

立法會
Legislative Council

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Date : 12 November 2019

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 13 November 2019

**Debate and voting arrangements for
the 11 proposed resolutions to repeal/amend
the Prohibition on Face Covering Regulation (“the Regulation”)**

Further to LC Paper No. CB(3) 107/19-20 issued on 11 November 2019, a table on the debate and voting arrangements for the captioned proposed resolutions is attached for Members’ information.

2. Hard copy of the table (i.e. the Appendix to Part ID of the Script for the meeting) will be placed on Members’ desks in the Chamber before the start of the meeting.

3. As the above proposed resolutions seek to repeal/amend the Regulation and are interdependent, the President has directed that **a joint debate** be held on the proposed resolutions. To assist Members in considering the proposed resolutions, I set out the relevant proceedings under which the President will:

- (a) first call upon Hon HUI Chi-fung to speak and move his proposed resolution, and then propose the question on the proposed resolution to kick off the joint debate;
- (b) call upon Hon Claudia MO, Hon Gary FAN, Hon Dennis KWOK, Hon Tanya CHAN, Dr Hon KWOK Ka-ki, Hon Jeremy TAM, Hon CHAN Chi-chuen and Hon Alvin YEUNG to speak in this order, but they may not move their proposed resolutions at this stage;
- (c) call upon the Secretary for Security (“S for S”) to speak;

- (d) invite Hon WONG Ting-kwong, chairman of the subcommittee formed to scrutinize the Regulation, to speak;
- (e) invite other Members to speak;
- (f) call upon Hon Claudia MO, Hon Gary FAN, Hon Dennis KWOK, Hon Tanya CHAN, Dr Hon KWOK Ka-ki, Hon Jeremy TAM, Hon CHAN Chi-chuen and Hon Alvin YEUNG to speak again in this order;
- (g) call upon S for S to speak again;
- (h) call upon Hon HUI Chi-fung to reply, and order that the joint debate come to a close; and
- (i) put to vote the 11 proposed resolutions.

4. Members are invited to note that each Member may only speak once in the above joint debate and the time limit is 15 minutes. As mentioned in paragraph 3(f) and (h) above, movers of the proposed resolutions will have another opportunity to speak again with the time limit also set at 15 minutes before the proposed resolutions are put to vote. The public officer will not be subject to any speaking time limit.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

**Proposed resolutions to repeal/amend
the Prohibition on Face Covering Regulation
Debate and voting arrangements**

The Prohibition on Face Covering Regulation (“the Regulation”) which was made by the Chief Executive in Council under section 2(1) of the Emergency Regulations Ordinance (Cap. 241) seeks to:

- (a) prohibit the use in certain circumstances of any facial covering that is likely to prevent identification and provide for an offence (with a defence where the person charged with the offence had lawful authority or reasonable excuse at the time of the alleged offence);
- (b) empower a police officer to require a person in a public place to remove the person’s facial covering in certain circumstances and provide for non-compliance to be an offence; and
- (c) provide for an extension of the prosecution time limit for the above offences to 12 months beginning on the date on which the offences are committed.

Joint debate		
<p>Joint debate on a total of 11 proposed resolutions to be moved respectively by nine Members (namely Hon HUI Chi-fung, Hon Claudia MO, Hon Gary FAN, Hon Dennis KWOK, Hon Tanya CHAN, Dr Hon KWOK Ka-ki, Hon Jeremy TAM, Hon CHAN Chi-chuen and Hon Alvin YEUNG) in relation to the Regulation (as detailed in the Annex).</p>		
Voting arrangements		
Mover	Voting	Remarks
Hon HUI Chi-fung	Mr HUI’s proposed resolution	<p>If Mr HUI’s proposed resolution is passed, all other Members may not move their proposed resolutions.</p> <p>Irrespective of whether Mr HUI’s proposed resolution is passed or not, Hon Claudia MO may not move her first proposed resolution.</p> <p>If Mr HUI’s proposed resolution is negated, Hon Gary FAN may move his proposed resolution.</p>
Hon Claudia MO	Ms MO’s first proposed resolution	--

Mover	Voting	Remarks
Hon Gary FAN	Mr FAN's proposed resolution	<p>If Mr FAN's proposed resolution <u>is passed</u>, Hon Dennis KWOK and Hon Tanya CHAN <u>may not move</u> their proposed resolutions.</p> <p>If Mr FAN's proposed resolution <u>is negatived</u>, Hon Dennis KWOK <u>may move</u> his proposed resolution.</p>
Hon Dennis KWOK	Mr KWOK's proposed resolution	<p>If Mr KWOK's proposed resolution <u>is passed</u>, Hon Tanya CHAN <u>may not move</u> her proposed resolution.</p> <p>If Mr KWOK's proposed resolution <u>is negatived</u>, Hon Tanya CHAN <u>may move</u> her proposed resolution.</p>
Hon Tanya CHAN	Miss CHAN's proposed resolution	Irrespective of whether Miss CHAN's proposed resolution <u>is passed or not</u> , Dr Hon KWOK Ka-ki <u>may move</u> his proposed resolution.
Dr Hon KWOK Ka-ki	Dr KWOK's proposed resolution	<p>Irrespective of whether Dr KWOK's proposed resolution <u>is passed or not</u>, Hon Jeremy TAM <u>may move</u> his proposed resolution.</p> <p>If Dr KWOK's proposed resolution <u>is passed</u>, Hon CHAN Chi-chuen <u>may not move</u> his first proposed resolution.</p>
Hon Jeremy TAM	Mr TAM's proposed resolution	<p>If Mr TAM's proposed resolution <u>is passed</u>, Hon CHAN Chi-chuen <u>may not move</u> his first proposed resolution, and Hon Claudia MO <u>may not move</u> her second proposed resolution.</p> <p>If Mr TAM's proposed resolution <u>is negatived</u>, Hon CHAN Chi-chuen <u>may move</u> his first proposed resolution.</p>

Mover	Voting	Remarks
Hon CHAN Chi-chuen	Mr CHAN's first proposed resolution	If Mr CHAN's first proposed resolution is passed , he may not move his second proposed resolution; Hon Claudia MO may not move her second proposed resolution; and Hon Alvin Yeung may not move his proposed resolution. If Mr CHAN's first proposed resolution is negatived , he may move his second proposed resolution.
	Mr CHAN's second proposed resolution	Irrespective of whether Mr CHAN's second proposed resolution is passed or not , Hon Claudia MO may move her second proposed resolution.
Hon Claudia MO	Ms MO's second proposed resolution	Irrespective of whether Ms MO's second proposed resolution is passed or not , Hon Alvin YEUNG may move his proposed resolution.
Hon Alvin YEUNG	Mr YEUNG's proposed resolution	--

Proposed resolutions by Hon HUI Chi-fung, Hon Alvin YEUNG, Hon Jeremy TAM, Dr Hon KWOK Ka-ki, Hon Dennis KWOK, Hon Tanya CHAN, Hon Claudia MO, Hon CHAN Chi-chuen and Hon Gary FAN
(set out in LC Paper No. CB(3) 107/19-20 issued on 11 November 2019)

Council Business Division 3
Legislative Council Secretariat
12 November 2019

Comparison table on 11 proposed resolutions to repeal/amend the Prohibition on Face Covering Regulation (“the Regulation”) (The Regulation was made by the Chief Executive in Council under section 2(1) of the Emergency Regulations Ordinance (Cap. 241))

The Regulation	Hon HUI Chi-fung	Hon Claudia MO (1 st proposed resolution)	Hon Gary FAN	Hon Dennis KWOK	Hon Tanya CHAN	Dr Hon KWOK Ka-ki	Hon Jeremy TAM	Hon CHAN Chi-chuen (1 st proposed resolution)	Hon CHAN Chi-chuen (2 nd proposed resolution)	Hon Claudia MO (2 nd proposed resolution)	Hon Alvin YEUNG
Section 1 (Commencement)			To provide that the Regulation expires at midnight on 4 December 2019	To provide that the Regulation comes into operation on 1 October 2017	To provide that the Regulation ceases to be in effect on 13 November 2019	--	--	--	--	--	--
Section 2 (Interpretation)			--	--	--	To add the definition of “humanitarian assistance”	To repeal the definitions of “public place” and “police officer”	To repeal the definitions of “public meeting”, “public procession”, “unauthorized assembly” and “unlawful assembly”	To add the definition of “relative”	--	--
Section 3 (Use of facial covering in certain circumstances is an offence)			--	--	--	--	--	To provide that the use of a facial covering constitutes an offence only in the following circumstance: a police officer uses a facial covering that is likely to prevent identification while the police officer is performing his duties in a public place	--	--	--
Section 4 (Defence for offence under section 3(2))	To repeal the Regulation	To repeal the Regulation	--	--	--	To add a reasonable excuse provision to provide that a person has a reasonable excuse for using a facial covering for his/her physical safety while providing humanitarian assistance	--	To repeal section 4	To add four specified circumstances ¹ under which the person concerned has a reasonable excuse for using a facial covering; and to make corresponding textual amendments	--	--
Section 5 (Power to require removal in public place of facial covering)			--	--	--	--	To repeal section 5	To repeal section 5	--	To provide that a police officer’s power to require a person to remove a facial covering in a public place does not apply to a person who is within the scope of the reasonable excuse mentioned in section 4 of the Regulation	--
Section 6 (Prosecution deadline for offences)			--	--	--	--	--	To extend the prosecution deadline for offences under the Regulation to 24 months; and to make corresponding amendments in respect of the repeal of section 5	--	--	To repeal section 6

¹ Those circumstances are that, by reason of his presence at the assembly, meeting or procession, the person concerned is likely to (i) be dismissed by his employer; (ii) be annoyed or threatened in everyday life; (iii) have his sexual orientation or gender identity be known to another person; and (iv) have his relationship with a relative damaged.