

立法會
Legislative Council

LC Paper No. CB(3) 21/17-18

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Tel : 3919 3300

Date : 10 October 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 18 October 2017

**Motion under
Rule 49B(1A) of the Rules of Procedure**

Hon Claudia MO will move the attached motion under Rule 49B(1A) of the Rules of Procedure at the above meeting. The notice of the motion is jointly signed by Hon LEUNG Yiu-chung, Hon CHU Hoi-dick and Hon CHAN Chi-chuen. The President has directed that the motion be printed in the terms in which it was handed in on the Agenda of the Council.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

**Motion to be moved by Hon Claudia MO Man-ching
under Rule 49B(1A) of the Rules of Procedure
to censure Dr Hon Junius HO Kwan-yiu
at the Council meeting of 18 October 2017**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Dr Hon Junius HO Kwan-yiu for misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).

Schedule

Details of Dr Hon Junius HO Kwan-yiu's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Public speech advocating killing and inciting violence

- (1) On 17 September 2017, Dr Hon Junius HO Kwan-yiu made a speech at the “anti-independence, anti-cold-bloodedness, anti-bogus academic” rally which aimed to have Mr Benny TAI Yiu-ting, Associate Professor of the Department of Law of the University of Hong Kong, sacked, advocating killing and inciting violence which included echoing the speech of Mr TSANG Shu-wo, Chairman of the Ping Shan Rural Committee, that “Anyone advocating Hong Kong independence not admitting they are Chinese are outsiders, we must kill them”, and chanting “No mercy” in support of Mr TSANG's speech. During a media interview after the rally, Dr HO went on to advocate killing and incite violence by saying inappropriately “if Hong Kong independence advocates are subverting the fate of the country and have the 1.3 billion people in the Motherland and Hong Kong pay a huge price, why not kill such advocates?”. Such expressions fail to meet the level of ethical conduct and responsibility expected of a Legislative Council (“LegCo”) Member.

Contempt of LegCo

- (2) Dr Hon Junius HO Kwan-yiu's public speech which advocated killing and incited violence damages the dignity of LegCo, shows contempt of the powers and functions of LegCo, brings shame on LegCo, and seriously undermines public confidence in the legislature and LegCo Members.

The aforementioned behaviour amounting to misbehaviour and breach of oath

- (3) As a LegCo Member, Dr Hon Junius HO Kwan-yiu made speeches to advocate killing and incite violence in public. Such conduct amounts to misbehaviour and has breached the oath he made at the Council meeting of 12 October 2016 under Article 104 of the Basic Law and the Oaths and Declarations Ordinance (Cap. 11) that he will “serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity”, which is the basic duty of a LegCo Member.