

立法會
Legislative Council

LC Paper No. CB(2)1384/18-19

Ref : CB2/H/5/18

House Committee of the Legislative Council

**Minutes of the 21st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 3 May 2019**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, GBS, JP
Hon Tommy CHEUNG Yu-yan, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, SBS, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon CHAN Han-pan, BBS, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung, JP

Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, BBS, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon CHU Hoi-dick
Hon Jimmy NG Wing-ka, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon SHIU Ka-fai
Hon Wilson OR Chong-shing, MH
Dr Hon Pierre CHAN
Hon CHAN Chun-ying, JP
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung, JP
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, BBS, MH, JP
Dr Hon CHENG Chung-tai
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho
Hon Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Vincent CHENG Wing-shun, MH
Hon Tony TSE Wai-chuen, BBS
Hon CHAN Hoi-yan

Members absent :

Hon WONG Kwok-kin, SBS, JP
Hon MA Fung-kwok, SBS, JP
Hon SHIU Ka-chun
Hon YUNG Hoi-yan
Hon Tanya CHAN

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Kelvin LEE	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Connie AU	Senior Council Secretary (2)6
Mr Richard WONG	Senior Council Secretary (2)8
Miss Michelle TANG	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Miss Meisy KWOK	Legislative Assistant (2)6

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I. Confirmation of minutes of meeting

Minutes of 20th meeting held on 26 April 2019

(LC Paper No. CB(2)1312/18-19)

The minutes were confirmed.

Issues relating to the meeting arrangements for the special House Committee meeting on 4 May 2019 ("the special HC meeting")

2. Dr KWOK Ka-ki raised a point of order and said that at the meeting of the Bills Committee on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bills Committee") on 30 April 2019, the Secretariat had indicated that the Chairman had enquired about available time slots for holding a special HC meeting. As a result, the time slots in the morning of 7 May 2019 had been reserved and two subcommittees formed to study subsidiary legislation could not schedule meetings for those time slots. He

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considered that the holding of a special HC meeting should first be discussed at a regular HC meeting and considered that the Chairman had deviated from the practice of HC. Dr KWOK further said that he had written to the Chairman on 30 April 2019 regarding the above matter and asked why his letter had not been included in the agenda item "Any other business" of this HC meeting for discussion.

3. Mr Jeffrey LAM said that the matter raised by Dr KWOK Ka-ki was not a point of order. He hoped that the Chairman could deal with that matter in accordance with the Rules of Procedure ("RoP").

4. In response to Dr KWOK Ka-ki's enquiry, the Chairman said that on her instruction, the Clerk had issued a reply to Dr KWOK Ka-ki before this HC meeting. As pointed out in the reply, at the last HC meeting on 26 April 2019 ("the last HC meeting"), some Members had expressed concerns that the Bills Committee had not yet elected its chairman at its first meeting. The Chairman added that Dr Junius HO had sent a letter to her before the last HC meeting expressing his views on the same matter. She had also noticed that many Members had, in media interviews, requested HC to deal with issues relating to the election of the chairman of the Bills Committee. In the light of the above, she had made an enquiry with the Secretariat about possible time slots in anticipation that HC might need to hold a special HC meeting to discuss the matter concerned, and she considered this a fair and reasonable practice. The Chairman stressed that she had not reserved any time slots or pre-empted other committees from scheduling meetings.

5. In response to Ms Claudia MO's query as to why the Chairman had not consulted Members before calling the special HC meeting at such a short notice, the Chairman explained that 40 Members had jointly written to her on 30 April 2019 ("the joint letter of 40 Members") requesting HC to handle issues relating to the election of the chairman of the Bills Committee. Having considered the urgency of the matter concerned, and bearing in mind that efforts should be made as far as practicable to avoid scheduling meetings that would clash with other committee meetings, she considered it more appropriate to schedule a special HC meeting on this Saturday (i.e. 4 May 2019) to deal with the matter raised in the joint letter of 40 Members. The Chairman said that Members could discuss issues relating to the meeting arrangements for the special HC meeting ("the meeting arrangements concerned") at the meeting to be held on the next day if they so wished.

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6. Mr CHU Hoi-dick commented that the holding of a special HC meeting to discuss the joint letter of 40 Members, which requested HC to provide guidelines to the Bills Committee pursuant to RoP 75(8), would violate RoP. In his view, it might bring disastrous impact on the Legislative Council ("LegCo") if the proposed guidelines in the joint letter of 40 Members were passed at the special HC meeting. Mr CHU also queried whether the proposal made in the joint letter of 40 Members was to usurp the power of the Bills Committee, and he considered it necessary for the Legal Adviser ("LA") to clarify the above issues before the holding of the special HC meeting.

7. In response to Ms Claudia MO's request to speak again, the Chairman said that as other Members who had not spoken for the first time had indicated their wish to speak, the Chairman would allow those Members to speak first and asked Ms MO to wait for her turn to speak again. At 2:39 pm, the Chairman invited Members who wished to speak to so indicate and the Chairman would "draw a line" on the discussion of issues relating to the meeting arrangements concerned.

8. Dr CHENG Chung-tai said that he noted that the joint letter of 40 Members was received by the Secretariat on 30 April 2019, which had passed the deadline for proposing agenda items for this HC meeting. He queried why the Chairman had arranged the special HC meeting instead of including the matter in the agenda for the next regular HC meeting. Mr CHAN Chi-chuen considered that the holding of a special meeting of HC, Panels and committees should be notified, discussed and decided at a regular meeting beforehand. As the matter raised in the joint letter of 40 Members had not been discussed at any regular HC meeting, the special HC meeting to be held on the next day should deal with whether a special HC meeting should be held in the first place.

9. Dr Fernando CHEUNG, Mr AU Nok-hin and Mr LEUNG Yiu-chung expressed a similar view that the special HC meeting should only be held after all legal issues relating to the substantive guidelines as proposed in the joint letter of 40 Members had been clarified. Dr CHEUNG said that as the proposed guidelines were highly controversial, he considered it highly inappropriate and improper for Members to hold a discussion at the special HC meeting without receiving LA's legal advice beforehand. Mr AU was concerned that if the Chairman acceded to dealing with the request made in the joint letter of 40 Members (i.e. HC to provide guidelines to the Bills Committee relating to the election of its chairman), this might potentially violate the ruling made by Ms Miriam

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LAU, a former HC Chairman, at the HC meeting on 27 June 2008. Mr LEUNG said that the need to hold the special HC meeting should be discussed at this HC meeting as many Members had questioned the legality of holding the special HC meeting. Mr LEUNG also criticized the Chairman for not having consulted Members' availability for the special HC meeting, which was scheduled to be held on a Saturday afternoon for 4.5 hours. Mr AU also asked whether the Chairman had consulted the Deputy Chairman before calling the special HC meeting.

10. Dr Helena WONG, Mr HUI Chi-fung and Mr WU Chi-wai shared a similar view that there was no legal basis for HC to hold the special HC meeting to discuss the matter raised in the joint letter of 40 Members. Dr WONG criticized the Chairman for being dictatorial, refusing to allow Members to discuss at a regular HC meeting whether there was an urgency to deal with the matter and not consulting Members' availability before calling the special HC meeting. Mr HUI considered that the purpose of the substantive guidelines as proposed in the joint letter of 40 Members was to remove Mr James TO, who had the highest precedence among members of the Bills Committee, from presiding over the election of the chairman of the Bills Committee, and appoint a member of the Bills Committee preferred by Members of the pro-establishment camp to preside at the election instead. Mr HUI considered that there was no real urgency to deal with the matter as the Bills Committee would hold its next meeting on 6 May 2019, and he requested the Chairman to cancel the special HC meeting. Mr WU criticized the Chairman for not following procedural fairness when calling the special HC meeting which, in Mr WU's view, was highly improper and unacceptable. Mr WU also commented that the Chairman did not even make a gesture to consult Members' availability and arbitrarily decided to hold the special HC meeting.

11. In response to Members' views, the Chairman stressed that in deciding to call the special HC meeting, she had followed the past practice. She explained that depending on the circumstances, she might, as in the case of chairmen of other committees, decide whether or not to consult other Members beforehand. She had seriously considered the joint letter of 40 Members which requested HC to provide the proposed guidelines to the Bills Committee relating to the election of its chairman. She was of the preliminary view that the proposed guidelines did not violate RoP and that HC had the authority to deal with the proposal pursuant to RoP 75(8). As the joint letter of 40 Members was received after the deadline for proposing agenda items, she did not include the

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joint letter in the agenda of this HC meeting. The Chairman further said that as the Bills Committee would hold its next meeting on Monday, 6 May 2019, she considered that there was urgency for Members to discuss the matter within this week so that the election of the chairman of the Bills Committee would not be affected. In the light of the above, she had decided to call the special HC meeting on this Saturday.

12. The Chairman also advised that she had received a joint letter from the Deputy Chairman and 22 Members raising a series of questions on the legality of the proposed guidelines made in the joint letter of 40 Members. She had invited the Secretariat to handle those questions in a serious and careful manner and assured Members that a written reply would be issued to Members within the day of this meeting. The Chairman then proceeded to deal with the next agenda item.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration

The Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Amendment Bill")

13. The Chairman said that at her last meeting with the Chief Secretary for Administration ("CS"), the Deputy Chairman had conveyed his views to CS regarding the Amendment Bill. At the invitation of the Chairman, the Deputy Chairman said that he had seriously told CS that the Chief Executive ("CE") had not responded to the views expressed by over a hundred thousand Hong Kong citizens who took to the streets on 28 April 2019 in protest of the Amendment Bill. It was very disappointing that in both CE's and CS's responses, the request for withdrawal of the Amendment Bill made by those Hong Kong citizens had been ignored. The Deputy Chairman further said that the Hong Kong Government had even ignored the concerns raised by the international community (particularly the business sector) in continuing to take forward the Amendment Bill. This had caused an enormous negative impact on Hong Kong and "one country, two systems". The Deputy Chairman said that he had solemnly requested CS to formally submit to CE the views expressed by the above parties.

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14. The Chairman said that she had indicated to CS that as the suspect in the Taiwan murder case could have served his imprisonment term before the end of October 2019, LegCo should scrutinize and pass the Amendment Bill as soon as possible, so that the Hong Kong Government and the Taiwan authorities could immediately implement the procedures for the surrender of the suspect.

15. The Chairman further said that CS had advised that as CE pointed out earlier, provided that the two objectives for introducing the Amendment Bill (i.e. to deal with the Taiwan murder case and to plug a loophole in law) would be achieved, if in the course of scrutiny of the Amendment Bill, Members raised proposals which in the Administration's view were worth considering or could even allay the worries of the public, the Administration would undertake to seriously consider and deal with those proposals. Therefore, CS had sincerely hoped that LegCo Members could adopt a rational and practical approach and start the scrutiny work of the Amendment Bill as early as possible.

Order of the meeting

(After agenda item II had been concluded, several Members of the pro-democracy camp spoke loudly in their seats in protest of the Chairman's decision of not allowing those Members who wished to speak again to do so.)

16. Mr LAM Cheuk-ting raised a point of order. He said that the Chairman had earlier indicated that she would allow Ms Claudia MO to speak again on the meeting arrangements concerned, and he queried why the Chairman had not done so.

17. The Chairman said that she had earlier "drawn a line" to end the discussion of the meeting arrangements concerned, and that she considered it inappropriate for Members to raise issues which should be dealt with at the special HC meeting to be held on the next day. The Chairman added that after dealing with the remaining agenda items and before closing the meeting, she would allow Ms Claudia MO to speak again.

18. Mr CHAN Kin-por said that the meeting of the Finance Committee scheduled to be held after this HC meeting would have to be cancelled if it could not start by 3:15 pm. He urged the Chairman to proceed to deal with the remaining agenda items.

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19. In response to Dr Helena WONG's request that the Secretary General and LA should respond to Members' queries, the Chairman reiterated that Members should raise their views on issues relating to the meeting arrangements concerned at the special HC meeting to be held on the next day.

(Several Members of the pro-democracy camp spoke loudly in their seats requesting to speak on the meeting arrangements concerned.)

20. At 2:56 pm, Ms Claudia MO left her seat and walked to the front of the Chairman's podium while speaking loudly. She expressed strong disapproval of the Chairman's decision and alleged that the Chairman was "low-down" ("下流"). The Chairman said that she considered that "low-down" ("下流") was insulting and offensive language, and requested Ms MO to withdraw that remark. The Chairman also asked Ms MO to return to her seat.

21. Ms Claudia MO, after returning to her seat, replied that she would not withdraw her earlier remark. She said that she had meant to say "low-down means" ("手法下流"). The Chairman said that she was certain that Ms MO's earlier remark of the Chinese expression "下流" was referring to her. The Chairman ruled that the Chinese expression "low-down" ("下流") was insulting and offensive language. Despite the Chairman's repeated warnings that she would order Ms MO to withdraw from the meeting if Ms MO would not withdraw her earlier remark, Ms MO refused to do so.

22. At 2:59 pm, the Chairman ordered Ms Claudia MO to withdraw from the meeting. Ms MO refused to leave the conference room.

(Some Members of the pro-democracy camp left their seats and stood near Ms Claudia MO's seat, speaking loudly in protest of the Chairman's order.)

23. Among those Members who left their seats, Mr CHAN Chi-chuen spoke loudly and alleged that the Chairman was "despicable and low-down" ("賤格下流"). The Chairman ruled that the Chinese expression of the remark "despicable and low-down" ("賤格下流") made by Mr CHAN was insulting language. She warned that she would order Mr CHAN to withdraw from the meeting if he would not withdraw his earlier remark. Mr CHAN did not do so. The Chairman then

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ordered Mr CHAN to withdraw from the meeting. Mr CHAN refused to leave the conference room and continued speaking loudly in protest of the Chairman's order.

(Some Members of the pro-democracy camp left their seats and stood near the Chairman's podium, speaking loudly in protest of the Chairman's order.)

24. At 3:00 pm, the Chairman considered that the order of the meeting could not be restored, and declared the meeting closed.

Council Business Division 2
Legislative Council Secretariat
9 May 2019