



保安局局長
政府總部

SECRETARY FOR SECURITY
GOVERNMENT SECRETARIAT

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

20 May 2019

The Hon Starry LEE Wai-king, SBS, JP
Chairman
House Committee
Legislative Council
1 Legislative Council Road
Central
Hong Kong

Dear Chairman,

**Resumption of Second Reading Debate on
the Fugitive Offenders and Mutual Legal Assistance
in Criminal Matters Legislation (Amendment) Bill 2019**

It is with much regret that I have to write to you concerning the conduct of the legislative process of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (“the Bill”). The following facts and circumstances reflect that the Bills Committee allocated with the task to consider the Bill by the House Committee (“HC”) cannot discharge the task properly and the way the Bills Committee conducts its business has gravely undermined the constitutional duty of the Legislative Council (“LegCo”) as the solemn legislative body of the Hong Kong Special Administrative Region.

Upon introduction of the Bill into the LegCo on 3 April 2019 pursuant to the Government’s consultation with the LegCo Panel on Security at its meeting on 15 February 2019, the Bill was referred to HC which decided on 12 April 2019 to allocate it to a Bills Committee to consider the Bill in detail. The first two meetings of the Bills Committee were held on 17 and 30 April 2019 respectively, with Hon James TO as the presiding member to elect the chairman for the Bills Committee. After two meetings with a total of four hours, no chairman was elected.

At the special HC meeting on 4 May 2019 which spanned four hours, HC agreed to provide the following guidelines (“the HC’s guidelines”) to the Bills Committee –

“That until the chairman of the Bills Committee is elected, Hon Abraham SHEK, member of the Bills Committee, shall determine the date, time and place of the meeting(s) of the Bills Committee; and shall be responsible for presiding at the election of the chairman of the Bills Committee during the meeting(s) in accordance with the election procedure stipulated in paragraphs 4 to 12 in Appendix IV of the House Rules.”;

The Government received notification from the LegCo Secretariat on 6 May 2019 that the Bills Committee meeting originally scheduled for that day would be rescheduled for 11 May 2019 (9:00 a.m. to 1:00 p.m.). However, on the same day, i.e. 6 May 2019, Hon TO, even though HC had provided the guidelines, convened and presided a meeting purporting to be a meeting of the Bills Committee, at which he was elected chairman.

On 11 May 2019, Hon TO convened another meeting at the same venue but 30 minutes earlier than the notified meeting time of the Bills Committee to be presided by Hon Abraham SHEK in pursuance to the HC’s guidelines. When Hon SHEK tried to conduct the meeting, there were serious commotion and confrontations. Disruptions were caused and chaos arose, such that Hon SHEK was obstructed from presiding at the election of the chairman of the Bills Committee. A number of LegCo members were injured with several members subsequently making reports to the Police. No chairman was elected at this meeting. The confrontations and violence were unprecedented and have caused grave public concern.

The Government received notification from the LegCo Secretariat on 11 May 2019 that the next Bills Committee meeting would be held on 14 May 2019 (8:30 a.m. to 10:15 a.m.). On 14 May 2019, Hon TO convened another meeting at the same venue 15 minutes earlier. At about 8:30 a.m. when Hon SHEK sought to conduct his meeting, there were again commotion and confrontations. Again, no chairman was elected at the meeting. The repetition of those confrontations and commotion has seriously tarnished the reputation of the LegCo and raised serious doubts on whether the Bills Committee is capable of properly conducting its business in the established manner.

Hon SHEK subsequently wrote to the HC Chairman on 14 May 2019 to report the latest developments to HC and seek its advice on the way forward.

On 16 May 2019, eight members, four from each side of opposing views, met to address the impasse. It is noted from the public statements made by members who participated in the said meeting that the side representing legislators who followed the HC's guidelines did not accept the legitimacy of the meetings convened by Hon TO (after the issue of the HC's guidelines) as Bills Committee meetings, whilst the other side considered otherwise. The two sides remained at loggerheads as to the way forward.

On 17 May 2019, HC discussed Hon SHEK's request for advice. Different views were raised including withdrawal of the Bill, dissolving the Bills Committee, HC to scrutinise the Bill, appointing a Select Committee to scrutinise the Bill, direct resumption of Second Reading debate on the Bill, etc. After a meeting of two hours, very divergent and opposite opinions were expressed and no decision was made on the way forward. HC Chairman invited members to provide written submissions on the suggested way forward by 5:00 p.m. on 21 May 2019.

In view of the above unprecedented circumstances and serious deadlock, and the Government's timing consideration, I intend to give notice to the Clerk to LegCo for resumption of the Second Reading debate on the Bill on 12 June 2019. In accordance with Rule 54(5) of the Rules of Procedure, I am writing to consult you as the HC Chairman and look forward to hearing from you as soon as possible. Meanwhile, we will continue to engage different sectors of the community to explain and enhance public understanding of the Bill.

Yours sincerely,



(John K C Lee)
Secretary for Security

c.c. Clerk to the House Committee
Director of Administration