

立法會
Legislative Council

LC Paper No. CB(4)761/19-20
(These minutes have been
cleared with the Chairman)

Ref: CB4/IC/17

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

**Minutes of the ninth meeting (closed)
held on Friday, 22 May 2020, at 5:00 pm
in Conference Room 5 of the Legislative Council Complex**

Members present : Hon Alice MAK Mei-kuen, BBS, JP (Chairman)
Hon Paul TSE Wai-chun, JP (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHEUNG Kwok-kwan, JP
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon Kenneth LEUNG
Hon Dennis KWOK Wing-hang

Clerk in attendance : Mr Lemuel WOO
Chief Council Secretary (4)6

**Legal Adviser
in attendance** : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Staff in attendance : Mr Matthew LOO
Assistant Secretary General 4

Mr Cliff IP
Assistant Legal Adviser 8

Ms Macy NG
Senior Council Secretary (4)3

Miss Katherine CHAN
Council Secretary (4)6

Action

- I. Comments received on the draft report of the Investigation Committee and consideration and endorsement of the report of the Investigation Committee paragraph by paragraph**
[LC Paper No. CB(4)588/19-20(01), IC(4)(HUI) Paper Nos.: REP1/D3, REP2/D3, REP3/D3, REP4/D3 and REPA/D2]

X X X X X X

Consideration and endorsement of the report of the Investigation Committee paragraph by paragraph

4. The Chairman proposed and members agreed that the views of Mr Kenneth LEUNG and Mr Dennis KWOK in the joint letter would be considered during the consideration of the Draft Report paragraph by paragraph (see paragraphs 10, 15, 18 and 27 below).

5. In accordance with Rule 73A(10)(a) of the Rules of Procedure ("RoP"), the English text of the Draft Report was accepted as a basis for discussion. The question that the English text of the Draft Report be adopted as the Chairman's report and be read a second time paragraph by paragraph was proposed, put and agreed to.

6. In accordance with RoP 73A(10)(b), IC started going through the English text of the Draft Report paragraph by paragraph. In order that the relevant parts of Chapters 3 and 4 of the Draft Report might be sent out to witnesses for comments in accordance with paragraph 25 of IC's Practice and Procedure ("P&P") as early as possible, members agreed to consider the English text of the Draft Report paragraph by paragraph in reverse order, from Chapters 4 to 1.

Chapter 4

7. Paragraph 4.1 read and agreed to.
8. Paragraph 4.2 read and agreed to.
9. Paragraphs 4.3 to 4.9 read and agreed to.
10. Members considered the view in the joint letter on paragraph 4.18, *"Ms LEUNG was upset during the material time of the incident and shortly after the incident but we cannot draw to the conclusion whether Ms L[EUNG] burst into tears when reporting the incident to Mr FU while relying on Mr FU's evidence alone without any corroborating evidence from either Ms LEUNG or other witness."*. Members agreed that, as IC had deliberated on the evidence relevant to the above fact and the views as set out in paragraph 4.18 at its meetings, no amendment to that paragraph was necessary.
11. Paragraphs 4.10 to 4.19 read and agreed to.
12. Paragraphs 4.20 to 4.23 read and agreed to.
13. Paragraphs 4.24 to 4.27 read and agreed to.
14. Paragraphs 4.28 to 4.31 read and agreed to.
15. Members considered the view in the joint letter on paragraph 4.32, *"[w]e are of the view that it is difficult to draw even an observation or inference whether the mobile phone 'might' contain sensitive internal information of the Government."*. Members agreed that, as IC had deliberated on the evidence relevant to the above fact and the views as set out in paragraph 4.32 at its meetings, no amendment to that paragraph was necessary.
16. Paragraph 4.32 read and agreed to.
17. Paragraph 4.33 read and agreed to.
18. Members considered the suggestion in the joint letter to delete the sentence *"IC is of the view that his acts were in fact more serious than acts of ramming as stated in the sixth fact."* from paragraph 4.34. Members agreed that, as IC had deliberated on the evidence relevant to the above fact and the views as set out in paragraph 4.34 at its meetings, no amendment to that paragraph was necessary.

Action

19. Paragraph 4.34 read and agreed to.
20. Paragraphs 4.35 to 4.48 read and agreed to.

Chapter 3

21. Paragraph 3.1 read and agreed to.
22. Paragraphs 3.2 to 3.13 read and agreed to.
23. Paragraphs 3.14 to 3.15 read and agreed to.
24. Paragraphs 3.16 to 3.22 read and agreed to.
25. Paragraphs 3.23 to 3.29 read and agreed to.

Chapter 2

26. Paragraphs 2.1 to 2.7 read and agreed to.
27. Members noted that paragraphs 2.16 and 2.17 contained information regarding the appeal case of *HKSAR v HUI Chi Fung* (case number HCMA 306/2019 ("HCMA 306/2019")) and, as advised by DoJ in its letter in May 2020, the hearing had been scheduled to be heard on 13 October 2020. Members also noted the view of Mr Kenneth LEUNG and Mr Dennis KWOK in the joint letter that the report of IC should be tabled after the appeal hearing in HCMA 306/2019 was heard and a decision was made.
28. The Chairman recapitulated that at the last meeting on 22 April 2020, members had agreed that Chapter 4 of the Draft Report which contained the draft findings and observations of IC be provided to DoJ for comment in accordance with paragraph 19(d) of P&P, and to further discuss the way forward upon receiving DoJ's response, if any. In view of the above, the Chairman proposed to revisit paragraphs 2.16 and 2.17 after receipt of DoJ's response. Members agreed.
29. Paragraphs 2.8 to 2.18, except paragraphs 2.16 and 2.17, read and agreed to.
30. Paragraphs 2.19 to 2.23 read and agreed to.
31. Paragraphs 2.24 to 2.26 read and agreed to.

Action

32. Paragraphs 2.27 to 2.29 read and agreed to.
33. Paragraph 2.30 read and agreed to.
34. Paragraphs 2.31 to 2.34 read and agreed to.
35. Paragraphs 2.35 to 2.37 read and agreed to.
36. Paragraphs 2.38 to 2.39 read and agreed to.

Chapter 1

37. Paragraphs 1.1 to 1.4 read and agreed to.
38. Paragraphs 1.5 to 1.7 read and agreed to.
39. Paragraphs 1.8 to 1.10 read and agreed to.
40. Paragraphs 1.11 to 1.13 read and agreed to.
41. Members agreed that the draft minutes of the meeting today would be circulated to members for confirmation and the relevant parts of the confirmed minutes (relating to proceedings on consideration of the draft report) would be included in Appendix 3 to the report of IC as mentioned in paragraph 1.13 of the Draft Report.

X X X X X X

Council Business Division 4
Legislative Council Secretariat
26 June 2020

立法會
Legislative Council

LC Paper No. CB(4)772/19-20
(These minutes have been
cleared with the Chairman)

Ref: CB4/IC/17

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

**Minutes of the tenth meeting (closed)
held on Thursday, 18 June 2020, at 12:00 noon
in Conference Room 5 of the Legislative Council Complex**

Members present : Hon Alice MAK Mei-kuen, BBS, JP (Chairman)
Hon Paul TSE Wai-chun, JP (Deputy Chairman)
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Kenneth LEUNG
Hon Dennis KWOK Wing-hang
Hon CHEUNG Kwok-kwan, JP
Hon Tony TSE Wai-chuen, BBS

Clerk in attendance : Mr Lemuel WOO
Chief Council Secretary (4)6

**Legal Adviser
in attendance** : Mr Timothy TSO
Senior Assistant Legal Adviser 1

Staff in attendance : Mr Matthew LOO
Assistant Secretary General 4

Mr Cliff IP
Assistant Legal Adviser 8

Ms Macy NG
Senior Council Secretary (4)3

Miss Katherine CHAN
Council Secretary (4)6

Action

X X X X X X

II. Consideration and endorsement of the report of the Investigation Committee paragraph by paragraph

[IC(4)(HUI) Paper Nos.: REP2/D4, REP1/C/D1, REP2/C/D1, REP3/C/D1, REP4/C/D1, REPE/C/D1, REPE/D1, REPA/D2 and REPA/C/D1]

English text of the Draft Report of the Investigation Committee

4. The Chairman recapitulated that at the last meeting on 22 May 2020, IC had gone through the English text of the Draft Report paragraph by paragraph in accordance with Rule 73A(10)(b) of the Rules of Procedure ("RoP") except paragraphs 2.16 and 2.17. She invited members to consider paragraphs 2.16 and 2.17 as set out in IC(4)(HUI) Paper No.: REP2/D4 paragraph by paragraph.

5. Paragraphs 2.16 and 2.17 read and agreed to.

6. The question that the English text of the Draft Report be adopted as the report of IC was proposed, put and agreed to.

Chinese text of the Draft Report of the Investigation Committee

7. In accordance with RoP 73A(10)(a), the Chinese text of the Draft Report was accepted as a basis for discussion. The question that the Chinese text of the Draft Report be adopted as the Chairman's report and be read a second time paragraph by paragraph was proposed, put and agreed to.

8. IC went through the Chinese text of the Draft Report paragraph by paragraph in accordance with RoP 73A(10)(b).

Action

Chapter 1

9. Paragraphs 1.1 to 1.4 read and agreed to.
10. Paragraphs 1.5 to 1.7 read and agreed to.
11. Paragraphs 1.8 to 1.10 read and agreed to.
12. Paragraphs 1.11 to 1.13 read and agreed to.

Chapter 2

13. Paragraphs 2.1 to 2.7 read and agreed to.
14. Paragraphs 2.8 to 2.18 read and agreed to.
15. Paragraphs 2.19 to 2.23 read and agreed to.

(On the Chairman's instruction, the meeting was suspended at 12:08 pm and resumed at 12:09 pm.)

16. Paragraphs 2.24 to 2.26 read and agreed to.
17. Paragraphs 2.27 to 2.29 read and agreed to.
18. Paragraph 2.30 read and agreed to.
19. Paragraphs 2.31 to 2.34 read and agreed to.
20. Paragraphs 2.35 to 2.37 read and agreed to.
21. Paragraphs 2.38 and 2.39 read and agreed to.

Chapter 3

22. Paragraph 3.1 read and agreed to.
23. Paragraphs 3.2 to 3.13 read and agreed to.
24. Paragraphs 3.14 and 3.15 read and agreed to.
25. Paragraphs 3.16 to 3.22 read and agreed to.

Action

26. Paragraphs 3.23 to 3.29 read and agreed to.

Chapter 4

27. Paragraph 4.1 read and agreed to.

28. Paragraph 4.2 read and agreed to.

29. Paragraphs 4.3 to 4.9 read and agreed to.

30. Paragraphs 4.10 to 4.19 read and agreed to.

31. Paragraphs 4.20 to 4.23 read and agreed to.

32. Paragraphs 4.24 to 4.27 read and agreed to.

33. Paragraphs 4.28 to 4.32 read and agreed to.

34. Paragraphs 4.33 and 4.34 read and agreed to.

35. Paragraphs 4.35 to 4.48 read and agreed to.

36. The question that the Chinese text of the Draft Report be adopted as the report of IC was proposed, put and agreed to.

Executive Summary of the Draft Report of the Investigation Committee

English text

37. Paragraphs 1 to 3 read and agreed to.

38. Paragraphs 4 and 5 read and agreed to.

39. Paragraphs 6 to 9 read and agreed to.

40. Paragraph 10 read and agreed to.

Chinese text

41. Paragraphs 1 to 3 read and agreed to.

42. Paragraphs 4 and 5 read and agreed to.

Action

43. Paragraphs 6 to 9 read and agreed to.
44. Paragraph 10 read and agreed to.
45. The question that the Executive Summary of the Draft Report be included in the report of IC was proposed, put and agreed to.
46. Mr Kenneth LEUNG noted that the views on paragraphs 2.17, 4.18, 4.32 and 4.34 of the Draft Report which he and Mr Dennis KWOK had given in a joint letter to IC was considered at the last meeting on 22 May 2020 but were not adopted. He said that he and Mr KWOK maintained their views in the joint letter and were considering submitting their own report to the Council.

Appendices to the Draft Report of the Investigation Committee

47. Appendices 1 to 16 to the Draft Report read and agreed to.
48. The question that Appendices 1 to 16 to the Draft Report be included as appendices to the report of IC was proposed, put and agreed to.

Report of the Investigation Committee to the Council

49. In accordance with RoP 73A(10)(b), the question that the report adopted by IC be the report of IC to the Council was proposed, put and agreed to.
50. IC authorized the Chairman, where necessary, to make textual amendments to the Draft Report and the Clerk to make necessary editorial amendments.
51. Members also agreed that, in accordance with RoP 73A(11), the draft minutes of the meeting today and that of 22 May 2020 would be circulated to members for confirmation, and the relevant parts of the confirmed minutes relating to proceedings on consideration of the draft report would be included in Appendix 3 to the report of IC as mentioned in paragraph 1.13 of the Draft Report.

X X X X X X