

**Minority report on the investigation into the matter stated
in the motion moved under Rule 49B(1A) of the Rules of Procedure to
censure Hon HUI Chi-fung**

July 2020

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At the Council meeting of 23 May 2018, Hon Mrs Regina IP LAU Suk-yee moved a motion under Rules of Procedure 49B(1A) ("RoP") to censure Hon HUI Chi-fung under Basic Law 79(7). 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).


The Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung is responsible for establishing the facts stated in the motion moved under RoP 49B(1A), and giving its view on whether or not the facts as established constitute grounds for the censure.

The Investigation Committee has completed its investigation and submits its Report to the Council, but we do not fully agree with the content of the Report. Our view and observations which differ from the Report submitted by Investigation Committee are set out below:

1. We are mindful that the Hon HUI Chi-fung lodged an appeal against conviction (HCMA 306/2019) to the case of *Hong Kong Special Administrative Region v HUI Chi-fung* (ESCC 2544/2018). We are of the view that the *sub judice* principle must be respected. The Investigation Committee should not publish its Report before the appeal hearing in HCMA 306/2019 is heard and a decision is made.
2. We do not agree with the finding of Investigation Committee stated in Paragraph 4.18 of the Report. We are of the view that although Ms LEUNG was upset during the material time of the incident and shortly after the incident, we cannot draw a clear conclusion whether Ms Leung 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.
3. We do not agree with the finding of Investigation Committee stated in Paragraph 4.32 of the Report. We 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.
4. We do not agree with the comment made by the Investigation Committee in paragraph 4.34 of the report which stated, "IC is of the view that his acts were in fact more serious than acts of ramming as stated in the sixth fact". We are of the view that this comment is irrelevant to the report.

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Submitted by members of the Investigation Committee



Kenneth LEUNG



Dennis KWOK