>	<p>17-20 Aug 2009 / <u>24 Sep 2009</u> (<u>Andrew</u> <u>Cheung J</u>)</p>	<p>Application dismissed</p>

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Court of Appeal (CACV 246 of 2009 on appeal from HCAL79/2009) <i>22 Oct 2009</i>	CHENG Kar-shun and LEUNG Chi-kin v The Hon LI Fung-ying & others	The applicants sought to appeal against the judgment of Cheung J. in HCAL 79 of 2009		Application withdrawn
Court of First Instance (HCAL 64 of 2012) <i>17 May 2012 (Application for leave to apply for judicial review)</i>	LEUNG Kwok-hung v President of the Legislative Council of the HKSAR	The applicant sought a review of the decision of the President to close the committee stage debate on amendments to a Bill	17 – 19 May 2012 / <u>25 May 2012</u> (<u>Lam J</u>)	Application dismissed
Court of Appeal (CACV 123 of 2012 on appeal from HCAL 64 of 2012) <i>10 Jan 2013 (Notice of Appeal)</i>	LEUNG Kwok-hung v President of the Legislative Council of the HKSAR	The applicant sought to appeal against the refusal by Lam J to grant leave to apply for judicial review in HCAL 64 of 2012	10 Jan 2013 / <u>1 Feb 2013</u> (<u>Cheung CJHK, Kwan JA and Jeremy Poon J</u>)	Appeal dismissed

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Court of Appeal (CACV 123 of 2012, on appeal from HCAL 64/2012) <i>16 May 2014 (Notice of Motion to appeal to the Court of Final Appeal)</i>	LEUNG Kwok-hung v President of the Legislative Council of the HKSAR	The applicant sought leave to appeal to the Court of Final Appeal against the decision of the Court of Appeal in dismissing his appeal	(No oral hearing) <u>18 Jul 2013</u> (<u>Cheung</u> <u>CJHC, Kwan</u> <u>JA and</u> <u>Jeremy Poon</u> <u>J</u>)	Application refused
Appeal Committee of the Court of Final Appeal (FAMV 37 of 2013 on Appeal from CACV 123 of 2012) <i>13 Aug 2013 (Notice of motion for leave to appeal to the Court of Final Appeal)</i>	LEUNG Kwok-hung v President of the Legislative Council of the HKSAR	The applicant sought leave to appeal to the Court of Final Appeal from CACV 123 of 2012	16 Dec 2013	Application granted Appeal to be heard on 10 Sept 2014 with 11 Sept reserved.

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<p>Court of Final Appeal (FACV 1 of 2014)</p> <p><i>21 Jan 2014 (Notice of Appeal to the Court of Final Appeal)</i></p>	<p>LEUNG Kwok-hung v President of the Legislative Council of the HKSAR</p>	<p>The applicant has been granted leave to appeal the dismissal of his appeal against the decision of Lam J. by the Court of Appeal. Two questions have been posed for the determination by the Court of Final Appeal –</p> <p>(1) Having regard to the Basic Law and the Rules of Procedure of the Legislative Council, under what circumstances may a decision of the President of the Legislative Council made during the legislative process be judicially reviewed?</p> <p>(2) In light of the answer to the 1st Question above, is the decision of the President of the Legislative Council on 17 May 2012 to close the debate of the Committee of the Whole Council on the amendments to the Legislative Council (Amendment) Bill 2012, purportedly pursuant to Article 72(1) of the Basic Law and Rule 92 of the Procedure of the Legislative Council, amenable to judicial review?</p>	<p>10 Sept 2014 with 11 Sept reserved</p>	