

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

---

---

## **Chapter 1      Introduction**

### **Background**

1.1 Under Article 79(7) of the Basic Law ("BL"), the President of the Legislative Council ("LegCo") of the Hong Kong Special Administrative Region 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. BL 79(7) is implemented in LegCo through Rule 49B of the Rules of Procedure ("RoP") on "Disqualification of Member from Office". Under RoP 49B(2A), upon the moving of a motion under subrule (1A), debate shall be adjourned and the matter stated in the motion shall be referred to an investigation committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders.

1.2 At the Council meeting of 23 May 2018, Hon Mrs Regina IP LAU Suk-ye moved a motion under RoP 49B(1A) to censure Hon HUI Chi-fung under BL 79(7) ("the censure motion") as set out below:

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

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

---

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.

1.3 Upon the moving of the censure motion at the above meeting, the debate on the censure motion was adjourned and the matter stated in the censure motion was referred to an investigation committee, as provided under RoP 49B(2A).<sup>1</sup>

---

<sup>1</sup> 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.

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

---

1.4 The Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung ("IC") is the fourth investigation committee established in accordance with a motion moved under RoP 49B(1A) since the First LegCo.<sup>2</sup> RoP 73A(2) provides that IC is responsible for establishing the facts stated in the motion moved under RoP 49B(1A), and giving its views on whether or not the facts as established constitute grounds for the censure.

### **Establishment and membership of the Investigation Committee**

1.5 Under RoP 73A(1), IC shall consist of a chairman, a deputy chairman and five members who shall be Members appointed by the President of LegCo in accordance with an election procedure determined by the House Committee. The mover of the censure motion (i.e. Hon Mrs Regina IP LAU Suk-ye), the three Members jointly signing the notice of the motion (i.e. Hon Elizabeth QUAT, Ir Dr Hon LO Wai-kwok and Hon CHUNG Kwok-pan) and the Member who is the subject of the motion (i.e. Hon HUI Chi-fung) shall not be appointed to IC.

1.6 At its meeting on 8 June 2018, the House Committee endorsed the election procedure for IC (**Appendix 1**). All Members were invited to make nominations for the membership of IC. Eight valid nominations were received by the LegCo Secretariat by the nomination deadline (i.e. 12:00 midnight on 16 June 2018). As the total number of nominations exceeded the number required for appointment (i.e. seven Members), the Chairman of the House Committee ordered that an election be taken at the meeting on 22 June 2018. The seven elected

---

<sup>2</sup> The first three investigation committees are:

- (a) the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the Motion to censure Honourable KAM Nai-wai (2010-2012);
- (b) the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Dr Hon CHENG Chung-tai (2017-2018); and
- (c) the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon Holden CHOW Ho-ding (2017-2020).

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

---

---

Members then elected among themselves two Members to be nominated respectively for appointment by the President of LegCo as the Chairman and Deputy Chairman of IC.

1.7 Pursuant to RoP 73A(1), the President of LegCo appointed on 22 June 2018 the Chairman, Deputy Chairman and members of IC as follows:

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

### **Practice and procedure**

1.8 Under RoP 73A(13), subject to RoP, the practice and procedure of the investigation committee shall be determined by the committee. At its first meeting on 17 July 2018, IC endorsed its practice and procedure ("the Practice and Procedure") in **Appendix 2**. The Practice and Procedure is modelled on the practices and procedures of previous investigation committees and select committees of the Council as well as the experience of overseas legislatures in the investigation of alleged misbehaviour of their members. The Practice and Procedure has been uploaded onto the LegCo website, and has been provided for Hon HUI Chi-fung and all the witnesses to facilitate their understanding of how IC operates as well as their rights and obligations.

1.9 The Practice and Procedure is underpinned by the following guiding principles which were also adhered to by the previous investigation committees when determining their practices and procedures:

- (a) IC should be fair, and seen to be fair, to the Member under investigation, to the Members making the allegations, and to the other parties involved in the

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

---

---

investigation, and it should observe the principles of following due process in its investigation;

- (b) IC should adopt a fair and impartial attitude and act independently in obtaining, examining and analysing evidence and information, and it should not have any regard to political, party or personal considerations;
- (c) IC is accountable not only to LegCo but also to the public. Subject to RoP 73A(4) which provides that all meetings of an investigation committee shall be held in camera (except in circumstances specified in RoP 73A(5)), IC should be as transparent as possible in its operation; and
- (d) IC should work in a conscientious and efficient manner as public resources are involved.

1.10 In view of the serious consequence if the censure motion is passed as mentioned in paragraph 1.1 above, IC considers it important to observe the above principles in 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 of Hon HUI Chi-fung.

## **Report**

1.11 Under RoP 73A(12), IC shall, as soon as it has completed investigation of the matter referred to it, report to the Council thereon and IC shall be dissolved accordingly. IC has completed its investigation and submits this Report to the Council. The whole Report will be accessible on the LegCo website at [www.legco.gov.hk](http://www.legco.gov.hk) after it has been tabled in LegCo.

1.12 This Report comprises four chapters. This Chapter provides an introduction to the background of the censure motion. Chapter 2 sets out the investigation process and important matters relating to the work of IC. Chapter 3 sets out the information gathered and evidence obtained in Chapter 2 relevant to the particulars of Hon HUI Chi-fung's alleged misbehaviour stated in the Schedule to the censure motion. Chapter 4

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

---

---

reports on IC's consideration as to whether the facts as stated in the censure motion can be established and, if so, sets out the views of IC on whether or not the facts as established constitute grounds for the censure of Mr HUI.

1.13 In addition to the above Chapters, this Report has incorporated a number of documents in its appendices, including the minutes of evidence in the form of verbatim transcripts in the original language used at IC's hearings, the minutes of proceedings of IC on the consideration of this Report (**Appendix 3**) and other relevant documents.