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本司檔號 Our Ref: ESCC 1139/2017  
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18 May 2017

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 Post

Dear Mr CHEN,

**Application for Special Leave of the Legislative Council  
for Members and officers of and persons employed by the Council to give  
evidence in respect of proceedings held before the Council on 19 October 2016  
in the criminal proceedings of:**

**HKSAR v CHENG Chung-tai**  
**(Case No. ESCC 1139/2017)**

This is an application for Special Leave of the Legislative Council ("LegCo") 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 Members and officers of and persons employed by the LegCo to give evidence in the criminal proceedings instituted against Hon CHENG Chung-tai ("Hon CHENG") in respect of the proceedings held before the LegCo on 19 October 2016 (the "Council meeting"):-

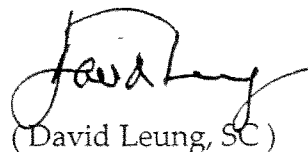
	Name	Role	Remarks
1	Hon LAU Kwok-fan 劉國勳	Member of the LegCo	- witnessed the events that happened during the Council meeting
2	Hon CHIANG Lai-wan 蔣麗芸	Member of the LegCo	- witnessed the events that happened during the Council meeting

3	<b>Mr CHAN Che-fai, Bosco</b> 陳志輝	Senior Public Information Officer of the LegCo	- monitored the filming of the LegCo webcast video capturing the events that happened during the Council meeting
4	<b>Mr SO Ho-kit</b> 蘇豪傑	Security Assistant (I) of the LegCo	- operated the CCTV cameras capturing the events that happened during the Council meeting
5	<b>Mr LAM Tsz-fung</b> 林子峰	Senior Information Technology Officer of the LegCo	- provided video discs containing the CCTV footage of the LegCo and the LegCo webcast video, which capture the events that happened during the Council meeting
6	<b>Mr KWONG Chin-hei</b> 鄺展希	Security Assistant (II) of the LegCo	- witnessed the events that happened during the Council meeting
7	<b>Mr LEE Wing-keung</b> 李永強	Steward of the LegCo	- witnessed the events that happened during the Council meeting

The reasons for the application are as follows. Hon CHENG has been prosecuted for the offence of "Desecration of the national flag", contrary to section 7 of the National Flag and National Emblem Ordinance (No. 116 of 1997), and the offence of "Desecration of the regional flag", contrary to section 7 of the Regional Flag and Regional Emblem Ordinance (No. 117 of 1997). It is alleged that during the Council meeting held in the Chamber of the LegCo on 19 October 2016 and while the summoning bell was ringing, Hon CHENG went to the vacant seats of the other Members of the LegCo and inverted the National Flags and Regional Flags displayed on their desks. It is the prosecution case that Hon CHENG had desecrated the National Flag and the Regional Flag by publicly and wilfully defiling the Flags. The evidence of the above-named witnesses will be necessary in the trial of Hon CHENG, and may involve events which had happened in the Chamber while the Council meeting was held.

Hon CHENG pleaded not guilty to the above offences at the hearing on 16 May 2017. The court set down a Pre-trial Review on 27 June 2017. It is expected that the date of the trial will be fixed soon.

Please do not hesitate to contact me or Mr Derek Lau (2867-3513) if we can be of any further assistance.



(David Leung, SC)

Deputy Director of Public Prosecutions