



**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**

July 2020

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LEGISLATIVE COUNCIL  
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION  
OF THE PEOPLE'S REPUBLIC OF CHINA

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**Executive summary**

1. At the Council meeting of 23 May 2018, Hon Mrs Regina IP LAU Suk-ye moved a motion under Rule 49B(1A) of the Rules of Procedure ("RoP") to censure Hon HUI Chi-fung under Article 79(7) of the Basic Law ("BL") ("the censure motion") for misbehaviour as particularized in the Schedule to the censure motion. The wording of the censure motion is set out in paragraph 1.2 of this Report. 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 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").

2. Under RoP 73A(2), IC is 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 of Hon HUI Chi-fung. From 17 July 2018 to 8 July 2020, IC conducted a total of 10 closed meetings, including two hearings (three sessions) held in private to obtain evidence from three witnesses. IC has completed its investigation of the matter referred to it and submits this Report to the Council in accordance with RoP 73A(12).

3. Chapter 1 of this Report provides an introduction to the background of the censure motion, the establishment and membership of IC and its practice and procedure. 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 relevant to the particulars of Hon HUI Chi-fung's alleged misbehaviour stated in the Schedule to the censure motion. Chapter 4 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.

Facts to be established

4. Based on the Schedule to the censure motion, IC has identified the following six facts to be established:

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- (a) whether Hon HUI Chi-fung, 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, grabbed the mobile phone ("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;
- (b) whether the female officer of the Security Bureau followed Mr HUI and demanded him to return the Mobile Phone to her, but to no avail, and whether the officer burst into tears when reporting the incident;
- (c) whether Mr HUI, after grabbing the Mobile Phone and documents of the female officer of the Security Bureau quickly hid himself in a men's toilet on the second floor of the LegCo Complex and stayed there for 10-odd minutes;
- (d) whether Mr HUI admitted openly that he had browsed the information contained in the Mobile Phone of the female officer of the Security Bureau and recorded the information therein "by his own means";
- (e) whether the Mobile Phone was provided by the Government, and whether it might contain sensitive internal information of the Government; and
- (f) whether the acts of Mr HUI were acts of ramming the female officer of the Security Bureau.

5. After investigation, IC has found that the material parts of the facts set out in paragraph 4(a) to (f) have been established. IC considers that some facts in paragraph 4(a) and (c) (i.e. the specific number of pages of papers grabbed by Hon HUI Chi-fung and the specific kind of toilet Mr HUI hid himself in) are immaterial and they do not affect IC's view as to whether Mr HUI should be censured. Details of IC's considerations and views are set out in Chapter 4 of this Report.

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Allegations in the censure motion

6. On the basis of the established facts and in accordance with RoP 73A(2), IC needs to give its views on whether or not the facts as established constitute grounds for the censure of Hon HUI Chi-fung. In doing so, IC considers it very useful to base its views on the facts established as well as whether the following allegations in the censure motion are substantiated:

- (a) Mr HUI's acts are unacceptable, even when the perpetrator is an ordinary citizen;
- (b) Mr HUI showed no respect for public officers, acted violently and seriously infringed upon the privacy of the female officer of the Security Bureau; and
- (c) Mr HUI failed to fulfil the public's expectation of a LegCo Member and tarnished LegCo's reputation.

7. On the allegation in paragraph 6(a), IC considers that the facts established have clearly shown that the acts of Hon HUI Chi-fung are unacceptable wherever they take place and whether they are committed by a Member or an ordinary citizen. IC is of the view that the allegation has been substantiated.

8. On the allegation in paragraph 6(b), IC agrees that there is no concrete evidence to substantiate that Hon HUI Chi-fung had infringed upon the privacy of the female officer of the Security Bureau according to the evidence given by witnesses. Based on the established facts, IC considers that the allegation that Mr HUI acted violently and showed no respect to a public officer has been substantiated and, in fact, "showing no respect" is too mild an allegation.

9. On the allegation in paragraph 6(c), IC notes that the "Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such" ("the Advisory Guidelines") clearly state that "*a Member should ensure that his conduct must not be such as to bring discredit upon the Legislative Council*", and "*should conduct himself in such a way as not to place himself in a position which may be contrary to*

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*the generally assumed standard of conduct expected of a Member of the Council".* Based on the substantiated allegation in paragraph 6(a) and in the light of the Advisory Guidelines, IC considers that the allegation in paragraph 6(c) has been substantiated. Details of IC's considerations and views on the allegations above are set out in Chapter 4 of this Report.

Conclusion

10. By virtue of BL 79(7), a Member may be censured for misbehaviour. IC has found that the material parts of the allegations in the censure motion have been substantiated and the acts of Hon HUI Chi-fung as established amount to misbehaviour under BL 79(7). In IC's view, Mr HUI's acts have brought discredit upon LegCo, and he has conducted himself in a way that has placed himself in a position which may be contrary to the generally assumed standard of conduct expected of a LegCo Member. IC comes to the view that the facts stated in the Schedule to the censure motion as established constitute grounds for the censure of Mr HUI.

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## **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

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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>

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<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.

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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-yea), 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

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<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).

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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



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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

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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.

## **Chapter 2          Investigation process**

### **Work plan of the Investigation Committee**

2.1 When IC commenced its work, it decided to conduct its investigation in three stages and agreed that the timeframe of the work plan might be adjusted in the light of actual progress of IC's work and the complexity of the issues involved. While it was IC's objective to complete its work by end-December 2019 according to its original work plan, owing to the serious damage caused by the storming of the LegCo Complex by some protesters on 1 July 2019 and due to safety and security reasons, IC did not hold any meeting or conduct any hearing in the ensuing few months. In view of this and some other circumstances, IC agreed in December 2019 to revise the timeframe of the work plan as set out in the ensuing paragraphs. Furthermore, due to the outbreak of the coronavirus disease-2019 in Hong Kong in early 2020, IC's work was also affected from February to April 2020.

#### Stage I — Preparatory work (mid-July 2018 to end-January 2019)

2.2 The main activities at this stage were to:

- (a) gather information relevant to the censure motion in accordance with paragraph 2 of the Practice and Procedure, and analyse the information obtained; and
- (b) in accordance with paragraph 5 of the Practice and Procedure, decide whether to conduct hearings for the purpose of establishing the facts stated in the censure motion; and if so, identify the witnesses to attend hearings; decide whether to invite or summon<sup>3</sup> the witnesses to give evidence; and decide on the main areas of evidence to be obtained from them.

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<sup>3</sup> Not being a standing committee, IC must seek authorization from the Council before it may exercise the power to order the attendance of witnesses and production of papers provided in section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382).

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2.3 The information relevant to the censure motion gathered by IC is set out in detail in paragraphs 2.8 to 2.13 below. On the basis of the information gathered by and responses provided to IC, IC considered it necessary to conduct hearings for the purpose of establishing the facts stated in the censure motion.

Stage II ——— Obtaining and deliberation on evidence from witnesses  
(early February 2019 to early January 2020)

2.4 The main activities at this stage were to obtain evidence from witnesses in respect of the areas of investigation and consider the evidence obtained. Details about the persons invited to attend IC's hearings to give evidence and their responses are set out in detail in paragraphs 2.19 to 2.23 below.

2.5 As regards whether the persons to give evidence at IC's hearing(s) should be invited or summoned through seeking authorization from the Council to exercise the power to order the attendance of witnesses and production of papers provided in section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the Council's authorization"), IC had agreed at the commencement of its work that the persons concerned should first be invited to give evidence, and whether to seek the Council's authorization should be decided at a later stage having regard to the progress of the hearing(s).

2.6 It was during this stage that IC decided, having regard to the various considerations as detailed in paragraphs 2.24 to 2.26 below, that the Council's authorization would not be sought.

Stage III ——— Preparation, discussion and finalization of the report  
(mid-December 2019 to July 2020)

2.7 The main activities at this stage were to:

- (a) deliberate on the evidence obtained;
- (b) discuss the approach in drafting the report;
- (c) prepare and discuss the draft report;

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- (d) in accordance with paragraph 25 of the Practice and Procedure, seek comments from the Member under investigation and witnesses on the relevant parts of the draft report; and
- (e) finalize the report.

**Information relevant to the censure motion**

Information requested from Members who initiated the censure motion and Hon HUI Chi-fung before hearings

2.8 In accordance with paragraph 2(a) of the Practice and Procedure, Hon Mrs Regina IP LAU Suk-yee, the mover of the censure motion, and the three other Members who jointly signed the notice of the motion as mentioned in paragraph 1.5 above, were invited to provide in writing information in support of the particulars of misbehaviour set out in the Schedule to the censure motion and any information which might assist IC in carrying out its work. The abovementioned Members provided the information as requested by IC in August 2018.

2.9 In accordance with paragraph 2(b) of the Practice and Procedure, Hon HUI Chi-fung was then invited to respond in writing to the censure motion and the information provided by the Members who initiated the censure motion, and to provide any information which he considered might assist IC in carrying out its work. Mr HUI did not respond and, though a further letter was issued to invite him again to provide the information, there was no response from Mr HUI after the deadline.

2.10 In accordance with paragraph 3 of the Practice and Procedure, the Clerk to IC, on the instructions of IC, has gathered information relevant to the censure motion, including those items as set out in the ensuing paragraphs.

Closed-circuit television footage requested from The Legislative Council Commission

2.11 For the purpose of IC's investigation in relation to the censure motion, IC considered it necessary to request for the closed-circuit

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television footage covering the alleged incident stated in the censure motion and that covering Conference Room 1 on the second floor of the LegCo Complex ("Conference Room 1") at the material time on 24 April 2018 ("the CCTV footage") which was kept by The Legislative Council Commission. In response to IC's request, The Legislative Council Commission furnished IC with the CCTV footage, which was viewed by IC at its closed meetings and hearings.

Hon HUI Chi-fung's media interviews on the alleged incident related to the censure motion

2.12 IC notes that Hon HUI Chi-fung had two media interviews in the LegCo Complex on 25 and 26 April 2018 on the alleged incident related to the censure motion, and the relevant video footage was available for public access on the website of i-CABLE.com ("i-CABLE's footage").<sup>4</sup> To facilitate its investigation, IC has also made reference to the verbatim transcript on i-CABLE's footage prepared by the LegCo Secretariat (**Appendices 4 and 5**).

2.13 IC also notes that in a radio programme of the Radio Television Hong Kong ("RTHK") "Open Line Open View"<sup>5</sup> broadcast on 25 April 2018 on RTHK Radio 1, Hon HUI Chi-fung was interviewed regarding the alleged incident related to the censure motion ("RTHK's interview"), and RTHK's interview was available for public access on the website of RTHK.<sup>6</sup> To facilitate its investigation, IC has also made reference to the verbatim transcript on RTHK's interview prepared by the LegCo Secretariat (**Appendix 6**).

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<sup>4</sup> After viewing i-CABLE's footage on the website of i-CABLE.com at its closed meeting, IC instructed the Clerk to IC to make a backup copy of i-CABLE's footage from its official website to facilitate IC's investigation.

<sup>5</sup> The other name of the radio programme is "自由風自由PHONE".

<sup>6</sup> After listening to RTHK's interview on the website of RTHK at its closed meeting, IC instructed the Clerk to IC to make a backup copy of RTHK's interview from its official website to facilitate IC's investigation.

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Criminal proceedings against Hon HUI Chi-fung

2.14 Soon after it was established, IC requested the Department of Justice ("DoJ") to keep it informed of the development of any pending legal proceedings related to the subject of its inquiry in accordance with paragraph 19(a) of the Practice and Procedure, which is one of the measures to avoid possible prejudice to a person's interest in pending legal proceedings.

2.15 In November 2019, DoJ advised IC that Hon HUI Chi-fung was convicted of the following offences in the case of *Hong Kong Special Administrative Region v HUI Chi-fung* (ESCC 2544/2018) ("ESCC 2544/2018") after trial:

- (a) "obtaining access to computer with a view to dishonest gain for oneself or another", contrary to section 161(1)(c) of the Crimes Ordinance (Cap. 200) (Charge 1);
- (b) "common assault", contrary to Common Law and punishable under section 40 of the Offences against the Person Ordinance (Cap. 212) (Charge 2); and
- (c) "obstructing a public officer in the performance of a public duty", contrary to section 23 of the Summary Offences Ordinance (Cap. 228) (Charge 3).

2.16 DoJ also advised that Hon HUI Chi-fung was sentenced to 240 hours of community service for Charge 1, a fine of \$3,000 for Charge 2, and a fine of \$800 for Charge 3. DoJ further informed IC that Mr HUI lodged an appeal against conviction (case number of the appeal: HCMA 306/2019 ("HCMA 306/2019")) and the hearing had been scheduled for 24 March 2020. IC notes that, owing to the outbreak of the coronavirus disease-2019 in Hong Kong in early 2020, all court hearings (except urgent and essential ones) originally scheduled from 29 January to 3 May 2020 had been generally adjourned.<sup>7</sup>

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<sup>7</sup> Announcement by the Judiciary on 22 April 2020 is available at:  
<https://www.info.gov.hk/gia/general/202004/22/P2020042200413.htm>.

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2.17 In the course of its investigation, IC is mindful that the court is responsible for adjudicating on the criminal liability of Hon HUI Chi-fung, whereas IC's investigation is to ascertain whether Mr HUI's relevant conduct amounted to misbehaviour under BL 79(7). IC considers it not necessary to put on hold its work in view of the above legal proceedings. Nevertheless, IC did not reach any conclusion on the matter stated in the censure motion until after the criminal trial in ESCC 2544/2018. In May 2020, DoJ informed IC that the hearing for HCMA 306/2019 was rescheduled for 13 October 2020. In view of this change, IC decided to provide DoJ with a copy of draft Chapter 4 of this Report containing the draft findings and observations of IC and requested DoJ to comment whether the contents of the draft might prejudice the pending criminal proceedings of HCMA 306/2019, pursuant to paragraph 19(d) of the Practice and Procedure. Having considered DoJ's reply, IC considered that this Report would not prejudice the pending criminal proceedings of HCMA 306/2019. IC has decided to complete the investigation of the matter referred to it and report to the Council thereon pursuant to RoP 73A(12) without the need to wait for the outcome of the criminal proceedings of HCMA 306/2019.

2.18 A member of IC requested that the transcript of the testimony of Ms LEUNG Ngok-size in the trial of ESCC 2544/2018 be obtained for IC's consideration. The transcript was subsequently received in January 2020, after IC had already deliberated on its initial findings in December 2019. Having considered that the information and evidence obtained so far were sufficient for establishing the facts as stated in the censure motion, IC eventually decided that it would not consider the transcript of the testimony of Ms LEUNG in the trial of ESCC 2544/2018.

## **Conduct of hearings**

### Persons invited to attend the Investigation Committee's hearings

2.19 In accordance with paragraph 5 of the Practice and Procedure, IC considered it necessary to conduct hearings for the purpose of establishing the facts stated in the censure motion on the basis of the information and responses provided to IC under paragraphs 2 and 3 of the Practice and Procedure.



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2.20 In accordance with paragraph 5 of the Practice and Procedure, IC had first decided that the following seven persons were to be invited to attend its hearings to give evidence to assist it in establishing the facts in relation to the censure motion:<sup>8</sup>

- (a) Hon HUI Chi-fung (the Member under investigation);
- (b) Ms LEUNG Ngok-sze (the female officer of the Security Bureau as stated in the Schedule to the censure motion);
- (c) Hon WU Chi-wai;
- (d) Mr Cassius LAU Fu-sang, Political Assistant to Secretary for Security;
- (e) Mr Mark FU Chuen-fu, Political Assistant to Secretary for Transport and Housing;
- (f) Mr Daniel LIU, Security Officer 1 of the LegCo Secretariat; and
- (g) Mr Sonny CHOW, Chief Security Officer of the LegCo Secretariat.<sup>9</sup>

2.21 In response to IC's invitation, Mr Mark FU Chuen-fu, Mr Sonny CHOW and Mr Daniel LIU agreed to be witnesses and did attend IC's hearings (**Appendix 7**). In accordance with paragraph 13 of the Practice and Procedure, Hon HUI Chi-fung was informed in writing of the above witnesses whom IC had decided to invite, and that he might propose additional witnesses for IC's consideration. In that regard, IC did not receive any response from Mr HUI.

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<sup>8</sup> The post titles of the persons invited to attend IC's hearings, where applicable, are based on the posts they held when the alleged incident in relation to the censure motion took place on 24 April 2018.

<sup>9</sup> IC had also invited Mr Kenny KWAN, Senior Security Assistant 7 of the LegCo Secretariat, to attend its hearing but Mr KWAN could not attend the hearing on the scheduled date. After considering the information gathered by IC and the evidence obtained from other witnesses, IC subsequently agreed that it was not necessary to conduct a hearing for Mr KWAN to give evidence. Hon HUI Chi-fung was informed accordingly in January 2020.

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Hon HUI Chi-fung's responses to the Investigation Committee's invitation

2.22 IC considers that it must be fair to Hon HUI Chi-fung and observe the due process, including the principles of natural justice. Therefore, it invited Mr HUI in March 2019 to attend its hearing to give evidence. Mr HUI replied that he would not attend the hearing (Appendix 7). IC sent another letter to Mr HUI in May 2019, inviting him to reconsider IC's invitation. No response was received from Mr HUI.

Ms LEUNG Ngok-sze, Hon WU Chi-wai and Mr Cassius LAU Fu-sang

2.23 Ms LEUNG Ngok-sze, Hon WU Chi-wai and Mr Cassius LAU Fu-sang were first invited to attend IC's hearing(s) as witnesses to give evidence in late February or early March 2019. They disagreed to be witnesses. They were invited to reconsider IC's invitation in April 2019 after all witnesses had testified in the trial relating to ESCC 2544/2018, but they still disagreed to be witnesses. Subsequently, IC decided to issue a third invitation letter to each of them in June 2019 respectively. Ms LEUNG and Mr LAU still did not agree to be IC's witnesses (Appendix 7) while Mr WU did not provide any response to IC on the third occasion.

**Whether to seek authorization from the Council to exercise the power to order the attendance of witnesses provided in section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)**

2.24 As mentioned in paragraph 2.5 above, after gathering information relevant to the censure motion and obtaining evidence from the three witnesses attending its hearings (i.e. Mr Mark FU Chuen-fu, Mr Sonny CHOW and Mr Daniel LIU), IC had considered whether to seek the Council's authorization regarding Ms LEUNG Ngok-sze.

2.25 IC understood that the exercise of the powers under section 9(1) of Cap. 382 would facilitate the work of IC while it was also mindful that the Council's authorization to exercise such powers should be sought only when it was necessary to do so. In this connection, in considering whether the Council's authorization should be sought, IC had considered whether the information gathered so far (e.g. the CCTV footage and Hon HUI Chi-fung's media interviews) and the evidence obtained from

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the three witnesses attending its hearings were sufficient for establishing the facts stated in the censure motion.

2.26 As Ms LEUNG Ngok-sze was an important potential witness who did not agree to attend its hearing(s) to give evidence, IC had made reference to the factors considered by the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the Motion to censure Honourable KAM Nai-wai ("IC-KNW") in handling a similar situation. IC had considered whether the information believed to be held by a person was so essential to the completeness of the investigation that IC had to order his or her attendance by summons, having regard to factors including the views of the person concerned, whether the relevant hearings would be held in private or public, and whether sufficient protection was accorded to the person concerned. IC was of the view that the information and evidence obtained so far were sufficient for establishing the facts as stated in the censure motion. After considering all the relevant factors, IC decided that there was no need to seek the Council's authorization to order Ms LEUNG to give evidence to IC.

### **Meetings and hearings**

2.27 In accordance with paragraphs 6 and 7 of the Practice and Procedure, which are modelled on RoP 73A(4) and (5), all meetings of IC, including hearings at which the Member under investigation or a witness or witnesses appear, are held in private. Only the Member under investigation may elect for hearings to be held in public, and the election must be made before the first hearing. Where the Member under investigation makes such an election, all hearings shall be held in public throughout the entire investigation unless, upon an application by a witness or a request from a member of IC, IC on sufficient reason decides otherwise. In IC's letter sent to Hon HUI Chi-fung on 19 March 2019 (**Appendix 8**), IC drew his attention to the above provisions. Given Mr HUI's decision that he did not elect for hearings to be held in public as stated in his reply to IC (**Appendix 9**), all hearings of IC were held in private in accordance with RoP 73A(4).

2.28 IC conducted a total of 10 closed meetings, including two hearings (three sessions) in private. Mr Daniel LIU attended IC's hearing held on 25 June 2019, and Mr Sonny CHOW and Mr Mark FU Chuen-fu on 6 November 2019. The relevant minutes of evidence given

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by three witnesses at IC's hearings in the form of verbatim transcripts in the original language used at IC's hearings are in **Appendices 10 to 12**.

2.29 IC decided that witnesses who would attend hearings to give evidence to IC would be invited to choose to be examined on oath pursuant to section 11 of Cap. 382. IC considers that witnesses examined on oath would be conducive to IC's assessment of their credibility and the weight of their evidence. All the three witnesses (Mr Daniel LIU, Mr Sonny CHOW and Mr Mark FU Chuen-fu) elected to give evidence on oath, which was administered by the Chairman of IC.

### **Standard of proof**

2.30 IC notes that RoP do not prescribe any standard of proof that an investigation committee should adopt or how the evidence obtained should be assessed and weighed. IC is mindful that it is not a court and therefore not subject to the respective standards of proof applied by courts in criminal proceedings (i.e. "proof beyond reasonable doubt") and civil proceedings (i.e. "proof on a balance of probabilities"). As IC's investigation may lead to the Member under investigation being disqualified from the office as mentioned in paragraph 1.1 above, in determining its standard of proof, IC has considered the standard of proof adopted in disciplinary proceedings in Hong Kong as well as the practice adopted by IC-KNW as well as 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 ("IC-CCT"). IC eventually decided that the standard of proof in line with that of the two investigation committees be adopted: the more serious the allegation, the more compelling the evidence is required to establish the allegation.<sup>10</sup>

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<sup>10</sup> Please refer to paragraphs 113 and 116, *A Solicitor v The Law Society of Hong Kong* (2008), page 117, 11 HKCFAR, the Court of Final Appeal. Paragraph 116 of the judgment stated that "*...The more serious the act or omission alleged, the more inherently improbable must it be regarded. And the more inherently improbable it is regarded, the more compelling will be the evidence needed to prove it on a preponderance of probability. If that is properly appreciated and applied in a fair-minded manner, it will provide an appropriate approach to proof in disciplinary proceedings. Such an approach will be duly conducive to serving the public interest by maintaining standards within the professions and the services while, at the same time, protecting their members from unjust condemnation*".

## **Assessment of evidence**

2.31 IC is fully aware that it itself is not a court and its function is not to investigate whether Hon HUI Chi-fung's alleged misbehaviour violated the law or to adjudicate on his legal liability. Under RoP 73A(2), it is 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 of Mr HUI. It is incumbent upon IC to establish and consider the relevant facts and form its own views on whether Mr HUI's alleged misbehaviour constitutes "misbehaviour" under BL 79(7) by taking into account the evidence and information obtained by IC and the relevant provisions in the Basic Law.

2.32 Although IC is not a court and is not subject to the normal rules of evidence in civil or criminal proceedings, it has taken into consideration the following factors, which were first considered by IC-KNW, when assessing the quality and evaluating the weight of information gathered and evidence it has obtained in forming its views:

- (a) *relevance of evidence* – IC has only considered those items of information and evidence relevant to its investigation, i.e. information and evidence which bear on the facts stated in the censure motion which are required to be established. Irrelevant and immaterial evidence provided by the witnesses has not been considered;
- (b) *directness of evidence* – IC has considered whether the information and evidence it had received are first-hand evidence or evidence from secondary sources and has given proper weight to the evidence having regard to its nature. In assessing the directness of evidence, IC has considered whether the evidence given by the witnesses was based on their direct participation or being eye-witnesses, or based on accounts given by other persons. If IC is satisfied that a piece of evidence is relevant and reliable, it would be taken into consideration even if it is not first-hand; and

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- (c) *reliability of evidence* – the more reliable an item of information or evidence, the greater significance IC has attached to it. As such, witnesses have been requested to appear before IC at its hearings to be examined on oath under section 11 of Cap. 382 so that IC members could observe the witnesses' demeanour while giving evidence. In examining the reliability of evidence, IC has considered whether each witness had an in-depth, comprehensive and balanced understanding of the matter.

2.33 The guiding principles and relevant factors as stated in paragraphs 2.30 to 2.32 above are applicable to the analysis of the evidence of the three witnesses who testified at IC's hearings with respect to what was said by Ms LEUNG Ngok-sze, who did not attend IC's hearings to give evidence.

2.34 Those guiding principles and relevant factors are also applicable to what Hon HUI Chi-fung said in i-CABLE's footage and RTHK's interview. As will be illustrated in Chapters 3 and 4 below, IC considers that Mr HUI's statements in i-CABLE's footage and RTHK's interview were voluntarily made and some of them could amount to confession/admission. IC is of the view that they are relevant to IC's investigation and are reliable. Proper evidential value would be given to those statements even though Mr HUI did not attend IC's hearings to give evidence.

### **Confidentiality requirement**

2.35 IC has strictly complied with the confidentiality requirement in the course of its investigation process. In accordance with paragraph 33 of the Practice and Procedure, IC has required all IC members, the Member under investigation (i.e. Hon HUI Chi-fung) and witnesses attending its hearings to give evidence to sign a confidentiality undertaking that they will not publish, without the prior written authorization of IC, any matter relating to the proceedings of meetings or hearings of IC held in private, including evidence taken before IC, documents produced to it, its deliberations and decisions, except such matter that has already been published or contained in any report presented by IC to the Council. They are also required to take the

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necessary steps to prevent publication of such matter either before or after IC presents its report to the Council, unless the confidential classification has been removed by IC. All IC members and witnesses attending the hearings have signed a confidentiality undertaking. Mr HUI did not.

2.36 In response to IC's letter issued to Hon HUI Chi-fung in March 2019 (Appendix 8), Mr HUI replied in April 2019 that he was still considering whether to sign the confidentiality undertaking, and he would provide IC with a written reply later (**Appendix 13**).

2.37 Subsequently, IC wrote to Hon HUI Chi-fung in May, June, August 2019 and in January 2020, reminding him to sign the confidentiality undertaking and informing him that, if he did not do so, IC would not forward to him any information/evidence obtained by IC to establish the facts in relation to the censure motion. IC wrote to Mr HUI in January 2020, informing him of a list of information/evidence which IC had obtained, as set out in **Appendix 14**. However, no response was received from Mr HUI. As the confidentiality undertaking was not signed, IC decided that the abovementioned information would not be forwarded to Mr HUI.

### **Draft findings**

2.38 IC strives to ensure that its investigation and relevant procedure are fair and seen to be fair to parties whose interests or reputation may be affected by its proceedings. In accordance with paragraph 25 of the Practice and Procedure, those parts of this Report which set out the evidence, on the basis of which IC has established the facts stated in the censure motion, had been forwarded to the witnesses concerned (as detailed in paragraph 2.21 above) for comment. All of them had indicated that they had no comments.

2.39 Nevertheless, noting that Hon HUI Chi-fung did not sign the confidentiality undertaking as mentioned in paragraphs 2.35 to 2.37 above, IC decided that he would not be given the relevant parts of this Report for his written response and would not be provided with an advance copy of this Report shortly before it is tabled in the Council. Mr HUI was informed in writing accordingly in July 2020.

### **Chapter 3            Information and evidence relevant to the particulars of the misbehaviour set out in the Schedule to the censure motion**

3.1        This Chapter sets out the information gathered and the evidence obtained from hearings conducted by IC which are relevant to the particulars of Hon HUI Chi-fung's alleged misbehaviour as set out in the Schedule to the censure motion. IC has made reference to the CCTV footage, i-CABLE's footage, RTHK's interview, and witnesses' evidence given to IC at its hearings. To facilitate the understanding about the narration in this Chapter, a simplified map showing the key locations on the second floor of the LegCo Complex relevant to the alleged incident related to the censure motion is in **Appendix 15**.

#### **The alleged incident**

3.2        IC notes from the CCTV footage that at about 9:30 am on 24 April 2018, when the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill ("the Bills Committee") was holding its meeting in Conference Room 1, Hon HUI Chi-fung was present at that meeting.<sup>11</sup>

#### Events at the four-lift lobby on the second floor of the Legislative Council Complex

3.3        IC notes from the CCTV footage that Hon HUI Chi-fung left Conference Room 1 at 9:39:49 am on 24 April 2018. He then entered the four-lift lobby on the second floor of the LegCo Complex ("the four-lift lobby") at 9:41:30 am. Ms LEUNG Ngok-sze<sup>12</sup> was then standing there with a mobile phone ("the Mobile Phone") and a piece of paper in her

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<sup>11</sup> The time reference in this Report refers to the clock-time displayed in the CCTV footage, unless otherwise specified. IC watched the CCTV footage and decided that the male in question was, at all material times, Hon HUI Chi-fung.

<sup>12</sup> According to line 160 on page 7 to line 183 on page 8 of the verbatim transcript of Mr Daniel LIU attending a closed hearing of IC on 25 June 2019 (Appendix 10), on 24 April 2018, Mr Cassius LAU Fu-sang told Mr LIU that Hon HUI Chi-fung had grabbed the mobile phone of his colleague. When Mr LIU saw the colleague of Mr LAU concerned, she told him that her name was LEUNG Ngok-sze.



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hand. Mr HUI pressed a lift button, then approached Ms LEUNG face-to-face and appeared to say something to her at 9:41:42 am. At that time, Ms LEUNG stepped back. Mr HUI stepped forward towards Ms LEUNG, grabbed the paper from her and read it. After reading the paper, it appeared that Mr HUI reached out his hand to try to grab the Mobile Phone from Ms LEUNG but he was not successful, as Ms LEUNG moved her hand holding the Mobile Phone to behind her back and tried to evade. Mr HUI kept on trying to grab the Mobile Phone and grabbed it at last. He then ran out of the four-lift lobby at 9:42:33 am and entered the corridor outside Conference Room 4 on the second floor of the LegCo Complex ("Corridor A")<sup>13</sup>. On his way, he dropped the piece of paper grabbed from Ms LEUNG on the floor of the four-lift lobby. Ms LEUNG chased after Mr HUI.

Events along the corridors outside Conference Room 1 and Conference Room 4 on the second floor of the Legislative Council Complex

3.4 IC notes from the CCTV footage that between 9:42:34 am and 9:42:42 am, Hon HUI Chi-fung ran along Corridor A towards the direction of Conference Room 1, crossed the corridor outside Conference Room 1 ("Corridor B")<sup>14</sup>, and rushed through an entrance ("Entrance A")<sup>15</sup> opening to a space which could lead to Conference Room 1 or the toilet area (see the route in red colour in Appendix 15). Ms LEUNG Ngok-sze chased after Mr HUI all the way from the four-lift lobby but stopped in front of Entrance A. Ms LEUNG then took out another mobile phone and appeared to make a call. Mr Mark FU Chuen-fu was walking around along Corridor B at that time. Mr FU appeared to talk to a man in Corridor B at 9:47:43 am, and then they together approached Ms LEUNG. The three people appeared to talk to each other in Corridor B between 9:47:52 am and 9:48:31 am. Ms LEUNG later went to Corridor A at 9:48:46 am. Mr HUI later came out of the area behind Entrance A at 9:58:01 am and went to Corridor A.

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<sup>13</sup> Corridor A in Appendix 15.

<sup>14</sup> Corridor B in Appendix 15.

<sup>15</sup> Entrance A in Appendix 15.

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Events along the corridor outside Conference Room 4 on the second floor  
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3.5 IC notes from the CCTV footage that at 9:57:56 am, Hon WU Chi-wai was talking to Mr Mark FU Chuen-fu in Corridor A. After Hon HUI Chi-fung came out of Entrance A and went to Corridor A (as stated in paragraph 3.4 above), he passed by Mr FU and Mr WU. Mr HUI and Mr FU seemed to have some communication, then Mr HUI seemed to hand something over to Mr FU at 9:58:15 am. Mr HUI then continued to walk along Corridor A towards the direction of the four-lift lobby (see the route in blue colour in Appendix 15).

Reporting of the alleged incident

3.6 According to the evidence given by Mr Mark FU Chuen-fu at IC's hearing on 6 November 2019, he was standing by along Corridor B when the Bills Committee meeting was in progress in the morning of 24 April 2018. At first, he saw Ms LEUNG Ngok-sze standing outside Entrance A, but he did not pay attention to her. After a male officer of the Transport and Housing Bureau ("THB") had told Mr FU that the Mobile Phone held by a female colleague was grabbed, Mr FU and that male officer then approached Ms LEUNG and asked her what had happened. According to Mr FU, Ms LEUNG was an officer of the Security Bureau and she did not know him at first. After the male officer had introduced Mr FU to Ms LEUNG, she then asked for help and sought instructions on what she should do. She told Mr FU that Hon HUI Chi-fung had grabbed the Mobile Phone and pointed at Entrance A, saying that Mr HUI had gone to the direction of Entrance A after grabbing the Mobile Phone.<sup>16, 17</sup>

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<sup>16</sup> According to lines 353 to 358 on page 14 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12), Mr FU was able to identify the lady as seen in the CCTV footage to be the lady who stood outside Entrance A and reported to him that the Mobile Phone had been grabbed. After watching the CCTV footage, considering the evidence of witnesses and all the information in hand, IC decided that the female in question in the CCTV footage was, at all material times, Ms LEUNG Ngok-sze.

<sup>17</sup> Lines 47 to 56 on page 2; and lines 649 to 654 on page 26 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

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3.7 IC has viewed the CCTV footage covering Conference Room 1 and found that between 9:42:42 am, when Hon HUI Chi-fung had grabbed the Mobile Phone and entered Entrance A, and 9:58:01 am when Mr HUI came out of the area behind Entrance A, it did not capture Mr HUI returning to Conference Room 1. Mr Mark FU Chuen-fu also told IC that, after he learned from Ms LEUNG Ngok-sze that Mr HUI had gone to the direction of Entrance A (see paragraph 3.6 above), he had tried to look for Mr HUI, including viewing from the inside of the Photo Room<sup>18</sup> to see whether Mr HUI was in Conference Room 1, but Mr HUI was not there. Mr FU then went to Room 112 (i.e. Public Officers' Office on the first floor of the LegCo Complex) to see if there were any government officers around. Mr FU saw Mr Cassius LAU Fu-sang there and told him about the incident. Mr FU then went out to continue looking for Mr HUI but in vain.<sup>19</sup>

3.8 According to Mr Mark FU Chuen-fu, when he continued searching for Hon HUI Chi-fung on the second floor of the LegCo Complex, he saw Hon WU Chi-wai in Corridor A. As Mr WU was the Chairman and Mr HUI a member of the Democratic Party, Mr FU told Mr WU that Mr HUI had grabbed the Mobile Phone from Ms LEUNG Ngok-sze. While Mr WU had not yet responded, Mr FU saw Mr HUI coming from the direction of Conference Room 1 carrying the Mobile Phone in his hand, and passed by Mr FU and Mr WU. Mr FU said that he had kept on watching Mr HUI and, when Mr FU was about to ask Mr HUI to stop, Mr HUI turned around and asked Mr FU whether he wanted to get back the Mobile Phone. Mr FU replied in the affirmative and Mr HUI handed the phone to Mr FU.<sup>20</sup>

3.9 Mr Mark FU Chuen-fu told IC that, after Hon HUI Chi-fung had handed the Mobile Phone to him, Mr FU and Hon WU Chi-wai departed and Mr FU wanted to go back to Room 112. On his way, Mr FU saw Mr HUI again in the four-lift lobby as they were both waiting for the lift there. Mr FU said that they took the same lift and, while inside the lift, he asked Mr HUI, "何必呢？大家都係做嘢".<sup>21</sup> Mr HUI then said

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<sup>18</sup> Photo Room in Appendix 15.

<sup>19</sup> Line 57 on page 2 to line 62 on page 3 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>20</sup> Lines 70 to 81 on page 3 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>21</sup> English translation: "What for? We both are doing our jobs."

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"我預咗你地報警".<sup>22</sup> Mr FU told IC that Mr HUI had not explained the meaning of those words.<sup>23</sup>

3.10 Mr Mark FU Chuen-fu also told IC that he then went back to Room 112 and saw Ms LEUNG Ngok-sze again. He asked Ms LEUNG to report on the details about the alleged incident and confirmed with her that the phone returned by Hon HUI Chi-fung was the Mobile Phone.<sup>24</sup> According to Mr FU, Ms LEUNG told him that she was working in the four-lift lobby when Mr HUI entered. Mr HUI then approached her and asked what she was doing. Ms LEUNG replied that she was working. Mr HUI then grabbed the paper in her hand. Ms LEUNG also told Mr FU that, after reading the paper, Mr HUI tried to grab the Mobile Phone in her hand and she had strived to protect the phone, including hiding it at her back. Ms LEUNG said, "許智峯議員'夾硬'要搶"<sup>25</sup> and Mr HUI grabbed the phone. Ms LEUNG then chased after Mr HUI towards the direction of Conference Room 1 and waited outside Conference Room 1.<sup>26</sup>

3.11 IC asked Mr Mark FU Chuen-fu whether Ms LEUNG Ngok-sze had explained the meaning of "夾硬".<sup>27</sup> Mr FU said that she had not described it in detail and, as she was rather agitated at that time, he considered it inappropriate to ask for more details from her.<sup>28</sup>

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<sup>22</sup> English translation: *"I expect that you will call the police."*

<sup>23</sup> Lines 82 to 90 on page 3; and line 330 on page 13 to line 348 on page 14 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>24</sup> Lines 88 to 92 on page 3; lines 219 to 221 on page 9; line 259 on page 10 to line 268 on page 11; and line 385 on page 15 to line 412 on page 16 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>25</sup> English translation: *"Hon HUI Chi-fung grabbed it with force and against her will."*

<sup>26</sup> Line 230 on page 9 to line 241 on page 10; and lines 245 to 246 on page 10 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>27</sup> English translation: *"With force and against her will"*.

<sup>28</sup> Line 655 on page 26 to line 666 on page 27 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

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3.12 IC also asked Mr Mark FU Chuen-fu whether Ms LEUNG Ngok-sze had used the word "搶"<sup>29</sup> when she first told him about the alleged incident. Mr FU told IC that Ms LEUNG did use the word "搶", and he did not quite believe that at first. Therefore, he asked her once more, "你確定是許智峯議員搶去你的電話?".<sup>30</sup> She replied "是許智峯議員搶去我的電話", <sup>31</sup> and he then started looking for Hon HUI Chi-fung.<sup>32</sup>

Hon HUI Chi-fung's own account of his whereabouts

3.13 IC notes from i-CABLE's footage that Hon HUI Chi-fung told the press on 25 April 2018 that he had grabbed the Mobile Phone from Ms LEUNG Ngok-sze to see if any information inside the Mobile Phone was about him. At that time, Ms LEUNG tried to get back the Mobile Phone, and he therefore took it to the nearest toilet on the second floor of the LegCo Complex. While inside the toilet, he looked at the Mobile Phone and browsed what information was contained in it for about 10 minutes. He then came out of the toilet and handed the Mobile Phone to another government official.<sup>33</sup>

**The reaction of Ms LEUNG Ngok-sze after the alleged incident**

3.14 IC asked Mr Mark FU Chuen-fu whether he remembered Ms LEUNG Ngok-sze's expression and tone when she first told him about the incident on 24 April 2018 in Corridor B. Mr FU said that Ms LEUNG looked frightened and was agitated.<sup>34</sup> Mr FU also told IC that, when she reported the incident again in Room 112 later that day as mentioned in paragraph 3.10 above, Ms LEUNG was agitated and burst

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<sup>29</sup> English translation: "Grab".

<sup>30</sup> English translation: "Are you sure that Hon HUI Chi-fung has grabbed your phone?"

<sup>31</sup> English translation: "It is Hon HUI Chi-fung who has grabbed my phone."

<sup>32</sup> Lines 477 to 486 on page 19 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>33</sup> Lines 19 to 24 on page 1; lines 78 to 81 on page 4; lines 109 to 112 on page 5; and lines 126 to 128 on page 6 of the verbatim transcript of i-CABLE's footage on 25 April 2018 (Appendix 4).

<sup>34</sup> Lines 471 to 476 on page 19; and lines 641 to 646 on page 26 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

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into tears. He had tried to comfort Ms LEUNG and said that it was not her fault, she had already done her best, and it had nothing to do with her.<sup>35</sup> IC asked Mr FU how he came to the observation that Ms LEUNG was frightened and agitated. Mr FU said that when Ms LEUNG recapitulated what had happened, she was crying and waved her hands in a state of agitation. He also sensed that Ms LEUNG was feeling guilty for not being able to protect the Mobile Phone.<sup>36</sup>

3.15 In response to IC's enquiry, Mr Daniel LIU said that, according to his own observation, when Ms LEUNG Ngok-sze was talking to Mr Sonny CHOW in Room 112, she was frightened but not crying at that time. IC asked Mr LIU how he came to the observation that Ms LEUNG was frightened. Mr LIU said that he felt that Ms LEUNG was nervous when talking in Room 112. Her speech was not smooth, and it seemed that she was unhappy and insecure.<sup>37</sup>

### **Content of the paper and the Mobile Phone allegedly grabbed by Hon HUI Chi-fung**

#### The paper

3.16 Mr Mark FU Chuen-fu told IC that, to his understanding, the paper originally held by Ms LEUNG Ngok-sze but later grabbed by Hon HUI Chi-fung should be a document containing Members' names and photos.<sup>38</sup> IC notes from i-CABLE's footage that Mr HUI had told the press on 25 April 2018 that when he grabbed the paper from Ms LEUNG to read, he found that the paper contained the membership list of the Bills Committee and Members' photos.<sup>39</sup>

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<sup>35</sup> Line 89 on page 3 to line 94 on page 4; lines 240 to 244 on page 10; and lines 413 to 419 on page 16 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>36</sup> Lines 318 to 329 on page 13 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>37</sup> Line 64 on page 3 to line 81 on page 4; and line 236 on page 10 to line 243 on page 11 of the verbatim transcript of Mr Daniel LIU attending a closed hearing of IC on 25 June 2019 (Appendix 10).

<sup>38</sup> Line 584 on page 23 to line 592 on page 24 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>39</sup> Lines 19 to 21 on page 1 of the verbatim transcript of i-CABLE's footage on 25 April 2018 (Appendix 4).

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The Mobile Phone

3.17 According to Mr Daniel LIU, Ms LEUNG Ngok-sze had told him that the Mobile Phone grabbed by Hon HUI Chi-fung was provided by the Government.<sup>40</sup> Mr Mark FU Chuen-fu also told IC that, when Ms LEUNG first told him that the Mobile Phone had been grabbed, she said that the Mobile Phone belonged to the Government. According to Mr FU, his colleagues were each issued a mobile phone in the morning on the day they worked, and the mobile phone was assigned in a way that each officer would not necessarily use the same mobile phone he or she had last used.<sup>41</sup>

3.18 Mr Mark FU Chuen-fu had asked the male officer of THB mentioned in paragraph 3.6 above, who was an information technology officer, about the functions of the Mobile Phone and what it could access. The male officer of THB said that the Mobile Phone could access the Google Spreadsheet. Mr FU then asked whether the access right of the Mobile Phone could be removed. As the male officer replied in the negative, Mr FU asked him to delete the spreadsheet.<sup>42</sup> Mr FU also told IC that the Mobile Phone did not have email or WhatsApp functions.<sup>43</sup>

3.19 IC notes from i-CABLE's footage that Hon HUI Chi-fung told the press on 25 April 2018 that he found a large amount of Members' personal data in the Mobile Phone, including records of their movements in and out of the LegCo Complex and its conference rooms during meetings in the past three months (including time, specific locations, whether Members were present, etc.). The Mobile Phone also contained some personal data of all LegCo Members.<sup>44</sup>

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<sup>40</sup> Line 72 on page 3; and lines 187 to 190 on page 8 of the verbatim transcript of Mr Daniel LIU attending a closed hearing of IC on 25 June 2019 (Appendix 10).

<sup>41</sup> Lines 369 to 377 on page 15; and lines 617 to 628 on page 25 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>42</sup> Lines 63 to 68 on page 3 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>43</sup> Line 604 on page 24 to line 616 on page 25 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>44</sup> Line 25 on page 1 to line 29 on page 2 of the verbatim transcript of i-CABLE's footage on 25 April 2018 (Appendix 4).

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3.20 IC asked Mr Mark FU Chuen-fu what information was being kept on the Google Spreadsheet when Hon HUI Chi-fung grabbed the Mobile Phone, and Mr FU's view as to whether there was any sensitive information or information belonging to the Government. In response, Mr FU said that the information on the spreadsheet was about the locations of Members, including whether they were inside the conference rooms of the LegCo Complex, as known to his colleagues. To his understanding, the Mobile Phone should be able to access certain files on their Google Drive besides the Google Spreadsheet, but he was not sure about the details of those other files.<sup>45</sup>

3.21 IC also asked Mr Mark FU Chuen-fu whether the information on the Google Spreadsheet was made available for public access or only for his colleagues' reference in performing their duties, and whether there would be any private information of Ms LEUNG Ngok-size on the Mobile Phone. In response, Mr FU said that the Government did not make the information on the Google Spreadsheet available for public access and had no intention to do so. As his relevant colleagues were each issued a mobile phone in the morning on the day they were on duty, and the mobile phones would be assigned in a way that an officer would not necessarily use the same mobile phone he or she had last used, there should be no private information of Ms LEUNG in the Mobile Phone.<sup>46</sup>

3.22 IC notes from i-CABLE's footage that Hon HUI Chi-fung had told the press on 25 April 2018 that while inside the toilet, he had looked at the Mobile Phone for about 10 minutes.<sup>47</sup> When Mr HUI was asked at RTHK's interview whether he had seen any personal information of Ms LEUNG Ngok-size in the Mobile Phone which was unrelated to LegCo, Mr HUI replied that he thought that he had kept the Mobile Phone for about 10 minutes, and he had focused on seeing whether there was any personal data about him. He said that he had also seen the information about the whereabouts of other Members at the same time as such information was saved together with his in the same file. Other than this,

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<sup>45</sup> Line 279 on page 11 to line 309 on page 12 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>46</sup> Lines 617 to 638 on page 25; and line 705 on page 28 to line 724 on page 29 of the verbatim transcript of Mr Mark FU Chuen-fu attending a closed hearing of IC on 6 November 2019 (Appendix 12).

<sup>47</sup> Line 127 on page 6 of the verbatim transcript of i-CABLE's footage on 25 April 2018 (Appendix 4).



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he could see nothing else, and was not aware that there was any other information.<sup>48</sup>

### **Hon HUI Chi-fung's explanation of the alleged incident**

3.23 IC notes from i-CABLE's footage that at the media interview on 25 April 2018, Hon HUI Chi-fung had said that, when he saw Ms LEUNG Ngok-sze on 24 April 2018, she was holding a piece of paper and the Mobile Phone. He believed that Ms LEUNG was recording information about his whereabouts and so he asked her whether she was doing so, but Ms LEUNG denied. Mr HUI said that he believed Ms LEUNG was performing marshalling duties as he had usually seen, and then asked if she could let him have a look at the paper in her hand, and he grabbed it from her and read. After reading it, he asked Ms LEUNG what she was recording on the Mobile Phone but she did not reply. Therefore, he grabbed the Mobile Phone and examined whether there was any information about him in the Mobile Phone.<sup>49</sup>

3.24 IC notes that during RTHK's interview, Hon HUI Chi-fung was asked whether he had downloaded the information which he considered to have infringed upon his privacy from the Mobile Phone, or just memorized it. Mr HUI replied that "我用了我自己的方法記低了"<sup>50</sup> and he was going to pass such information to the Privacy Commissioner for Personal Data.<sup>51</sup>

3.25 IC also notes from the media interview on 25 April 2018 recorded in the above i-CABLE's footage that Hon HUI Chi-fung had said in English that *"I think it's not correct when I don't have her consent to grab the phone and to look at what's inside, and so I understand that she's just a staff member of the Government, and I feel sorry for such an act"*. Later in that interview, he said that without the consent of Ms LEUNG Ngok-sze, he *"grabbed the phone and looked inside, and this is not a*

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<sup>48</sup> Lines 166 to 176 on page 8 of the verbatim transcript of RTHK's interview on 25 April 2018 (Appendix 6).

<sup>49</sup> Lines 13 to 23 on page 1 of the verbatim transcript of i-CABLE's footage on 25 April 2018 (Appendix 4).

<sup>50</sup> English translation: *"I have recorded it (information contained in the Mobile Phone) by my own means."*

<sup>51</sup> Line 177 on page 8 to line 203 on page 9 of the verbatim transcript of RTHK's interview on 25 April 2018 (Appendix 6).

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*correct way of doing things*" (in English).<sup>52</sup> In response to a question raised during RTHK's interview on the same day, Mr HUI confirmed that he had grabbed the paper and the Mobile Phone from Ms LEUNG without her consent.<sup>53</sup>

3.26 During RTHK's interview, Hon HUI Chi-fung was asked why he had grabbed the Mobile Phone from Ms LEUNG Ngok-sze and whether he was too impulsive.<sup>54</sup> Mr HUI replied that he had been following up the issue of government officers performing marshalling duties in the LegCo Complex, which intruded the privacy of Members and was using public funds to intervene and influence Members' behaviour. Mr HUI said that he had written to the Administration Wing of the Chief Secretary for Administration's Office, which was the coordinator of marshalling activities, asking about what Members' information had been collected. As no reply was received, he wanted to use a more direct method by asking Ms LEUNG, a government officer performing the marshalling duties, about what she was recording on her paper and the Mobile Phone. Mr HUI said during RTHK's interview that this was certainly not a good method.<sup>55</sup>

3.27 In response to another question during RTHK's interview, Hon HUI Chi-fung said that Ms LEUNG Ngok-sze had not allowed him to look at and take the Mobile Phone but he had grabbed the Mobile Phone from Ms LEUNG. Mr HUI further said that it was not a correct way of doing things and Ms LEUNG would find it difficult to accept and feel odd about that. Mr HUI also said that as Ms LEUNG was just a civil servant carrying out her duties, he sincerely hoped to apologize to her and, if there was a chance, to say it to Ms LEUNG in person.<sup>56</sup> Mr HUI stressed that no matter how wrong the Government had been, it did not mean that he could grab another person's mobile phone, which was also wrong.<sup>57</sup>

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<sup>52</sup> Line 74 on page 3 to line 81 on page 4; and lines 110 to 111 on page 5 of the verbatim transcript of i-CABLE's footage on 25 April 2018 (Appendix 4).

<sup>53</sup> Lines 140 to 143 on page 6 of the verbatim transcript of RTHK's interview on 25 April 2018 (Appendix 6).

<sup>54</sup> Line 116 on page 5 of the verbatim transcript of RTHK's interview on 25 April 2018 (Appendix 6).

<sup>55</sup> Line 118 on page 5 to line 127 on page 6 of the verbatim transcript of RTHK's interview on 25 April 2018 (Appendix 6).

<sup>56</sup> Lines 76 to 82 on page 4 of the verbatim transcript of RTHK's interview on 25 April 2018 (Appendix 6).

<sup>57</sup> Lines 110 to 114 on page 5; and lines 231 to 233 on page 10 of the verbatim transcript of RTHK's interview on 25 April 2018 (Appendix 6).

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3.28 IC notes from i-CABLE's footage that at the media interview on 25 April 2018, Hon HUI Chi-fung repeatedly admitted that without Ms LEUNG Ngok-sze's consent, it was not right for him to grab the Mobile Phone from her and said he would apologize to her.<sup>58</sup> Mr HUI wished to apologize to Ms LEUNG who might be frightened and upset during her work, and said that he felt sorry for Ms LEUNG's feelings.<sup>59</sup>

3.29 IC also notes from i-CABLE's footage that Hon HUI Chi-fung told the press on 26 April 2018 that what he had done in the alleged incident was very, very wrong and was grossly inappropriate. He considered that his behaviour must have caused great pressure and disturbance to Ms LEUNG Ngok-sze, resulting in public disappointment. At that media interview, Mr HUI apologized to Ms LEUNG and the public, and bowed.<sup>60</sup>

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<sup>58</sup> As mentioned in paragraph 3.25 above, Hon HUI Chi-fung had told the press twice during the media interview on 25 April 2018 as recorded in i-CABLE's footage that he had grabbed the Mobile Phone from Ms LEUNG Ngok-sze without her consent.

<sup>59</sup> Lines 9 to 12 on page 1; lines 78 to 81, lines 92 to 93, and lines 100 to 104 on page 4; lines 109 to 112, and lines 116 to 119 on page 5; lines 143 to 144 on page 6; lines 168 to 171 on page 7; and lines 178 to 183 on page 8 of the verbatim transcript of i-CABLE's footage on 25 April 2018 (Appendix 4).

<sup>60</sup> Lines 1 to 6 on page 1 of the verbatim transcript of i-CABLE's footage on 26 April 2018 (Appendix 5).

## **Chapter 4            Establishing the facts and whether the facts as established constitute grounds for the censure of Hon HUI Chi-fung**

4.1        In this Chapter, based on the information and evidence set out in Chapter 3 and in accordance with RoP 73A(2), IC will consider whether the "facts" stated in the Schedule to the censure motion can be established, and give its views on whether or not the facts as established constitute grounds for the censure of Hon HUI Chi-fung.

### **Facts to be established**

4.2        Under RoP 73A(2), 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. Accordingly, the scope of IC's investigation shall be confined to the particulars of Hon HUI Chi-fung's alleged misbehaviour as set out in the Schedule to the censure motion. Based on the Schedule, IC has identified six facts to be established as detailed in the ensuing paragraphs.

**First fact to be established — Whether Hon HUI Chi-fung, 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, 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 Complex**

4.3        IC notes that the Bills Committee was holding its meeting in Conference Room 1 when Hon HUI Chi-fung entered the four-lift lobby at 9:41:30 am on 24 April 2018, where Ms LEUNG Ngok-sze was standing there with the Mobile Phone and a piece of paper in her hand.<sup>61</sup> IC also

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<sup>61</sup> Paragraphs 3.2 and 3.3 of Chapter 3.

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notes that Ms LEUNG was a female officer of the Security Bureau from the evidence given by Mr Daniel LIU<sup>62</sup> and Mr Mark FU Chuen-fu.<sup>63</sup>

4.4 IC notes from the CCTV footage that Hon HUI Chi-fung approached Ms LEUNG Ngok-sze face-to-face in the four-lift lobby and appeared to say something to her at 9:41:42 am. While the CCTV footage did not have audio recording, IC notes that at that time, Ms LEUNG stepped back. Mr HUI stepped forward towards Ms LEUNG, grabbed the paper from her and read it.<sup>64</sup> IC also notes from the evidence given by Mr Mark FU Chuen-fu and what Mr HUI had told the press at the media interview on 25 April 2018 that the paper grabbed by Mr HUI contained the membership list of the Bills Committee and Members' photos.<sup>65</sup>

4.5 IC also notes from the CCTV footage that, after reading the paper, it appeared that Hon HUI Chi-fung reached out his hand to try to grab the Mobile Phone from Ms LEUNG Ngok-sze but he was not successful, as Ms LEUNG moved her hand holding the Mobile Phone to behind her back and tried to evade. Mr HUI kept on trying to grab the Mobile Phone and grabbed it at last. He then ran out of the four-lift lobby and Ms LEUNG chased after him.<sup>66</sup> IC considers that the CCTV footage has clearly shown that Mr HUI had grabbed the Mobile Phone from Ms LEUNG without her consent and with force.

4.6 Hon HUI Chi-fung's own account of the incident is broadly consistent with what was shown in the CCTV footage, as stated in paragraphs 4.4 and 4.5 above. IC notes from i-CABLE's footage that at the media interview on 25 April 2018, Mr HUI had said that, when he saw Ms LEUNG Ngok-sze on 24 April 2018, she was holding a piece of paper and the Mobile Phone. He believed that Ms LEUNG was recording information about his whereabouts and so he asked her whether she was doing so, but Ms LEUNG denied. He then asked if Ms LEUNG could let him have a look at the paper in her hand, and he grabbed it from her and read. After reading it, he asked Ms LEUNG what she was recording on the Mobile Phone but she did not reply. Therefore, he grabbed the

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<sup>62</sup> Footnote 12 of Chapter 3.

<sup>63</sup> Paragraph 3.6 of Chapter 3.

<sup>64</sup> Paragraph 3.3 of Chapter 3.

<sup>65</sup> Paragraph 3.16 of Chapter 3.

<sup>66</sup> Paragraph 3.3 of Chapter 3.

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Mobile Phone and examined whether there was any information about him in the Mobile Phone.<sup>67</sup>

4.7 IC also notes that at the above media interview, Hon HUI Chi-fung had said in English that *"I think it's not correct when I don't have her consent to grab the phone and to look at what's inside, and so I understand that she's just a staff member of the Government, and I feel sorry for such an act"*. Later in that interview, he said that without the consent of Ms LEUNG Ngok-sze, he *"grabbed the phone and looked inside, and this is not a correct way of doing things"* (in English). In response to a question raised during RTHK's interview on the same day, Mr HUI confirmed that he had grabbed the paper and the Mobile Phone from Ms LEUNG without her consent.<sup>68</sup>

4.8 IC further notes from i-CABLE's footage that at the media interview on 25 April 2018, Hon HUI Chi-fung repeatedly admitted that without Ms LEUNG Ngok-sze's consent, it was not right for him to grab the Mobile Phone from her and said he would apologize to her. Mr HUI wished to apologize to Ms LEUNG who might be frightened and upset during her work, and said that he felt sorry for Ms LEUNG's feelings. Then, at the media interview on 26 April 2018 as recorded in i-CABLE's footage, Mr HUI said that what he had done in the alleged incident was very, very wrong and was grossly inappropriate. He considered that his behaviour must have caused great pressure and disturbance to Ms LEUNG, resulting in public disappointment. Mr HUI apologized to Ms LEUNG and the public, and bowed.<sup>69</sup>

4.9 Based on the above, IC considers that the material parts of the first fact have been established: Hon HUI Chi-fung, in the morning of 24 April 2018 when the Bills Committee was holding its meeting, grabbed the Mobile Phone and a piece of paper (i.e. the document containing the membership list of the Bills Committee and Members' photos) of a female officer of the Security Bureau at the four-lift lobby. IC notes from the CCTV footage that Ms LEUNG Ngok-sze was holding a piece of paper in the four-lift lobby while "documents" as stated in the English text of the Schedule to the censure motion should mean more than one piece of paper. Nevertheless, IC is of the view that the specific number of pages of papers

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<sup>67</sup> Paragraph 3.23 of Chapter 3.

<sup>68</sup> Paragraph 3.25 of Chapter 3.

<sup>69</sup> Paragraphs 3.28 and 3.29 of Chapter 3.

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grabbed by Mr HUI is immaterial, and this does not affect IC's view as to whether he should be censured as stated below.

**Second fact to be established — Whether the female officer of the Security Bureau followed Hon HUI Chi-fung and demanded him to return the Mobile Phone to her, but to no avail, and whether the officer burst into tears when reporting the incident**

4.10 IC notes from the CCTV footage that after Hon HUI Chi-fung had grabbed the Mobile Phone, he ran out of the four-lift lobby at 9:42:33 am, ran along Corridor A and then rushed through Entrance A between 9:42:34 am and 9:42:42 am. During that time, Ms LEUNG Ngok-sze chased after Mr HUI all the way from the four-lift lobby but stopped in front of Entrance A. Ms LEUNG then took out another mobile phone and appeared to make a call. Mr Mark FU Chuen-fu was walking around along Corridor B at that time. Mr FU appeared to talk to a man in Corridor B at 9:47:43 am, and then they together approached Ms LEUNG. The three people appeared to talk to each other in Corridor B between 9:47:52 am and 9:48:31 am. Ms LEUNG later went to Corridor A at 9:48:46 am.<sup>70</sup>

4.11 IC notes from i-CABLE's footage that Hon HUI Chi-fung told the press on 25 April 2018 that he had grabbed the Mobile Phone from Ms LEUNG Ngok-sze to see if any information inside the Mobile Phone was about him. At that time, Ms LEUNG tried to get back the Mobile Phone, and he therefore took it to the nearest toilet on the second floor of the LegCo Complex.<sup>71</sup>

4.12 IC notes from the CCTV footage that Hon HUI Chi-fung rushed through Entrance A at 9:42:42 am. He later came out of the area behind Entrance A at 9:58:01 am and went to Corridor A.<sup>72</sup> IC also notes from the CCTV footage that at 9:57:56 am, Hon WU Chi-wai was talking to Mr Mark FU Chuen-fu in Corridor A. After Mr HUI came out of

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<sup>70</sup> Paragraphs 3.3 and 3.4 of Chapter 3.

<sup>71</sup> Paragraph 3.13 of Chapter 3.

<sup>72</sup> Paragraph 3.4 of Chapter 3.

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Entrance A and went to Corridor A, he passed by Mr FU and Mr WU. Mr HUI and Mr FU seemed to have some communication, then Mr HUI seemed to hand something over to Mr FU at 9:58:15 am.<sup>73</sup>

4.13 The account of Mr Mark FU Chuen-fu given to IC is broadly consistent with what was shown in the CCTV footage and what Hon HUI Chi-fung said on 25 April 2018 in i-CABLE's footage, as stated in paragraphs 4.10 to 4.12 above. Mr FU told IC at its hearing on 6 November 2019 that at first, he saw Ms LEUNG Ngok-sze standing outside Entrance A on 24 April 2018, but he did not pay attention to her. After a male officer of THB had told Mr FU that the Mobile Phone held by a female colleague was grabbed, Mr FU and that male officer then approached Ms LEUNG and asked her what had happened. Ms LEUNG told Mr FU that Mr HUI had grabbed the Mobile Phone and pointed at Entrance A, saying that Mr HUI had gone to the direction of Entrance A after grabbing the Mobile Phone.<sup>74</sup> After that, Mr FU had tried to look for Mr HUI but in vain.<sup>75</sup>

4.14 IC also notes from the evidence given by Mr Mark FU Chuen-fu that, when Mr FU was talking to Hon WU Chi-wai in Corridor A, Mr FU saw Hon HUI Chi-fung coming from the direction of Conference Room 1 carrying the Mobile Phone in his hand. When Mr FU was about to ask Mr HUI to stop, Mr HUI turned around and asked Mr FU whether he wanted to get back the Mobile Phone. Mr FU replied in the affirmative and Mr HUI handed the phone to Mr FU.<sup>76</sup> Mr FU subsequently confirmed with Ms LEUNG Ngok-sze that the phone returned by Mr HUI was the Mobile Phone.<sup>77</sup>

4.15 IC also notes from the evidence given by Mr Mark FU Chuen-fu that Ms LEUNG Ngok-sze looked frightened and was agitated when she first told him about the incident on 24 April 2018 in Corridor B, and was agitated and burst into tears when reporting the incident again later that day in Room 112.<sup>78</sup>

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<sup>73</sup> Paragraph 3.5 of Chapter 3.

<sup>74</sup> Paragraph 3.6 of Chapter 3.

<sup>75</sup> Paragraph 3.7 of Chapter 3.

<sup>76</sup> Paragraph 3.8 of Chapter 3.

<sup>77</sup> Paragraph 3.10 of Chapter 3.

<sup>78</sup> Paragraph 3.14 of Chapter 3.



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4.16 Another witness Mr Daniel LIU told IC that when Ms LEUNG Ngok-sze talked to Mr Sonny CHOW (who was also a witness) in Room 112, she was frightened but not crying at that time. Mr LIU told IC that he felt that Ms LEUNG was nervous when talking in Room 112. Her speech was not smooth, and it seemed that she was unhappy and insecure.<sup>79</sup>

4.17 According to the evidence given by Mr Daniel LIU as well as Mr Sonny CHOW, it was Mr Cassius LAU Fu-sang who had asked Mr LIU to call Mr CHOW to go to Room 112.<sup>80</sup> According to Mr CHOW, he had only talked to Ms LEUNG Ngok-sze briefly while inside Room 112. He told IC that Ms LEUNG looked scared and he asked her whether she was fine, whether she was hurt and if ambulance service was required. Mr CHOW also told IC that Ms LEUNG had said nothing while Mr LAU told him that Ms LEUNG was fine.<sup>81</sup> Mr CHOW then asked Mr LAU what assistance could be provided by the Security Office of the LegCo Secretariat. Mr LAU replied that he would need to discuss with his senior officers on how to deal with the matter, and asked Mr CHOW to leave first and wait for his call. Mr CHOW and Mr LIU then left and reported the matter to their senior.<sup>82</sup>

4.18 IC has carefully considered the evidence of Mr Daniel LIU, Mr Sonny CHOW and Mr Mark FU Chuen-fu. While Mr FU gave evidence that Ms LEUNG Ngok-sze did burst into tears when reporting the incident to him in Room 112, Mr LIU and Mr CHOW gave evidence that they did not see Ms LEUNG cry. IC considers that Mr LIU and Mr CHOW might not witness Ms LEUNG cry at the material time as they might have left Room 112 at some stage. They therefore might have met Ms LEUNG in Room 112 at a time different from that when Mr FU saw Ms LEUNG burst into tears. After considering all the circumstances, IC

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<sup>79</sup> Paragraph 3.15 of Chapter 3.

<sup>80</sup> Line 51 on page 2 to line 63 on page 3 of the verbatim transcript of Mr Daniel LIU attending a closed hearing of IC on 25 June 2019 (Appendix 10). Lines 57 to 68 on page 3; and line 375 on page 14 to line 386 on page 15 of the verbatim transcript of Mr Sonny CHOW attending a closed hearing of IC on 6 November 2019 (Appendix 11).

<sup>81</sup> Line 100 on page 4 to line 116 on page 5; and lines 397 to 404 on page 15 of the verbatim transcript of Mr Sonny CHOW attending a closed hearing of IC on 6 November 2019 (Appendix 11).

<sup>82</sup> Lines 92 to 99 on page 4; and lines 224 to 228 on page 9 of the verbatim transcript of Mr Sonny CHOW attending a closed hearing of IC on 6 November 2019 (Appendix 11).

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accepts the evidence of Mr FU that Ms LEUNG did burst into tears when reporting the incident to him.

4.19 Based on the above, IC considers that the second fact has been established: the female officer of the Security Bureau followed Hon HUI Chi-fung and demanded him to return the Mobile Phone to her, but to no avail, and the officer burst into tears when reporting the incident. IC is of the view that even if it could not be established that Ms LEUNG Ngok-sze did burst into tears at the material time, this is immaterial and does not affect IC's view as to whether Mr HUI should be censured as stated below.

**Third fact to be established — Whether Hon HUI Chi-fung, after grabbing the Mobile Phone and documents of the female officer of the Security Bureau quickly hid himself in a men's toilet on the second floor of the Legislative Council Complex and stayed there for 10-odd minutes**

4.20 IC notes from the CCTV footage that Hon HUI Chi-fung rushed through Entrance A opening to a space which could lead to Conference Room 1 or the toilet area (which consisted of the gentlemen's toilet, ladies' toilet and accessible toilet) at 9:42:42 am. Mr HUI later came out of the area behind Entrance A at 9:58:01 am and went to Corridor A.<sup>83</sup> IC also notes from the CCTV footage covering Conference Room 1 that, between 9:42:42 am and 9:58:01 am, it did not capture Mr HUI returning to Conference Room 1.<sup>84</sup> The only reasonable inference is that Mr HUI went to the toilet after rushing through Entrance A at 9:42:42 am.

4.21 IC notes from i-CABLE's footage that Hon HUI Chi-fung told the press during the media interview on 25 April 2018 that, after he had grabbed the Mobile Phone from Ms LEUNG Ngok-sze, Ms LEUNG tried to get back the Mobile Phone, and he therefore took it to the nearest toilet on the second floor of the LegCo Complex. While inside the toilet, he looked at the Mobile Phone and browsed what information was contained

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<sup>83</sup> Paragraph 3.4 of Chapter 3.

<sup>84</sup> Paragraph 3.7 of Chapter 3.

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in it for about 10 minutes.<sup>85</sup> During RTHK's interview, Mr HUI said that he thought that he had kept the Mobile Phone for about 10 minutes, and he had focused on seeing whether there was any personal data about him.<sup>86</sup>

4.22 Mr Mark FU Chuen-fu also told IC that when Ms LEUNG Ngok-sze first reported the incident to him, she pointed at Entrance A, saying that Hon HUI Chi-fung had gone to the direction of Entrance A. He then tried to look for Mr HUI, including viewing from the inside of the Photo Room to see whether Mr HUI was in Conference Room 1, but Mr HUI was not there.<sup>87</sup>

4.23 Based on the above, IC considers that the material parts of the third fact have been established, i.e. Hon HUI Chi-fung, after grabbing the Mobile Phone and document of the female officer of the Security Bureau, quickly hid himself in a toilet on the second floor of the LegCo Complex and stayed there for 10-odd minutes. IC acknowledges that there is no evidence as to whether the toilet in question was in fact the men's toilet. Nevertheless, IC is of the view that the specific kind of toilet Mr HUI hid himself in is immaterial, and this does not affect IC's view as to whether he should be censured as stated below.

**Fourth fact to be established — Whether Hon HUI Chi-fung admitted openly that he had browsed the information contained in the Mobile Phone of the female officer of the Security Bureau and recorded the information therein "by his own means"**

4.24 IC notes from i-CABLE's footage that Hon HUI Chi-fung told the press on 25 April 2018 that he found a large amount of Members' personal data in the Mobile Phone, including records of their movements in and out of the LegCo Complex and its conference rooms during meetings in the past three months (including time, specific locations, whether Members were present, etc.). Mr HUI also told the press that the Mobile Phone contained some personal data of all LegCo Members.<sup>88</sup>

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<sup>85</sup> Paragraph 3.13 of Chapter 3.

<sup>86</sup> Paragraph 3.22 of Chapter 3.

<sup>87</sup> Paragraphs 3.6 and 3.7 of Chapter 3.

<sup>88</sup> Paragraph 3.19 of Chapter 3.

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4.25 IC notes that Hon HUI Chi-fung was asked at RTHK's interview whether he had seen any personal information of Ms LEUNG Ngok-sze in the Mobile Phone which was unrelated to LegCo. Mr HUI replied that he had focused on seeing whether there was any personal data about him. He said that he had also seen the information about the whereabouts of other Members at the same time as such information was saved together with his in the same file.<sup>89</sup>

4.26 IC also notes that during RTHK's interview, Hon HUI Chi-fung was asked whether he had downloaded the information which he considered to have infringed upon his privacy from the Mobile Phone, or just memorized it. Mr HUI replied that he had recorded it by his own means and he was going to pass such information to the Privacy Commissioner for Personal Data.<sup>90</sup>

4.27 Based on the above, IC considers that the fourth fact has been established: Hon HUI Chi-fung admitted openly that he had browsed the information contained in the Mobile Phone of the female officer of the Security Bureau and recorded the information therein "by his own means".

**Fifth fact to be established — Whether the Mobile Phone was provided by the Government, and whether it might contain sensitive internal information of the Government**

4.28 According to the evidence given by Mr Daniel LIU, Ms LEUNG Ngok-sze had told him that the Mobile Phone grabbed by Hon HUI Chi-fung was provided by the Government. Mr Mark FU Chuen-fu also told IC at its hearing that, when Ms LEUNG first told him that the Mobile Phone had been grabbed, she said that the Mobile Phone belonged to the Government. According to Mr FU, his colleagues were each issued a mobile phone in the morning on the day they worked, and the mobile phone was assigned in a way that each officer would not necessarily use the same mobile phone he or she had last used.<sup>91</sup>

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<sup>89</sup> Paragraph 3.22 of Chapter 3.

<sup>90</sup> Paragraph 3.24 of Chapter 3.

<sup>91</sup> Paragraph 3.17 of Chapter 3.

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4.29 IC has considered whether the Mobile Phone grabbed by Hon HUI Chi-fung contained internal information of the Government. According to Mr Mark FU Chuen-fu, he had asked the male officer of THB mentioned in paragraph 3.6 above, who was an information technology officer, about the functions of the Mobile Phone and what it could access. The male officer of THB said that the Mobile Phone could access the Google Spreadsheet. Mr FU then asked whether the access right of the Mobile Phone could be removed. As the male officer replied in the negative, Mr FU asked him to delete the spreadsheet. Mr FU also told IC that the Mobile Phone did not have email or WhatsApp functions.<sup>92</sup>

4.30 In response to IC's enquiries, Mr Mark FU Chuen-fu said that the information on the Google Spreadsheet was about the locations of Members, including whether they were inside the conference rooms of the LegCo Complex, as known to his colleagues. To his understanding, the Mobile Phone should be able to access certain files on their Google Drive besides the Google Spreadsheet, but he was not sure about the details of those other files.<sup>93</sup> In response to IC's further enquiries, Mr FU said that the Government did not make the information on the Google Spreadsheet available for public access and had no intention to do so.<sup>94</sup> In view of the above, IC considers that the Mobile Phone contained internal information of the Government.

4.31 IC has further discussed whether the Mobile Phone contained sensitive information and members had different views. Some considered that as the information was only about the whereabouts of Members in the LegCo Complex, little sensitivity should be involved. Some considered it difficult to draw conclusion on this point without looking at the actual information in the Mobile Phone. On the other hand, some considered that there was no need for IC to prove that the information contained in the Mobile Phone was actually "sensitive" or not, as the fifth fact to be established is only concerned with whether the Mobile Phone "might" contain sensitive internal information of the Government.

4.32 Based on the above, IC considers that the fifth fact has been established: the Mobile Phone was provided by the Government and

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<sup>92</sup> Paragraph 3.18 of Chapter 3.

<sup>93</sup> Paragraph 3.20 of Chapter 3.

<sup>94</sup> Paragraph 3.21 of Chapter 3.

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contained internal information of the Government. Although there is no direct evidence to establish that the information is indeed sensitive information, IC is of the view that the Mobile Phone might contain sensitive internal information of the Government.

**Sixth fact to be established — Whether the acts of Hon HUI Chi-fung were acts of ramming the female officer of the Security Bureau**

4.33 Referring to the first fact in paragraphs 4.3 to 4.9 above, IC has established that though Ms LEUNG Ngok-sze had strived to protect the Mobile Phone, Hon HUI Chi-fung grabbed it with force and against her will.<sup>95</sup> As mentioned in paragraph 4.7 above, Mr HUI had told the press during the media interview on 25 April 2018 (in English) that *"I think it's not correct when I don't have her consent to grab the phone and to look at what's inside, and so I understand that she's just a staff member of the Government, and I feel sorry for such an act"*. Later in that interview, he said that without the consent of Ms LEUNG, he *"grabbed the phone and looked inside, and this is not a correct way of doing things"* (in English).<sup>96</sup>

4.34 IC agrees that acts of ramming could occur with or without the element of intent. When one rams into another person, he or she might do it intentionally or by accident. Based on the established facts mentioned above, it was Hon HUI Chi-fung who approached Ms LEUNG Ngok-sze in the four-lift lobby, grabbed Ms LEUNG's paper and the Mobile Phone in her hand against her will, ran away from Ms LEUNG who tried to get the Mobile Phone back, and hid himself in the toilet to browse the information on the Mobile Phone for more than 10 minutes. IC therefore considers that the acts of Mr HUI were intentional and with force. IC considers that the sixth fact has been established: the acts of Mr HUI were acts of ramming the female officer of the Security Bureau. IC is of the view that his acts were in fact more serious than acts of ramming as stated in the sixth fact.

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<sup>95</sup> Paragraph 3.10 of Chapter 3.

<sup>96</sup> Paragraph 3.25 of Chapter 3.

## **Whether the facts as established constitute grounds for the censure of Hon HUI Chi-fung**

4.35 On the basis of the established facts mentioned above and in accordance with RoP 73A(2), IC needs to give its views on whether or not the facts as established constitute grounds for the censure of Hon HUI Chi-fung. In order to arrive at that conclusion, IC needs to consider whether the acts of Mr HUI as established amount to misbehaviour under BL 79(7).

### "Misbehaviour" under Article 79(7) of the Basic Law

4.36 IC notes that "misbehaviour" is not defined in BL 79(7), nor is it defined in any relevant legislation or RoP. IC also notes that the issue of "misbehaviour" was considered by IC-CCT. IC-CCT was of the view that the disqualification on account of "misbehaviour" under BL 79(7) should be distinguished from the disqualification under BL 79(6)<sup>97</sup> in that this term should not include the criminal offence under BL 79(6) committed by a Member, and the term "misbehaviour" should also be distinguished from the misconduct under RoP 81(2), 85 and 45(2).<sup>98</sup>

4.37 IC also notes that the issue of what behaviour should be regarded as falling within the meaning of "misbehaviour" under BL 79(7) was considered by the Committee on Rules of Procedure of LegCo ("CRoP") in 1999 and IC-KNW. CRoP's view then was that it would be more appropriate for the Council of the day to make a decision on the kinds of behaviour which would be regarded as "misbehaviour". IC-KNW considered that it was by no means easy to formulate clear and explicit criteria for defining "misbehaviour". It further observed that BL 79(7)

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<sup>97</sup> In accordance with BL 79(6), when a member of LegCo is convicted and sentenced to imprisonment for one month or more for a criminal offence and is relieved of his or her duties by a motion passed by two-thirds of the members of LegCo present, he or she is no longer qualified for the office.

<sup>98</sup> The misconduct under RoP 81(2), 85 and 45(2) refers respectively to Members' premature publication of evidence, improper handling of their interests, and grossly disorderly conduct committed at Council or committee meetings; and such improper handling of interests includes failure to comply with RoP 83 (Registration of Interests), 83A (Personal Pecuniary Interest to be Disclosed), 83AA (Claims for Reimbursement of Operating Expenses or Applications for Advance of Operating Funds) or 84(1) or (1A) (Voting or Withdrawal in case of Direct Pecuniary Interest).

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has not explicitly stipulated that "misbehaviour" should cover only the conduct of Members in the discharge of their duties as Members.

4.38 IC understands that the mechanism under BL 79(7) entails potentially the most serious consequence to a Member in that the Member will be disqualified from the office if he or she is censured by a vote of two-thirds of the Members present. BL 79(7) does not provide for any lesser penalty if the seriousness of the Member's misbehaviour is not considered by LegCo as reaching the level as to warrant disqualification. IC considers that this "all or nothing" dichotomy is not the most desirable way of handling Members' misbehaviour of various degrees of severity. However, it is precisely because of the "all or nothing" outcome that IC has to exercise great prudence in forming its views on whether Hon HUI Chi-fung's acts amount to misbehaviour under BL 79(7).

Whether the acts of Hon HUI Chi-fung as established amount to misbehaviour under Article 79(7) of the Basic Law

4.39 In the absence of the definition of "misbehaviour" under BL 79(7), IC needs to form its views on whether the acts of Hon HUI Chi-fung as established amount to misbehaviour under BL 79(7). In doing so, IC considers it very useful to base its views on the facts established above as well as whether the following allegations in the censure motion are substantiated:

- (a) Mr HUI's acts are unacceptable, even when the perpetrator is an ordinary citizen;
- (b) Mr HUI showed no respect for public officers, acted violently and seriously infringed upon the privacy of the female officer of the Security Bureau; and
- (c) Mr HUI failed to fulfil the public's expectation of a LegCo Member and tarnished LegCo's reputation.

Whether Hon HUI Chi-fung's acts are unacceptable, even when the perpetrator is an ordinary citizen

4.40 IC considers that the facts established above have clearly shown that the acts of Hon HUI Chi-fung in grabbing the paper and the Mobile Phone, which Ms LEUNG Ngok-sze (a public officer performing official duties) was holding against her will are intentional and with force. He



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then, without the consent of Ms LEUNG, browsed the information contained in the Mobile Phone (which did not belong to him) for about 10 minutes and recorded the information by his own means. IC considers it self-evident that such acts are unacceptable wherever they take place and whether they are committed by a Member or an ordinary citizen.

4.41 Based on the above, IC is of the view that the allegation that Hon HUI Chi-fung's acts are unacceptable, even when the perpetrator is an ordinary citizen, has been substantiated.

Whether Hon HUI Chi-fung showed no respect for public officers, acted violently and seriously infringed upon the privacy of the female officer of the Security Bureau

4.42 According to paragraphs 4.28, 4.30 and 4.32 above, the Mobile Phone of Ms LEUNG Ngok-size was provided by the Government and contained internal information of the Government, which might or might not be sensitive. However, according to Mr Mark FU Chuen-fu as mentioned in paragraph 4.28 above, his colleagues were each issued a mobile phone in the morning on the day they worked, and the mobile phone was assigned in a way that each officer would not necessarily use the same mobile phone he or she last used.<sup>99</sup> Thus, there is no evidence to suggest that the Mobile Phone contained any personal information of Ms LEUNG. In this connection, IC agrees that there is no concrete evidence to substantiate that Hon HUI Chi-fung had infringed upon Ms LEUNG's privacy.

4.43 IC has considered whether Hon HUI Chi-fung showed no respect for public officers. A member holds the view that, unlike an act of violence or infringement of privacy which could be observed, it is a subjective judgment to say whether one has shown respect to another person or not. However, IC agrees that one can hardly say that a person shows respect to another person to whom he or she used verbal or physical violence according to the generally held moral standard. Furthermore, even if one dislikes the duties performed by a public officer, this could not rationalize his or her acts of violence against the public officer concerned in the circumstances.

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<sup>99</sup> Paragraph 3.17 of Chapter 3.

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4.44 Based on the above (especially the established facts), IC considers that the allegation that Hon HUI Chi-fung acted violently and showed no respect to a public officer has been substantiated and, in fact, "showing no respect" is too mild an allegation.

Whether Hon HUI Chi-fung failed to fulfil the public's expectation of a Legislative Council Member and tarnished the Legislative Council's reputation

4.45 In considering whether this allegation is substantiated, IC considers it useful to make reference to the "Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such" (**Appendix 16**) ("the Advisory Guidelines"),<sup>100</sup> which have been issued to all Members at the beginning of each term since 2009. The Advisory Guidelines clearly state that *"a Member should ensure that his conduct must not be such as to bring discredit upon the Legislative Council"*, and *"should conduct himself in such a way as not to place himself in a position which may be contrary to the generally assumed standard of conduct expected of a Member of the Council"*.<sup>101</sup>

4.46 IC considers that as it has been substantiated in paragraph 4.41 above that Hon HUI Chi-fung's acts are unacceptable, even when the perpetrator is an ordinary citizen, it is a logical inference that such acts would certainly be unacceptable to members of the public even if they are committed outside the LegCo Complex. It follows that nobody would expect that his or her mobile phone would be grabbed in a place as highly regarded as the LegCo Complex, nor would anyone expect that an honourable person such as a LegCo Member would grab another's phone against his or her will. In the light of the Advisory Guidelines as stated above, IC considers that Mr HUI's acts have brought discredit upon LegCo, and he has conducted himself in a way that has placed himself in a position which may be contrary to the generally assumed standard of conduct expected of a LegCo Member.

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<sup>100</sup> The Advisory Guidelines are issued by the Committee on Members' Interests under RoP 73(1)(d) to all Members (and published on the LegCo website). The Advisory Guidelines concern how Members should handle their interests and the standard of behaviour expected of Members.

<sup>101</sup> Paragraphs 1 and 2 of the Advisory Guidelines (Appendix 16).

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4.47 Based on the above, IC is of the view that the allegation that Hon HUI Chi-fung failed to fulfil the public's expectation of a LegCo Member and tarnished LegCo's reputation has been substantiated.

Whether the acts of Hon HUI Chi-fung as established amount to misbehaviour under Article 79(7) of the Basic Law and whether the facts as established constitute grounds for the censure of Mr HUI

4.48 By virtue of BL 79(7), a Member may be censured for misbehaviour. IC has found that the material parts of the allegations in the censure motion have been substantiated and the acts of Hon HUI Chi-fung as established amount to misbehaviour under BL 79(7). In IC's view, Mr HUI's acts have brought discredit upon LegCo, and he has conducted himself in a way that has placed himself in a position which may be contrary to the generally assumed standard of conduct expected of a LegCo Member. IC comes to the view that the facts stated in the Schedule to the censure motion as established constitute grounds for the censure of Mr HUI.

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## **Abbreviations**

BL	Basic Law
Conference Room 1	Conference Room 1 on the second floor of the Legislative Council Complex as shown in Appendix 15
Corridor A	the corridor outside Conference Room 4 on the second floor of the Legislative Council Complex as shown in Appendix 15
Corridor B	the corridor outside Conference Room 1 on the second floor of the Legislative Council Complex as shown in Appendix 15
CRoP	Committee on Rules of Procedure of the Legislative Council
DoJ	Department of Justice
Entrance A	the entrance opening to a space which could lead to Conference Room 1 on the second floor of the Legislative Council Complex or the toilet area as shown in Appendix 15
ESCC 2544/2018	<i>Hong Kong Special Administrative Region v HUI Chi-fung</i> (ESCC 2544/2018)
HCMA 306/2019	an appeal lodged by Hon HUI Chi-fung against his conviction (case number of the appeal: HCMA 306/2019)
IC	Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

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i-CABLE's footage	the video footage on the website of i-CABLE.com regarding Hon HUI Chi-fung's two media interviews in the Legislative Council Complex on 25 and 26 April 2018 on the alleged incident related to the censure motion
IC-CCT	Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Dr Hon CHENG Chung-tai
IC-KNW	Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the Motion to censure Honourable KAM Nai-wai
LegCo	Legislative Council
RoP	Rules of Procedure
RTHK	Radio Television Hong Kong
RTHK's interview	interview of Hon HUI Chi-fung in a radio programme of the Radio Television Hong Kong "Open Line Open View" broadcast on 25 April 2018 on the Radio Television Hong Kong Radio 1
THB	Transport and Housing Bureau
the Advisory Guidelines	the Advisory Guidelines on Matters of Ethics in relation to the Conduct of Members of the Legislative Council of the Hong Kong Special Administrative Region in their capacity as such
the Bills Committee	the Bills Committee on Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill

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the CCTV footage	the closed-circuit television footage covering the alleged incident stated in the censure motion and that covering Conference Room 1 of the Legislative Council Complex at the material time on 24 April 2018
the censure motion	the motion moved by Hon Mrs Regina IP LAU Suk-ye under Rule 49B(1A) of the Rules of Procedure to censure Hon HUI Chi-fung under Article 79(7) of the Basic Law
the Council's authorization	the Council's authorization to exercise the power to order the attendance of witnesses and production of papers provided in section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)
the four-lift lobby	the four-lift lobby on the second floor of the Legislative Council Complex as shown in Appendix 15
the Mobile Phone	the mobile phone of Ms LEUNG Ngok-sze allegedly grabbed by Hon HUI Chi-fung
the Practice and Procedure	the practice and procedure of the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

**Procedure for the election of Members for appointment  
by the President to the Investigation Committee established under  
Rule 49B(2A) of the Rules of Procedure in respect of the motion  
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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.



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of the Investigation Committee established under Rule 49B(2A) of  
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**Terms of reference**

The Investigation Committee ("the IC") is responsible for establishing the facts stated in the censure motion moved under Rule 49B(1A) of the Rules of Procedure ("RoP"), and giving its views on whether or not the facts as established constitute grounds for the censure of the Member who is the subject of the motion (RoP 73A(2)).

**The investigation process**

Collation of information before hearings

2. The IC will first invite:
  - (a) the Members who initiated the censure motion (i.e. the mover and the Members who jointly signed the notice of the motion) to provide in writing information in support of the particulars of misbehaviour set out in the Schedule to the censure motion and any information which may assist the IC in carrying out its work; and
  - (b) the Member who is the subject of the censure motion ("Member under investigation") to respond in writing to the censure motion and information provided under (a) above by the Members who initiated the censure motion, and to provide any information which may assist the IC in carrying out its work.
3. The IC will also instruct the Clerk to the IC to gather information relevant to the censure motion.

## Meetings and hearings

4. For the purposes of this Practice and Procedure, meetings of the IC at which the Member under investigation or a witness or witnesses appear to give evidence or to produce documents are referred to as "hearings".

5. On the basis of the information and responses provided to the IC under paragraphs 2 and 3 above, the IC will decide if it is necessary to conduct hearings for the purpose of establishing the facts stated in the censure motion. If it is considered necessary, the IC will decide on the persons to be called to attend its hearings to give evidence. These persons may include the Members who initiated the censure motion, the Member under investigation and any person whom the IC considers to be able to provide information which will be relevant and useful to the investigation.

6. Subject to paragraph 7, all meetings of the IC, including hearings at which the Member under investigation or a witness or witnesses appear, will be held in private (RoP 73A(4)).

7. Only the Member under investigation may elect for hearings to be held in public, and the election must be made before the first hearing. Where he makes such an election, all hearings shall be held in public throughout the entire investigation unless, upon an application by a witness or a request from a member of the IC, the IC on sufficient reason decides otherwise (RoP 73A(5)(a) and (b)).

8. Any witness and the Member under investigation may apply to the IC for any hearing or any part of it to be held in private where an election for hearings to be held in public has been made by the Member under investigation. Similarly, any member of the IC may request, throughout the investigation, that any hearing or any part of it be held in private (RoP 73A(5)(b)). Such an application or request may be made after an election for hearings in public has been made by the Member under investigation, before or after the relevant person(s) attends a hearing, or during a hearing. In deciding whether or not to grant such an application or accede to such a request, the factors that the IC will take into account include whether the evidence to be obtained concerns matters of privacy and whether sufficient protection is accorded to the person(s) concerned.

9. Where appropriate, the IC may hold a hearing at a venue away from the Legislative Council Complex.

10. Apart from hearings, meetings of the IC to consider the following matters are held in private: procedural matters, progress of its work, logistical arrangements for hearings, the evidence obtained, the draft report of the IC and any other matters relevant to or arising from the IC's work.

#### Witnesses

11. Witnesses are to be invited to attend hearings to be examined and to provide information to the IC. If considered necessary by the IC and authorized by the Council to exercise the power to summon under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), the IC may order the attendance of witnesses by summons. Only witnesses summoned under section 9(1) to give evidence or to produce any paper, book, record or document at a hearing will enjoy the same right or privilege as before a court of law in accordance with section 14(1) of Cap. 382.

12. In determining whether witnesses should be invited or summoned, the IC will have regard to factors including the views of the witnesses, whether the relevant hearings will be held in private or public, and whether sufficient protection is accorded to the witnesses concerned.

13. The Member under investigation will be informed of the witnesses whom the IC has decided to call and he may propose additional witnesses for the IC's consideration.

#### Accompanying persons

14. The Member under investigation and witnesses appearing before the IC may be accompanied by a maximum of three persons, including no more than one legal adviser. During a hearing, the witness must not engage in discussions with the accompanying persons nor receive any prompting, whether oral or in writing, from such persons but he may, with the permission of the Chairman, seek advice from his legal adviser.

#### Conduct of hearings

15. The IC may ask the Member under investigation to submit a written statement to the IC before attending the relevant hearings. The IC may also forward the written statement and relevant information submitted by him, or relevant parts thereof, to the relevant witnesses, who may make a written response, to which the Member under investigation may respond.

16. Also, the IC may ask the witnesses to submit written statements to the IC before attending the relevant hearings. The IC may also forward the written statement and relevant information submitted by a witness, or relevant parts thereof, to the Member under investigation, who may make a written response, to which the witness may respond.

17. Hearings are conducted for the examination of witnesses by way of questions and answers in order to establish the facts stated in the Schedule to the censure motion. Members should not make comments or statements during these hearings. Hearings are normally conducted in the following manner:

- (a) the Chairman opens a hearing by stating the purpose of the hearing and reminds the witness of the role of the accompanying persons;
- (b) where it is decided that the witness should be examined on oath, the Chairman will administer the oath under section 11 of Cap. 382 before the examination starts;
- (c) the Chairman will first ask a witness to formally produce his written statement to the IC and if he has anything to add;
- (d) the Chairman will then ask the witness an appropriate opening question, giving him an opportunity to state his case;
- (e) the Chairman will then allow members to put questions to the witness; and
- (f) the Chairman will decide whether a question or evidence is relevant to, and within the scope of, the IC's investigation.

Measures taken to avoid possible prejudice to a person's interest in pending legal proceedings

18. In accordance with RoP 41(2), a Member shall not make reference in his speech to a case pending in a court of law in such a way as, in the opinion of the President or the Chairman, might prejudice that case. This Rule applies to the proceedings of the IC by virtue of RoP 43.

19. If there are pending legal proceedings arising from matters which are related to the subject of the IC's inquiry, the following measures will be

adopted to avoid possible prejudice to a person's interest in pending legal proceedings:

- (a) the Department of Justice ("DoJ") will be asked to keep the IC informed of the development of the criminal proceedings concerned, if any;
- (b) the Chairman would explain to each witness that the function of the IC is not to adjudicate on the legal liability of any party or individual and advise him of the Chairman's power to disallow the making of any reference to a case pending in a court of law if such reference might, in the Chairman's opinion, prejudice the proceedings;
- (c) where it is considered necessary and justified, either on an application by a witness or on the IC's own motion, the IC may determine to hold closed hearings to obtain evidence from a witness;
- (d) where the IC considers necessary, it will provide DoJ with a copy of the draft findings and observations of the IC and request it to comment whether the contents of the draft might prejudice pending criminal proceedings, if any; and
- (e) the report of the IC should not contain any material which might prejudice a pending jury trial.

20. In respect of pending civil proceedings, the following principles will, in addition to any applicable measures stated in paragraph 19 above, apply:

- (a) references to matters awaiting adjudication in a court of law should be excluded if there is a risk that they might prejudice its adjudication;
- (b) references referred to in (a) would include comments on, inquiry into and the making of findings on such matters;
- (c) matters awaiting adjudication referred to in (a) would include matters in respect of which proceedings have been initiated by the filing of the appropriate documents; and

- (d) prejudice referred to in (a) might arise from an element of explicit or implicit prejudgment in the proceedings of the IC in two possible ways:
  - (i) the references might hinder the court or a judicial tribunal in reaching the right conclusion or lead it to reach other than the right conclusion; and
  - (ii) whether the court or judicial tribunal is affected in its conclusion or not, the references might amount to an effective usurpation of the judicial functions of the court or judicial tribunal.

#### Attendance of non-Investigation Committee Members

21. Members who are not members of the IC ("non-IC Members") are not allowed to be present at the IC's meetings and hearings held in private unless they are summoned or invited to attend as witnesses. Where a hearing is held in public, non-IC Members may attend but they may not speak, either by way of addressing the IC or putting questions to witnesses.

#### Provision of verbatim transcripts

22. The relevant parts of the draft verbatim transcripts of the proceedings of the hearings containing the evidence of a witness or the Member under investigation are forwarded to that person for sight and correction, before they are incorporated into the minutes of evidence. For hearings held in private, before the verbatim transcripts are passed to such persons, they are required to sign an undertaking that they would not make copies of the drafts, make public use of them (including quoting from the transcripts at hearings held in public) and use the transcripts in a manner prejudicial to the work of the IC, and that they would return the drafts to the IC before a specified date.

23. Any witness and the Member under investigation may also, on request, be provided with the verbatim transcripts of the proceedings of hearings held in public containing the evidence of another witness. He may also be provided, on his request, with the verbatim transcripts of hearings held in private containing the evidence of another witness, subject to his signing of an undertaking that he would not make copies of the transcripts, make public use of them (including quoting from the transcripts at hearings held in public) and use the transcripts in a manner prejudicial to the work of the IC, and that he would return the transcripts to the IC before a

specified date. The IC may, on sufficient reason, reject such requests for transcripts of hearings held in private.

24. If a hearing is held in public, members of the public may obtain a copy of the finalized form of the verbatim transcript for that hearing upon the payment of a fee prescribed by the Legislative Council Secretariat.

#### Preparation and publication of report

25. Those parts of the IC's report which set out the evidence, on the basis of which the IC has established the facts stated in the censure motion, will be forwarded to the Member under investigation and the witnesses concerned for comment. Such comments will be recorded in the IC's report and will be taken into account by the IC in finalizing its report.

26. Upon completion of its report, the IC will table it in the Council pursuant to RoP 73A(12). Shortly before the report is tabled, the Member under investigation and the witnesses concerned will be provided with an advance copy of the report on the condition that it will not be released to the public until the relevant Council meeting has begun. This arrangement is to enable the Member under investigation and the witnesses concerned to prepare themselves for responding to the public and media enquiries. After the report has been tabled in the Council, it will be made public.

### **Confidentiality requirement**

#### Classification of confidential information

27. Evidence obtained in hearings held in private, written statements and other documents provided to the IC, information relating to other meetings of the IC and any related correspondence are confidential and remain so unless and until they are published or declassified by the IC.

#### Use of confidential information

28. The source of information obtained at hearings held in private may be disclosed at a hearing held in public only if it is necessary to do justice to the witness or to enable him to understand a question. Before such disclosure, the IC may consult the relevant persons who may be affected by the disclosure.

29. Information obtained at hearings held in private from a witness who is a party to pending legal proceedings shall be used with care so as to avoid possible prejudice to that person's interest in such proceedings, and where possible, the identity of the witness who has provided the information should not be disclosed if it is so decided by the IC.

#### Application for exclusion of confidential information from report

30. The minutes of evidence, which form part of the report to be submitted to the Council upon completion of investigation under RoP 73A(12), shall contain all evidence taken by the IC at hearings held in private and public. However, the IC may, upon request made by a witness, decide to exclude confidential information from the report on grounds that such exclusion is necessary to protect privacy without jeopardizing the public interest in knowing the material facts on which the IC has based its views.

#### Communications between Members and members of the Investigation Committee

31. Non-IC Members, the Member under investigation and Members who expect to be or have been called to appear before the IC as witnesses should not, outside meetings of the IC, engage in communications by conversations or any other form with members of the IC on any matter relating to the work of the IC.

#### Communications with the media

32. With the consent of the IC, the Chairman or the Deputy Chairman may respond in general terms to enquiries from the media on the progress of the investigation. No member other than the Chairman or the Deputy Chairman shall be authorized to handle media enquiries on matters relating to the work of the IC.

#### Confidentiality undertaking

33. All members of the IC, the Member under investigation and witnesses as well as accompanying persons attending meetings or hearings of the IC held in private shall be required to sign a confidentiality undertaking that they will not publish, without the prior written authorization of the IC, any matter relating to the proceedings of meetings or hearings of the IC held in private, including evidence taken before the IC, documents produced to it, its deliberations and decisions, except such



matter that has already been published or contained in any report presented by the IC to the Council. They are also required to take the necessary steps to prevent publication of such matter either before or after the IC presents its report to the Council, unless the confidential classification has been removed by the IC.

#### Premature publication of evidence

34. The evidence taken before the IC and documents presented to it shall not, except in the case of its meetings held in public, be published by a member of the IC or by any other person before the IC has presented its report to the Council.

#### **Other matters**

##### Term of office

35. The IC shall be dissolved upon the tabling of its report in the Council (RoP 73A(12)) or at the end of a term. If the IC is of the opinion that it will not be able to complete consideration of the matter before the end of a term, it shall so report to the Council.

##### Chairmanship

36. All meetings of the IC are chaired by the Chairman or, in the Chairman's absence, by the Deputy Chairman. In the event of the temporary absence of the Chairman and Deputy Chairman, the IC may elect a chairman to act during such absence (RoP 73A(6)).

##### Quorum

37. The quorum of the IC shall be five members including the Chairman (RoP 73A(3)). The Clerk will draw to the attention of the Chairman the absence of a quorum as and when there is such absence.

##### Voting

38. Decisions of the IC shall be decided by a majority of the members present and voting, which is done by a show of hands. Non-IC Members attending hearings held in public are not allowed to vote.

39. Where a member claims a division, the Clerk shall take divisions by asking each member separately how he wishes to vote and record the votes accordingly (RoP 73A(8)). Abstentions are not counted for the purpose of determining the result of the vote.

40. Neither the Chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote (RoP 73A(9)). The casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put (RoP 79A(1)).

#### Appointment of experts

41. Where appropriate, the IC may appoint experts to advise on any matter relevant to or arising from its work.

#### Verbatim transcripts and minutes of proceedings of meetings of the Investigation Committee

42. Verbatim transcripts of the proceedings will be kept for all hearings and, on the IC's direction, for particular meetings. Minutes will be kept for other meetings, which are normally presented in a condensed form, recording the IC's decisions, follow-up actions required, procedural matters and declarations of interest made by members. Where a meeting or part thereof is for the consideration of the draft report of the IC, the minutes of proceedings of the IC will record all proceedings on the consideration of the report and on every amendment proposed thereto, with a note of divisions, if divisions were taken in the IC, showing the names of members voting in the division or declining to vote (RoP 73A(11)).

#### Reports of the Investigation Committee

43. The report to be tabled in the Council pursuant to RoP 73A(12) for the purpose of resumption of the debate on the censure motion shall be so stated when the report is tabled. Apart from that report, the IC may table reports in the Council on any matter relating to or arising from its work as and when it considers necessary.

#### Disclosure of interests

44. RoP 83A and 84 relating to Members' pecuniary interest shall apply to the proceedings of the IC.

45. In addition, there may be situations in which a member wishes to declare non-pecuniary interests. In such a case, the member should write to the Chairman to declare such interests. Where appropriate, the Chairman may announce at public hearings of the IC the nature of interests so declared by individual members.

#### Revival of the Investigation Committee

46. The IC may be revived to deal with any further matters arising from the censure motion by resolution of the Council (RoP 73A(12)).

Council Business Division 4  
Legislative Council Secretariat  
17 July 2018

**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

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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]

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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.

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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

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Action

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**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).

*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.

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Council Business Division 4  
Legislative Council Secretariat  
29 June 2020

有線寬頻網站上有關許智峯議員於2018年4月25日  
在立法會綜合大樓會見傳媒的片段的逐字紀錄本

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1 **新聞主播：**

2 各位，我們轉去看看，民主黨的立法會議員許智峯見記者。

3 **涂謹申議員：**

4 OK，有沒有人未得，OK，是嗎？

5 **許智峯議員：**

6 OK，是嗎？

7 **涂謹申議員：**

8 OK，好，得。

9 **許智峯議員：**

10 好。就着昨天我在一個政府沒有同意的情況下擺了一個政府  
11 人員的電話，我承認這個做法是不對的，我在這裏摯誠向該名政府  
12 人員致歉。

13 事發經過是，昨天出席立法會期間，大概早上 9 時 30 分左右，  
14 我在會議室發言後便去到 2 樓的樓梯間，發現一位政府人員拿着一張紙及一部電話，我相信她正在記錄我的出入時間資料等等。我便  
15 上前查詢："究竟你是否正在記錄我的資料呀？"該名政府人員  
16 否認。我相信都是我們慣常見到的那些"狗仔隊"的政府人員，之後  
17 我再見到她手上的一張紙，我就問她："可否給我看？"，那我就擺了  
18 那張紙來看。那位政府人員就說："這些是公開的資料來的。"我擺着  
19 那張紙來看，我發現原來是"一地兩檢"法案委員會內的成員名單及  
20 議員的照片；我隨即再問她："那你手上的電話呢，正在記錄甚麼資料  
21 呀？"她沒有回答我。所以，我當時擺了她的電話，看看電話內有甚麼  
22 關於我自己的資料。當時她嘗試想取回電話，所以我就擺着電話行去  
23 2 樓最近的洗手間內，就在洗手間內看過電話裏面有些甚麼資料。  
24

25 在電話裏面，我發現了大量的議員的個人資料，當中包括在  
26 最近 3 個月內，在政府的——在立法會的不同會議上議員出入大樓

**有線寬頻網站上有關許智峯議員於2018年4月25日  
在立法會綜合大樓會見傳媒的片段的逐字紀錄本**

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27 及議事廳的一些出入紀錄，包括一些時間，以及一些特定的立法會  
28 地點，議員是否在場等等的個人資料和私隱。那些資料亦包含我們  
29 全部 70 位立法會議員的一些個人資料。所以，我自己就很質疑，在  
30 我們這麼多位議員不知情的時候，政府人員把這些資料記錄鉅細  
31 無遺，即我們在大樓內的行蹤等等，我認為是侵犯議員的私隱，而  
32 且我亦相信有可能觸犯香港的私隱法例。我覺得這做法是不應該  
33 的，政府是不當收集議員的資料。

34 過往我亦一直在跟進"狗仔隊"在立法會收集議員個人資料的  
35 問題及相關法例。我過往亦曾經去信立法會秘書處，以及去信行政署  
36 查詢，究竟政府這些"狗仔隊"、這些人員正在收集我本人的甚麼資料  
37 呢？但是，過往行政署，即政府當局是沒有給我任何回覆。這亦是  
38 作為一個背景，向大家交代。

39 我認為政府不應該用公帑及公權力——這些政府人員——去  
40 監察及試圖影響我們立法會議員在立法會內的一些行為，介入議會  
41 的運作。我認為政府這個手法是不當的。所以，我希望政府可以停止  
42 這種"狗仔隊"式的監察議員的行為。在那部電話上，我找到的——即  
43 看到的一些我們 70 位議員的資料，以及我自己的個人私隱，我也會  
44 把這些資料轉介予私隱專員公署，作出投訴。

45 **胡志偉議員：**

46 我想我也說幾句。我在.....

47 **涂謹申議員：**

48 用不用調換位置？不如調換位置？這樣清楚一點。

49 **胡志偉議員：**

50 .....好的，OK。

51 **涂謹申議員：**

52 好，得。

**有線寬頻網站上有關許智峯議員於2018年4月25日  
在立法會綜合大樓會見傳媒的片段的逐字紀錄本**

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53 **胡志偉議員：**

54 在昨天事發後，有政府官員向我表示有關問題時，我才知悉  
55 相關事件。我在這裏要重申，我們民主黨對於黨友以——即未得到  
56 同意下取去了政府官員的財物、手機這種做法，我們絕不認同；而  
57 民主黨亦要求許智峯要全面地向中委會就事件作全面交代，我亦會  
58 秉公辦理，處理有關的事情。當然，我對於昨天的事情，我在此亦  
59 代表民主黨向事件當中的政府人員致歉，也對事件所產生的——  
60 公眾對民主黨的一些看法，在這裏我亦表示，我們覺得這個做法本身  
61 絕不認同。我們希望我們通過我們民主黨的內部機制能夠就着事件  
62 會展開一個全面的，要求許智峯交代，然後秉公處理。

63 當然，我們今天聽到政府的說法，是它會就有關事件交由警方  
64 處理，民主黨亦承諾了一定會在——有任何要求下全力配合。但是，  
65 我們重申一點，便是我們不論事件的出發點為何，但在無理的情況  
66 下，在無理的情況下取去政府官員手上的物品的話，這個行為，我們  
67 都絕不接受。因此，我們在這裏，民主黨的中委會亦會就着事件向  
68 許智峯作全面理解，以及按黨內機制和程序秉公處理。我在這裏再次  
69 對於事件致歉。

70 **涂謹申議員：**

71 好，我們調換位置。

72 **胡志偉議員：**

73 好，好。

74 **記者：**

75 Are you sorry just to the officer or to the public in general? And even if  
76 your privacy was infringed by the officer, is it at all correct to snatch the phone?  
77 Does it warrant you snatching the phone back?



**有線寬頻網站上有關許智峯議員於2018年4月25日  
在立法會綜合大樓會見傳媒的片段的逐字紀錄本**

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78 **許智峯議員：**

79 I think it's not correct when I don't have her consent to grab the phone and to  
80 look at what's inside, and so I understand that she's just a staff member of the  
81 Government, and I feel sorry for such an act.

82 **記者：**

83 阿峯，現在.....已經報了警.....現在警方有沒有說要如何調查，  
84 你有沒有這方面的擔心呢？即是否.....有沒有跟她.....即那個女  
85 職員溝通，在甚麼情況下，為何及是否一時衝動，還是怎樣，令到  
86 你可以.....即做出這個行為？

87 **許智峯議員：**

88 暫時警方沒有聯絡過我，所以暫時在這方面沒有跟進。在當時  
89 的情況，其實我出於因為一直都關注"狗仔隊"監察立法會的議題，  
90 亦關注自己及其他同事的私隱，是否政府在可能違反法例的情況下  
91 收集呢？我希望可以用直接的方法知道它收集了些甚麼，所以便  
92 做了這個行為。當然，在沒有同意的情況下，去擺別人的電話都是  
93 不對的，所以，我是會向她摯誠地道歉。

94 **記者：**

95 許智峯，想問你剛才說會向相關的職員道歉，但是，為何會選用  
96 這個字眼呢？為甚麼不是向全部市民或者你的選民道歉，而只是向  
97 事主道歉呢？還有，昨天你向傳媒發出的回應，說你是"獲得這個  
98 手機"，其實是否即是顯示你自己也覺得不是"搶去"的字眼？你現在  
99 會再用甚麼字眼來形容？

100 **許智峯議員：**

101 我想整個事發頗為清楚，便是她真的沒有明示，告訴我："你可  
102 以擺去"的時候，我是擺了她的電話，所以，這個做法我自己也覺得  
103 是不當的。所以，如果她可能因為在上班時受驚或不開心，我覺得  
104 我有責任向她道歉。

有線寬頻網站上有關許智峯議員於2018年4月25日  
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105 **記者：**

106 ...because you said the staff recording the whereabouts of all Members and  
107 infringing your privacy. So what about your own act of taking the phone into the  
108 toilet? Is that an appropriate act, and are you also...(收音不清)

109 **許智峯議員：**

110 As I have mentioned, without her, you know, consent and I grabbed the  
111 phone and looked inside, and this is not a correct way of doing things. And I feel  
112 sorry for her feelings.

113 **記者：**

114 那麼你會否親自找回當事人，向她道歉？以及想問如果是摯誠  
115 道歉的話，為甚麼不鞠躬呢？

116 **許智峯議員：**

117 如果讓我有辦法看見她，我也希望可以讓她看到我的誠意，  
118 我也會親自向她道歉。我可能會嘗試看看有沒有途徑可以再見她，  
119 我會告訴她我深表歉意。

120 **記者：**

121 想問為甚麼字眼是用攞走.....

122 **涂謹申議員：**

123 讓他.....讓他先，你是第二次提問，先讓他們提問，好嗎？

124 **記者：**

125 .....以及會否主動.....(收音不清)

有線寬頻網站上有關許智峯議員於2018年4月25日  
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126 **許智峯議員：**

127 我在洗手間看那個電話的時候，時間大概是 10 分鐘，然後，  
128 我便出來把電話交還給另一個政府人員。

129 **記者：**

130 志偉，建制派有說過其實他們會考慮是否需要做到譴責，你們  
131 覺得事情是否到達這個程度呢？這是第一個問題。

132 第二個問題想問許智峯，你剛才說政府人員記錄議員在會議廳  
133 內，或者各個會議室內的一些出入時間、出席，但這樣東西是公開  
134 資訊，其實只要有看會議直播的人都會知道。你覺得為甚麼這件事  
135 有問題？是否這件事可以 justify 到你當日、即昨天的行為？

136 **許智峯議員：**

137 這件事也是我自己很關注，因為我在電話裏面看到的資料內  
138 容，其實是揭露了不單止是一些公開的資訊，包括議員在大樓的某些  
139 特別位置，究竟議員是否在那裏呢。這些包括議員是否在大樓呢，  
140 還是議員不知在哪裏等等，這些資訊都是很詳細地記錄。我自己  
141 理解，這些資料必然是侵犯私隱，所以，我的立場仍是不同意政府  
142 做這些行為。

143 但是，當然，這是我攞那個電話的動機。但是，當然是，如果  
144 我在沒有准許的情況下去攞，這個做法都是不對的。

145 **記者：**

146 阿峯，我想問一件事.....

147 **記者：**

148 我的另一個問題未回答，關於譴責，需不需要去到這種地步？

149 **涂謹申議員：**

150 嗯，或者志偉。

151 **胡志偉議員：**

152 不如由我說。

153 **涂謹申議員：**

154 好。

155 **胡志偉議員：**

156 我覺得建制派要按照《議事規則》去處理問題的話，當然有它  
157 自己的態度。但是，我想民主黨都很清楚，就着許智峯在未得別人  
158 同意下擺了那個手機，這個行為我們本身絕對不能夠接受，亦因為  
159 這樣的時間，會要求許智峯來到中委會全面交代有關事情，亦會按照  
160 在黨內應該有的議員操守的程序來處理，我一定會秉公處理。但是，  
161 當然去到立法會的過程，究竟有甚麼下一步的行動，我想我們到時  
162 會按照我們在黨內的既有程序，得到結論後再作判斷。

163 **記者：**

164 其實我想問一件事，你是未得到別人同意而擺嘛，其實按理  
165 而言，其實基本上即是搶東西，你會否自動辭職？以及如此嚴重的  
166 行為，為何民主黨只是覺得"不接受"那麼簡單，輕輕帶過，其實  
167 有沒有一些維護着他或者護短的情況出現？

168 **許智峯議員：**

169 我想這個動作無論如何都是在她沒有向我說："你可以擺喇"。  
170 我真的是在她的手上擺了那個電話。所以，這個行為，我相信無論  
171 如何都不能說是正確的，絕對是不當的。所以，我也覺得她可能會  
172 有不開心或者難受，她都是"打工"而已……

有線寬頻網站上有關許智峯議員於2018年4月25日  
在立法會綜合大樓會見傳媒的片段的逐字紀錄本

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173 **記者：**

174 那麼你會否自動辭職？

175 **許智峯議員：**

176 .....所有這些.....之後的跟進，我會看看警方，以及看看黨內、  
177 立法會的機制會如何處理，所有的處理程序我都會全力配合。

178 **記者：**

179 你說是未經同意而拎走她的手機，你是否承認其實是一個"搶"  
180 的行為？

181 **許智峯議員：**

182 我都是這樣說，我在她手上攞了這部機，當時她真的沒有  
183 同意。所以，這個行為無論如何都是不對的。

184 **記者：**

185 Chi-wai, do you have a possible sanction from the Party? Does it include  
186 expelling Ted HUI from the Party or what possibilities?

187 **胡志偉議員：**

188 Well, we have a lot of different measures. Depending on the Central  
189 Committee's discussions and we also have the.....we call.....紀律委員會.....

190 **涂謹申議員：**

191 Disciplinary Committee.....

192 **胡志偉議員：**

193 .....Disciplinary Committee, and they will have the decisions, and we will  
194 act accordingly. So at this moment it's hard for us to tell what exactly the sanction

有線寬頻網站上有關許智峯議員於2018年4月25日  
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195 will be. But whatever the case, we think the act for Ted HUI is not appropriate.  
196 And we will go back to the Party and go through all the proceedings to assure that  
197 we will get a proper hearing and result which will be accountable to the public.

198 **記者：**

199 志偉，想問其實黨內是否有可能對阿峯進行紀律聆訊，或者  
200 有沒有機會甚至可能將阿峯革除？

201 **胡志偉議員：**

202 我想我剛才也重複了，我們黨內有中委會一定要求許智峯全面  
203 交代有關事情，亦有紀律委員會在我們的過程當中。因此，因為紀律  
204 委員會是獨立的機制，因此，我們都要尊重紀律委員會最終的決定，  
205 然後，我們在黨內按照相關的程序來處理。

206 **涂謹申議員：**

207 好的，OK，差不多了。

208 **許智峯議員：**

209 差不多了。

210 謝謝，thank you。

211 (完)

有線寬頻網站上有關許智峯議員於2018年4月26日  
在立法會綜合大樓會見傳媒的片段的逐字紀錄本

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1 **許智峯議員：**

2 .....好的，就今次的事件，我覺得自己做得很錯、很錯。今次  
3 事件，我覺得自己做得很錯、很錯，行為亦都是極不恰當。我覺得  
4 一定會對那位職員造成很大的壓力、很大的困擾。我的行為亦都令  
5 公眾很失望，所以，我在這裏向那位職員和向公眾道歉。

6 (鞠躬)

7 今次的事件，我知道連累了很多身邊的人和朋友，但今次的  
8 錯誤，是我許智峯自己一個人的錯誤。在今次的事件中，我會回去  
9 好好、深刻地反省今次的錯誤。我亦都為了對我身邊影響到他們、  
10 連累到他們的人感到非常抱歉。

11 謝謝。

12 (許智峯議員離開)

13 (完)

2018年4月25日香港電台第一台"自由風自由PHONE"節目中  
許智峯議員接受訪問的部分的逐字紀錄本

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1 **區家麟：**

2 新聞回來，繼續"自由風自由 PHONE"。陳勇，你好。

3 **陳勇：**

4 你好，大家好。

5 **區家麟：**

6 今日我們在我想接下來的大半小時，談一談在立法會一件有  
7 少少奇怪的事。主角就是民主黨的立法會議員許智峯。

8 是甚麼事呢？就是他昨天在立法會舉行"一地兩檢"委員會時，  
9 當時正在點算人數。他就在會議室外面攞走了——其實有些說法是  
10 搶走了——一個女公務員手上的手機。當時這位公務員，其實就是  
11 所謂保安局的一些"狗仔隊"，這些"狗仔隊"有時候做公務員也很慘  
12 的，他們就是守在立法會內，"吸實"那些議員，看看他們在哪裏，  
13 然後 call 他們回去開會，入去開會，不然如果流會，那些議案便  
14 不知道要討論到何時。所以，這位議員就是做——這位政府的公務員  
15 就是在做這個工作。當時，許智峯走過去攞走她的手機。然後——  
16 根據他今日所說，就是進入了男廁大約 10 分鐘，看了手機內的一些  
17 資料。

18 就着這件事，當時那個公務員說情緒受到困擾。今日保安局  
19 局長李家超亦說，認為議員——許智峯這個是很野蠻的行為，令到  
20 同事擔心和驚慌。他認為公務員執行職務應該受到保障，免於擔心  
21 受到干擾或滋擾。

22 而許智峯就說——今天下午他已出來，與民主黨主席出來  
23 道歉，就是向當事人道歉。另外，他亦說他為何要攞走那手機呢，  
24 就是因為他相信裏面有很多違反議員私隱的資料。他說在手機內  
25 見到有很多議員在立法會大樓出入、時間的各種資料，認為違反  
26 私隱。不過，保安局局長李家超就說，當時那個女職員只是在匯報  
27 議員的位置，包括是否在立法會大樓等等，也是一些公眾地方的資料  
28 來的。陳勇。



**2018年4月25日香港電台第一台"自由風自由PHONE"節目中  
許智峯議員接受訪問的部分的逐字紀錄本**

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29 **陳勇：**

30 其實，這事情如果是立法會議員，大家又是成年人，又是立法會  
31 議員，做這些比較"小朋友"的行為，可能真的覺得不值得體恤，同時  
32 真是涉嫌違法。因為，最主要如果他真的懷疑，假定他懷疑那位政府  
33 工作人員的手機裏面有一些他認為不法的東西，可能是牽涉到別人  
34 的私隱，最正確的做法，他可能好像現時那位女同事般去報警，或者  
35 向私隱專員投訴，就千萬不要拎。

36 而且，那個"拎"——我們看到報道，因為看不到現場。究竟他是  
37 在別人手上拎，抑或是趁別人行開了拎走呢？然後，他又行去男廁，  
38 可能他認為那個女同事無法追，但幸好，他沒有去女廁，否則便會  
39 比擺手機更"大劑"。

40 所以，這種情況我們覺得，作為一個立法會議員，也別說是  
41 立法會議員，一個正常的成年人真的不應做這些，寧願他堅持其  
42 立場。如果假定他不做這些，反而他出來說他懷疑有這些，要求政府  
43 調查、澄清，可能還會好一點也說不定。

44 **區家麟：**

45 喲，那部手機後來就歸還了給其他政府官員，而該位女職員則  
46 已經報警。現時剛剛見到一些新的消息，就是警方即將去立法會  
47 搜證。

48 **陳勇：**

49 就是去調查，介入調查。

50 **區家麟：**

51 是的，是調查了。剛才.....陳勇也說，可能是小孩——孩子氣  
52 一點，這也是"一地兩檢"委員會主席葉劉淑儀批評他，都是孩子氣  
53 和幼稚，以及她懷疑會否可以構成普通襲擊罪或者搶東西，如果  
54 你真的在未經他人同意擺走那手機的話，其實都可能告你搶東西的。

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55 **陳勇：**

56 是啊，這兩方面我們都會看到，幸好那個環境可能是立法會，  
57 如果在街頭的話，肯定是偷竊或者搶劫啦。另外一個，如果假定——  
58 因為以前也好似試過立法會有人說，即如果政府的電腦或物資裏面  
59 有一些屬於政府的機密，那他自己私自打開，會否牽涉到另外一些  
60 洩密的條例呢。所以，這個可能會變成牽涉到一些刑事也說不定。

61 **區家麟：**

62 喲，電話裏面有事件的主角，民主黨立法會議員許智峯，許智峯  
63 你好。

64 **陳勇：**

65 是，你好。

66 **許智峯議員：**

67 主持你好。

68 **區家麟：**

69 今日下午見到你出來向那位當事人，那位女職員道歉。

70 **許智峯議員：**

71 沒錯。

72 **區家麟：**

73 那麼，現時見到有些網民或者有些立法會議員覺得你向當事人  
74 道歉並不足夠，要向公眾道歉、要向立法會道歉。

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75 **許智峯議員：**

76 嗯，我覺得當事人會難受的，可能也是很突兀，那麼，所以我  
77 都是這樣認為，當她沒有給予一個同意，說："你可以看，我的手機  
78 你拿去吧"，而我在她手上攞走了，這是不對的，怎樣也是不對的。  
79 所以，既然她覺得.....我相信她——我看到一些報道她也頗不開心，  
80 我覺得她也是一個"打工仔"，也是一個政府職員。所以，我覺得向她  
81 道歉，是我最有誠意的，希望當有機會的話，我見到她的話，我都會  
82 親自向她說一聲，我是有誠意向她致歉的。

83 **區家麟：**

84 但會否向公眾道歉、向立法會道歉呢？可能你很多支持者都  
85 可能不開心，會否向他們道歉呢？

86 **許智峯議員：**

87 我想公眾有自己的評價，但我都希望公眾也要理解，即使我的  
88 手法如何不對也好，事實上，當中都牽涉政府如何運用公帑，以及  
89 用政府的職員去介入立法會的事務，當中透過搜集這些資料，其實  
90 去影響議員的一些行為，我覺得政府本身這個做法也是不對的。

91 當然，政府的做法不對，也不可以代表我這樣攞走別人部手機  
92 是對的，但我想觀眾也要看到這一點。其實，最後我在電話內看到  
93 的東西，其實是揭露了政府的而且確在私隱條例下，攞多過它所需要  
94 的東西。例如，你想一想政府需要"拉票"，它便需要知道在席的議員  
95 是否足夠，但它沒有理由要知道那位議員的所有行蹤，包括他不在  
96 立法會等等.....

97 **區家麟：**

98 但是，李家超的說法是，那些資料也是在公眾地方的資料，不涉  
99 私隱，你見到些甚麼是真的牽涉私隱呢？

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100 **許智峯議員：**

101            喲，即因為如果一個議員不去開會或者去開會，公眾當然會  
102 看到，亦有出席紀錄。但當一個議員他的行蹤，包括他在會議期間  
103 曾經外出又再回來等等，以及他曾經出去，在哪個——立法會怎樣  
104 的位置，或是出去離開了大樓等等，這些一定是多過它需要拉票，  
105 或者需要同意……

106 **區家麟：**

107            但那些公眾——叫做公眾地方嘛，它收集資料應該沒有違反  
108 私隱條例。

109 **許智峯議員：**

110            我自己收到的法律意見，那些——我昨天在電話中看到的  
111 資料，是有可能——即政府違反私隱的法例。不過，我覺得這一點  
112 是可以爭拗的，我留給私隱專員去定奪。亦都——我都強調，即使  
113 政府再不對也好，也並不是說因為這樣便可以攞別人的手機，這都  
114 是不對的。

115 **區家麟：**

116            你現時回想起來，為何會這樣做呢？是否太衝動呢？

117 **許智峯議員：**

118            其實這個議題，即政府的"狗仔隊"侵犯議員的私隱，以及使用  
119 公帑——政府人員去介入，影響立法會議員的行為，我是一直都有  
120 跟進的。過往我曾經去信政府行政署，因為是它派出"狗仔隊"的人員  
121 嘛。我問它，你攞了議員的甚麼資料，搜集了甚麼資料呢，包括我的  
122 甚麼資料呢，行政署沒有覆信，即是完全沒有任何回覆的。

123            所以，在整件事情中，我當時只是想有一個很直接的方法，  
124 即既然政府都不說，我便自己——即問那個當事人，即那個負責搜集  
125 的政府人員，看看她手上寫了些甚麼，以及從她的手提電話看到些

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126 甚麼。的而且確這不是一個好的方法，但的確就是我當時的背景是  
127 這樣。

128 **陳勇：**

129 許議員，亦都想問一問，因為有數份報道它們的用字不同，有些  
130 說是"奪去"、有些是"搶"、有些是"攞"。都想問一問，究竟——因為  
131 你是當事人，你是在她知悉的情況下從她手上攞走，還是她走開了  
132 你拎起，抑或是她看着你在她不喜歡的情況下攞走，究竟真相是你  
133 從她手上攞起，定還是另外在枱面攞起這樣呢？

134 **許智峯議員：**

135 喲，有兩部分的。她又用紙去記錄，跟着又用部手機去記錄，  
136 那我……

137 **陳勇：**

138 她是拎着的？

139 **許智峯議員：**

140 是的，是拎着的。那我走過去問她，即是我沒有任何動作之前，  
141 我就問她："你是否記錄了我們的出入那些私人資料？"，她就否認，  
142 她說沒有。然後，我便說："我想看一看那紙和手機"。的而且確，  
143 她是沒有同意的，她未同意底下，我從她手上攞過來的……

144 **陳勇：**

145 從她手上攞的？

146 **許智峯議員：**

147 ……從她手上攞過來的，是的。

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148 **陳勇：**

149           這是一個，第二個想問，因為始終分開兩邊，你剛才也說，  
150 對這位女同事道歉，對嗎？

151 **許智峯議員：**

152           嗯。

153 **陳勇：**

154           即這個分開——即是說如果政府……

155 **許智峯議員：**

156           沒錯，沒錯。

157 **陳勇：**

158           ……裏面有問題，你說去私隱專員那裏投訴也是對的。但如果  
159 對她——這位同事牽涉的一些——因為好似報道她都哭了……

160 **許智峯議員：**

161           嗯。

162 **陳勇：**

163           ……這個對她或者對政府相關的同事，你會道歉的吧？

164 **許智峯議員：**

165           沒錯。

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166 **陳勇：**

167           另外一個我想問，你看到她手機內的資料。即整體上，你看了  
168 哪些？而哪些跟你所指與政府有關，而會不會有一些是她的私隱？  
169 即譬如說這位女同事的手機，裏面有沒有一些她自己的，跟立法會  
170 無關的，你都看到呢？

171 **許智峯議員：**

172           我擺着部手機的時間，我想只是大約 10 分鐘，我很聚精會神  
173 地看一看跟自己有關的那些私隱資料，即個人資料。我在這同時，  
174 我看到其他另外 70 名立法會議員的資料，即他們的行蹤，但除此  
175 之外——因為它們是連在一起的，在同一個電腦檔案裏面，所以除此  
176 之外，我就看不到其他東西，我也留意不到有任何其他資料。

177 **區家麟：**

178           有沒有將那些資料下載？你認為侵犯私隱的資料下載下來？

179 **許智峯議員：**

180           我會將我見到的資料——我所知的，全部交給私隱專員，  
181 那就……

182 **區家麟：**

183           你看到而已，對嗎？即你看到，憑記憶交給私隱專員？

184 **許智峯議員：**

185           嗯，我有……

186 **陳勇：**

187           轉發。

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188 **許智峯議員：**

189 .....我有自己的.....即係記低的方法，去記低。那我會向私隱  
190 專員去說。

191 **陳勇：**

192 即手機過手機那種吧？

193 **區家麟：**

194 或者影相.....

195 **陳勇：**

196 NFC 那種？

197 **區家麟：**

198 .....或者影相，還是怎樣？

199 **許智峯議員：**

200 對了，總之詳情我不說了，因為始終牽涉私隱專員，同時我亦  
201 不想將那些我認為政府已經侵犯很多名議員的私隱那些，再讓更加  
202 多人知道。所以，我用了我自己的方法記低了，所以，我會讓私隱  
203 專員去定奪。

204 **區家麟：**

205 其實葉劉淑儀曾經形容你是惡人先告狀，即你覺得你被侵犯  
206 私隱怎樣也好，但之前用這樣的手法去擺資料，其實很明顯是不對  
207 的。那麼，你為何會有這樣的判斷呢？即你用這個方法去做一些  
208 你自己相信的事情，你叫你的支持者以後如何相信你的判斷呢？



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209 **許智峯議員：**

210 要知道，這個議題不是當時，即昨天即日突然間發生。我在  
211 立法會這一年半以來，一直都眼見有這些政府"狗仔隊"做這些不對  
212 的行為。所以，我試過除了跟政府當局自己——白紙黑字去信問它，  
213 它不回答我之外，我亦有向立法會秘書處，向他們說："這樣子不對，  
214 即它這樣會影響議員的行為、監察"。立法會秘書處就說："不關  
215 我事，因為那些不是我派來的人，總之他是政府的人，我便會讓他  
216 入來"。

217 我亦跟私隱專員磋商過，他們說，因為他們沒有證據，沒有任何  
218 資料顯示政府真的有記錄過，我不知道他們有否使用一些法定  
219 權力，或者有否向政府當局查詢有沒有，我不知道政府當局，即  
220 行政署如實回答它的紀錄。但實際上，私隱專員的答覆就說，如果  
221 沒有這些資料底下，它便沒有侵犯。所以我便——可能是十分直覺，  
222 我在問那個"狗仔隊"政府人員的時候，我便覺得，如果我親自看到  
223 的話，我便會知道這個資料一定是侵犯的，當時是在這樣的背景下  
224 發生。

225 **區家麟：**

226 即你為了攞資料，現在是否算是以身試法，我不入地獄，誰入  
227 地獄的姿態？

228 **陳勇：**

229 即用違法的手法，去調查一些涉嫌侵犯私隱的情況？

230 **許智峯議員：**

231 這個一定是不好的判斷，所以我才會說，其實即使我有一直在  
232 跟進，覺得政府做得很錯，但使用這個方法來做，始終都是不對的，  
233 即我現在說回這個判斷出來，我也覺得自己是不對的。

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234 **陳勇：**

235           想問一問，為何之前這麼長時間，你發現有這些涉嫌，但你沒有  
236 及早向私隱專員先去投訴呢？

237 **許智峯議員：**

238           有、有、有.....

239 **陳勇：**

240           有的？

241 **許智峯議員：**

242           我去年已經投訴過，但是.....

243 **陳勇：**

244           但它沒有受理還是怎樣？

245 **許智峯議員：**

246           它不是沒有受理，它一直在調查中，直到最近它才說它沒有  
247 一些資料，即根據政府向它提供的資料，或者政府沒有給它一些資料  
248 的話，它便不能夠裁定政府有違反。但當然你也知道，我已經白紙  
249 黑字寫了信問政府，它也不回答我。所以，我的直覺就是——所以  
250 我為何說，啊，不如我自己去問一下那些"狗仔隊"："你在記錄我些  
251 甚麼"。而且我也不是第一次去問那些"狗仔隊"的政府人員，去問：  
252 "你是否記錄我"，但每次他們都否認，又或是沒有回應我這樣。

253 **陳勇：**

254           明白，但貴黨也有不少律師嘛，包括大律師、律師，為何不用  
255 他們幫你透過法律手段，去迫政府交代這方面的私隱的.....方面  
256 呢？

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257 **許智峯議員：**

258 我想整件事當然會有較好的方法去處理，今天算是用了一個  
259 差的手法去處理。但是，政府是一個公權力的架構，如果有些侵犯  
260 私隱，甚至違反私隱條例、違法的事情發生了，而它不提供這些資料  
261 出來的話，真是有點"吹佢唔脹"。所以為何我白紙黑字問它、寫信，  
262 它也不回覆我，有時真是沒有辦法的，但當然，沒有辦法之中，  
263 也不應該用一個差的方法。

264 **區家麟：**

265 是的，現在你反而用了一個記低了電話的資料——那位職員的  
266 電話裏面的資料的方法，其實某程度上，又可能侵犯了她的私隱。

267 **許智峯議員：**

268 那些資料當中，有我的私隱，也有 70 名議員的私隱。當然，  
269 我攞個電話的時候，我相信裏面有些侵犯了——包括我自己私隱的  
270 資料。所以最後我看到的東西，我覺得是印證了，並且揭露了政府  
271 這一面的。但最後我想也要交回私隱專員，才能定奪究竟最後政府  
272 本身有否違法。

273 **陳勇：**

274 我想問一問，如果假定她手機裏面侵犯了其他議員的私隱，  
275 你如果只是下載自己的，可能簡單一點，你下載了一整套的時候，  
276 會否變了你的手機，令到跟她的手機一樣，同樣侵犯了其他議員的  
277 私隱？即變成以暴易暴，或以違法的手段去調查時，反而令自己違法  
278 呢？

279 **許智峯議員：**

280 這是十分技術的法律問題，我想私隱專員一定會有自己的法律  
281 觀點和看法。不過，我只是想說，當我自己也是被侵犯私隱資料的  
282 其中一個議員，如果我的資料是政府整個檔案放在一起，我在沒有  
283 辦法底下，我也會看到那些資料的，但亦都是一個不是我情願，或者  
284 我可以選擇不看的，因為當然我看的時候，也會一併看到。

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285 **區家麟：**

286 是，我留意到你們今天召開記者會時，主席胡志偉他也說  
287 民主黨會調查、中委會調查。他的發言中我留意到，似乎他好像沒有  
288 "撐"你要調查私隱這個目標的態度。他似乎都是在說要道歉，而且  
289 他沒有說——似乎他也沒有認同你要調查私隱問題的這個想法。

290 **許智峯議員：**

291 當然，今天說的是我的手法，我的手法是不對的，所以我也認錯  
292 和道歉。但是，實際上，我們民主黨的成員，我們對政府派"狗仔隊"  
293 來，搜集議員的私隱和行蹤，我們是不同意的。你可以問一下其他  
294 民主黨的議員，我們也會這樣說的。只不過如果針對我本身昨天的  
295 行為，是不對的。

296 **區家麟：**

297 好，還有半分鐘，問多你一次，除了向當事人道歉，會否向公眾  
298 道歉？會否向立法會道歉？

299 **許智峯議員：**

300 我想事件——因為當事人不是立法會職員，向當事人道歉，  
301 我覺得是天經地義的。向公眾，我覺得要看一看公眾所理解，以及  
302 最後私隱專員得出的調查結果，我便會有最後的定奪。

303 **區家麟：**

304 好，謝謝你，謝謝許智峯。

305 (完)

## Summary of responses from persons invited to attend hearings to give evidence

	<u>Number of invitation(s) sent</u>	<u>Agree to attend hearing(s) to give evidence</u>	<u>Written statement provided</u>	
<b><u>Member under investigation</u></b>				
1. Hon HUI Chi-fung	1 <sup>st</sup> 2 <sup>nd</sup>	✗ No reply	✗	Annex 1
<b><u>Legislative Council Member</u></b>				
2. Hon WU Chi-wai, MH	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	✗ ✗ No reply	✗ ✗	Annex 2 Annex 3
<b><u>Staff members of the Legislative Council Secretariat</u></b>				
3. Mr Sonny CHOW, Chief Security Officer	1 <sup>st</sup>	✓	✗	Annex 4
4. Mr Daniel LIU, Security Officer 1	1 <sup>st</sup>	✓	✗	Annex 5
<b><u>Government officials</u></b>				
5. Ms LEUNG Ngok-sze, Senior Executive Officer (Narcotics)1, Security Bureau	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	✗ ✗ ✗	✗ ✗ ✗	Annex 6 Annex 7 Annex 8
6. Mr Cassius LAU Fu-sang, Political Assistant to Secretary for Security	1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup>	✗ ✗ ✗	✗ ✗ ✗	Annex 9 Annex 10 Annex 11

	<u>Number of invitation(s) sent</u>	<u>Agree to attend hearing(s) to give evidence</u>	<u>Written statement provided</u>	
7. Mr Mark FU Chuen-fu, Political Assistant to Secretary for Transport and Housing	1 <sup>st</sup>	✓	✗	Annex 12

**Note:**

- (a) 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") had invited Mr Kenny KWAN, Senior Security Assistant 7 of the Legislative Council Secretariat, to attend its hearing but Mr KWAN could not attend the hearing on the scheduled date. After considering the information gathered by IC and the evidence obtained from other witnesses, IC subsequently agreed that it was not necessary to conduct a hearing for Mr KWAN to give evidence.
- (b) The above post titles, where applicable, were held by respective persons at the time on 24 April 2018 when the incident in relation to the censure motion took place.

## 回 條 Reply slip

(請於2019年4月9日(星期二)或該日前交回)  
(to be returned by Tuesday, 9 April 2019)

檔 號	Ref.	: CB4/IC/17	
傳真號碼	Fax No.	: 2543 9197	
致	To	: 香港中區	Mr Lemuel WOO
		立法會道1號	Clerk to Investigation Committee
		立法會綜合大樓3樓	Legislative Council Secretariat
		立法會秘書處	3 <sup>rd</sup> floor, Legislative Council Complex
		調查委員會秘書	1 Legislative Council Road
		胡日輝先生	Central, Hong Kong

## 根據《議事規則》第 49B(2A)條

## 就譴責許智峯議員的議案成立的調查委員會

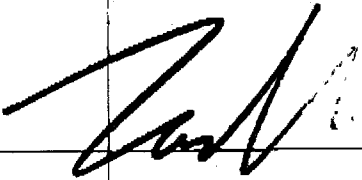
Investigation Committee established under Rule 49B(2A) of  
the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

- ☐ 本人會出席研訊，並確認下列人士陪同本人出席研訊(最多 3 人)\*:  
I will attend the hearing(s) and confirm that the following person(s) will accompany me to attend the hearing(s) (a maximum of three persons)\*:

<u>中文姓名</u> Chinese name	<u>英文姓名</u> English name	<u>與本人的關係</u> (如屬法律顧問，請註明) Relationship with me (For legal adviser, please specify)
_____	_____	_____
_____	_____	_____
_____	_____	_____

\*如沒有人士陪同閣下出席研訊，請於上述空位內註明"沒有"。Please state "nil" in the above space provided if no one will accompany you to attend the hearing(s).

- ☒ 本人不會出席研訊。  
I will not attend the hearing(s).

簽 署 Signature : 

姓 名 Name : HUI CHI FUNG

日 期 Date : 9 APR 2019

請於合適的方格加上 ("✓") 號。Please tick ("✓") the appropriate box.

**回 條**  
**Reply slip**

(請於2019年3月25日(星期一)或該日前交回)  
(to be returned by Monday, 25 March 2019)

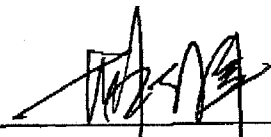
檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	To: Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
---	----	---	--

**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

- ☐ 本人同意作為證人。  
I agree to be a witness.
- ☒ 本人不同意作為證人。  
I do not agree to be a witness.

簽 署 Signature : 

姓 名 Name : 胡志偉

日 期 Date : 11 Mar 2019

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.



回 條  
Reply slip

(請於2019年4月17日(星期三)或該日前交回)  
(to be returned by Wednesday, 17 April 2019)

檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致 To : 香港中區  
立法會道1號  
立法會綜合大樓3樓  
立法會秘書處  
調查委員會秘書  
胡日輝先生

Mr Lemuel WOO  
Clerk to Investigation Committee  
Legislative Council Secretariat  
3<sup>rd</sup> floor, Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

根據《議事規則》第49B(2A)條  
就譴責許智峯議員的議案成立的調查委員會  
Investigation Committee established under Rule 49B(2A) of  
the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

☐ 本人同意作為證人。

I agree to be a witness.

☒ 本人不同意作為證人。

I do not agree to be a witness.

其他意見 Other comment(s):

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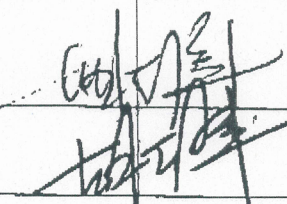
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簽 署 Signature :

姓 名 Name :

日 期 Date :

  
10 Apr 2019

請於合適的方格加上("✓")號。 Please tick ("✓") the appropriate box.

**回 條**  
**Reply slip**

(請於2019年7月5日(星期五)或該日前交回)  
(to be returned by Friday, 5 July 2019)

檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	: 香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
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**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

**第一部分：證人**

**Part I: Witness**


☒ 本人**同意**作為證人。(請填寫第二及第三部分)

I agree to be a witness. (Please fill in Parts II and III)

*I will not provide a written statement.*

☐ 本人**不同意**作為證人。

I do not agree to be a witness.

簽 署 Signature	:	
姓 名 Name	:	<u>Sunny Chan</u>
日 期 Date	:	<u>8.7.2019</u>

## 第二部分：宣誓

### Part II: Oath

- ☒ 本人**同意**出席研訊時在作出宣誓後才接受訊問(誓言/誓詞載於此附錄的**附件**)。

I **agree to** be examined on oath when attending hearing(s)  
(Oath/Affirmation attached as **Annex** to this Appendix).

- ☐ 本人會採用宗教式宣誓誓言。

I will use the Oath.

- ☒ 本人會採用非宗教式宣誓誓詞。

I will use the Affirmation.

- ☐ 本人**不同意**出席研訊時在作出宣誓後才接受訊問。

I **do not agree to** be examined on oath when attending hearing(s).

## 第三部分：陪同人士

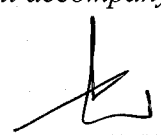
### Part III: Accompanying person(s)

- ☐ 下列人士將陪同本人出席研訊(最多 3 人)\*：

The following person(s) will accompany me to attend the hearing(s)  
(a maximum of three persons)\*:

<u>中文姓名</u> Chinese name	<u>英文姓名</u> English name	<u>與本人的關係</u> (如屬法律顧問，請註明) Relationship with me (For legal adviser, please specify)
<u>nil</u>		

\*如沒有人士陪同閣下出席研訊，請於上述空位內註明"沒有"。Please state "nil" in the above space provided if no one will accompany you to attend the hearing(s).

簽 署 Signature : 

姓 名 Name : Sunny Chan

日 期 Date : 8.7.2019

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.

**回 條**  
**Reply slip**

(請於2019年3月25日(星期一)或該日前交回)  
(to be returned by Monday, 25 March 2019)


檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	: 香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	To: Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
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**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

- ☒ 本人同意作為證人。  
I agree to be a witness.
- ☐ 本人不同意作為證人。  
I do not agree to be a witness.

簽 署 Signature	:	
姓 名 Name	:	Daniel LIU SO1
日 期 Date	:	4.3.2019

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.

**回 條**  
**Reply slip**

(請於2019年3月20日(星期三)或該日前交回)  
(to be returned by Wednesday, 20 March 2019)

檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致 To : 香港中區  
立法會道1號  
立法會綜合大樓3樓  
立法會秘書處  
調查委員會秘書  
胡日輝先生

To: Mr Lemuel WOO  
Clerk to Investigation Committee  
Legislative Council Secretariat  
3<sup>rd</sup> floor, Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

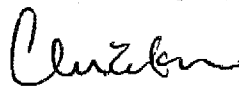
☐ 本人同意作為證人。

I agree to be a witness.

☒ 本人不同意作為證人。

I do not agree to be a witness.

簽 署 Signature :



姓 名 Name :

**LEUNG Ngok-ngo**

日 期 Date :

20 March 2019

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.

**回 條**  
**Reply slip**

(請於2019年4月16日(星期二)或該日前交回)  
(to be returned by Tuesday, 16 April 2019)

檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	: 香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
---	----	---	--

**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

- ☐ 本人同意作為證人。  
I agree to be a witness.
- ☒ 本人不同意作為證人。  
I do not agree to be a witness.

其他意見 Other comment(s):

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簽 署 Signature :                     Chun-zen                    

姓 名 Name :                     LEUNG Ngok-zen                    

日 期 Date :                     16 April 2019                    

請於合適的方格加上("✓")號。 Please tick ("✓") the appropriate box.

貴處檔號：CB4/IC/17  
傳真號碼：2543 9197

致： 香港特別行政區  
立法會秘書處  
調查委員會秘書  
胡日輝先生

胡先生：

**根據《議事規則》第 49B(2A)條  
就譴責許智峰議員的議案成立的調查委員會**

我收悉閣下本年六月四日的來函，再三邀請我作為上述調查委員會的證人。

現特此回覆，我不同意作為證人。

梁諾施



二零一九年六月十一日

**回 條**  
**Reply slip**

(請於2019年3月25日(星期一)或該日前交回)  
(to be returned by Monday, 25 March 2019)

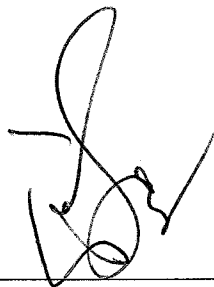
檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	: 香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	To: Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
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**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

- ☐ 本人同意作為證人。  
I agree to be a witness.
- ☒ 本人不同意作為證人。  
I do not agree to be a witness.

簽 署 Signature : 

姓 名 Name : LAU FU SANG CASSIUS

日 期 Date : 11 MAR 2019

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.



**回 條**  
**Reply slip**

(請於2019年4月17日(星期三)或該日前交回)  
(to be returned by Wednesday, 17 April 2019)

檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	: 香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
---	----	---	--

**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

☐ 本人**同意**作為證人。  
I **agree** to be a witness.

☒ 本人**不同意**作為證人。  
I **do not agree** to be a witness.

其他意見 Other comment(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

簽 署 Signature : \_\_\_\_\_

姓 名 Name : LAU FU SANG CASSIUS

日 期 Date : 16 APRIL 2019

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.

From: cfslau@sb.gov.hk  
To: yfwoo@legco.gov.hk,  
Cc: [REDACTED]  
Date: 2019/06/18 下午 04:00  
Subject: 就譴責許智峰議員的議案成立的調查委員會

---

Your ref: CB4/IC/17

胡先生，

再次邀請本人作為上述調查委員會證人，發於六月四日的來函，已經收悉，多謝。

本人已再三考慮，並維持決定，不同意以證人身份，出席調查委員會的研訊。

這個決定，是基於本人並無親眼目擊許智峰議員奪去有關政府高級行政主任手中手机。

事發過程，只從他人聞說而得。故本人對於確立有關譴責議案所述的事實，不會有實質幫助。

請察諒，

劉富生  
保安局局長一廣

**回 條**  
**Reply slip**

(請於2019年3月25日(星期一)或該日前交回)  
(to be returned by Monday, 25 March 2019)


檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	: 香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	To: Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
---	----	---	--

**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

- ☒ 本人同意作為證人。  
I agree to be a witness.
- ☐ 本人不同意作為證人。  
I do not agree to be a witness.

簽 署 Signature : 

姓 名 Name : 許智峯

日期 Date : 4 / 3 / 2019

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.



立法會  
LEGISLATIVE COUNCIL

來函檔號 YOUR REF :  
本函檔號 OUR REF : CB4/IC/17  
電話 TELEPHONE : 3919 3406  
圖文傳真 FACSIMILE : 2543 9197  
電郵 EMAIL : yfwoo@legco.gov.hk

By hand

19 March 2019

Hon HUI Chi-fung  
Room 913  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Mr HUI,

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

I am writing to invite you to attend the hearing(s) of the captioned Investigation Committee ("IC") to give evidence to assist IC in establishing the facts stated in the censure motion moved by Hon Mrs Regina IP LAU Suk-ye at the Legislative Council ("LegCo") meeting of 23 May 2018. IC will conduct hearing(s) in accordance with the Practice and Procedure of IC ("P&P"), which was attached as Appendix III to IC's letter to you dated 24 August 2018. In accordance with paragraph 14 of P&P, you may be accompanied by a maximum of three persons, including no more than one legal adviser, when appearing before IC. The relevant reply slip is attached as **Appendix I** to this letter.

Subject to your agreement to attend IC's hearing(s), IC will confirm the date(s) with you in writing later. In accordance with paragraph 13 of P&P, you will be informed of the witnesses whom IC has decided to call later and you may propose additional witnesses for IC's consideration.

Under Rule 73A(5)(a) and (b) of the Rules of Procedure and paragraphs 6 to 8 of P&P, you may elect before the first hearing for hearing(s) to be held in public, and the relevant reply slip is attached as **Appendix II** to this letter. If you make such an election, all hearings shall be held in public throughout the entire investigation. Notwithstanding such an election made, IC may decide on sufficient reason, upon a request made by an IC member or an application made by a witness, to hold any such hearing(s) or any part thereof in camera.

You and your accompanying person(s) are required to each sign a confidentiality undertaking (**Appendix III** to this letter) that each of you will not publish, without the prior written authorization of IC, any matter relating to the proceedings of meetings or hearings of IC held in private, and will take the necessary steps to prevent publication of such matter.

To facilitate the arrangements for the hearing(s), **please return Appendices I to III to this letter to me by Tuesday, 9 April 2019.**

It is noted that there are pending legal proceedings related to the subject of the censure motion. In this connection, you are invited to note that paragraphs 18 and 19 of P&P have set out the measures taken or to be taken by IC to avoid possible prejudice to a person's interest in pending legal proceedings.

In accordance with paragraph 15 of P&P, IC may ask you to submit a written statement to IC before attending the relevant hearing(s). IC may also forward the written statement and relevant information submitted by you, or relevant parts thereof, to the relevant witnesses, who may make a written response, to which you may respond. In accordance with paragraph 16 of P&P, IC may also forward the written statement and relevant information submitted by a witness, or relevant parts thereof, to you and you may make a written response, to which the witness may respond.

To ensure a fair and impartial investigation, IC would like to request you not to engage in communications by conversations or any other form with any persons (including IC members, other witnesses or potential witnesses) on any matter relating to the work of IC, except your legal adviser(s) or any persons authorized by IC, before IC has presented its report to the Council.

Your assistance in IC's investigation would be much appreciated. If you have any questions, you are welcome to contact me at 3919 3406 or Ms Macy NG, Senior Council Secretary (4)6, of the LegCo Secretariat at 3919 3418.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'LW' with a large flourish extending to the left and a cross-like mark at the end.

(Lemuel WOO)

Clerk to Investigation Committee

Encls.

c.c. Hon Alice MAK Mei-kuen, BBS, JP, Chairman of Investigation Committee

回 條 Reply slip

(請於2019年4月9日(星期二)或該日前交回)  
(to be returned by Tuesday, 9 April 2019)

檔 號	Ref.	:	CB4/IC/17	
傳真號碼	Fax No.	:	2543 9197	
致	To	:	香港中區	Mr Lemuel WOO
			立法會道1號	Clerk to Investigation Committee
			立法會綜合大樓3樓	Legislative Council Secretariat
			立法會秘書處	3 <sup>rd</sup> floor, Legislative Council Complex
			調查委員會秘書	1 Legislative Council Road
			胡日輝先生	Central, Hong Kong

根據《議事規則》第 49B(2A)條  
就譴責許智峯議員的議案成立的調查委員會  
Investigation Committee established under Rule 49B(2A) of  
the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

- ☐ 本人會出席研訊，並確認下列人士陪同本人出席研訊(最多 3 人)\*：  
I will **attend** the hearing(s) and confirm that the following person(s) will accompany me to attend the hearing(s) (a maximum of three persons)\*:

<u>中文姓名</u> Chinese name	<u>英文姓名</u> English name	<u>與本人的關係</u> (如屬法律顧問，請註明) Relationship with me (For legal adviser, please specify)
_____	_____	_____
_____	_____	_____
_____	_____	_____

\*如沒有人士陪同閣下出席研訊，請於上述空位內註明"沒有"。Please state "nil" in the above space provided if no one will accompany you to attend the hearing(s).

- ☐ 本人不會出席研訊。  
I will **not attend** the hearing(s).

簽 署 Signature : \_\_\_\_\_

姓 名 Name : \_\_\_\_\_

日 期 Date : \_\_\_\_\_

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.

回 條  
Reply slip

(請於2019年4月9日(星期二)或該日前交回)  
(to be returned by Tuesday, 9 April 2019)

檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	:	香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
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根據《議事規則》第 49B(2A)條  
就譴責許智峯議員的議案成立的調查委員會  
Investigation Committee established under Rule 49B(2A) of  
the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

- ☐ 根據《議事規則》第 73A(5)(a)條及《行事方式及程序》第 7 段，  
本人**選擇**研訊公開舉行。  
Under Rule 73A(5)(a) of the Rules of Procedure and paragraph 7 of the  
Practice and Procedure, I **elect** for hearings to be held in public.
- ☐ 本人**不選擇**研訊公開舉行。  
I **do not elect** for hearings to be held in public.

簽 署 Signature : \_\_\_\_\_

姓 名 Name : \_\_\_\_\_

日 期 Date : \_\_\_\_\_

請於合適的方格加上("✓")號。Please tick ("✓") the appropriate box.



(請於 2019 年 4 月 9 日(星期二)或該日前交回)  
(to be returned by Tuesday, 9 April 2019)

檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	:	香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
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**保密承諾書**

**根據《議事規則》第 49B(2A)條  
就譴責許智峯議員的議案成立的調查委員會("調查委員會")**

本人承諾，若未事先取得調查委員會的書面授權，不會發表有關調查委員會閉門會議或研訊過程的任何事宜，包括在調查委員會席前取得的證據、向調查委員會出示的文件及調查委員會的決定，但若該等事宜已向外發表或載於調查委員會向立法會提交的任何報告內則除外。本人並承諾會採取所需步驟，防止這些事情在調查委員會向立法會提交報告之前或之後向外發表，除非調查委員會已撤銷保密限制。

**Confidentiality undertaking**

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

I undertake that I will not publish, without the prior written authorization of IC, any matter relating to the proceedings of meetings or hearings of IC held in private, including evidence taken before IC, documents produced to it and its decisions, except such matter that has already been published or contained in any report presented by IC to the Council. I also undertake that I will take the necessary steps to prevent publication of such matter either before or after IC presents its report to the Council, unless the confidential classification has been removed by IC.

簽 署 Signature : \_\_\_\_\_

姓 名 Name : \_\_\_\_\_

日 期 Date : \_\_\_\_\_

**回 條**  
**Reply slip**

(請於2019年4月9日(星期二)或該日前交回)  
(to be returned by Tuesday, 9 April 2019)

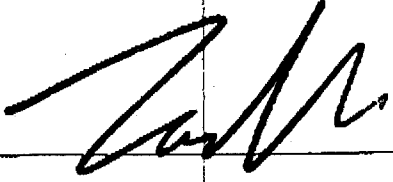
檔 號 Ref. : CB4/IC/17

傳真號碼 Fax No. : 2543 9197

致	To	香港中區 立法會道1號 立法會綜合大樓3樓 立法會秘書處 調查委員會秘書 胡日輝先生	Mr Lemuel WOO Clerk to Investigation Committee Legislative Council Secretariat 3 <sup>rd</sup> floor, Legislative Council Complex 1 Legislative Council Road Central, Hong Kong
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**根據《議事規則》第 49B(2A)條**  
**就譴責許智峯議員的議案成立的調查委員會**  
**Investigation Committee established under Rule 49B(2A) of**  
**the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung**

- ☐ 根據《議事規則》第 73A(5)(a)條及《行事方式及程序》第 7 段，  
本人選擇研訊公開舉行。  
Under Rule 73A(5)(a) of the Rules of Procedure and paragraph 7 of the  
Practice and Procedure, I elect for hearings to be held in public.
- ☒ 本人不選擇研訊公開舉行。  
I do not elect for hearings to be held in public.

簽 署	Signature	:	
姓 名	Name	:	HUI CHI FUNG
日 期	Date	:	9 APR 2019

請於合適的方格加上("✓")號。 Please tick ("✓") the appropriate box.

## 立法會

### 根據《議事規則》第 49B(2A)條 就譴責許智峯議員的議案成立的調查委員會

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#### 第一次閉門研訊的逐字紀錄本

日期： 2019 年 6 月 25 日(星期二)  
時間： 上午 9 時 03 分至 9 時 16 分  
地點： 立法會綜合大樓會議室 5

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#### 出席委員

麥美娟議員, BBS, JP (主席)  
謝偉俊議員, JP (副主席)  
張宇人議員, GBS, JP  
張國鈞議員, JP  
謝偉銓議員, BBS

#### 缺席委員

梁繼昌議員  
郭榮鏗議員

#### 應邀出席人士

立法會秘書處保安主任 1  
廖錦和先生

#### 列席秘書

總議會秘書(4)6  
胡日輝先生

## 列席法律顧問

高級助理法律顧問 1  
曹志遠先生

## 列席職員

助理秘書長 4  
盧思源先生

助理法律顧問 8  
葉瑋璣先生

高級議會秘書(4)6  
伍美詩女士

議會秘書(4)6  
陳嘉瑩女士

# **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**

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Verbatim transcript of the first closed hearing  
held on Tuesday, 25 June 2019, from 9:03 am to 9:16 am  
in Conference Room 5 of the Legislative Council Complex

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### 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

### Person invited to attend

Mr Daniel LIU  
Security Officer 1 of the Legislative Council Secretariat

### 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)6

Miss Katherine CHAN  
Council Secretary (4)6

1 **主席：**

2 多謝廖錦和先生出席我們委員會的閉門研訊。調查委員會的  
3 職責是負責確立葉劉淑儀議員根據《基本法》第七十九條  
4 第(七)項及《議事規則》第 49B(1A)條，動議譴責許智峯議員的  
5 議案所述的事實，並就所確立的事實是否構成譴責的理據提出  
6 意見，而調查委員會的職能並非就任何一方或個人的法律責任  
7 作出裁決。

8 今天的研訊是根據調查委員會的《行事方式及程序》進行，  
9 當中第 27 段訂明，在閉門研訊中取得的證據、向調查委員會提交  
10 的陳述書及其他文件、與調查委員會其他會議有關的資料，以及  
11 任何相關的往來文件，均屬機密資料，並會一直列作機密資料，  
12 直至調查委員會將其公開或銷密為止。

13 廖先生及各位委員已簽署保密承諾書，因此，在未事先取得  
14 調查委員會的書面授權下，各位不能夠在研訊過程以外的場合  
15 發表任何機密資料，或發表與研訊有關的任何事宜。秘書處會  
16 將整個研訊過程擬備逐字紀錄本。

17 亦請各位留意，在大家發問的時候，只應就議案所述的事實  
18 提問，不應發表個人的意見或作出個人的陳述，委員亦不應邀請  
19 證人發表個人的意見。我會決定某條問題或某項證據是否與  
20 調查委員會的職權範圍有關，以及是否屬於研訊範圍。我亦有  
21 酌情權，決定某條問題是否屬於跟進問題，以及應否容許提出  
22 該問題。

23 我現在宣布研訊開始。

24 廖先生已選擇在宣誓後接受訊問。我現在以調查委員會主席  
25 的身份，根據《立法會(權力及特權)條例》(第 382 章)第 11 條為  
26 廖錦和先生監誓。請你站立，並依照放在你面前的誓詞宣誓。

27 **廖錦和先生：**

28 本人廖錦和，謹以至誠，據實聲明及確認，本人所作之證供  
29 均屬真實及為事實之全部，並無虛言。

30 **主席：**

31 謝謝。請坐。

32 為了善用研訊的時間，希望委員提問時，盡量精簡和具體，  
33 證人亦須明確及切實地回答問題，並請在我示意之後才發言。  
34 委員如果想就某份調查委員會文件提問，應指出文件的編號和  
35 段落，以方便參考。

36 根據《行事方式及程序》，作為主席，我會先提出一條適當  
37 的開場問題，然後請其他委員發問。

38 或許我們現在——廖先生，我們在開始研訊前會播放一段  
39 影片給你看看。請確認那個人是否你本人。

40 **廖錦和先生：**

41 好的，謝謝。

42 (播放影片)

43 **主席：**

44 這一位，見到我們指着的這一位，是否就是你？

45 **廖錦和先生：**

46 見到，對，是我。

47 **主席：**

48 是你，好的。你確認那個人就是你。就這項譴責許智峯議員  
49 議案的措辭，我們早前已寄了給你，你可否說說，就你所知關於  
50 這件事的事實呢？

51 **廖錦和先生：**

52 當天我在 1 號房的攝影室內，接着應該是保安局局長的政治  
53 助理劉富生先生叫我出去，有一些事情要告訴我。接着他  
54 告訴我，他有一位同事被許智峯議員"攞咗"電話，我知道後便  
55 通知了總保安主任周偉德先生。當時劉先生告訴我，該名同事  
56 已去了 112 號房，所以我把這件事情告知總保安主任。總保安



57 主任便告訴我，我們一起下去 112 號房，與這個被人"攞咗"電話  
58 的同事談談這事件，了解一下。

59 **主席：**

60 OK，好，謝謝。

61 你之後便去了 112 號房，見到這位事主？

62 **廖錦和先生：**

63 沒錯。

64 **主席：**

65 OK。你有沒有與她傾談過些甚麼？可否在這裏告知我們？

66 **廖錦和先生：**

67 當時因為總保安主任在場，所以全程由總保安主任與這位  
68 同事傾談。

69 **主席：**

70 那麼你聽到些甚麼？

71 **廖錦和先生：**

72 她只是說——當時就是說，許智峯先生"攞咗"她的手機。

73 **主席：**

74 你有沒有看到，女事主有沒有很驚慌的表情？有沒有哭？  
75 諸如此類？

76 **廖錦和先生：**

77 她個人很驚恐，但當時沒有哭。

78 **主席：**

79 但很驚慌？

80 **廖錦和先生：**

81 是。

82 **主席：**

83 OK，好。

84 其他委員有沒有提問？有沒有委員要問問題？沒有？

85 副主席。

86 **謝偉俊議員：**

87 我嘗試加入問一問。

88 廖先生，謝謝你出席。我想了解一下剛才你的講法，當你收到  
89 劉富生先生——我們習慣稱呼他 **Cassius**——的信息時，你本身  
90 當時並未在 112 號房，即還未在該樓層，是不是？

91 **廖錦和先生：**

92 不在，當時我在 2 樓，會議室 1 號房出面有一間攝影房，可以  
93 看到會議室內的情況，當時我在那間我們稱為攝影房內，即後面  
94 那裏，對。

95 **謝偉俊議員：**

96 OK，好，謝謝。

97 **主席：**

98 Horace，是否想提問？

99 **張國鈞議員：**

100 廖先生，你剛才說過，首先，你知道的時候，應是保安局局長  
101 政治助理劉富生先生跟你說的，是不是？

102 **廖錦和先生：**

103 沒錯。

104 **張國鈞議員：**

105 他只是跟你說過一句說話，還是怎麼樣？你剛才說，他跟你  
106 說有同事被人"攞咗"電話，他有沒有說過其他話？

107 **廖錦和先生：**

108 他告訴我有這件事，派我們去跟進。

109 **張國鈞議員：**

110 接着我留意到，在片段中，你是否有使用對講機說話……

111 **廖錦和先生：**

112 是的。

113 **張國鈞議員：**

114 ……你可否告訴我們，有沒有說過些甚麼特別的東西？

115 **廖錦和先生：**

116 其實也是通知總保安主任。

117 **張國鈞議員：**

118 好，接着在 112 號房，你剛才已提及過，即你、周總保安主任  
119 和女事主的談話內容——你並沒有參與，但你聽着他們兩位  
120 交談，時間大概有多久？

121 **廖錦和先生：**

122 嗯……

123 **張國鈞議員：**

124 即說話多不多？還是只是好像你剛才所說，你引述的說話  
125 就是全部了？

126 **廖錦和先生：**

127 其實最主要都是說，他"擺咗"手機、有沒有交回給她，就是  
128 這樣。

129 **張國鈞議員：**

130 "擺咗"手機……

131 **廖錦和先生：**

132 是，現在手機在誰手上、有沒有取回，以及裏面有些甚麼  
133 資料，我記得大概是這樣。

134 **張國鈞議員：**

135 OK，好的。我暫時沒有問題。

136 **主席：**

137 副主席。

138 **謝偉俊議員：**

139 多謝主席。廖先生，承接張國鈞議員剛才所提的問題，我想  
140 理解一下，據你了解，當時提及到手機內有些甚麼資料，你是  
141 否記得有甚麼答案？

142 **主席：**

143 廖先生。

144 **廖錦和先生：**

145 我忘記了。

146 **謝偉俊議員：**

147 謝謝。

148 **張國鈞議員：**

149 主席。

150 **主席：**

151 是，張議員。

152 **張國鈞議員：**

153 我承接提問，除了劉富生先生曾與你傾談，即向你說過  
154 一些話，然後你下了去 112 室這件事之外，還有沒有其他相關  
155 的資料可以提供？

156 **廖錦和先生：**

157 沒有。

158 **張國鈞議員：**

159 沒有。

160 **主席：**

161 廖先生，我想確認，你剛才說，劉富生先生告訴你，他的同事  
162 被許智峯議員"攞咗"手機，然後你下去 112 號房見到事主。  
163 你可否確認，你所說的事主，或劉富生先生所說的同事，就是  
164 梁諾施女士？

165 **廖錦和先生：**

166 對的，是的，梁諾施。

167 **主席：**

168 其實劉富生先生告訴你時，他沒有對你說出名字，但他的  
169 意思就是梁諾施女士？

170 **廖錦和先生：**

171 他當時並沒有說出名字。

172 **主席：**

173 是。

174 **廖錦和先生：**

175 下了去 112 號房我們才知道，因為我們當時問及她的名字。

176 **主席：**

177 見過她？

178 **廖錦和先生：**

179 見過。

180 **主席：**

181 就是她了？

182 **廖錦和先生：**

183 是的，沒錯。

184 **主席：**

185 OK，謝謝。

186 你是否記得，剛才說，他們正在說……那麼他們有沒有說……

187 你說他在 112 號房曾問過手機裏面的資料。你當時是否知道，

188 該手機是屬於梁女士的，還是屬於政府的財物？

189 **廖錦和先生：**

190 她說是屬於政府提供給她的。

191 **主席：**

192 OK。同事有沒有……副主席。

193 **謝偉俊議員：**

194 對不起，可能我剛才沒有記清楚，證人有沒有清楚確認，

195 影片內的那位人士就是他本人嗎？

196 **廖錦和先生：**

197 有。

198 **謝偉俊議員：**

199 有說過，OK，謝謝，thank you，OK。

200 **主席：**

201 你們有沒有嘗試進入男廁找許智峯議員？

202 **廖錦和先生：**

203 沒有。

204 **主席：**

205 你也沒有叫其他同事？

206 **廖錦和先生：**

207 因為當時並沒有提及過他去了男廁。

208 **主席：**

209 即當時大家都不知道他在男廁？

210 **廖錦和先生：**

211 是的，沒有說過。

212 **主席：**

213 OK，謝謝。

214 大家有沒有——大家不知道他是否在男廁，但在你們當時的  
215 討論過程中，是否也認為該手機仍然在許智峯議員手上？以及  
216 有沒有想過尋找他、聯絡他呢？

217 **廖錦和先生：**

218 我們下去之後，她告訴我們，手機在許智峯處，尚未交回  
219 給她，但在過程中，即剛才說他去了哪裏，她並沒有提及過。

220 **主席：**

221 OK，謝謝。但有沒有想過——當時有沒有人提過要找許智峯  
222 議員？

223 **廖錦和先生：**

224 當時我們都是……無，無，當時未有。

225 **主席：**

226 沒有人說過要找他，只是說"唔見咗"？

227 **廖錦和先生：**

228 是的。

229 **主席：**

230 OK。好，副主席。

231 **謝偉俊議員：**

232 主席，證人剛才曾提過，如果我沒有記錯，就是女事主本身  
233 的表情或者——是否用"驚訝"這詞語？

234 **廖錦和先生：**

235 我說的是"驚慌"。

236 **謝偉俊議員：**

237 "驚慌"一詞，OK。請廖先生介紹一下，你是用甚麼觀察或  
238 理據，覺得女事主當時有這種驚慌的表現？



239 **廖錦和先生：**

240 她個人，即覺得……我覺得她的樣子是很驚，如果以我  
241 來說，這是很難形容的，如果是平時，一個人說話會比較鬆弛  
242 一點，不會在緊張狀態之下。我覺得她說話時是比較緊張，說話  
243 不大暢順，好像在一種很不開心和很不安全的情況下說話。

244 **謝偉俊議員：**

245 你剛才也提過，她沒有哭？

246 **廖錦和先生：**

247 沒有哭，沒有哭。

248 **謝偉俊議員：**

249 那一刻沒有哭。

250 **廖錦和先生：**

251 是。

252 **謝偉俊議員：**

253 謝謝主席。

254 **主席：**

255 那麼你在 112 號房時，有沒有聽見他們提到——女事主  
256 有沒有向你們說，許智峯議員是如何"擺"她那部手機的呢？

257 **廖錦和先生：**

258 沒有，沒有，沒有。

259 **主席：**

260 只是說"擺咗"？

261 **廖錦和先生：**

262 是的。

263 **主席：**

264 沒有說是怎樣"擺咗"？

265 **廖錦和先生：**

266 即不是很詳細地說那方面的情況。

267 **主席：**

268 OK。她有沒有說過在哪裏"擺"她的手機？

269 **廖錦和先生：**

270 我忘記了，應該——我忘記了。

271 **主席：**

272 OK，謝謝。

273 其他同事有沒有補充想提問？

274 好的，還有沒有補充資料？

275 OK，如果大家都——或者廖先生你還有沒有些資料想  
276 補充？想對我們說？

277 **廖錦和先生：**

278 沒有。

279 **主席：**

280 OK。

281 **謝偉俊議員：**

282 謝謝。

283 **主席：**

284 好，如果同事已問完，很多謝廖先生出席本調查委員會的  
285 研訊，並協助我們調查。謝謝。

286 **廖錦和先生：**

287 謝謝，謝謝大家。

## 立法會

### 根據《議事規則》第 49B(2A)條 就譴責許智峯議員的議案成立的調查委員會

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第二次閉門研訊(第一節)的逐字紀錄本

日期： 2019 年 11 月 6 日(星期三)  
時間： 上午 9 時 45 分至 10 時 10 分  
地點： 立法會綜合大樓會議室 5

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#### 出席委員

麥美娟議員, BBS, JP (主席)  
謝偉俊議員, JP (副主席)  
張宇人議員, GBS, JP  
張國鈞議員, JP  
謝偉銓議員, BBS

#### 缺席委員

梁繼昌議員  
郭榮鏗議員

#### 應邀出席人士

立法會秘書處總保安主任  
周偉德先生

#### 列席秘書

總議會秘書(4)6  
胡日輝先生

## 列席法律顧問

高級助理法律顧問 1  
曹志遠先生

## 列席職員

助理秘書長 4  
盧思源先生

助理法律顧問 8  
葉瑋璣先生

高級議會秘書(4)3  
伍美詩女士

議會秘書(4)6  
陳嘉瑩女士

# **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**

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Verbatim transcript of the second closed hearing (session one)  
held on Wednesday, 6 November 2019, from 9:45 am to 10:10 am  
in Conference Room 5 of the Legislative Council Complex

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### 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

### Person invited to attend

Mr Sonny CHOW  
Chief Security Officer of the Legislative Council Secretariat

### 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

1 **主席：**

2 多謝，多謝周偉德先生出席我們委員會的閉門研訊。調查  
3 委員會的職責是負責確立葉劉淑儀議員根據《基本法》  
4 第七十九條第(七)項及《議事規則》第 49B(1A)條，動議譴責  
5 許智峯議員"的議案所述的事實，並就所確立的事實是否構成  
6 譴責的理據提出意見，而調查委員會的職能並非就任何一方或  
7 個人的法律責任作出裁決。

8 今天的研訊是根據調查委員會的《行事方式及程序》進行，  
9 當中第 27 段訂明，在閉門研訊中取得的證據、向調查委員會提交  
10 的陳述書及其他文件、與調查委員會其他會議有關的資料，以及  
11 任何相關的往來文件，均屬機密資料，並會一直列作機密資料，  
12 直至調查委員會將其公開或銷密為止。

13 周先生及各位委員已簽署了保密承諾書，因此，在未事先  
14 取得調查委員會的書面授權之下，各位是不能夠在研訊過程  
15 以外的場合發表任何機密資料，發表與研訊有關的任何事宜。  
16 秘書處會將整個研訊過程擬備逐字紀錄本。

17 亦請各位委員留意，委員發問的時候，只應就議案所述的事  
18 實提問，不應發表個人的意見或個人的陳述。委員亦不應邀請  
19 證人發表個人的意見。我會決定某條問題或某項證據是否與  
20 調查委員會的職權範圍有關，以及是否屬於研訊範圍。我亦有  
21 酌情權決定某條問題是否屬於跟進問題，以及應否容許提出  
22 該問題。

23 我現在宣布研訊開始。

24 證人選擇在宣誓後接受訊問。我現在以調查委員會主席的  
25 身份，根據《立法會(權力及特權)條例》(第 382 章)第 11 條為  
26 周偉德先生監誓。請你站立，並依照放在你面前的誓詞宣誓。

27 **周偉德先生：**

28 本人周偉德，謹以至誠，據實聲明及確認，本人所作之證供  
29 均屬真實及為事實之全部，並無虛言。

30 **主席：**

31 謝謝。



32 **周偉德先生：**

33 謝謝主席。

34 **主席：**

35 謝謝。

36 為了善用研訊的時間，請委員提問時盡量精簡和具體，證人  
37 亦須明確和切實回答問題，並請在本人示意之後才發言。委員  
38 如果想就某個調查委員會文件提問，應該指出文件的編號及  
39 段落，以方便參考。

40 根據《行事方式及程序》，作為主席，我會先提出一條適當  
41 的開場問題，然後請其他委員發問。

42 周先生，我們早前已經寄給你有關譴責許智峯議員議案的  
43 措辭，請你講述你就有關議案所知的全部事實。

44 **周偉德先生：**

45 我要拿出來看看。

46 (立法會秘書處職員把議案措辭遞給周偉德先生閱覽)

47 **主席：**

48 好。

49 **周偉德先生：**

50 主要是譴責他在去年"擺"了一位政府職員的手機的事，他在  
51 行為上有所不適當，你們作出研訊，然後決定會否就這件事譴責  
52 許議員，大意大概是這樣。

53 **主席：**

54 是的，你可否就這件事，你所知的當日發生事的時候，你是否  
55 在場？你是否知道有關任何這件事，我們將要進行的這個議案  
56 的調查的時候，你所知道的事情呢？

57 **周偉德先生：**

58 好的，主席。

59 在當日，我接到一個電話，是我的署理高級保安主任廖錦和  
60 先生，說有一位政府職員被一位議員——後來我知道是許智峯  
61 議員——"攞"了其手機。另外，他說保安局有位政治助理劉富生  
62 先生找過他，表示想我們保安協助。我聽到這個電話之後，  
63 就下去 112 號房，根據他們當時的位置，據他告訴我，他們在  
64 112 號房，就叫我下去 112 號房與他們會合，看看有甚麼可以  
65 幫助，我就下去 112 號房。

66 進入了 112 號房，當時有很多職員，我記得包括那位.....事件的  
67 的那位政府職員。但是，因為主要是劉富生先生叫我下去，  
68 我主要的對話是與劉富生先生及我的同事廖錦和先生對話。

69 **主席：**

70 你們當日在 112 號房裏面發生了甚麼事？可否講述一下？

71 **周偉德先生：**

72 因為我正下去的時候，我也拿着電話，向廖錦和先生了解  
73 這件事。在途中，他很簡單的告訴我，有位女職員被一位議員，  
74 就是許智峯先生，在 1 號房的外面還是大概在走廊——那時他  
75 說得不太清楚，後來我就知道得比較清楚一點——就是"攞"了  
76 她的電話，現在有位保安局的政治助理向他求助，他覺得這件事  
77 要通知我，以及他對我說，劉先生都想我下去看看可不可以  
78 幫忙，看看哪方面可以協助，我就下去了。

79 下去之後，進入了房間，其實有很多職員在場，我其實沒有一  
80 一去考究了，我就.....因為我之前都認識劉先生，我就與  
81 劉先生對話而已。劉先生當時很簡略的說說這件事，重複了一  
82 次，然後我就問他有哪方面我們可以提供協助，他就  
83 說"噢....."。我的理解，她應該——那位女職員應已經在那裏，  
84 其實下去的時候我都在想，會否有安全的問題呢？因為她可能  
85 回到房間也說不定，還是已經在糾纏中，還是我們要處理——我  
86 都想了很多問題，究竟我們保安有些甚麼可以幫忙呢？手機  
87 現時在哪裏呢？我們有甚麼協助？那當然要問劉先生要求甚麼

88 協助，我主要下去問他的，就是我們保安這方面有甚麼可以  
89 幫忙。

90 **主席：**

91 劉先生有沒有提出甚麼要求？

92 **周偉德先生：**

93 劉先生當時第一樣是比較奇怪的，他說："你問我嗎？"。  
94 我說："我是問你呀"。他想一想："咦，我都要問問我的上司先，  
95 我們決定了再告訴你，我們都要商量一下，這件事如何處理"。  
96 我便說："我有甚麼現在即場可以幫到你？"。

97 "嗯，我們保持聯絡，你們先回去，你等我的電話，待我問了  
98 上司之後，然後看看你們有甚麼可以幫忙，我與你再談"。這樣  
99 我便走了。

100 **主席：**

101 你沒有與當時那位政府職員，現在我們都知道是梁小姐.....

102 **周偉德先生：**

103 是。

104 **主席：**

105 .....有沒有與她——當時有沒有對話過？有沒有見到她？

106 **周偉德先生：**

107 因為我其實記得不太清楚。但我記得的是，很 briefly，我先去  
108 看一看哪個是那位當事人——他們沒有主動告訴我，我看到一個  
109 女同事坐着，好像"驚驚地"，我直覺就覺得是她，我就問："有  
110 沒有事？身體有沒有受傷？要不要召救護車或怎樣？或者  
111 我們....."——我們因為都有些急救的東西，我怕她在事件中  
112 有受傷。她也沒有說些甚麼，劉先生對我說："她沒事、沒事、  
113 沒事"。大約是這樣。

114 "還有甚麼其他東西要幫忙？"劉先生就主動地在這些地方  
115 答了話。所以，我主要是與劉先生對話，沒有與那位女同事說過  
116 任何話。

117 **主席：**

118 當時的對話內容有沒有提過那部手機的下落？

119 **周偉德先生：**

120 他說有位議員"擺"了，沒有說究竟現在那部手機在哪裏，亦  
121 不是我主要——我其實關心的就是女職員，當時我知道是職員，  
122 後來知道是女職員，我最關心她的情況安不安全，以及身體  
123 有沒有受傷，我們有沒有東西要 follow up；以及現場是否繼續  
124 還有這些事發生，然後我們保安要去處理呢。反而我是留意  
125 這兩點。

126 至於手機的下落，在那時候我就沒有怎樣留意。但是，我記得  
127 我們正在談話的時候，有另一位男職員拿着類似手機的東西，  
128 我其實沒有留意他。他說："手機我已取回"。其實我沒有怎麼留意  
129 他有沒有取回，這不是我關心的事情。我關心的是女職員的  
130 安全，以及現場是否仍有糾纏，或是議員有沒有受傷，議員  
131 有甚麼事，反而我緊張這事情，我只是問這些。

132 **主席：**

133 OK，好的，看看其他委員有沒有提問？副主席。

134 **謝偉俊議員：**

135 是，多謝證人。你剛才用"女職員"，但好像沒有提及她的  
136 名字，如果你記得起她的名字.....

137 **周偉德先生：**

138 我事後才知道，我當時沒有問。

139 **謝偉俊議員：**

140 現在你知道嗎？她的名字是.....

141 **周偉德先生：**

142 我要翻看紀錄才知道，其實我忘記了她的名字。我後來翻看  
143 紀錄，我刻意寫下了，她叫梁諾施，這是根據報道，我沒有證實。

144 **謝偉俊議員：**

145 明白、明白。我想理解一下，你剛才提過，當時梁諾施女士，  
146 你看到她時，她是坐着，"驚驚地"，你的證供是這樣形容的，  
147 對嗎？

148 **周偉德先生：**

149 她是坐着，驟眼看——我們要觀察一下是誰，因為他們沒有  
150 怎麼主動告訴我，主要是劉先生跟我傾談，我也想留意一下，  
151 因為我關心的未必是劉先生所關心的事情。

152 正如我剛才所說，我所關心的是事主，特別是兩位有沒有  
153 受傷，糾纏中有沒有事情發生。於是我立即看一看，看到有一位  
154 女士坐着，臉容比較繃緊和比較緊張，這是我自己一個主觀的  
155 觀察，她實際上是否緊張我並不知道。

156 **謝偉俊議員：**

157 除了你自己觀察到她臉容繃緊和比較緊張之外，你跟她的  
158 對話裏面你察覺到甚麼？是否察覺到任何東西呢？

159 **周偉德先生：**

160 她很害怕，她不是很想說話，其實我都問一問她有沒有事，  
161 我嘗試跟她直接對話，但她不是很想跟我傾談，或者是很害怕  
162 的樣子，於是我轉向問劉先生。我觀察到她當時可能需要休息  
163 一下，或者定一定神，所以，我覺得不太適宜直接問她，既然  
164 劉先生知道，我便問劉先生。於是我轉為跟劉先生傾談，反而  
165 劉先生覺得，為何我不去問那位女職員，問那女職員吧，為甚麼  
166 來問他。我覺得有點很奇怪，那我便說："你叫我下來的嘛，我  
167 當然問你"。我就所以——劉先生又覺得這樣也對，他便回答我。

168 **謝偉俊議員：**

169 在你在場的情況下，有沒有任何時間、任何人提及電話是  
170 屬於誰人的？或者電話內容是甚麼性質？

171 **周偉德先生：**

172 在那個期間沒有，沒有。只知道有一個電話而已。

173 **謝偉俊議員：**

174 謝謝。

175 **主席：**

176 OK, Horace。張國鈞議員，開麥克風。

177 **張國鈞議員：**

178 不好意思。周先生，你剛才提及過，在較後時間有同事告訴  
179 你，已經取回電話，對嗎？

180 **周偉德先生：**

181 其實他不是對我說，他進來房間的時候他就……

182 **張國鈞議員：**

183 Sorry, sorry...

184 **周偉德先生：**

185 ……告訴當時在場的人士。

186 **張國鈞議員：**

187 ……時間是——啊，都是在房間裏面的？

188 **周偉德先生：**

189 是在房間裏面，走入房間，說"取回電話了"，大概是這樣。  
190 其實我也不知道他說甚麼取回電話。我後來串連起來，我相信  
191 那個電話就是之前遺失的電話，因為他沒有詳細跟我們交代，  
192 亦不需要跟我交代，我跟劉先生傾談的時候聽到而已。

193 **張國鈞議員：**

194 那位同事，你的意思是，你們的同事，還是政府人員的同事  
195 呢？

196 **周偉德先生：**

197 應該是政府職員。

198 **張國鈞議員：**

199 即政府職員。

200 **周偉德先生：**

201 政府職員。

202 **張國鈞議員：**

203 他不是對你說的？

204 **周偉德先生：**

205 那間是政府官員的房間，我有理由相信他是政府官員，我亦  
206 不認識他，因為我認識部分職員，但我不認識他。

207 **張國鈞議員：**

208 但你的意思是，他對你說，還是……

209 **周偉德先生：**

210 不是對我說的。

211 **張國鈞議員：**

212 ……跟另一位政府人員說？

213 **周偉德先生：**

214 他進入房間，他好像進入房間便說："取回電話了"。其實  
215 我沒有怎麼留意他的行為舉止，我是在跟劉先生傾談期間，  
216 我留意到有人說已取回電話，我亦沒有深究那人是誰，所說的

217 電話究竟是甚麼電話，跟這件事有沒有關係，其實我在那個時候  
218 是沒有關注的，我主要跟劉先生傾談，我仍在了解該事件。

219 **張國鈞議員：**

220 好的，你剛才說，你跟劉先生對話，接着他說，他會再跟上司  
221 談，有事再找你。

222 **周偉德先生：**

223 對。

224 **張國鈞議員：**

225 之後呢，之後你接着怎樣？

226 **周偉德先生：**

227 之後我就與我的助手廖先生離開，我當然第一時間向我的  
228 上司匯報有這件事情。

229 **張國鈞議員：**

230 之後你還有沒有跟進這件事情，或者劉先生有沒有再與你  
231 跟進這件事情呢？

232 **周偉德先生：**

233 是這樣的，斷斷續續的，我向上司匯報，我們立即在我們  
234 這方面了解，根據比較有限的資料，究竟在那些地方發生甚麼  
235 事情。譬如剛才提及在 1 號房外遇見，究竟是 1 號房外還是  
236 如何？因為他跟廖先生說得多一點資料，那我們根據他們告訴  
237 廖先生的資料來了解這件事情，詢問是否有證人，有沒有相關  
238 CCTV 可能錄影到這件事情。我們的同事去處理和了解這件事，  
239 我主要跟我的上司交代有這樣的一件事，讓他們了解，然後看看  
240 他們有甚麼吩咐。

241 **張國鈞議員：**

242 好的。



243 **主席：**

244 其他委員有沒有提問？Tony。

245 **謝偉銓議員：**

246 多謝主席，我想問一問，剛才周先生你說進入房間後看到  
247 一位女士，你純粹根據當時的情況，你覺得那位女士應該是  
248 女事主，即今次被人"擺"了手機的人。我想你再確認一次，之後  
249 在你了解事情後，你肯定當時在房間內，你剛才說比較慌張的  
250 那位女士就是當事人，對嗎？

251 **周偉德先生：**

252 這個.....並不是的，因為其實我進去的時候我看到有一位  
253 女士，除了這位女士之外，房間裏面還有很多人。我看到其中  
254 一個比較慌張，我又知道件事的小部分，這是我的直覺而已。  
255 因為我擔心事件中有沒有人受傷，我當時的反應是，看到她，  
256 她是否就是當事人呢？我沒有問清楚她的身份便問她："你  
257 有沒有事？"，亦因為劉先生也在場，如果劉先生說，不是她，  
258 是另一人，他會告訴我，我問她的時候，劉先生或其他人都沒有  
259 這樣跟我說。所以，在我的直覺裏面，我有理由相信她就是  
260 事主，我沒有再去證實。

261 **謝偉銓議員：**

262 事後你也沒有去證實？

263 **周偉德先生：**

264 事後也不知道。

265 **謝偉銓議員：**

266 你也不知道，其實現在，即譬如從你的印象來說，當時你覺得  
267 會那個，你亦沒有根據事後的一些發展等，肯定當時那位就是  
268 女事主？

269 **周偉德先生：**

270 就着這點我沒有去證實過。

271 **主席：**

272 OK，周先生，我想問你，你之後有沒有翻看有關的閉路電視  
273 片段，你是否需要我們現在讓你看看，去確認你當日在 112 號房  
274 看到的那位同事——你相信是事主的就是梁女士？

275 **周偉德先生：**

276 其實我事後也有看過 CCTV。但是，其實我看 CCTV 的時候，  
277 我也已經——以當時那麼新的記憶裏，我也認不到那位女士。

278 **主席：**

279 OK，即如果我現在播放給你看，你也認不出？

280 **周偉德先生：**

281 我不可能認到，當時我其實看了很多次 CCTV，我也認不到。

282 **主席：**

283 我們是否需要播放一次給你看？

284 **周偉德先生：**

285 嗯，視乎你們，我覺得沒有這個需要。

286 (主席指示秘書播放顯示梁諾施女士在場的閉路電視片段給  
287 周先生觀看)

288 **主席：**

289 就是這位，就是這裏。

290 **周偉德先生：**

291 我認不到她。

292 **主席：**

293 OK，好的，謝謝。我想問一下，你當天在 112 號房，劉富生  
294 先生——即那位政治助理——跟你傾談的具體內容中，他有沒有  
295 從其口中將那件事、發生了甚麼事告訴你，又或者你所知道的，

296 是因為廖先生告訴給你。你到達後劉先生有沒有將更多的資料  
297 告訴你？以及你們之後有沒有傾談？他說保持聯絡嘛，那之後  
298 有沒有再聯絡呢？

299 **周偉德先生：**

300 我入去——其實我和廖先生有溝通，我相信廖先生是頗專業  
301 的，他說給我聽的，我認為我需要的資料，在那個階段來說，  
302 我覺得頗足夠。

303 所以，我與劉先生沒有怎樣再去確認那件事，因為我相信  
304 事後我們可能會有跟進，即主要是我要知道的資料，譬如  
305 包括有沒有人受傷，事發地方現在有沒有人去到——譬如說  
306 有需要時就要保持那地方不受到干擾，或是日後需要進行  
307 調查，我考慮比較多的就是這些。所以，當我確認了地方、確認  
308 了事主——沒有人受傷，其他事情我當時沒有怎樣再去深究。  
309 我想第一時間先做這些工作：保持現場的證據、保持那些  
310 CCTV、看看當時有甚麼證人在場。正如我剛才所說，有沒有人  
311 受傷，事件有沒有惡化下去，我先處理的就是這些事情。至於  
312 其他，我當時沒有再與劉先生詳細傾談。

313 **主席：**

314 OK，你剛才說，你問劉先生有甚麼需要協助，然後劉先生  
315 說要先問問上司，然後再與你保持聯絡，那麼他之後有沒有再  
316 聯絡你呢？

317 **周偉德先生：**

318 嗯……有的、有的。

319 **主席：**

320 他之後有沒有要求提供甚麼協助呢？

321 **周偉德先生：**

322 他斷斷續續的，很多時候都是說："我們會跟你的上司們  
323 傾談，Sonny，謝謝"，大約就是這樣。因為我都想知道，他說  
324 傾談之後便要我們協助，其實他致電給我又有，我致電給他  
325 又有，大約都是"交給我們雙方的上司自己處理吧，他們到時會

326 商量的"。我想這也是對的，我上司接着便會吩咐我怎樣做，大約  
327 的對話大部分都是這樣的，因為劉先生都是想由他的上司  
328 決定，再由他的上司通知我們的上司，他喜歡這種模式，我尊重  
329 他。

330 **主席：**

331 同事有沒有補充？是的，Tony。

332 **謝偉銓議員：**

333 多謝主席。我想跟進一下而已。我想確認，當時在 112 號  
334 房內，周先生其實你剛才說過，你最主要是關心有關人士有沒有  
335 受傷，對嗎？你可否再次……我說清晰一點，其實你直覺認為  
336 那位女士，可能就是事主，但你記得那位女士——即那位女士  
337 沒有提過她被人搶了手機？

338 **周偉德先生：**

339 這個我不是太記得有沒有，但我其實與她的對話極少，我  
340 主要與劉先生傾談。

341 **謝偉銓議員：**

342 那麼即是說，是否可以——即你現在不記得她有沒有說過，  
343 即那位女士不見了手機，但最主要，依你的記憶所及，就是說  
344 有關不見了手機這一事件，其實主要是之前，之前當然你未入  
345 這間房時，就是廖先生向你報告這件事，然後在 112 號房中，  
346 最主要是劉先生與你講述關於有人被某位議員"擺"走了手機。

347 **周偉德先生：**

348 嗯……不是這麼詳細，因為我認為廖先生告訴我時，在電話  
349 中說給我聽，都頗為清楚。這些資料我主要是從廖先生那邊  
350 聽回來。就這件事，大家與劉先生傾談時，都有一點……我的理解  
351 是，即你入來都已經知道這件事的了，大家都沒有出聲，我便  
352 問劉先生有甚麼可以幫助，他很奇怪，他當時的答法是："為何  
353 你問我？"，我說："我當然問你，你叫我下來嘛"。我便沒有問  
354 那位女士，所以我很記得這一 part，因為我覺得問那位女士不是  
355 很恰當，我不是去調查或去做任何事情，劉先生叫我到來協助，

356 我當然找劉先生，因此，我便問劉先生，劉先生說："呀，也說  
357 得對"，然後劉先生便開始與我對話。

358 **謝偉銓議員：**

359 但你與劉先生最主要傾談的是，有甚麼方面你們可以幫忙或  
360 可以做，有沒有再講講那事件——即搶去手機或被人"攞"了  
361 手機？

362 **周偉德先生：**

363 當時沒有再說下去，沒有再說。大家都好像有一個感覺，即是  
364 你下來，他亦可能已在途中——這是我估計的，猜測而已——  
365 因為他與廖先生一起下來，他看到廖先生和我通電話，可能他  
366 聽到一些，聽不到一些，這個也說不定。他的了解——我想，這是  
367 我估計的——廖先生當然是有報告給我，我才會懂得下來。  
368 一般做法都是廖先生不會說："周 Sir，你下來啦"，他當然會講述  
369 事件給我聽。這是我的純粹猜測，但實際上，你剛才問我的  
370 問題，我直接一點回答，我們沒有再怎樣交代這件事。

371 **謝偉銓議員：**

372 好的，謝謝，謝謝周先生。

373 **主席：**

374 副主席。

375 **謝偉俊議員：**

376 主席，我想跟進一下剛才周先生的對答。其實在你的記憶  
377 中，應該是劉先生通知你下去 112 號房，還是另一位同事廖錦和  
378 先生通知你呢？

379 **周偉德先生：**

380 是廖先生。

381 **謝偉俊議員：**

382 因為剛才你的說法似乎好像是說劉先生叫你下去。

383 **周偉德先生：**

384 因為劉先生叫廖先生："你找周先生一起下來吧"，我剛才  
385 可能說得太快，實際的途徑是廖先生在電話中叫我下去，就是  
386 說劉先生叫我下去。

387 **謝偉俊議員：**

388 多謝你。另外我想補充一下，如果有一種說法，即基本上  
389 在現場時，是由你主力與這位女事主傾談，而並不是由廖錦和  
390 先生負責做這個角色，你的回應是怎樣？

391 **周偉德先生：**

392 入到房間後——確實是，因為我到場後，可能廖先生認為  
393 我是他的上司，所以他交由我處理。我入去看一看之後，我便  
394 認為——好像我剛才所說，這位似乎是女事主，或者是  
395 事主，"驚驚地"，我首先問問有沒有人受傷，我應該直接問了  
396 她一句——以我所記得——"你有無事？"、"有無整親？"。

397 **謝偉俊議員：**

398 你的意思即是說，基本上在 112 號房中，是由你主力與  
399 女事主有一個交談或接觸？

400 **周偉德先生：**

401 我就不可以這樣說，我只記得我自己那一 part 而已，即是  
402 我與那位女事主的交談，可能就是這一兩句而已，之後廖先生  
403 有沒有和她傾談，我沒有怎樣留意，因為我主要與劉先生傾談。  
404 他有沒有在那裏與女事主傾談，我不知道，我沒有留意到。

405 **謝偉俊議員：**

406 好，為了清晰你的口供起見，請你再說一次你與女事主的  
407 對答，如果是很簡短的話，應該很清楚說了些甚麼或沒有說些  
408 甚麼。請你重複一下。

409 **周偉德先生：**

410 老實說，過了那麼久，我不是很記得。我記得的就是我關心  
411 她有沒有弄傷。你問我實際上是說"受傷"、"整親"或"你有

412 無事？”，其實我記得的只是大意，怎樣的對話、**exactly** 怎樣的  
413 wording，我是不記得的。

414 **謝偉俊議員：**

415 就算不記得 **exact wording**，性質上有沒有提及過關於手機的  
416 事情，或者發生了甚麼事情，誰人“擺”了誰的手機？

417 **周偉德先生：**

418 我沒有問這些。

419 **謝偉俊議員：**

420 你沒有問，但事主有否在你面前，當時有提及過這件事情？

421 **周偉德先生：**

422 她不說話。我一問一答而已，她沒有主動和我說話。

423 **謝偉俊議員：**

424 如果有其他證人說，在場時女事主有提及到，就是說許智峯  
425 議員“擺”了她的手機，你對這種說法會有甚麼回應？

426 **周偉德先生：**

427 這並不奇怪，因為我沒有留意而已，不代表我入去之前她有  
428 說過，或者我入去之後她有說過，甚至她當時有說過，我沒有  
429 留意便沒有留意。

430 **謝偉俊議員：**

431 你當時在場時，你沒有留意到？

432 **周偉德先生：**

433 我沒有留意到，我主要與劉先生傾談，所以其他人——其實  
434 還有很多職員在場——有很多對話，我當時真的無法可以一一  
435 兼顧得到或聽到，所以我並不知道。

436 **謝偉俊議員：**

437 明白，謝謝。

438 **主席：**

439 OK，其他委員有沒有提問？OK，好，沒有。那麼我們多謝  
440 周先生。

441 **周偉德先生：**

442 謝謝。

443 **主席：**

444 多謝你的時間。

445 **周偉德先生：**

446 好的，謝謝。



## 立法會

### 根據《議事規則》第 49B(2A)條 就譴責許智峯議員的議案成立的調查委員會

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第二次閉門研訊(第二節)的逐字紀錄本

日期： 2019 年 11 月 6 日(星期三)  
時間： 上午 10 時 11 分至 10 時 57 分  
地點： 立法會綜合大樓會議室 5

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#### 出席委員

麥美娟議員, BBS, JP (主席)  
謝偉俊議員, JP (副主席)  
張宇人議員, GBS, JP  
張國鈞議員, JP  
謝偉銓議員, BBS

#### 缺席委員

梁繼昌議員  
郭榮鏗議員

#### 應邀出席人士

運輸及房屋局局長政治助理  
符傳富先生

#### 列席秘書

總議會秘書(4)6  
胡日輝先生

## 列席法律顧問

高級助理法律顧問 1  
曹志遠先生

## 列席職員

助理秘書長 4  
盧思源先生

助理法律顧問 8  
葉瑋璣先生

高級議會秘書(4)3  
伍美詩女士

議會秘書(4)6  
陳嘉瑩女士

# **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**

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Verbatim transcript of the second closed hearing (session two)  
held on Wednesday, 6 November 2019, from 10:11 am to 10:57 am  
in Conference Room 5 of the Legislative Council Complex

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### 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

### Person invited to attend

Mr Mark FU Chuen-fu  
Political Assistant to Secretary for Transport and Housing

### 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

1 **主席：**

2 多謝符傳富先生出席我們委員會的閉門研訊。調查委員會的  
3 職責是負責確立葉劉淑儀議員根據《基本法》第七十九條  
4 第(七)項及《議事規則》第 49B(1A)條動議譴責許智峯議員的議案  
5 所述的事實，並就所確立的事實是否構成譴責的理據提出意見，  
6 而調查委員會的職能並非就任何一方或個人的法律責任作出  
7 裁決。

8 今天的研訊是根據調查委員會的《行事方式及程序》進行，  
9 當中第 27 段訂明，在閉門研訊中取得的證據、向調查委員會提交  
10 的陳述書及其他文件、與調查委員會其他會議有關的資料，以及  
11 任何相關的往來文件，均屬機密資料，並會一直列作機密資料，  
12 直至調查委員會將其公開或銷密為止。

13 符傳富先生和各位委員已簽署了保密承諾書，因此，在未  
14 事先取得調查委員會的書面授權下，各位不能夠在研訊過程  
15 以外的場合發表任何機密資料，發表與研訊有關的任何事宜。  
16 秘書處會將整個研訊過程擬備逐字紀錄本。

17 請各位委員留意，委員發問的時候只應就議案所述的事實  
18 提問，不應該發表個人的意見或個人的陳述。委員亦不應邀請  
19 證人發表個人的意見。我會決定某條問題或某項證據是否與  
20 調查委員會的職權範圍有關，以及是否屬於研訊範圍。我亦有  
21 酌情權決定某條問題是否屬於跟進問題，以及應否容許提出該  
22 問題。

23 我現在宣布研訊開始。

24 證人選擇在宣誓後接受訊問。我現在以調查委員會主席的  
25 身份，根據《立法會(權力及特權)條例》(第 382 章)第 11 條為  
26 符傳富先生監誓。請你站立，並依照放在你面前的誓詞宣誓。

27 **符傳富先生：**

28 本人符傳富，謹以至誠，據實聲明及確認，本人所作之證供  
29 均屬真實及為事實之全部，並無虛言。

30 **主席：**

31 好，謝謝，請坐下。

32 為了善用研訊的時間，請委員提問時盡量精簡和具體，證人  
33 亦須明確和切實回答問題，並請在本人示意之後才發言。委員  
34 如果想就某個調查委員會文件提問，應該指出文件的編號及  
35 段落，以方便參考。

36 根據《行事方式及程序》，作為主席，我會先提出一條適當  
37 的開場問題，然後請其他委員發問。

38 符傳富先生，我們早前已經寄給你有關譴責許智峯議員議案  
39 的措辭，請你講述一下你就有關議案所知的全部事實。該議案  
40 的措辭，我們可以請秘書交給你看看。

41 (立法會秘書處職員把議案措辭遞給符傳富先生閱覽)

42 **符傳富先生：**

43 即當日發生的——即我所知的事實？

44 **主席：**

45 是，是。

46 **符傳富先生：**

47 OK。當日是 4 月 24 日早上，立法會應該進行——即在  
48 會議室 1 內正進行“一地兩檢”的法案委員會會議。當時我站在  
49 會議室 1 外面，處於待命的狀態，亦會與議員有交流或溝通。  
50 當時我看見一位女士站在廁所外面的位置，站在那裏。最初我  
51 並沒有特別留意，因為看見她站在那裏，直至一位運輸及房屋局  
52 的同事經過我身旁，他告訴我，我們有位女同事被人搶去電話，  
53 當時我與那位男同事一起去到那個角落，問該位女同事發生  
54 甚麼事。在這時候，該女同事表示，她被許智峯議員搶去她的  
55 電話，她指着一個方向，是指向會議室 1 旁邊有一道門可以通往  
56 廁所，亦可進入會議室 1，並說許智峯議員朝那個方向走去。

57 當時我聽到後，我便嘗試去尋找許智峯議員，包括去了  
58 會議室 1 外的攝錄室，看看他是否在會議室內，我見他不在

59 會議室 1 之後，我便前往官員等候室那裏，看看有沒有其他政府  
60 官員在附近。當時我看見保安局的政治助理劉富生先生，我便  
61 告訴劉富生先生這件事，其後我便出去繼續尋找許智峯議員，  
62 但我仍是找不到他。所以，我便下去 1 樓的政府官員辦公室，  
63 在那裏我看見其他的同事，亦詢問我們 IT 的同事，即最初告訴  
64 我有位女同事被人搶去電話的那位男同事，我就問他，那部電話  
65 可以有甚麼功能，可以去到……即 access 到甚麼地方，他表示  
66 可以 access Google Spreadsheet，我便問他可否把該部電話的  
67 access right 移除。他表示不可以。所以，我便叫他把整個  
68 spreadsheet 刪掉。之後我再叫大樓內的其他同事全部回到政府  
69 官員的辦公室，所以全部人在那時都應該已離開本來的位置。

70 然後我往上返回 2 樓，繼續尋找許智峯議員，應該就在這個  
71 時候，我看見劉富生先生帶着一些立法會的同事，因為劉富生  
72 先生應該告訴了立法會的同事，他們便問該位女同事在哪裏。  
73 當時我便——因為她已經下去 1 樓——表示她已經下去 1 樓。  
74 之後我便再繼續尋找，接着在走廊看見胡志偉議員，因為胡志偉  
75 議員是民主黨的主席，而許智峯議員是民主黨的黨員，我便告訴  
76 胡志偉議員，說許智峯議員搶去我們一位同事的電話。這時候，  
77 其實胡議員尚未來得及反應，許智峯議員便從會議室 1 的那個  
78 方向走出來，即從那方走出來，他手上拿着一部電話，接着他  
79 經過我和胡志偉議員身邊，我一直看着許智峯議員，我正準備  
80 出聲叫停他時，他便回過頭來問，說："是否要取回部電話？"，  
81 我說是，接着他便把電話交回給我。

82 接着我便去……他們分別離開，即許智峯議員繼續離開，  
83 胡志偉議員亦離開，而我也離開並準備回到 1 樓的政府官員  
84 辦公室，但在等候升降機期間——因為許智峯議員也是在等候  
85 升降機，所以我在升降機大堂再次看見他，我便問——因為我  
86 看見電話的表面破爛了，所以我問許智峯議員，電話破爛是因他  
87 弄破，還是原本已經破爛？他說他不知道。然後進入升降機，  
88 其間我也有說一句，問他"何必呢？大家都係做嘢"。他便  
89 說"預咗"我們會報警，但他現在有事需要外出，然後我在 1 樓的  
90 升降機大堂離開了，前往政府官員辦公室，那時在政府官員  
91 辦公室內，我再次看見我們那位女同事，當時我問女同事事發  
92 的經過，她說她被人搶去電話，她有盡力保護，她應該是在 1 樓  
93 升降機……在 2 樓的升降機大堂被人搶去電話，接着她的情緒

94 亦比較激動。因為那時候已是 10 時 10 分左右，其實該會議仍在  
95 裏面進行，而且亦已取回電話，所以我們那時決定等待會議結束  
96 後，再向上司們報告這件事情，然後再決定怎樣做。所以，當時  
97 沒有立即報警或諸如此類的做法。我想大致是這樣。

98 **主席：**

99 OK，好。其他委員有沒有想提問？

100 OK，請你說說，你剛才說 4 月——對不起，你說的 4 月那個  
101 日期是 2018 年的 4 月？

102 **符傳富先生：**

103 2018 年，沒錯、沒錯。

104 **主席：**

105 好，謝謝。其他委員有沒有想——Horace。

106 **張國鈞議員：**

107 好，因為你剛才提及過好幾個不同的情景，見過不同的人，  
108 其中有一個，你說過，特別是你提及過，你和胡志偉議員的  
109 對話，是嗎？

110 **符傳富先生：**

111 是。

112 **張國鈞議員：**

113 對話當中，許議員便經過，他除了——即你剛才說他走過、  
114 回頭，接着跟你說是否要取回電話。然後你……接着——可否  
115 細緻點說說有關的情況是怎樣？接着你有否回應？還是怎樣？  
116 因為他問你是否要取回電話。

117 **符傳富先生：**

118 我應該有示意，但那一刻是很短的，接着他隨即將電話  
119 遞出來給我。



120 **張國鈞議員：**

121 是的。

122 **符傳富先生：**

123 沒有甚麼其他情節。

124 **張國鈞議員：**

125 接着你說電話破爛了，是那一刻發現，還是之後？

126 **符傳富先生：**

127 是那一刻發現，那一刻發現，看到電話面裂了。

128 **張國鈞議員：**

129 你跟他提及有關電話裂了是否他造成，也是那一刻，  
130 還是……

131 **符傳富先生：**

132 不是，之後他離開了，我在升降機大堂再見到他的時候，我再  
133 問他。

134 **張國鈞議員：**

135 升降機大堂再見到他，是緊接這個……

136 **符傳富先生：**

137 緊接。

138 **張國鈞議員：**

139 ……即在走廊那裏，他走過、回頭問你是否要取回電話，接着  
140 將電話交回給你，接着他繼續向前行，對嗎？

141 **符傳富先生：**

142 對。

143 **張國鈞議員：**

144 接着怎樣，你跟着他走，還是怎樣呢？

145 **符傳富先生：**

146 我想大約遲他 30 秒左右，即我是在後面的。胡志偉議員還在  
147 我身邊，我跟胡志偉議員一起走。接着他在出升降機大堂之前  
148 轉入會議室 3、2 那邊的走廊離去。

149 **張國鈞議員：**

150 你是指胡志偉議員？

151 **符傳富先生：**

152 是，所以我便在升降機大堂再出去，那時候再遇見許智峯  
153 議員。

154 **張國鈞議員：**

155 在 2 樓升降機大堂？

156 **符傳富先生：**

157 對，沒錯。

158 **張國鈞議員：**

159 他在那裏。

160 **符傳富先生：**

161 是的。

162 **張國鈞議員：**

163 當時還有沒有其他人？

164 **符傳富先生：**

165 那時，我不肯定有沒有立法會保安在附近，有機會有立法會  
166 保安在附近。

167 **張國鈞議員：**

168 接着，你除了剛才在 2 樓升降機大堂問他，電話破爛了是否  
169 由他造成外，還有沒有其他說話呢？

170 **符傳富先生：**

171 我有說過——就是剛才所說的"何必……何必呢"，那一句。

172 **張國鈞議員：**

173 都是在那裏說的？

174 **符傳富先生：**

175 是的、是的。

176 **張國鈞議員：**

177 接着呢？接着他……

178 **符傳富先生：**

179 一起入升降機。

180 **張國鈞議員：**

181 他便乘升降機離開了？

182 **符傳富先生：**

183 因為我也入了升降機。

184 **張國鈞議員：**

185 你也入了升降機。

186 **符傳富先生：**

187 是的、是的，他應該去——我去 1 樓，他都進入升降機，那部  
188 升降機是往下的，我在 1 樓離開。

189 **張國鈞議員：**

190 即你剛才提及的對話是在大堂，還是在升降機裏呢？升降機  
191 裏面還有沒有其他對話呢？

192 **符傳富先生：**

193 確實的，不是記得非常清楚，因為升降機裏面是有其他人的  
194 的，升降機裏面不止我們兩人。

195 **張國鈞議員：**

196 是，OK，好的，我先問到這裏，你們繼續。

197 **主席：**

198 我們可以考慮播放剛才一段片段，看看你可不可以確認是否  
199 當時發生的事情，好嗎？走廊那段。

200 (播放有關閉路電視片段給符傳富先生觀看)

201 OK，我想可以了。看過這片段後，你有沒有甚麼補充？

202 **符傳富先生：**

203 這片段大約是許智峯議員把電話交回給我後，我等了一會兒  
204 才跟胡志偉議員離開。我應該有跟胡志偉議員說了一些東西，  
205 但都是事件的經過，即我知道他搶去電話之類的事情。是的，  
206 接着我便乘——接着應該是去乘升降機。

207 **主席：**

208 即其實這片段之後你都再見到許智峯議員，即在升降機  
209 大堂。

210 **符傳富先生：**

211 是，沒錯、沒錯，是升降機大堂。

212 **主席：**

213 OK，好的。副主席，接着是 Tony。

214 **謝偉俊議員：**

215 早晨，符先生，謝謝。我想理解一下，你在整個過程中，那天  
216 早上的事件裏，有沒有機會跟女事主理解那件事的事發經過？

217 **符傳富先生：**

218 有兩個階段，第一個階段是她站着的時候，她很簡單地說被  
219 許智峯議員搶去電話。接着第二個階段是，我取回電話下去回到  
220 政府官員辦公室的時候，再交回那部——即問她是否那部電話，  
221 接着她再說發生了甚麼事情。

222 **謝偉俊議員：**

223 好的，先看第一階段。當時除了說被人搶電話外，在你的印象  
224 中，還有沒有說搶的過程，或者用的力度，或者任何其他  
225 細節？

226 **符傳富先生：**

227 第一階段應該沒有，這個時間比較短，我們也立即去嘗試  
228 尋找許智峯議員。所以，她簡單說了之後，我們便分別去尋找  
229 許智峯議員。

230 **謝偉俊議員：**

231 好的，那麼，我們聚焦看第二階段。第二階段，重複剛才的  
232 問題，你有沒有從女事主口中了解到發生事件的過程、經過，  
233 或者是用的力度呢？

234 **符傳富先生：**

235 有的，她有說的，在那個階段便有——即在政府官員辦公室  
236 裏面，她有提到，她當時站在 2 樓的升降機大堂，進行她的工作，  
237 接着許智峯議員首先入去走近她，問她在做甚麼，她說正在  
238 工作，接着許智峯議員應該是搶走她手上的一張紙，就是有議員  
239 樣貌的那張紙。接着看完後發覺沒有甚麼，然後再想搶她的

240 電話。她說，她已盡力去保護電話，包括放在身後。但是，許智峯  
241 議員"夾硬"要搶，所以她搶不贏。當時她情緒激動和有哭的，她說  
242 這些事情的時候。接着我們都有去 comfort 她，說不是她的錯，  
243 並說她已經盡力，跟她沒關係。所以在這個階段，她有說她的  
244 內容。

245 接着她被搶去電話後，她便追許智峯議員，追向會議室 1  
246 的那個方向。所以，接着她便站在會議室 1 外面那裏。

247 **謝偉俊議員：**

248 稍稍把時間推前一點，當女事主介紹她被搶的階段時，有沒  
249 有提及甚麼身體上的接觸？

250 **符傳富先生：**

251 有的，她將電話放在身後，但許智峯議員仍"夾硬"搶她的  
252 電話。至於很仔細的形容詞方面，她並沒有很生動地形容。  
253 但是，那個畫面……我想大家都會想像得到他如何搶該部電話。

254 **謝偉俊議員：**

255 除了用言詞來介紹外，當時女事主有沒有身體的語言或  
256 姿態、姿勢介紹發生的過程？在被搶的階段。

257 **符傳富先生：**

258 應該沒有，因為她是坐着的。

259 **謝偉俊議員：**

260 想請你介紹一下，你剛才提及到，你發覺電話是已經破爛了  
261 的，你有沒有在任何階段、任何時間跟女事主接觸，了解電話  
262 本身的情況、破爛之後的情況是怎樣？為甚麼會破爛？有沒有  
263 理解到呢？

264 **符傳富先生：**

265 這個是有的，就是我下去返回——即乘升降機下去返回政府  
266 官員辦公室的時候，我有問女事主那部電話是否本身已經破爛

267 了，亦有問過我們 IT 的同事，因為他們負責管理那些電話，是否  
268 本身已經破爛了，他們兩位都表示是的。

269 **謝偉俊議員：**

270 本身是破爛的？

271 **符傳富先生：**

272 本身是裂開的。

273 **謝偉俊議員：**

274 破爛的情況是否跟女事主和有關同事的說法脛合呢？我的  
275 意思是，沒有再破爛多一點，或者一向都是這個狀態。

276 **符傳富先生：**

277 應該是一向——因為它是"爆 mon"那樣裂開了，至於你說  
278 有沒有裂多了一點，便沒有這麼仔細去看有沒有裂多了。

279 **謝偉俊議員：**

280 有沒有從女事主口中了解到那部電話的內容，除了你剛才  
281 介紹過有——你剛才的介紹說得比較快，有所謂是否 Google  
282 Spreadsheet？我有沒有聽錯？

283 **符傳富先生：**

284 是，沒錯、沒錯。

285 **謝偉俊議員：**

286 裏面……當中的資料是甚麼，你有沒有去理解到呢？

287 **符傳富先生：**

288 當中的資料是，當時會議室裏面，議員們是否在會議室  
289 裏面，或者我們所知議員的位置在哪裏。這就是我們知道的——  
290 即那張 spreadsheet 有這些東西。

291 **謝偉俊議員：**

292 除此之外，有沒有其他，或者如果我用"敏感"，或者是比較  
293 屬於政府內部資料的內容。這個說法，你有沒有甚麼回應呢？

294 **符傳富先生：**

295 那一刻我是不清楚的，因為我在——當我下去返回——即把  
296 時間稍為推前一點，當我說要——即當我知道那個電話被人  
297 搶去，去問 IT 可否斷開那個電話的 access ——即那個……即  
298 連繫之前，我不是非常確定那部電話可以看到些甚麼內容，其實  
299 直到最後取回電話之後——因為我自己沒有用過那些電話，亦與  
300 我們政府官員其他電話應該是不同的，所以我一直都不是  
301 太了解它可 access 到甚麼。

302 **謝偉俊議員：**

303 你剛才用"那一刻沒有研究、沒有了解到"，事後有沒有詳細  
304 了解到……有些甚麼資料是屬於政府，是屬於相對敏感或保密的  
305 資料，是政府內部同事才可以有 access 的呢？

306 **符傳富先生：**

307 我事後了解到，那部電話除了那張 spreadsheet 之外，應該  
308 都會去到我們的 Google Drive 的某些其他檔案，但那些檔案的  
309 詳情是甚麼，我就不清楚了。

310 **謝偉俊議員：**

311 有沒有嘗試了解，包括從女事主口中也好，或其他方法  
312 也好，了解當中有關電話的資料，有沒有任何人嘗試去取閱或  
313 download 過呢？

314 **符傳富先生：**

315 這個不清楚，因為……我想這是事後 IT 取回去做事或者  
316 警方，他們才會 check 得到的。我們當時只是看到表面……破爛  
317 了，與之前的都是一樣。除此之外就沒有特別的……



318 **謝偉俊議員：**

319 請你或者再詳細介紹一下，剛才你提及女事主當時的所謂  
320 **demeanour**，即她的狀態。除了你剛才提過，說她都是比較激動  
321 或驚慌之外，你可不可以介紹一下當時她說過些甚麼說話，或者  
322 有些甚麼身體語言，導致你有這個觀察，就是她驚慌或者  
323 不開心？

324 **符傳富先生：**

325 她有——我看到她是應該有哭的，她說話的時候，她回述的  
326 時候是有哭的，亦都是……雙手是……即你說是激動地去揮動，  
327 她憶述的時候，她還是很激動的，以及她令我感到她自己覺得  
328 內疚，就是保護不到該部電話。就是這樣，所以她是有哭的，  
329 有小量身體語言，即手有擺動，而她的言詞都是比較激動的。

330 **謝偉俊議員：**

331 最後，如果不介意，我也想問一下，關於在升降機內，你與  
332 許智峯議員的對話。你說過一兩次，你問他"何必呢"這 3 個字，  
333 當時他的答案，第一次你答——你提供證供的時候說，他說"預咗  
334 你地報警"。這句說話是否他自己說的？

335 **符傳富先生：**

336 他自己說的。

337 **謝偉俊議員：**

338 可不可以詳細一點，如果你記得的話，請你介紹一下"何必  
339 呢"之後他說了些甚麼呢？

340 **符傳富先生：**

341 我說的就是"何必呢？大家都係做嘢"，他就說："大家都係  
342 做嘢，我預咗你地報警，不過我依家要出去"。就是這幾句說話。

343 **謝偉俊議員：**

344 就沒有解釋為何他會"預咗你報警"？

345 **符傳富先生：**

346 沒有，沒有解釋、沒有解釋。

347 **謝偉俊議員：**

348 謝謝。

349 **主席：**

350 OK。在 Tony 提問之前，我們可不可以播放早前有一片段，  
351 就是在 2 樓會議室 1 外面那片段，就是符先生都有在場的，與  
352 女事主一起的。

353 (主席指示秘書播放顯示梁諾施女士及符傳富先生在場的  
354 閉路電視片段給符先生觀看)

355 OK，在這裏停一停。符先生，你可不可以認到，剛才你說  
356 在角落、在廁所外面等的就是這位女事主？

357 **符傳富先生：**

358 是，就是這位，沒錯、沒錯、沒錯。

359 **主席：**

360 就是剛才你形容很驚、哭，都是這位女事主，是嗎？

361 **符傳富先生：**

362 是，沒錯、沒錯，不過那是事後——即不在現場。

363 **主席：**

364 明白，OK。

365 **謝偉俊議員：**

366 對不起，我可否就問題方面稍為補充一下？

367 **主席：**

368 OK，好的、好的。

369 **謝偉俊議員：**

370 我想在剛才符先生的答案裏面澄清一下，其實該部女事主的  
371 電話，你是否知道，在任何階段，確認到該部電話是屬於誰人  
372 所有的？

373 **符傳富先生：**

374 我想當女事主在——即一開始對我說被人搶去電話的  
375 時候，她已經說是政府的電話，因為我們——即每一位同事都有  
376 ——即在進行工作期間都派了一部政府電話給他/她的，她已經  
377 說明，那是政府電話。

378 **主席：**

379 OK，好。請 Tony。

380 **謝偉銓議員：**

381 多謝主席。我想問符先生，剛才其實都確認了，因為回答  
382 副主席時，那部手機就是由許智峯議員親手交回給你的，之後  
383 你就下去政府——你說的政府官員辦公室。我想確認一下，政府  
384 官員辦公室的房間，你知不知房間的號碼是甚麼？這是第一點。

385 第二點，你們取回手機後便返回政府官員辦公室，女事主  
386 當時是否已經在那裏呢？你知不知道女事主在那裏多久呢？  
387 然後你有把取回的電話給女事主看，以及確認那部電話就是  
388 被許智峯議員"攞"去那部，是嗎？另外，之後那部電話是否  
389 你一直保管着，還是怎樣呢？

390 **符傳富先生：**

391 第一，政府官員辦公室的位置其實在 1 樓，在附近，但房號  
392 又真的不知道，這個沒有刻意研究過。

393 接着，第二是……

394 **謝偉銓議員：**

395 即你取回那部電話，女事主在那辦公室裏面——政府官員  
396 辦公室裏面，你知不知道她何時開始在那裏？

397 **符傳富先生：**

398 應該就一開始的時候，她——即我們在尋找，接着我都叫  
399 所有同事返回政府官員辦公室，所以包括女事主在內——我知道  
400 她一直應該留在那裏的了，即當我們決定叫所有同事回來的  
401 時候，所以她一直都在那裏的。

402 **謝偉銓議員：**

403 可能最少都有幾分鐘的了？

404 **符傳富先生：**

405 有，都有的，都有幾分鐘，她有機會在上面，她都有——即  
406 不是即時的，因為始終我都——即中間進行了我想有幾分鐘的  
407 事情，我才下去返回政府官員辦公室，之後再叫所有人回去，  
408 所以中間是有段時間的，不是即時下去的。

409 另外，最後就是那部電話，我取回確認之後，其後一直都由  
410 我保管，直到我交回，即我回到政府總部，才交給另一位同事，  
411 時間方面，我想當時已是 11 時許，我才交給另一位同事。另一位  
412 同事一直保管，直到他交給警方，我的理解就是這樣。

413 **謝偉銓議員：**

414 符先生，你取回電話，然後前往政府官員辦公室的時候，  
415 女事主確認就是那部電話。之後你就與她交談，就問得較為  
416 詳細，剛才副主席都有與你提及過。就是那時候，你覺得或者  
417 你記得，女事主回答你的問題時很激動，而且有哭，是嗎？

418 **符傳富先生：**

419 是的。

420 **謝偉銓議員：**

421 OK。另外，主席，我想問下，那房間是否即是 112 號房呢？  
422 我其實很想弄清楚。

423 **主席：**

424 應該是的，我的理解是。

425 **符傳富先生：**

426 位置就是在那裏。

427 (符先生示意政府官員辦公室就在會議室 5 門外對面)

428 **張宇人議員：**

429 斜對面那間。

430 **謝偉銓議員：**

431 其實房間內都有很多人，是否亦與——即在那裏，除了與  
432 女事主說話之外——是否亦都與秘書處保安方面有位周偉德  
433 先生，你有與他交談過？

434 **符傳富先生：**

435 當時，他叫甚麼名字，我就不確定。不過，當時還有保安局  
436 的政治助理劉富生先生。另外，我想立法會秘書處都有兩位同事  
437 在場。另外，我們 IT 的同事都在場，所以當時不是只有我一人。

438 至於中間的交談，應該有發生過的，不過具體內容就不記得  
439 了，有說過大約是被人搶去電話，那些東西都有說過的。

440 **謝偉銓議員：**

441 即你與保安……

442 **符傳富先生：**

443 與保安。

444 **謝偉銓議員：**

445 ……與秘書處保安……

446 **符傳富先生：**

447 是的……

448 **謝偉銓議員：**

449 ……有交談……

450 **符傳富先生：**

451 ……但我不肯定是誰人。

452 **謝偉銓議員：**

453 ……但是，除了你剛才記得，說可能搶去電話之外，其實較為  
454 細緻的交談內容，你現在是否記得？

455 **符傳富先生：**

456 與立法會保安之間的就記不起了，應該——但沒甚麼——  
457 應該都是簡單的事實陳述，就是說我們有同事被人搶去電話。  
458 我記得有問過是否需要報警，但我們當時決定待會議結束後，  
459 先將事件請示局長們，之後再作決定。

460 **謝偉銓議員：**

461 好的，謝謝。

462 **主席：**

463 好，Horace。

464 **張國鈞議員：**

465 我還有少許簡單的問題想補充而已，剛才……其實那天你和  
466 女事主有兩次的交談，對嗎？第二次那個，我剛才已很詳細地  
467 聽到。關於第一次，即她在走廊上與你及另一位政府同事，那次  
468 是很簡短的……

469 **符傳富先生：**

470 好簡短。

471 **張國鈞議員：**

472 ..... 你可否就那次——你是否記得具體的內容是怎樣？  
473 簡短的，以及她當時的神情和語態是怎樣的？即第一次。

474 **符傳富先生：**

475 她的神情是驚慌的，但未有第二次那麼激動，她都是驚慌  
476 的，當她跟我說被許智峯議員搶去電話時，最初我是.....

477 **張國鈞議員：**

478 她用的字眼，你是否記得？

479 **符傳富先生：**

480 她說.....

481 **張國鈞議員：**

482 是不是用"搶"字？還是.....

483 **符傳富先生：**

484 用"搶"字、用"搶"字的。我最初不是太相信的——坦白地說。  
485 我再問她一次："你確定是許智峯議員搶去你的電話？"，  
486 她說："是許智峯議員搶去我的電話"，這樣我才去尋找。

487 **張國鈞議員：**

488 OK。

489 **符傳富先生：**

490 這是很簡短的，然後便沒有了。

491 **張國鈞議員：**

492 好。至於你提及過，在場另外一位同事，即政府同事，那位  
493 同事是 IT 同事，對嗎？

494 **符傳富先生：**

495 IT 同事。

496 **張國鈞議員：**

497 就是你提及過，之後談到有關 Google Spreadsheet 的那位  
498 同事，是同一位嗎？

499 **符傳富先生：**

500 沒錯，是同一位。

501 **張國鈞議員：**

502 好，謝謝。

503 **主席：**

504 好，Tommy。

505 **張宇人議員：**

506 我想多問你一次，剛才看到的時間……

507 **主席：**

508 請開麥克風，謝謝。

509 **張宇人議員：**

510 ……是 9 時 42 分，你第一次跟她說，她就——剛才大家同事  
511 都問過你，她跟你說許智峯議員搶去她的電話，並指着一道門。  
512 那道門你剛才也說，一是其實可以由後樓梯下去 1 樓，一是通往  
513 洗手間，亦可以從那道門返回他的座位。

514 **符傳富先生：**

515 沒錯。



516 **張宇人議員：**

517 你走去我們的播音室內，那裏有面鏡，你可以看到許智峯  
518 議員沒有坐在其座位上。

519 **符傳富先生：**

520 是的，沒錯。

521 **張宇人議員：**

522 因為我們那個財務委員會——不是，那個不是財務委員會，  
523 那是……

524 **主席：**

525 "一地兩檢"。

526 **張宇人議員：**

527 ……臨時，但當時那個會議我們是否需要坐回自己的座位？  
528 是否需要的？

529 **符傳富先生：**

530 應該是的。

531 **主席：**

532 "一地兩檢"那一個。

533 **張宇人議員：**

534 因為如果不是，他不在座位上不等於他不在會議室內，因為  
535 我不記得那個會議是否需要大家坐回自己的座位，在 1 號房是  
536 可能的，因為應該都有很多人參加該會議。

537 **主席：**

538 是的。

539 **張宇人議員：**

540 那麼其實你當時有沒有想過，看到他不在座位上，你會進入  
541 洗手間，因為議員很少，包括我，從來沒有從該處走樓梯往  
542 下面，秘書就會這樣，但我們很少，他們為免擠進升降機，便從  
543 那裏離開。你有沒有想過進入洗手間看看他是否在裏面？

544 **符傳富先生：**

545 我當刻沒有想過，我沒有想過，因為事發都已有一段時間，  
546 我覺得他會離開那個情況，而不是去洗手間，所以我沒有去  
547 洗手間查看。

548 **張宇人議員：**

549 你沒有去洗手間查看，OK。

550 **主席：**

551 好，其他，Paul。

552 **謝偉俊議員：**

553 我回過來跟進一下張宇人議員的問題，有關洗手間那一段。  
554 我希望你明白到我們現在由於——可能你都知道——女事主  
555 本身不會作為證人，所以我希望你可以在這方面幫到我們  
556 多一點，即在洗手間或者……對不起，女事主有否向你交代她被  
557 搶去手機之後所發生的事情呢？

558 **符傳富先生：**

559 她指着那個方向，便說許智峯議員向着該方向走去。當時  
560 我以為他從那個方向經過會議室 1，再從會議室 1 離開或者  
561 怎樣，我沒有意會到他會衝去洗手間的那個位置。

562 **謝偉俊議員：**

563 你沒有意會到，但女事主有沒有提及到許智峯議員入了  
564 洗手間？

565 **符傳富先生：**

566 當刻沒有，當刻應該——至少我沒有聽到。

567 **謝偉俊議員：**

568 有沒有任何時間、任何階段理解得到這方面發生過一些  
569 過程？

570 **符傳富先生：**

571 在許智峯議員從那個方向走出來後，即直至交回電話給我  
572 之前，他是從那個方向走出來。因為我之前一直都有留意他  
573 是不是在會議室 1 內或在附近，所以當刻我有想過其實他躲在  
574 洗手間內，即去到 10 時 10 分的時候。

575 **謝偉俊議員：**

576 那一刻你有想過，但當刻前後或事後，有沒有任何人向你  
577 講述過許智峯議員"擺"手機後所發生的事情呢？

578 **符傳富先生：**

579 事後有留意過一些報道，有提及過他去了洗手間。

580 **謝偉俊議員：**

581 是甚麼報道？你是否記得？

582 **符傳富先生：**

583 新聞報道那些，但不是當事人跟我說的。

584 **謝偉俊議員：**

585 OK。另外想請教你，關於你提及過除了手機外，還有一份  
586 文件，你可否詳細一點說說是甚麼文件，或者該份文件與當時  
587 女事主發生的事件的過程是怎樣？

588 **符傳富先生：**

589 那份文件應該是有些議員的樣貌和名字，但你說那份文件  
590 確實……因為被許智峯議員搶去後，應該丟在升降機大堂那裏，  
591 所以她沒有拿回來，而我事後也沒有看過。但我的理解是，  
592 有各位議員的樣貌和名字在上面。

593 **謝偉俊議員：**

594 是的，除了提及過搶手機外，有沒有提及過搶文件這件事？

595 **符傳富先生：**

596 女同事是有的，她第一次和我接觸時，沒有提及過該份  
597 文件，但第二次在政府官員辦公室入面詳細地講述時，她便有  
598 提及過。

599 **謝偉俊議員：**

600 剛才在上一段提問的時間，問到有關電話是屬於誰人的  
601 財物，你的答案是政府提供。我想理解多些，如果說手機是屬於  
602 政府，你剛才已提及過有關內容，如果有任何私隱、秘密被洩漏  
603 或被濫用，那麼是誰的私隱、誰的秘密？

604 **符傳富先生：**

605 因為政府的電話，譬如我自己都有一部政府電話，但我自己  
606 那部電話包括有很多不同的功能，包括電郵、WhatsApp 或 access  
607 到其他很多不同的地方。所以最初我擔心那些電話有相似  
608 的功能，裏面的資料應該大部分都與公務相關，才會在該部政府  
609 電話內。

610 **謝偉俊議員：**

611 你剛才說"最初擔心"，事實上，你之後的理解是怎樣？

612 **符傳富先生：**

613 我之後的理解是，當我下去返回政府官員辦公室，問 IT 同事  
614 那部電話的功能時，便理解到那部電話只可 access 到 Google

615 Spreadsheet, 以及之後可以——亦都知道它可以 access 到 Google  
616 Drive, 但沒有剛才我所述的電郵及 WhatsApp, 沒有這些功能的。

617 **謝偉俊議員：**

618 那部電話除了是屬於政府，以及剛才你提及過的那些資料  
619 外，你是否知道有沒有個人的資料？

620 **符傳富先生：**

621 應該沒有的，因為那些電話全是每一次我們進行工作前才  
622 分發的，例如當天早上才分發給每一位不同的同事，不是"跟"某  
623 一個特定的人。

624 **謝偉俊議員：**

625 即是每部電話不是"跟死"——所謂"跟死"——一位職員，  
626 而是到時候在早上才分配的。

627 **符傳富先生：**

628 對，那種電話是這樣的。

629 **謝偉俊議員：**

630 基本上都是屬於公家的資料內容……

631 **符傳富先生：**

632 是的，沒錯。

633 **謝偉俊議員：**

634 ……所以如果有任何侵犯資料的話，應該不是女事主個人的  
635 私隱問題，而可能是政府本身一些比較敏感或保密的內容，  
636 對嗎？

637 **符傳富先生：**

638 沒錯。

639 **謝偉俊議員：**

640 OK，謝謝。

641 **主席：**

642 好，我也有幾個問題。第一，我想問問，第一次看到女事主  
643 時，你說在走廊上看到她，她跟你說被許智峯議員搶去手機，  
644 你形容她是用"搶"的字眼，當時她的心情是怎樣的？

645 **符傳富先生：**

646 她是激動的，她……

647 **主席：**

648 她當時是向你求助的態度，是嗎？

649 **符傳富先生：**

650 是的，但其實她最初並不認得我，她不知道我是……因為  
651 她本身是保安局的，不是運輸及房屋局的同事，所以她不認得  
652 我。直到那位同事帶我過去，接着才介紹我是運輸及房屋局的  
653 政治助理，她才求助，即是說她被人搶去電話，亦尋求指示應該  
654 怎樣做。

655 **主席：**

656 OK，好。第二，你說在官員休息室時，女事主形容她盡力  
657 保護該部電話，將該部電話放在身後，但許智峯議員"夾硬"搶，  
658 她有沒有提到"夾硬"是怎樣的"夾硬"？

659 **符傳富先生：**

660 沒有很仔細地描述。

661 **主席：**

662 OK，但是，是用"夾硬"那字眼？

663 **符傳富先生：**

664 是的，"夾硬".....意思是這樣，因為她當時的情緒是比較  
665 激動，我們亦不好意思再仔細問她當時發生甚麼事，怎樣怎樣，  
666 所以便沒有詳細問她，都是她自己說而已。

667 **主席：**

668 OK。我們剛才在片段中都看到，你是先遇見胡志偉議員，  
669 然後你跟他說。你剛才——你第一次說的時候就是說胡志偉議員  
670 當時未及有反應。他當時——你跟他說——你怎樣跟他說？那他  
671 當時——雖然他未及有反應，但他有甚麼反應呢？

672 **符傳富先生：**

673 我說了兩次，其實都是說許智峯議員搶去我們同事的電話。  
674 接着他應該是說："乜嘢話？"，我接着便再說一次，說許智峯議員  
675 搶去我們同事的電話，就在這個時候許智峯議員就出現了。他的  
676 反應可以說是詫異的。

677 **主席：**

678 OK，是的，即他是很詫異的，即他——我想他——相信你說  
679 第一句，他問"乜嘢話"時，他是真的聽不到你說的話，還是他  
680 不相信你的說話，你覺得？

681 **符傳富先生：**

682 我很難去猜測他為甚麼，但我想他也是詫異的，他的表情是  
683 詫異的。

684 **主席：**

685 OK。好的，那麼之後，我們在剛才的片段中看到，根據你的  
686 描述就是許智峯議員交回手機給你，但你和胡志偉議員仍未  
687 離開的，你們仍有交談的，談及這件事，胡志偉議員有沒有談到  
688 關於這件事的態度或回應呢？

689 **符傳富先生：**

690 當時是談及這件事的——即談及這件事，因為剛才我們最初  
691 的交談很短，我大概很簡單地說出我們的同事是站在那個  
692 位置，接着便被他搶去電話。在我印象中，胡志偉議員曾說過："你  
693 們應該怎樣做就怎樣做吧"。

694 **主席：**

695 OK。你可以記得的那幾句就只有這句？

696 **符傳富先生：**

697 對的。

698 **主席：**

699 有沒有其他可以再多說一些？

700 **符傳富先生：**

701 其他的就沒有特別了，因為都是……因為我與胡志偉議員  
702 都是一些事實的陳述，我知道我們的同事在這裏，接着被人搶去  
703 電話。我之後再補充少許這些事情而已，然後便沒有特別的事情  
704 提及過。

705 **主席：**

706 OK。我接着想問，你說電話內有 Google Spreadsheet，那麼  
707 這 spreadsheet，據你們的理解，這並不是一些公開資料，即是  
708 可讓公眾人士參閱，只是讓你們同事作為公務的用途，即是政府  
709 內部的文件，可不可以這樣說？

710 **符傳富先生：**

711 可以，我們並沒有公開過……

712 **主席：**

713 亦不打算公開這些文件，是嗎？



714 **符傳富先生：**

715 據我理解，亦都沒打算過。

716 **主席：**

717 是，即只是政府內部的文件？

718 **符傳富先生：**

719 是的。

720 **主席：**

721 即是手機內他有機會看到的文件，都是一些政府內部的  
722 文件，不打算公開的一些公眾資料？

723 **符傳富先生：**

724 據我所知，沒有打算公開的。

725 **主席：**

726 OK，好的，謝謝。

727 看看同事還有沒有甚麼想補充。副主席。

728 **謝偉俊議員：**

729 符先生，或者再簡單問一問，除了你和當時女事主兩個階段  
730 的對話外，有沒有任何階段經任何途徑了解到事發的經過？

731 **符傳富先生：**

732 之後那些——因為其實我對事件真正發生的時候，是根據  
733 女事主當時對我所說的話，但之後因為有不同的渠道，也有不同  
734 的消息傳出，亦有些新聞報道說在看過 CCTV 後發生了甚麼  
735 事情，當時有些報道這樣提及過，我也有看過那些報道。

736 **謝偉俊議員：**

737 是的，除了新聞報道或者大家可能有機會接觸外，在不違反  
738 任何公職保密責任的情況下，你是否能夠提供有任何渠道，  
739 在政府內部通信或其他部門之間的了解，當時發生的過程是  
740 怎樣的？

741 **符傳富先生：**

742 就這件事，因為據我理解，第二天已報警，所以我們已進入  
743 了調查的程序，所以我們便沒有討論過關乎這件事情的任何  
744 東西，任何東西也沒有討論過。

745 **謝偉俊議員：**

746 謝謝。

747 **主席：**

748 我想補充一點而已。你剛才說在走廊時，女事主跟你說她被  
749 許智峯議員搶去手機，我記得你曾經提過，你的心情當時是  
750 不相信的。

751 **符傳富先生：**

752 沒錯，是不相信的。

753 **主席：**

754 你可不可以說你當時為何不相信呢？為甚麼你會不相信  
755 呢？

756 **符傳富先生：**

757 在立法會內有議員搶去同事的電話這件事，我想第一，未曾  
758 發生過；第二，亦沒有預期會發生。所以之後我也有——即之後  
759 我是不相信，並擔心會不會有其他同事被人搶去電話。

760 **主席：**

761 我想請問你，你說覺得沒有預期會發生的原因，是因為覺得  
762 在這個立法會大樓內不應該出現這種事情，還是因為立法會  
763 議員不應該做這種事情？

764 **符傳富先生：**

765 我想兩者皆是，第一就是任何人在任何地方搶東西都是不  
766 應該的。如果你在立法會內被一個尊貴的立法會議員搶去你的  
767 電話，更加是難以想像的。所以我當時再多問同事一次，是否  
768 確定是許智峯議員搶去她的電話。

769 **主席：**

770 即當時梁女士告訴你許智峯議員做了一個行為，你是不相信  
771 會在立法會大樓或由一位尊貴的議員做出這種行為？

772 **符傳富先生：**

773 沒錯。

774 **主席：**

775 然後你再把這件事告訴胡志偉議員時，胡志偉議員也覺得很  
776 詫異？

777 **符傳富先生：**

778 沒錯。

779 **主席：**

780 似乎他都是不……

781 **符傳富先生：**

782 即我可以說他表面是詫異的。

783 **主席：**

784 詫異的。

785 **符傳富先生：**

786 是的，沒錯。

787 **主席：**

788 好的。Tommy。

789 **張宇人議員：**

790 想多問你一次，就是當你取回電話，預備由 2 樓往 1 樓，就在  
791 升降機的大堂看到許智峯議員，與他一起入升降機。你按了  
792 1 字樓並在 1 樓出，但其實當時許智峯議員在 1 樓出，向天橋  
793 那方向走，還是往下從地下離開？你有沒有留意？

794 **符傳富先生：**

795 許智峯議員沒有出升降機，只是我出升降機而已。

796 **張宇人議員：**

797 即他沒有出升降機，所以他不會在 1 樓那裏離開？

798 **符傳富先生：**

799 在我……至少我出升降機……

800 **張宇人議員：**

801 你記不起不要緊，總之是……

802 **符傳富先生：**

803 我早過他離開了。

804 **張宇人議員：**

805 ……你出升降機？

806 **符傳富先生：**

807 是的，出……

808 **張宇人議員：**

809 .....因為我也要思考由 2 樓往 1 樓的時間，你是在升降機內  
810 問他，即何必呢？大家也是做一份工作而已，大約是這樣的  
811 說話，那麼他就回答你："預咗你地報警"。那是在升降機內說的，  
812 是嗎？

813 **符傳富先生：**

814 在我印象中是的，印象中是的。

815 **張宇人議員：**

816 當時在升降機內只有你和他兩人？

817 **符傳富先生：**

818 不是，有其他人士的，有立法會同事，我想至少有一位。

819 **張宇人議員：**

820 記不記得是甚麼名字？

821 **符傳富先生：**

822 不記得，亦不認得。

823 **張宇人議員：**

824 OK。當時那升降機由 2 樓往 1 樓，在 10 時 10 分的時間，  
825 是有其他人士在場，肯定有一個可能是立法會議員在場？

826 **符傳富先生：**

827 立法會議員一定有，亦有其他人士在場，但該些人士我也是  
828 不認識的。

829 **張宇人議員：**

830 他說"預咗你報警"那句話，就在這些人士面前說的？

831 **符傳富先生：**

832 那件事……

833 **張宇人議員：**

834 因為你在升降機大堂看到他，在 2 樓的大堂那裏，即升降機  
835 仍未到，因為你說他正在等候升降機，你走過去，他已經早過  
836 你去到那裏，因為他交回電話給你後，他就不知怎樣往哪裏去，  
837 然後去了升降機，你預備乘升降機往 1 樓，那你在升降機大堂  
838 看到他，其實我想問你的就是這句說話，他跟你說："預咗你地  
839 報警"。這是在大堂，還是在升降機內呢？再者，如果在……當時  
840 在大堂，除了你和他外，還有沒有其他同事、有沒有其他人士  
841 正在等候升降機，依據你的記憶？

842 **符傳富先生：**

843 即在大堂看到他的整段對話，包括我有問他該手機是否破爛  
844 了，是原本已經破爛，還是他弄破的，他說他不知道。接着再有  
845 那段對話，就是我問他："何必呢？大家都係做嘢"。在升降機大堂  
846 內，我不肯定，我印象中好像是有一些同事在遠方，好像是  
847 有的，但這點我並不確定。在升降機內，我頗肯定是有其他人士。

848 **張宇人議員：**

849 在升降機內有很多人。我想我們能否取回——即之後說的  
850 10 時，他說的 10 時 10 分的時間，他取回電話去升降機大堂  
851 那裏，以及入到升降機內，其實我們還有沒有那些影帶呢？我們  
852 有沒有 keep 呢？

853 **主席：**

854 有沒有辦法？

855 **張宇人議員：**

856 我知道入了升降機，我們是無法錄音的，但我想問……

857 **謝偉俊議員：**

858 關於這方面委員可在研訊結束後再作討論。

859 **張宇人議員：**

860 OK。

861 **主席：**

862 各位同事還有沒有其他問題？有沒有補充？

863 符先生，有沒有東西想補充？OK，多謝你今天的時間，多謝  
864 你接受我們的研訊。

865 **符傳富先生：**

866 Thank you.

867 **主席：**

868 謝謝。

(請於 2019 年 4 月 9 日(星期二)或該日前交回)  
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立法會綜合大樓3樓  
立法會秘書處  
調查委員會秘書  
胡日輝先生

Mr Lemuel WOO  
Clerk to Investigation Committee  
Legislative Council Secretariat  
3<sup>rd</sup> floor, Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

### 保密承諾書

根據《議事規則》第 49B(2A)條  
就譴責許智峯議員的議案成立的調查委員會("調查委員會")

本人承諾，若未事先取得調查委員會的書面授權，不會發表有關調查委員會閉門會議或研訊過程的任何事宜，包括在調查委員會席前取得的證據、向調查委員會出示的文件及調查委員會的決定，但若該等事宜已向外發表或載於調查委員會向立法會提交的任何報告內則除外。本人並承諾會採取所需步驟，防止這些事情在調查委員會向立法會提交報告之前或之後向外發表，除非調查委員會已撤銷保密限制。

### Confidentiality undertaking

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

I undertake that I will not publish, without the prior written authorization of IC, any matter relating to the proceedings of meetings or hearings of IC held in private, including evidence taken before IC, documents produced to it and its decisions, except such matter that has already been published or contained in any report presented by IC to the Council. I also undertake that I will take the necessary steps to prevent publication of such matter either before or after IC presents its report to the Council, unless the confidential classification has been removed by IC.

尚在考慮中  
胡日輝 回應  
將作書面回覆

簽 署 Signature : \_\_\_\_\_

姓 名 Name : HUI CHI FUNG

日 期 Date : 9 APR 2019





立法會  
LEGISLATIVE COUNCIL

來函檔號 YOUR REF :  
本函檔號 OUR REF : CB4/IC/17  
電話 TELEPHONE : 3919 3406  
圖文傳真 FACSIMILE : 2543 9197  
電郵 EMAIL : yfwoo@legco.gov.hk

By hand

6 January 2020

Hon HUI Chi-fung  
Room 913  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Mr HUI,

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

We refer to our letters dated 24 August and 5 October 2018, 19 March, 27 May, 14 June and 12 August 2019, and your reply dated 9 April 2019.

As mentioned in our letters dated 14 June and 12 August 2019, the captioned Investigation Committee ("IC") has commenced its hearings according to its Practice and Procedure and four persons would be invited to attend hearings to be examined. Please be informed that IC subsequently decided that Mr Kenny KWAN, Senior Security Assistant 7 of the Legislative Council ("LegCo") Secretariat, would not need to attend IC's hearing to give evidence at this stage.

IC has noted that you have not signed and returned the confidentiality undertaking to IC. In the circumstances, IC will not forward to you any information/evidence obtained by IC to establish the facts in relation to the censure motion, or an advance copy of IC's report before it is tabled in the Council for your written response. For your information, the information/evidence which IC has obtained includes the closed-circuit television footage of the LegCo Complex ("Complex")

which may cover the alleged incident in relation to the censure motion, footage of your media interviews in the Complex on 25 and 26 April 2018, your telephone interview with the radio programme "自由風自由PHONE" broadcast on Radio Television Hong Kong Radio 1 on 25 April 2018, and the verdict of the case *Hong Kong Special Administrative Region v HUI Chi-fung* (case no.: ESCC 2544/2018).

To ensure a fair and impartial investigation, IC would like to request you not to engage in communications by conversations or any other form with any persons (including IC members, other witnesses or potential witnesses) on any matter relating to the work of IC, except your legal adviser(s) or any persons authorized by IC, before IC has presented its report to the Council.

If you have any questions, you are welcome to contact me at 3919 3406 or Ms Macy NG, Senior Council Secretary (4)3, of the LegCo Secretariat at 3919 3412.

Yours sincerely,

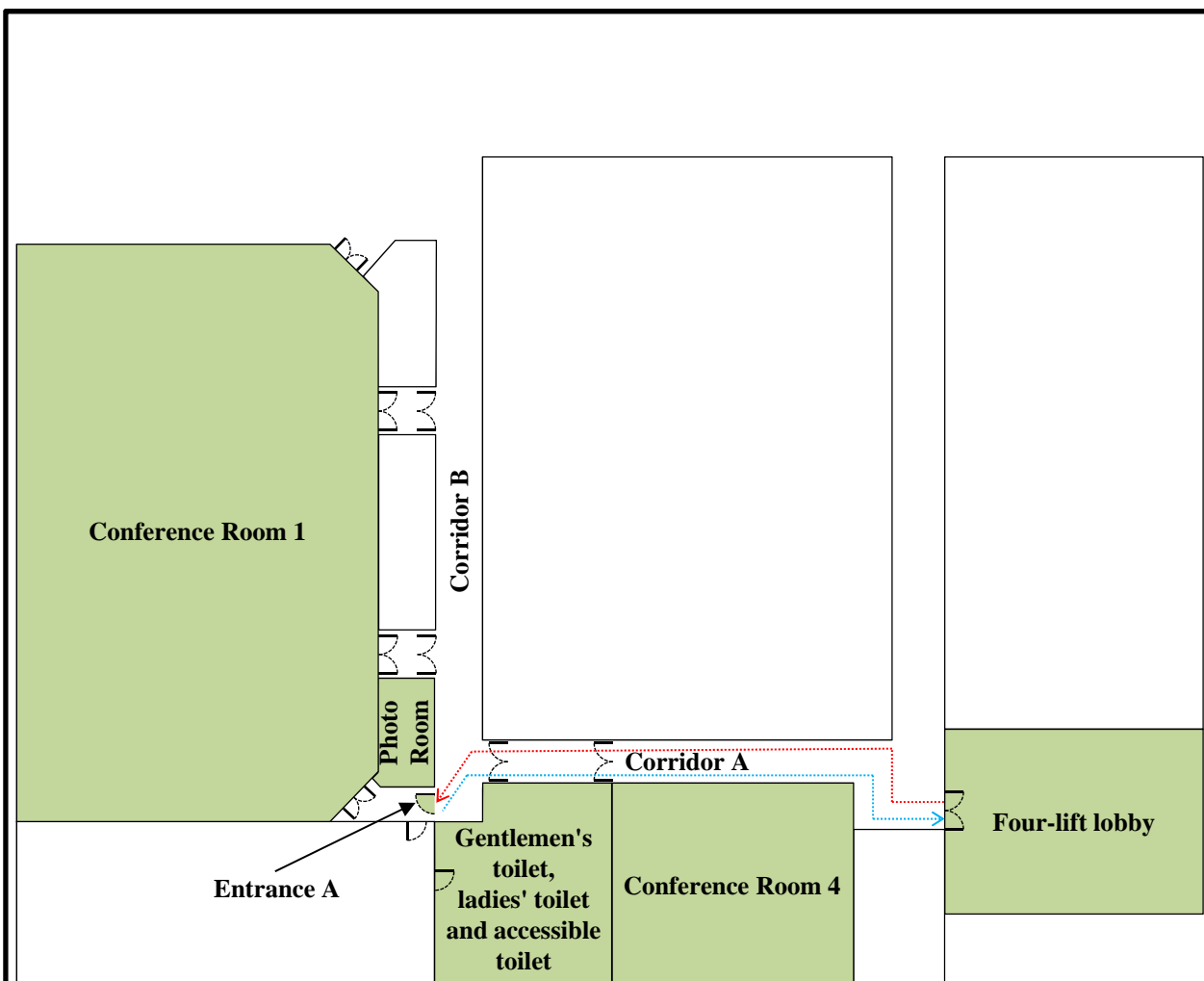
A handwritten signature in black ink, appearing to be 'Lemuel WOO', written over a horizontal line.

(Lemuel WOO)

Clerk to Investigation Committee

c.c. Hon Alice MAK Mei-kuen, BBS, JP, Chairman of Investigation Committee

**Locations on the second floor of the Legislative Council Complex  
relevant to the alleged incident related to the censure motion\***



**Remarks**

- \* The simplified map is not to scale.
- The route of Hon HUI Chi-fung and Ms LEUNG Ngok-sze running from the four-lift lobby to Entrance A between 9:42:34 am and 9:42:42 am on 24 April 2018.
- The route of Hon HUI Chi-fung walking from Entrance A to four-lift lobby at around 9:58:01 am on 24 April 2018.

**Advisory Guidelines on Matters of Ethics  
in relation to the Conduct of Members of the Legislative Council  
of the Hong Kong Special Administrative Region  
in their capacity as such**

*(Issued by the Committee on Members' Interests under  
Rule 73(1)(d) of the Rules of Procedure of the Legislative Council)*

1. A Member should ensure that his conduct must not be such as to bring discredit upon the Legislative Council ("the Council").
2. A Member should conduct himself in such a way as not to place himself in a position which may be contrary to the generally assumed standard of conduct expected of a Member of the Council. When deciding whether to engage in activities of a commercial nature such as advertisement activities, Members should accord due consideration as to whether the nature and contents of such activities might be regarded as not in keeping with the position or prestige of a Member of the Council and thereby bringing discredit upon the Council.
3. A Member should adhere to the spirit and the letter of any rules or regulations made by the Council, its committees or subcommittees, or the President for the regulation of the practice and procedure of the Council, its committees and subcommittees, or Members' behaviour in their conduct of the business of the Council.
4. A Member should not, in his capacity as such, seek to influence another person to further the Member's private interest.
5. A Member should not take advantage of, or benefit from, information that is obtained in his capacity as a Member of the Council and which is not generally available to the public.
6. A Member should ask for information only about matters of public interest and should not seek information for private or personal interest.
7. A Member should ensure that the personal information (e.g. qualifications) he provides to the Council (including the Legislative Council Secretariat) is correct and true.