

**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**

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:

**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**

- (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.

**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**

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*

**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**

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.