

立法會
Legislative Council

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Date : 29 May 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 3 June 2015

**Request for special leave of the Council to give evidence
of Council proceedings**

The Acting Deputy Director of Public Prosecutions of the Department of Justice has submitted a request (**Appendix I**) for special leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap 382) (**Appendix II**) and Rule 90 of the Rules of Procedure (“RoP”) for four officers of the Legislative Council to give evidence in court cases (“the Request”).

2. In accordance with Rule 90(2) of RoP, the President has directed that the Request be placed on the Agenda for the Council meeting of 3 June 2015.

3. Members are invited to note that under Rule 90(2), unless on a motion which may be moved without notice at the above meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

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28 May 2015

Mr Kenneth CHEN
Clerk to the Legislative Council
The Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

By Fax (2845 2444) and By Hand

Dear Mr CHEN,

HKSAR v. WONG Kam-cheung (ESS 2026-7/2015)

**Application for Special Leave of the Legislative Council (the 'LegCo')
for officers of and persons employed by the Council to give evidence in respect
of proceedings held before the Panel on Administration of Justice and Legal
Services on 22 July 2014 (the 'Panel meeting') and proceedings held before the
Council on 15 October 2014 (the 'Council meeting')**

This is an application for special leave of the Legislative Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and rule 90 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region (Instrument No. A501) for the following officers of and persons employed by the LegCo, namely:-

| | Name | Role | Remarks |
|---|---------------|--------------------------------------|--|
| 1 | Mr LI Ka-fai | Security Assistant (II) of the LegCo | - witnessed the events happened in Conference Room 1 and the public gallery during the Panel meeting on 22 July 2014 |
| 2 | Ms LI Yuk-wah | Security Assistant (I) of the LegCo | - witnessed the events happened in Conference Room 1 and the public gallery during the Panel meeting on 22 July 2014 |

| | | | |
|---|------------------------|---------------------------------------|---|
| 3 | Mr MAK Chun-nga Wilcox | Security Assistant (I) of the LegCo | - witnessed the events happened in the Chamber and the public gallery during the Council meeting on 15 October 2014 |
| 4 | Mr LAM Tsz-fung | Senior Information Technology Officer | - providing CCTV footages taken at Conference Room 1 on 22 July 2014 |

to give evidence in the criminal proceedings instituted against Mr WONG Kam-cheung ('WONG'), who has been prosecuted for two offences of 'Contravening an administrative instruction issued under section 8(3)', contrary to section 20(b) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), in respect of certain alleged conducts on the part of WONG during (1) the proceedings held before the **Panel on Administration of Justice and Legal Services of the Legislative Council on 22 July 2014** and (2) the proceedings held before the **Legislative Council on 15 October 2014**.

The reasons for the application are as follow. For the purpose of the criminal proceedings, it is intended that evidence will be called in an attempt to prove amongst other things the following matters: (1) in the incident on 22 July 2014, WONG stood up from his seat in the public gallery, shouted and caused injury to himself by cutting his wrist with a cutter blade while the Panel meeting was held, and the Panel meeting was then suspended for about 2 minutes; (2) in the incident on 15 October 2014, WONG shouted and threw papers into the Chamber from the public gallery during the Council meeting, and was then ordered by the President to be removed from the public gallery. The evidence of the above-named witnesses will be necessary in the trials of WONG for the above two offences which are scheduled to be heard in the Eastern Magistrates' Courts on 5 June 2015 and 15 June 2015 respectively, and may involve events which happened while the said proceedings were held.



(Paul HO

Deputy Director of Public Prosecutions (Ag.)

- c.c. (1) Matthew Chong, Esq., Counsel on fiat (By Fax (2537 7873) only)
(2) DSIP Clement LI, DCS 1 CDIST (By fax (3660 1296) only)

第 382 章 立法會 (權力及特權) 條例

7. 未經許可不得就立法會或任何
委員會的會議程序作證

(1) 如未經立法會特別許可，任何議員或立法會人員，以及受僱在立法會或任何委員會會議席上錄取會議紀要或保存證據紀錄的人，不得就上述會議紀要或證據紀錄的內容、或就提交立法會或任何委員會的文件內容(視屬何情況而定)、或就立法會或任何委員會所進行的會議程序或訊問(視屬何情況而定)，在其他地方作證。

(2) 在立法會休會或押後會議期間，第(1)款所提述的特別許可，可由主席給予；如主席因不在香港或喪失履行職務能力以致不能行事者，則可按照議事規則給予。

(由 2000 年第 71 號第 3 條修訂)

CAP. 382 *Legislative Council (Powers and Privileges)*

7. **Evidence of proceedings in the Council or any
committee not to be given without leave**

(1) No member or officer of the Council, and no person employed to take minutes or keep any record of evidence before the Council or a committee, shall give evidence elsewhere in respect of the contents of such minutes or record of evidence, or of the contents of any document laid before the Council or committee, as the case may be, or in respect of any proceedings or examination held before the Council or committee, as the case may be, without the special leave of the Council.

(2) During a recess or adjournment of the Council, the special leave referred to in subsection (1) may be given by the President or, if the President is unable to act owing to his absence from Hong Kong or incapacity, in accordance with the Rules of Procedure. (*Amended 71 of 2000 s. 3*)