

立法會

Legislative Council

LC Paper No. CB(4)1203/17-18

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Paper for the House Committee meeting on 8 June 2018

Establishment of the Investigation Committee under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

Purpose

This paper invites the House Committee ("HC") to consider the proposals relating to the establishment of the Investigation Committee ("IC") under Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motion to censure Hon HUI Chi-fung ("the censure motion") in **Appendix I**.

Background

2. At the Council meeting of 23 May 2018, Hon Mrs Regina IP LAU Suk-ye moved the censure motion under RoP 49B(1A) and Article 79(7) of the Basic Law.¹ Upon the moving of such motion, the debate on the censure motion was adjourned and the matter stated in the censure motion was referred to an IC, as provided under RoP 49B(2A).²

3. Under RoP 73A, an IC shall be responsible for establishing the facts stated in the censure motion, and giving its views on whether or not the facts as established constitute grounds for the censure. The IC shall consist of a chairman, a deputy chairman and five members who shall be Members appointed by the President in accordance with an election procedure determined by HC. The mover of the censure motion, the Members jointly signing the motion (i.e. Dr Hon Elizabeth QUAT,

¹ Article 79(7) of the Basic Law provides that the President of the Legislative Council ("LegCo") shall declare that a member of LegCo is no longer qualified for the office when he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the members of LegCo present.

² Upon the moving of the censure motion at the Council meeting of 23 May 2018, no Member moved without notice a motion that no further action shall be taken on the censure motion.

Ir Dr Hon LO Wai-kwok and Hon CHUNG Kwok-pan), and the Member who is the subject of the motion shall not be appointed to the IC.

Proposed election procedure and timing for election

4. The most recent occasion where HC considered the establishment of an IC under RoP 49B(2A) was the meeting on 23 June 2017.³ At that meeting, HC agreed that a subcommittee need not be formed to undertake the preparatory work for the establishment of an IC, given prior operational experience. HC also endorsed the Election Procedure in **Appendix II**.

5. Having regard to the aforesaid decisions of HC, it is proposed that:

- (a) a subcommittee need not be formed to undertake the preparatory work for the establishment of the IC in respect of the censure motion in Appendix I;
- (b) the proposed Election Procedure in Appendix II, which is the same as the Election Procedure endorsed by HC on 23 June 2017, be adopted for the IC referred to in (a); and
- (c) taking into account the nomination period set out in paragraph 2 of the proposed Election Procedure, the election of Members for appointment to the IC referred to in (a) be held at the HC meeting on 22 June 2018.

6. Subject to Members' approval of the above proposals and in accordance with paragraph 2 of the proposed Election Procedure in Appendix II, the Legislative Council Secretariat will invite nominations by issuing a circular and a nomination form to all Members at least seven clear days before the aforesaid proposed election date.

Advice sought

7. Members are invited to approve the proposals in paragraphs 5 and 6.

Council Business Division 4
Legislative Council Secretariat
6 June 2018

³ See LC Paper No. CB(1)1176/16-17.

**Motion moved by Hon Mrs Regina IP LAU Suk-yee
under Rule 49B(1A) of the Rules of Procedure
to censure Hon HUI Chi-fung
at the Council meeting of 23 May 2018**

Wording of the Motion

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

Schedule

Details of Hon HUI Chi-fung's misbehaviour are particularized as follows:

- (1) In the morning of 24 April 2018, when the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill was holding its meeting, Hon HUI Chi-fung grabbed the mobile phone and documents of a female officer of the Security Bureau at the four-lift lobby on the second floor of the Legislative Council ("LegCo") Complex. The female officer followed Hon HUI Chi-fung and demanded him to return the mobile phone to her, but to no avail. The female officer burst into tears when reporting the incident. As a LegCo Member, Hon HUI Chi-fung showed no respect for public officers and grabbed a person's belongings. His behaviour was abhorrent.
- (2) After grabbing the mobile phone and documents of the female officer, Hon HUI Chi-fung quickly hid himself in a men's toilet on the second floor of the LegCo Complex and stayed there for 10-odd minutes. Subsequently, Hon HUI Chi-fung even admitted openly that he had browsed the information contained in her mobile phone and recorded the information therein "by his own means". Such acts constitute a serious infringement on the female officer's privacy. As the mobile phone was provided by the Government, it might also contain sensitive internal information of the Government.

- (3) Such acts of ramming a public officer may constitute various criminal offences, and are unacceptable even when the perpetrator is an ordinary citizen. As a LegCo Member, Hon HUI Chi-fung fell short of public expectation.
- (4) In the above incident, Hon HUI Chi-fung showed no respect for public officers, acted violently and seriously infringed upon the female officer's privacy, thus failing to fulfil what the public expect of a LegCo Member and tarnishing LegCo's reputation. Such acts clearly amount to misbehaviour under Article 79(7) of the Basic Law.

Appendix II

Proposed procedure for the election of Members for appointment by the President to the investigation committee

1. An election of Members shall be held at a meeting of the House Committee, the date of which ("election date") shall be appointed by the House Committee.
2. The Legislative Council Secretariat shall issue a circular and a nomination form to the Members of the Legislative Council at least seven clear days before election date, inviting nominations to be made.
3. Each nomination form shall be for the nomination of one Member and shall be signed by one Member as the proposer, one Member as the seconder, and by the nominee Member to signify his consent to the nomination.
4. Duly completed nomination forms shall be delivered to the Legislative Council Secretariat at least three clear days before the election date.
5. In cases where the number of nominations received by the Legislative Council Secretariat by the deadline for nomination is less than seven, further nominations may be proposed, at the House Committee meeting at which the election is conducted, by any Member and seconded by another, with the proposed nominee signifying his consent to the nomination.
6. In the case where the number of nominations received under paragraphs 4 and 5 is equal to seven, the Chairman of the House Committee shall declare the nominees duly elected.
7. In cases where the number of nominations received under paragraphs 4 and 5 is more than seven, a poll shall be taken at the House Committee meeting at which the election is conducted and Members should cast their votes by using the electronic voting system, whereby a Member may vote for not more than seven nominees. The nominees who get the highest numbers of votes will be declared elected.

8. In cases where a nominee would have been elected but for there being one or more other nominees having been given the same number of votes, a separate poll shall be taken in respect of that nominee and such other nominee(s) in accordance with the manner of election provided in paragraph 7.

9. If, after a separate poll is held under paragraph 8, there is still a nominee who would have been elected but for there being one or more other nominees having been given the same number of votes, lots shall be drawn by the Chairman of the House Committee among such nominees to determine which of them will take up the remaining place/places.

10. Immediately after the election of Members for appointment to the investigation committee, the meeting of the House Committee shall be suspended for 10 minutes to enable the elected Members to elect amongst them the two Members to be nominated for appointment respectively as Chairman and Deputy Chairman of the investigation committee by the President.

11. The meeting of the House Committee will then resume and House Committee will be asked to endorse the results of the election of the Chairman and Deputy Chairman of the investigation committee.