

**立法會**  
**Legislative Council**

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**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 9:00 am on Tuesday, 15 October 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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yea, 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 MA Fung-kwok, SBS, JP  
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  
Dr Hon KWOK Ka-ki  
Hon KWOK Wai-keung, JP  
Hon Christopher CHEUNG Wah-fung, SBS, JP

Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, 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, BBS, 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, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
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, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon Alice MAK Mei-kuen, BBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon HUI Chi-fung

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

Ms Connie FUNG	Legal Adviser
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
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

In response to Mr Charles MOK's enquiry about the meeting arrangements and Mr Gary FAN's query as to whether the Chairman had communicated with Mr CHAN Kin-por, the Chairman of the Finance Committee ("FC") before scheduling this meeting, the Chairman said that the last House Committee ("HC") meeting held on 11 October 2019 had not proceeded to the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session due to time constraints. Therefore, she had, in consultation with the Deputy Chairman, decided to schedule a special meeting on Tuesday (i.e. today) to conduct the election. While this meeting was scheduled for 9:00 am to 6:00 pm, it was her plan to have a lunch break between 12:30 pm and 2:30 pm. The Chairman added that if she was subsequently validly nominated for the chairmanship of HC, it would be for the presiding Member to decide on the matter.

Election of Chairman

2. The Chairman called for nominations for the chairmanship of HC for the 2019-2020 session. Ms Starry LEE was nominated by Mr SHIU Ka-fai and the nomination was seconded by Mr Christopher CHEUNG. Ms Starry LEE accepted the nomination. The Deputy Chairman then took over from Ms Starry LEE to preside over the meeting.

3. In response to enquiries raised by Mr James TO and Mr CHAN Chi-chuen concerning the meeting arrangements, the Deputy Chairman said that it was also his plan to have a lunch break between 12:30 pm and

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2:30 pm. However, if he was subsequently validly nominated for the election of the chairmanship of HC, the Member who took over from him to preside over the meeting would decide on the matter then.

4. The Deputy Chairman then invited other nominations for the chairmanship. In response to Members' enquiries, the Clerk said that at the FC meeting on 11 October 2019, Members had been advised that a Member who had been validly nominated could no longer second the nominations of other Members. However, Appendix IV to the House Rules ("HR") did not have provisions restricting on a Member nominating multiple candidates. More than 30 nominations were made by Members, but some of these were not accepted by the Members being nominated and/or not seconded by another Member. After the nomination process was completed, there were a total of 23 valid nominations as follows:

<u>Nominees</u>	<u>Nominated by</u>	<u>Seconded by</u>
1. Ms Starry LEE	Mr SHIU Ka-fai	Mr Christopher CHEUNG
2. Mr Andrew WAN	Mr Alvin YEUNG	Ms Tanya CHAN
3. Mr AU Nok-hin	Mr Charles MOK	Ms Tanya CHAN
4. Mr James TO	Mr CHAN Chi-chuen	Ms Tanya CHAN
5. Mr HUI Chi-fung	Mr Gary FAN	Ms Tanya CHAN
6. Mr CHAN Chi-chuen	Mr James TO	Ms Tanya CHAN
7. Mr CHU Hoi-dick	Prof Joseph LEE	Ms Tanya CHAN
8. Mr LAM Cheuk-ting	Mr Gary FAN	Ms Tanya CHAN
9. Ms Claudia MO	Mr SHIU Ka-chun	Ms Tanya CHAN
10. Dr CHENG Chung-tai	Mr CHAN Chi-chuen	Ms Tanya CHAN
11. Prof Joseph LEE	Mr Gary FAN	Ms Tanya CHAN
12. Mr IP Kin-yuen	Mr LEUNG Yiu-chung	Ms Tanya CHAN
13. Mr Jeremy TAM	Mr Gary FAN	Mr Charles MOK
14. Mr Kenneth LEUNG	Mr Alvin YEUNG	Mr Charles MOK
15. Mr KWONG Chun-yu	Mr Charles MOK	Ms Tanya CHAN
16. Mr WU Chi-wai	Mr Charles MOK	Ms Tanya CHAN
17. Dr Helena WONG	Mr Gary FAN	Ms Tanya CHAN
18. Mr SHIU Ka-chun	Mr Gary FAN	Ms Tanya CHAN
19. Mr Gary FAN	Mr LEUNG Yiu-chung	Ms Tanya CHAN
20. Mr LEUNG Yiu-chung	Mr CHU Hoi-dick	Ms Tanya CHAN
21. Dr KWOK Ka-ki	Ms Claudia MO	Ms Tanya CHAN
22. Mr Alvin YEUNG	Ms Claudia MO	Ms Tanya CHAN
23. Mr Charles MOK	Mr Gary FAN	Ms Tanya CHAN

(*Post-meeting note:* Mr LEUNG Yiu-chung and Mr James TO had subsequently written to the Deputy Chairman on 14 and 15 November 2019 respectively advising that they would withdraw from the election.)

Other issues dealt with during the nomination process

*The manner in which the proceedings of this meeting should be recorded*

5. Mr CHU Hoi-dick and Ms Tanya CHAN enquired whether verbatim record would be made for the proceedings of this meeting. At the invitation of the Deputy Chairman, the Clerk advised that it was the practice of HC to prepare verbatim record for the proceedings of the election forum, if held. However, for the remaining proceedings of this meeting, the minutes would be prepared in the same manner as other regular meetings.

6. Mr KWONG Chun-yu suggested that the nomination process should be recorded in a more detailed way such that those Members who had not accepted nomination could be put on record in the minutes of this meeting. Mr AU Nok-hin, however, did not agree with Mr KWONG, and he considered that the minutes of this meeting should be kept in a simplified manner. Mr Alvin YEUNG enquired about the workload involved if adopting Mr KWONG's suggestion. The Clerk advised that there would not be a significant increase in the workload, but that would deviate from the normal practice (i.e. details of Members not accepting nomination would not be recorded in the minutes). After discussion, Mr KWONG and Mr AU agreed that the minutes of this meeting should be prepared according to the normal practice. No Members raised other views.

*Arrangements to be made in the event that the HC Chairman for the 2019-2020 session could not be elected at this meeting*

7. Mr CHU Hoi-dick enquired about the arrangements to be made in the event that the Chairman and/or the Deputy Chairman of HC for the 2019-2020 session could not be elected at this meeting, particularly whether or not normal business could be transacted. Mr AU Nok-hin wondered who would be in the position to call the next meeting if the HC Chairman for the 2019-2020 session could not be elected.

8. At the invitation of the Deputy Chairman, the Clerk advised that if the HC Chairman for the 2019-2020 session was elected at this meeting but the Deputy Chairman of HC for the 2019-2020 session was not, the newly elected HC Chairman would call the next meeting which might be a regular meeting or a special meeting, but in any case, the election of the Deputy Chairman of HC should be dealt with by HC before HC

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transacted other business. If the HC Chairman could not be elected at this meeting, the HC Chairman in office (i.e. Ms Starry LEE) would be responsible for calling another meeting for conducting the election of the Chairman and Deputy Chairman of HC.

*Security arrangements for the Legislative Council ("LegCo") Complex on 16 and 17 October 2019*

9. Ms Tanya CHAN said that at the last HC meeting held on 11 October 2019, various Members had raised concerns about the security arrangements for the Council meetings to be held for the Chief Executive's Policy Address on 16 October 2019 and the Chief Executive's Question and Answer Session on 17 October 2019, particularly about whether police officers would be permitted to perform duties in the LegCo Complex, and if so, whether they would do so according to the requests made by some Members at the last HC meeting on 11 October 2019. She considered it necessary for the Secretary General ("SG") to provide detailed information on the way he had followed up the matter with the Administration, preferably in a written document.

10. Mr Gary FAN and Ms Claudia MO concurred with Ms Tanya CHAN. Mr FAN said that in addition to security arrangements in the LegCo Complex, he was also concerned about the recent installation of water-filled barriers by the Police in the vicinity of the LegCo Complex. He enquired whether SG and/or the President had previously been informed of the matter. Ms MO considered that as the Chief Executive would deliver the Policy Address on the day after this HC meeting, it was necessary for Members to seek more relevant information at this meeting.

11. Ms Starry LEE, Chairman for the 2018-2019 session, said that while it was understandable for Members to be concerned about the security arrangements to be made for the Council meetings of 16 and 17 October 2019, she queried whether it was appropriate to raise such issues during the election of the HC Chairman. She considered that Members should instead ask the Secretariat to follow up the matter, or directly communicate with the President.

12. The Deputy Chairman said that issues relating to the security arrangements for the LegCo Complex on 16 and 17 October 2019 had been discussed at length at the last HC meeting. While he had learnt from the Clerk that SG had relayed Members' concerns to the Administration and the President respectively, the Administration's

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response had not yet been received. The Deputy Chairman further said that it was of paramount importance for the election to be held on a fair, equal and open basis, and therefore, all candidates should have equal access to information that would be relevant to the election of the HC Chairman. Given that the Chairman and Deputy Chairman of HC would be ex-officio members of The Legislative Council Commission ("LCC"), he considered it necessary for all candidates to be kept informed of issues relating to the security arrangements for the LegCo Complex before the conduct of the election forum, particularly in light of the many security incidents that took place in the vicinity of the LegCo Complex in the past few months.

13. Ms Starry LEE, Mr Martin LIAO, Mr CHEUNG Kwok-kwan and Mr Paul TSE were unconvinced of the Deputy Chairman's view. Ms LEE considered that as the election forum would cover a wide range of issues, it would be impracticable to provide Members with all the relevant information. Mr LIAO said that decisions on security arrangements for the LegCo Complex were made by LCC which consisted of 13 Members including the Chairman and Deputy Chairman of LCC, and there should not be any role for HC to perform in that regard. Mr CHEUNG queried whether such issues were directly related to the election of the HC Chairman, and considered that the Deputy Chairman should focus on dealing with the election of the HC Chairman. He requested the Legal Adviser ("LA") to advise on the relevant issues. Mr TSE considered that security arrangements for the LegCo Complex were not related to the election of the HC Chairman, and also queried whether security arrangements for the LegCo Complex should be regarded as a critical issue for the election of the HC Chairman.

14. Ms Elizabeth QUAT, Ms CHAN Hoi-yan and Mr CHAN Hak-kan expressed a similar view that the election of the HC Chairman had been side-tracked to other irrelevant issues. Mr CHAN also considered that decisions concerning security arrangements for the LegCo Complex were made by LCC in accordance with established mechanism. Therefore, it would be more appropriate if the mechanism was discussed at a future meeting of LCC, or Members put questions to candidates concerning how the Chairman and Deputy Chairman of HC should perform their duties as LCC members during the election forum.

15. Mr KWONG Chun-yu considered it reasonable to seek more information on the security arrangements to be made for the Council meetings on 16 and 17 October 2019, as some Members would need such

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information when considering whether to nominate and/or vote for certain candidates.

16. Mr CHU Hoi-dick noted that the election might be presided by the Deputy Chairman or the Member with the highest precedence. He enquired whether issues that could be dealt with during the election would be different if it was the Member with the highest precedence presiding instead of the Deputy Chairman.

17. Regarding Members' views on the security arrangements for the LegCo Complex, the Deputy Chairman reiterated that all candidates should have equal access to information that would be relevant to the election, including the decisions made by LCC on the security arrangements for the LegCo Complex. He further said that it was the practice that before giving permission for the deployment of police officers in the LegCo Complex, SG would inform the President, and the Chairman and the Deputy Chairman of HC. Upon receiving information on the security arrangements for the LegCo Complex, he would inform Members of the pro-democracy camp about such arrangements. Therefore, he considered such issues to be directly relevant to the election. Nevertheless, he would suspend the meeting and invite LA and SG to clarify issues relating to the security arrangements and other procedural issues raised by Members.

*(The meeting was suspended at 10:44 am and resumed at 11:08 am.)*

18. After the meeting was resumed, the Deputy Chairman informed Members that SG had told him that SG had relayed to the Administration the concerns raised by some Members about the deployment of police officers in the LegCo Complex, and there was still no written reply from the Administration concerning the security arrangements to be made in the LegCo Complex on 16 and 17 October 2019.

19. At the invitation of the Deputy Chairman, LA advised that at the election of the HC Chairman, the Deputy Chairman or any Member presiding should enjoy all those powers conferred by the Rules of Procedures ("RoP") on the HC Chairman in respect of the election. LA noted that the Deputy Chairman took the view that security arrangements for the LegCo Complex would be issues of concern by many Members during the election forum to be held. Against the background that the HC Chairman would be an ex-officio member of LCC and LCC would make decisions concerning the security arrangements for the LegCo



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Complex, there might be reasonable grounds for the Deputy Chairman to regard issues relating to the security arrangements for the LegCo Complex as being directly related to the election of the HC Chairman.

20. Mr CHEUNG Kwok-kwan considered that even if issues relating to the security arrangements for the LegCo Complex were to be dealt with during the election of the HC Chairman, it would be more appropriate to raise such issues during the election forum rather than the nomination process.

21. Mr Kenneth LEUNG considered that not only should issues relating to security arrangements for Council meetings be raised by Members during the election forum, all candidates nominated for the chairmanship of HC should also clearly indicate their position on the matter for Members' consideration.

Proposed arrangements for the election forum

22. Upon completion of the nomination, the Deputy Chairman said that in light of the unprecedented situation that 23 candidates were validly nominated, he would like to consult Members on the arrangements for the election forum. At the invitation of the Deputy Chairman, the Clerk advised that the past practice of election forum, if held, was that following each candidate presenting his/her election platform within a specified period of time (e.g. one minute), Members would put forward their questions and each candidate would respond to each question within a specified period of time. However, should Members decide not to adopt the past practice for this election, Members might wish to make reference to the election forum adopted by FC for the election of its chairman and deputy chairman for the 2019-2020 session.

23. Mr Gary FAN, Mr Kenneth LEUNG, Ms Tanya CHAN and Mr AU Nok-hin considered that the arrangements adopted by FC for its election forum in the 2019-2020 session was far from ideal, and therefore, HC should not adopt the same arrangements. In the view of these Members, it was undesirable for each candidate to give a consolidated response to the questions put by Members, and instead, more time should be allocated to the election forum so that each candidate would have sufficient time to answer the questions put by Members. Ms CHAN also considered that Members should be given an opportunity to discuss the way HC should conduct its election forum, based on the three options put forward for Members' consideration at the FC meeting on 11 October 2019. Mr AU

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considered that modifications should be made to the option of the election forum arrangements adopted by FC, so as to avoid an undesirable situation that irrespective of the number of questions put by Members, each candidate would be given the same amount of time to answer these questions.

24. Mr Steven HO considered that the election forum conducted by FC for the election of its chairman for the 2019-2020 session was efficient, and it was appropriate for HC to adopt the same arrangements. In his view, an election forum should be completed within a reasonable period of time, and if not, Members should be given the opportunity to consider not conducting an election forum at all.

25. Mr LAM Cheuk-ting, Mr CHU Hoi-dick and Mr CHAN Chi-chuen raised objection to adopting the same election forum arrangements as FC, and they expressed a similar view that the election forum should be conducted in such a way that candidates would need to directly respond to the questions put by Members. Mr LAM considered that if candidates were asked to give a consolidated response to Members' questions, candidates might easily avoid addressing certain critical issues. Mr CHU considered it more desirable to follow the past practice that Members would put forward their questions and each candidate would respond to each question within a specified period of time. Mr CHAN suggested that Members should be given an opportunity to have a thorough discussion on various possibilities concerning the election forum arrangements.

26. Dr Junius HO considered that instead of conducting a lengthy discussion on the arrangements for election forum, the Deputy Chairman should immediately set out a few options and put to vote these options. He also said that the Deputy Chairman, who had been trained as a legal practitioner, should be able to deal with the relevant proceedings in an organized manner.

Point of order concerning Rule 41(4) of the Rules of Procedure

27. Ms Claudia MO raised a point of order. She queried whether Dr Junius HO's remark had discriminated against those Members who were not legal practitioners. In response, Dr Junius HO said that he wondered whether only those who "habitually eat foreign sausage" ("食慣洋腸" in Chinese) would see his earlier remark as discrimination. Ms MO and Ms Tanya CHAN were outraged about the remark just made by Dr HO,

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which in their view were of sexist and racist nature and amounted to sexual harassment. They considered that Dr HO had already breached RoP 41(4) concerning the use of offensive/insulting language and requested the Deputy Chairman to rule on the matter.

28. The Deputy Chairman responded that Dr Junius HO should not use expressions which were of sexist nature and that he would ask Dr HO to withdraw his remark. Noting that Dr HO had just left the meeting room, he decided to suspend the meeting and asked Dr HO back to the meeting so that he could deal with the matter.

*(The meeting was suspended at 11:52 am and resumed at 12:03 pm.)*

29. After the meeting was resumed, Dr Junius HO explained that his earlier remark had not meant to be anything offensive or insulting. Mr LAM Cheuk-ting, Mr Andrew WAN and Dr CHENG Chung-tai expressed a strong view that the earlier remark made by Dr HO was utterly unacceptable. Mr LAM said that only "a scumbag" would make such a remark, and given that Dr HO refused to withdraw that remark, he considered Dr HO to be "a scumbag".

30. The Deputy Chairman disapproved of Dr Junius HO's explanation and ruled that his earlier remark was of sexist nature and was offensive and insulting language. The Deputy Chairman requested Dr HO to withdraw his remark, but Dr HO refused to do so. The Deputy Chairman then ordered Dr HO to withdraw from the meeting.

*(Dr Junius HO then left the conference room.)*

31. Dr Junius HO raised a point of order before withdrawing from the meeting. He considered that the remark just made by Mr LAM Cheuk-ting on him amounted to offensive/insulting language. The Deputy Chairman requested Mr LAM to withdraw his earlier remark, but Mr LAM made clear that he would not do so, and then withdrew from the meeting himself.

32. Before suspending the meeting for the lunch break, the Deputy Chairman concluded that having regard to Members' views and concerns raised at this meeting, he would come up with a few options of the election forum arrangements for Members' consideration after the lunch break.

*(The meeting was suspended at 12:30 pm and resumed at 2:40 pm.)*

33. After the meeting was resumed, the Deputy Chairman said that having regard to Members' earlier views, he had amended the three options of election forum arrangements which Members had considered at the FC meeting on 11 October 2019. These options were set out in the document tabled at the meeting (see **Appendix** for details), and it was estimated that Options A, B and C would respectively take 1 726 minutes, 346 minutes and 253 minutes to complete.

34. Ms Tanya CHAN reiterated her request that the Administration should provide a written response to issues relating to whether the Administration would deploy police officers in the LegCo Complex on 16 and 17 October 2019, and if so, whether these police officers would be deployed in accordance with the requests raised by some Members at the last HC meeting on 11 October 2019. The Deputy Chairman informed Members that there was no further update in that regard, and he would first consult Members on the three options of election forum arrangements.

#### Three options of election forum arrangements

35. Dr KWOK Ka-ki considered that the three options each had their merits and demerits, and therefore, it was desirable if Members would be given the opportunity to further amend these options by combining various components of these options. For example, Option A should also allow each candidate to make concluding remarks.

36. Mr CHEUNG Kwok-kwan, Mr Vincent CHENG, Mr Steven HO, Ms Elizabeth QUAT and Mr CHAN Han-pan expressed dissatisfaction with the way the Deputy Chairman consulted Members on the election forum arrangements. These Members took the view that conducting the election forum in accordance with any of the three options would be too time consuming, and that the Deputy Chairman should also include the option adopted by FC (i.e. the election forum could be completed in 132 minutes) for Members' consideration. Mr HO indicated that while it was desirable to conduct an election forum, the election forum should be completed within a reasonable period of time. He reiterated that if the option of the election forum arrangements adopted by FC was not made available for Members' consideration, Members should be given an option that no election forum be held. Ms QUAT considered it absurd

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for the Deputy Chairman to put forward for Members' consideration an option which might last for more than 28 hours (i.e. Option A).

37. Mr CHAN Chi-chuen and Mr AU Nok-hin reiterated their views that Members should have a thorough discussion on the election forum arrangements. Mr CHAN added that even though he did not find any of the three options ideal, he considered that it was desirable if Members could make compromise, and in any case, Members should be given ample time for discussion before making a decision concerning whether and how the election forum should be conducted.

38. Ms Tanya CHAN and Mr Andrew WAN considered that sufficient time should be allocated to the conduct of the election forum, and they expressed preference for Option A over the other two options. Ms CHAN considered Option A to be a fair arrangement as each candidate would be given the same amount of time. Besides, even if Option A was to be adopted by HC for conducting the election forum, the actual duration would be much shorter than the expected time as it was likely that the number of Members putting questions to candidates would be much smaller than expected. Mr WAN considered that it was of the utmost importance for the election forum to be conducted held in a manner that each candidate would be given sufficient time to answer the questions put by Members.

39. Mr CHAN Kin-por and Ms Starry LEE took the view that any of the three options of election forum arrangements put forward by the Deputy Chairman for Members' consideration would take unreasonably long time to complete, and therefore, it was questionable whether the election of the HC Chairman could be conducted in an efficient manner. Mr CHAN, referring to a ruling previously made by the court, said that any presiding Member should ensure the orderly, efficient and fair disposition of business. Ms LEE said that in considering the time required for conducting the election, the presiding Member should be aware that if an election forum was held for the election of the HC Chairman, it was likely that an election forum would also be required for the election of the Deputy Chairman. Given that normal business of HC would only be transacted after its Chairman and Deputy Chairman for the 2019-2020 session were both elected, she was worried that the business of HC could not be dealt with in a timely manner.

40. Mr Kenneth LEUNG and Mr CHAN Chi-chuen took the view that the way the Deputy Chairman presided at the election was in order. Mr

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LEUNG considered that the Deputy Chairman could exercise the powers conferred on him by RoP in respect of presiding at the election. Mr CHAN considered it appropriate for the Deputy Chairman to put forward three options for Members' consideration. In Mr CHAN's view, it would be unmanageable if Members could each propose their options of the election forum arrangements as they saw fit. However, if further amendments could be made to these options, he suggested that all candidates should each be given a specified period of time (say, 10 minutes) which they could determine how to use, e.g. to put questions to other candidates or to express their own views.

41. Mr CHU Hoi-dick said that based on his observation, the way the Deputy Chairman consulted Members on the election forum arrangements was the same as that of Mr CHAN Chun-ying, the Member presiding at the election of the FC Chairman for the 2019-2020 session. In gist, the presiding Member put forward three options of the election forum arrangements having regard to Members' views, and Members would decide which option to be adopted by voting. Mr Andrew WAN concurred with Mr CHU, and he added that Members could cast their votes in accordance with their own preferences for these options.

42. The Deputy Chairman said that given the different functions between HC and FC and the different roles between the Chairmen of HC and FC, the option of the election forum arrangements suitable for FC might not be so for HC. Having regard to Members' views raised before the lunch break, he had made amendments to the three options put forward for Members' consideration at the FC meeting on 11 October 2019. The Deputy Chairman affirmed that the way he consulted Members on the election forum arrangements was modelled after Mr CHAN Chun-ying, the Member presiding at the election of the FC Chairman for the 2019-2020 session.

43. Mr CHAN Kin-por said that he was one of the candidates for the FC chairmanship for the 2019-2020 session, and during that election forum, a large number of Members put questions to him and he did not have sufficient time to answer all those questions. He considered it more appropriate if the election forum could be conducted in a more flexible manner such that those candidates to whom many Members had put questions would be allocated more time to answer the questions. Ms Starry LEE said that she, as the only Member of the pro-establishment camp who had been validly nominated for the chairmanship of HC, supported Mr CHAN's proposal.

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44. Regarding the situation in which certain candidates might not have sufficient time to answer all the questions put to them, Mr Alvin YEUNG, Mr AU Nok-hin and Mr CHAN Chi-chuen considered that the presiding Member could exercise discretion as appropriate. Ms Claudia MO, however, considered it important to uphold the fairness principle that each candidate should be given the same amount of speaking time in the election forum. Mr CHU Hoi-dick considered it unnecessary to make any favourable arrangements for those candidates to whom many Members had put questions, as a situation like that could be an opportunity for those candidates to rise to the challenge.

45. Mr LEUNG Che-cheung considered that Members should be allowed to propose alternative options of the election forum arrangements if they found none of the three options put forward by the Deputy Chairman acceptable. Noting that 21 out of the 24 candidates nominated for the FC Chairmanship for the 2019-2020 session eventually received zero vote, Mr LEUNG considered that these Members had participated in the election as "con artists" ("做媒" in Chinese) for the purpose of prolonging the election process.

46. Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Mr James TO, Mr AU Nok-hin, Mr Andrew WAN and Ms Claudia MO expressed a strong view that it was unacceptable for Mr LEUNG Che-cheung to make such a serious allegation against other Members. In the view of these Members, Mr LEUNG's remark was offensive and insulting, and the remark had already breached RoP 41(5). They requested the Deputy Chairman to rule on the matter.

47. Mr Abraham SHEK, however, considered that Mr LEUNG Che-cheung's remark was not directed at any Member, and that the remark was a fair comment.

48. The Deputy Chairman decided to suspend the meeting and review the video record in order to make a ruling on the point of order.

*(The meeting was suspended at 3:24 pm and resumed at 3:39 pm.)*

49. After reviewing the video record, the Deputy Chairman said that he noticed that Mr LEUNG Che-cheung had more than once alleged other Members to be acting as "con artists" ("做媒" in Chinese). To his understanding, such an expression meant that those Members had some

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ulterior motive for participating in the election. The Deputy Chairman referred to RoP 41(5) which stipulated that "A Member shall not impute improper motives to another Member", and ruled that Mr LEUNG had breached that Rule in his earlier remark. The Deputy Chairman requested Mr LEUNG to withdraw that remark but Mr LEUNG refused to do so. The Deputy Chairman then ordered Mr LEUNG to withdraw from the meeting.

*(Mr LEUNG Che-cheung then left the Conference room.)*

50. Ms Starry LEE expressed disapproval of the ruling made by the Deputy Chairman. She considered that the standard applied by the Deputy Chairman in Mr LEUNG Che-cheung's case was overly strict. She also wondered whether or not the same strict standard was to be applied at future meetings of HC, and if so, it would be much more often for Members to be requested to withdraw their remarks and/or be ordered to withdraw from a meeting.

51. Regarding the election forum arrangements, Mr Gary FAN, Mr WU Chi-wai and Mr AU Nok-hin took the view that it was of the utmost importance and urgency for the Administration to respond to the five demands put forward by members of the public participating in the protests against the Administration's proposed legislative amendments concerning the surrender of fugitive offenders. Mr FAN considered that the election forum would provide Members with an opportunity to express their views on relevant issues and put pressure on the Administration to respond. Mr WU considered that Members of the pro-establishment camp should not put too much emphasis on expeditiously completing the election of the HC Chairman. Instead, during the election forum, Members should take the opportunity to deliberate on ways to solve the current political impasse. Mr AU considered that given the importance of the duties to be performed by the HC Chairman, Members should be given ample time to put questions to candidates during the election forum, particularly about what and how these candidates would do to make the Administration respond to those five demands.

52. Ms CHAN Hoi-yan and Dr CHIANG Lai-wan took the view that it was inappropriate to conduct the election forum in a lengthy manner. Ms CHAN considered it more desirable if the meeting time would be spent on monitoring the Administration's work instead of Members putting questions to one another. Dr CHIANG considered that HC



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should adopt the same option as FC so that the election forum could be completed in about two hours. Besides, Dr CHIANG commented that Mr Gary FAN should be held responsible for a large number of youngsters getting arrested as he had incited them to take to the streets to protest, and she also criticized Mr FAN for having "acted impudently and shamelessly" ("厚顏無耻" in Chinese).

53. Mr Kenneth LEUNG and Mr AU Nok-hin raised a point of order. They considered that the remark just made by Dr CHIANG Lai-wan on Mr Gary FAN had breached RoP 41(4) concerning the use of offensive/insulting language. Mr LEUNG also pointed out that the expression "has acted impudently and shamelessly" ("厚顏無耻" in Chinese) had been ruled at the Council meeting of 13 October 2004 to be offensive and insulting language about Members. In response, the Deputy Chairman said that Dr CHIANG had left the meeting, and he could only deal with the matter when Dr CHIANG got back to the conference room.

54. Dr KWOK Ka-ki, referring to the remark made earlier by Ms Starry LEE regarding the standard to be applied for ruling on RoP 41(4) and (5), considered that Ms LEE had threatened other Members. Ms Starry LEE raised a point of order and said that the remark just made by Dr KWOK had breached RoP 41(5). She requested the Deputy Chairman to rule on the matter.

55. The Deputy Chairman decided to suspend the meeting to review the video record in order to make a ruling on the point of order.

*(The meeting was suspended at 4:47 pm and resumed at 5:01 pm.)*

56. After the meeting was resumed, at the request of the Deputy Chairman, Dr KWOK Ka-ki made clear that he would withdraw his earlier remark on Ms Starry LEE. He then reiterated his views on the three options of the election forum arrangements that it was desirable if Members would be given the opportunity to further amend these options by combining various components of these options. Dr KWOK, however, considered it acceptable for the Deputy Chairman to put forward the existing three options for Members' consideration.

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57. At 5:09 pm, Mr Alvin YEUNG raised a point of order. He said that it was unlikely that the election of the HC Chairman could be completed at this meeting, and he enquired whether or not the 23 candidates would be consulted on the date and time of the next meeting.

58. At the invitation of the Deputy Chairman, the Clerk advised that in accordance with the relevant rules of HR, the HC Chairman in office (i.e. Ms Starry LEE) would be responsible for calling the next meeting to continue the proceedings of the election of the HC Chairman for the 2019-2020 session. While it was advisable for the presiding Member (i.e. the Deputy Chairman) to be consulted on the date and time of the next meeting, it would be up to the HC Chairman for the 2018-2019 session to consider whether to also consult all the candidates.

59. At the invitation of the Deputy Chairman, Ms Starry LEE said that in the capacity as the HC Chairman for the 2018-2019 session, she would, in consultation with the Deputy Chairman, schedule the next meeting. Having regard to the availability of Members, particularly the 23 candidates, it was her preliminary thinking that the next meeting would be held at 2:30 pm on next Friday (i.e. the time slot where the regular meeting of HC would usually be held).

60. Before closing the meeting, the Deputy Chairman said that having regard to various views raised by Members at this meeting, he would consider how to further amend the three options of the election forum arrangements, and the proceedings of the election of the HC Chairman would continue at the next meeting.

61. The meeting ended at 5:21 pm.

## Appendix

### Options for conducting the election forum for the election of the Chairman of the House Committee for the 2019-2020 session (Number of candidates: 23)

	<b>Option A</b>	<b>Option B</b>	<b>Option C</b>
<b>Presentation of platforms by candidates</b> (The order to be determined by drawing of lots)	Two minutes for each candidate	Two minutes for each candidate	One minute for each candidate
<b>Questions from Members</b>	Two minutes for each Member	Two minutes for each Member	Each candidate to be allocated eight minutes. Within this period of time, each Member who has indicated intention to speak to raise questions for not more than one minute, and each candidate to make immediate response for not more than one minute
<b>Response by candidates</b>	After each Member has raised questions, each candidate to make immediate response for not more than two minutes (The order of candidates making response to be determined by drawing of lots)	After all Members who intend to raise questions have done so, each candidate to make a consolidated response for not more than eight minutes (The order of candidates making response to be determined by drawing of lots)	
<b>Concluding remarks by candidates</b>	No concluding remarks	Two minutes for each candidate (the order to be determined by the drawing of lots)	Two minutes for each candidate (the order to be determined by the drawing of lots)
<b>Estimated time required</b> (assuming that 35 Members will raise questions)	1 726 minutes	346 minutes	253minutes*

\* Not to be affected by the number of Members raising questions

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1038/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 18 October 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, 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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yeet, 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 MA Fung-kwok, SBS, JP  
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 Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, BBS, 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, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Prof Hon Joseph LEE Kok-long, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon CHUNG Kwok-pan  
Hon CHU Hoi-dick

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Letters from Members regarding the security arrangements for the Legislative Council ("LegCo") Complex

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Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session, continued to preside over the election of the Chairman of the House Committee ("HC") for the 2019-2020 session. Mr KWOK said that letters from five Members (namely Ms Tanya CHAN, Dr KWOK Ka-ki, Mr Alvin YEUNG, Mr Jeremy TAM and Mr WU Chi-wai) concerning the security arrangements for the LegCo Complex and the respective replies from Ms Starry LEE, Chairman for the 2018-2019 session, were tabled at the meeting. He noted that Ms LEE had referred the letters from these five Members to The Legislative Council Commission ("LCC") for follow-up and LCC had not yet responded. Mr KWOK further said that Mr IP Kin-yuen had written to the Clerk to HC making suggestions on the election forum to be conducted which was also tabled at the meeting. Considering that the issues raised in the letters from the aforesaid six Members were relevant to the election forum to be conducted for the election of the HC Chairman, Mr KWOK invited them to speak on their respective letters.

*(Post-meeting note: The letters from five Members and the replies by Ms Starry LEE were circulated to Members vide LC Paper Nos. CB(2)26/19-20(01) to (10) on 18 October 2019. The letter from Mr IP Kin-yuen was circulated to Members vide LC Paper No. CB(2)32/19-20(01) on 21 October 2019.)*

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2. Ms Tanya CHAN, Dr KWOK Ka-ki, Mr Alvin YEUNG, Mr Jeremy TAM, Mr WU Chi-wai and Mr IP Kin-yuen expressed a similar view that the Secretary General ("SG") should provide the information relating to the security arrangements for the LegCo Complex to facilitate candidates for the HC Chairman to expound their stance on such issues and other Members to put questions to them during the election forum to be conducted. Expressing strong dissatisfaction with the incident on 12 June 2019, Dr KWOK, Mr TAM and Mr IP said that a number of Members, including themselves, were denied access to the LegCo Complex in the afternoon of that day when the Police was using tear gas against protesters in the vicinity of the LegCo Complex. They pointed out that at the time of the incident, only Amber alert was in force and the President had not yet decided that the Council meeting scheduled to be held on that day would not be held. Mr IP also expressed dismay that SG was out of contact on that day and the security staff of the Secretariat ("the security staff") on site did not have the key for the locked entrance. It was only after some time that they could eventually enter the LegCo Complex. Mr WU added that not only the security staff but also the Police had refused to allow Members to enter the LegCo Complex.

3. Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Jeremy TAM and Dr KWOK Ka-ki considered that the special security arrangements for the LegCo Complex when the colour alert was issued had caused much inconvenience to Members as well as the staff of their offices. They noticed that the colour alert had been issued for many times since June 2019 and even when there was apparently no sign of danger in the vicinity of the LegCo Complex. Mr TAM also asked when the water-filled barriers, which were erected before the Chief Executive's Policy Address held on 16 October 2019, outside the LegCo Complex would be removed. Mr YEUNG and Dr KWOK were concerned that the special security arrangements (for example the security screening procedures for persons entering the LegCo Complex) were not implemented uniformly by the security staff and considered that guidelines for implementing the special security arrangements when the colour alert was issued should be provided to the staff concerned. Mr YEUNG said that he would like to know whether there was any mechanism in place to determine the special security arrangements for the LegCo Complex when the Red alert or Amber alert was issued.

4. Mr Kenneth LEUNG echoed that he was also dissatisfied that SG was out of contact on 12 June 2019. He was concerned whether the requirement for Members to undergo the security screening procedures

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might violate the relevant provision of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and might amount to interfering with Members in the event that those Members who were required to undergo such procedures were on their way to attend meetings of LegCo.

5. Ms Tanya CHAN said that at the last special HC meeting on 15 October 2019 ("the last special HC meeting"), she had requested that police officers stationing within the LegCo Complex should be required to observe certain requirements, such as the numbers of the police officers should be displayed for identification purpose and their face should not be covered. She asked whether the matter had been followed up with the relevant parties. Mr WU Chi-wai said that in considering whether the assistance of the Police should be sought, LCC should give due regard to upholding the dignity of LegCo in addition to concern for the security threat. He would like to know whether SG had provided any advice to the Chairman and Deputy Chairman of LCC in considering whether or not the assistance from the Police should be sought.

6. At the invitation of Mr Dennis KWOK, the Clerk advised that SG had already relayed to the President, the Director of Administration and the contact person of the Central Police District the requests made by Members at the last special HC meeting regarding the deployment of police officers in the LegCo Complex. The President had also relayed Members' requests to the Secretary for Security. The Clerk further said that the Secretariat had not received any written response from the Administration so far and had not sought assistance from the Police on 16 and 17 October 2019. Ms Tanya CHAN hoped that information on the police officer (such as his/her post title and surname) to whom SG had relayed Members' requests could be provided.

7. Mr WU Chi-wai and Ms Claudia MO said that some security staff had treated certain Members in a rude manner at the Chief Executive's Question and Answer Session on 17 October 2019. Mr WU considered that it was of great importance that the Secretariat staff should maintain neutrality when rendering their services. He asked if guidelines were provided to the security staff on handling situations relating to the order of meetings. Ms MO suggested that in view of the various concerns raised by Members, SG should be invited to attend this meeting to provide the necessary information to facilitate Members' discussion.



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8. Mr Dennis KWOK instructed the Clerk to relay Ms Claudia MO's request to SG. He further said that he trusted that most of the Secretariat staff were professional and would maintain neutrality in the performance of their duties. LCC was responsible for supervising the operation of the Secretariat, including overseeing the performance and the conduct of the Secretariat staff and determining their remuneration and conditions of service.

9. Mr LUK Chung-hung said that the election of the HC Chairman should be conducted expeditiously as the public hoped that HC could transact its business as early as possible, and suggested that Mr Dennis KWOK, as the presiding Member for the election of the HC Chairman, should set a limit on the speaking time of Members. Mr HUI Chi-fung held a different view and said that ample time should be allowed for discussion on issues relating to the security arrangements for the LegCo Complex to facilitate Members to decide which candidate for the election of the HC Chairman Members would support.

10. In response, Mr Dennis KWOK said that while he would not set a limit on the speaking time of Members so as to allow Members to explain their valuable views clearly, he hoped that Members would make their views brief and concise as far as possible. He noted that some members of the public were very concerned about the security arrangements for the LegCo Complex including the arrangements for deployment of police officers inside the LegCo Complex.

11. Mr CHAN Kin-por and Ms Alice MAK said that Members had already spent many hours in the last special HC meeting to discuss issues relating to the security arrangements for the LegCo Complex. They pointed out that such issues were not under the purview of HC, but rather LCC, and the purpose of this meeting was to elect the Chairman and Deputy Chairman of HC for the 2019-2020 session. Ms MAK hoped that Mr Dennis KWOK could make effective use of the meeting time so that the election of the HC Chairman could be dealt with expeditiously. Pending the election of the HC Chairman, HC would not be in a position to transact its business that required its decision, such as the formation of the Bills Committees to scrutinize bills. She further said that LCC was formed by virtue of The Legislative Council Commission Ordinance (Cap. 443) which prescribed that the Chairman and Deputy Chairman of HC would be the Deputy Chairman and a member of LCC respectively. Mr CHAN and Ms MAK said that LCC comprised Members from various political parties and groupings and any decisions on the security

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arrangements made by LCC had gone through due process of discussion. Mr CHAN considered that those Members from the pro-democracy camp in LCC should explain to other Members from their camp regarding the security arrangements for the LegCo Complex. Ms MAK suggested that should those Members consider it necessary to discuss the various issues dealt with by LCC, they could relay such views to the newly elected HC Chairman who would be the Deputy Chairman of LCC.

12. Mr Dennis KWOK said that since the Chairman and Deputy Chairman of HC would be the Deputy Chairman and a member of LCC respectively, the election of the HC Chairman was in effect tantamount to selecting a Member for two separate positions in HC and LCC. As the issues concerning the security arrangements for the LegCo Complex raised by the six Members in their letters were under the purview of LCC, he considered that such issues were relevant to the election of the HC Chairman and that Members would need to know the stance of the candidates for the HC Chairman on such issues. Mr KWOK added that he was a member of LCC and had all along been communicating with Members from the pro-democracy camp on issues discussed by LCC.

13. Ms Starry LEE said that Members had already spent more than seven hours at the last special HC meeting and about two hours at this meeting to discuss issues relating to the security arrangements for the LegCo Complex. If Members continued to drag on such issues, the election of the Chairman and Deputy Chairman of HC could not be conducted. She hoped that Mr Dennis KWOK could allow time for Members to decide on the arrangements for the election forum at this meeting. Ms LEE further said that if she was elected as the HC Chairman for the 2019-2020 session, she undertook to relay Members' views and concerns on relevant issues to LCC for its consideration and follow-up.

14. Mr Dennis KWOK reminded candidates for the HC Chairman that they should not mention their platforms when giving views on issues under discussion. He reiterated his view that as the HC Chairman would also be the Deputy Chairman of LCC, he considered that issues dealt with by LCC were relevant to the election of HC Chairman. Candidates for the HC Chairman should make clear their stance on related issues during the election forum for consideration by Members.

Points of order raised by Members

15. Mr Kenneth LEUNG said that Mr Dennis KWOK should request the Member proposing to raise a point of order to point out which rule(s) under the Rules of Procedure ("RoP")/House Rules ("HR") that the point of order was related to before proceeding to deal with the request. Sharing a similar view with Mr LEUNG, Dr Priscilla LEUNG said that Members should not claim to raise points of order on issues which were not points of order.

16. Mr James TO, Mr LAM Cheuk-ting and Ms Claudia MO did not concur with the view of Mr Kenneth LEUNG. They said that Members might not be able to point out the specific rule(s) under RoP/HR instantly when raising a point of order and in certain cases, there might not be an applicable rule for the issue(s) raised. Mr TO said that it would be for the Chairman of the committee concerned to decide whether or not the issue raised by a Member was a point of order. Mr HUI Chi-fung echoed and said that it was not specified in RoP 39 that a Member must point out the relevant rule(s) under RoP/HR when raising a point of order.

17. Mr Dennis KWOK advised that RoP 75(18) stipulated that subject to RoP, the practice and procedure of HC should be determined by the Committee. He said that Members might, if they so wished, request candidates for the HC Chairman to elucidate their views on dealing with points of order at HC meetings during the election forum.

18. Mr Gary FAN said that he wished to raise a point of order concerning the remarks made by Dr CHIANG Lai-wan about him at the last special HC meeting. Dr CHIANG had mentioned that he should be responsible for a large number of youngsters getting arrested as he had incited them to take to the streets to protest and also criticized him for having "acted impudently and shamelessly" ("厚顏無耻" in Chinese). Mr FAN noted that the expression "has acted impudently and shamelessly" had been ruled to be insulting and offensive language and was out of order according to RoP 41(4). Mr FAN also solemnly said that he had not incited youngsters to take to the streets to protest, and that Dr CHIANG had imputed improper motives to him which was out of order according to RoP 41(5). He strongly requested Dr CHIANG not to make such kind of remarks about him again.

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19. Mr Dennis KWOK said that Mr Gary FAN should have raised his point of order at the last special HC meeting and that he could not deal with the remarks made by Members retrospectively after the meeting concerned had ended. Nevertheless, he invited Dr CHIANG Lai-wan to respond to Mr FAN's view.

20. Dr CHIANG Lai-wan said that she had used the expression "acted impudently and shamelessly" to describe Mr Gary FAN at the last special HC meeting, and if he did not like the expression "acted impudently and shamelessly", she could use other expressions to describe him. She asked Mr FAN whether or not he had incited youngsters to take to the streets to protest. Mr Gary FAN complained that Dr CHIANG had used the inappropriate expression again and again in her response. Mr Dennis KWOK asked Dr CHIANG whether she would withdraw the expression "acted impudently and shamelessly" that she used in her response made earlier. Dr CHIANG said that she just repeated what Mr FAN had said at this meeting.

21. Dr Priscilla LEUNG said that Dr CHIANG Lai-wan only repeated what Mr Gary FAN had said at this meeting. If Members considered that another Member had used offensive and insulting language about him or her, the Member concerned should raise a point of order at the meeting at which the remarks were made.

22. Ms Tanya CHAN said that the way in which Dr CHIANG Lai-wan had responded to the request for clarification was similar to what Dr Junius HO had adopted when being requested to clarify his insulting and offensive remarks made against Ms Claudia MO at the last special HC meeting. Ms CHAN and Ms Claudia MO considered it very inappropriate for Dr CHIANG to say that Mr Gary FAN should be responsible for a large number of youngsters getting arrested as he had incited them to take to the streets to protest. They were concerned that those remarks just made by Dr CHIANG might have breached the relevant rules of RoP.

23. When expressing his view that Ms Tanya CHAN should be more specific in making an accusation against him, Dr Junius HO mentioned that Ms CHAN had suffered from brain disease. Mr Dennis KWOK said that Dr HO had made a very inappropriate remark about Ms CHAN and he had to give a verbal warning to Dr HO. Then, he decided to suspend the meeting and review the video record in order to make a ruling on whether Dr CHIANG Lai-wan had breached RoP 41(4) and RoP 41(5) at this meeting.

*(The meeting was suspended at 3:56 pm and resumed at 4:28 pm.)*

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24. After reviewing the video record, Mr Dennis KWOK said that Dr CHIANG Lai-wan had mentioned the expression "acted impudently and shamelessly" in her remarks about Mr Gary FAN made earlier at this meeting, and the expression "has acted impudently and shamelessly" had been ruled to be offensive and insulting language about Members in October 2004. He noticed that Dr CHIANG had already left the meeting, so he would request Dr CHIANG to withdraw this expression when she got back to the conference room. As for whether Dr CHIANG had breached RoP 41(5) by asking Mr FAN whether or not he had incited youngsters to take to the streets to protest, he considered that it was unsubstantiated.

25. Ms Tanya CHAN said that before suspension of the meeting, Dr Junius HO mentioned that she had brain disease. She further said that her brain tumour had already recovered and that she considered it very inappropriate for anyone to discriminate people with illness as well as those who had already recovered. Mr Dennis KWOK said that he noticed that Dr HO had left the meeting, he would request Dr HO to withdraw his remark about Ms CHAN's brain disease when Dr HO got back to the conference room.

26. Mr Charles MOK said that he observed that very often when a Member was requested to withdraw his/her remarks which were ruled to be offensive and insulting about other Members, the Member concerned would just simply leave the meeting. Mr MOK wondered if the Member concerned could be requested to withdraw his/her remarks at subsequent meeting(s) and if he/she refused to do so, be ordered to withdraw from that subsequent meeting.

27. At the invitation of Mr Dennis KWOK, the Clerk advised that if a Member considered that another Member had made remarks which were offensive and insulting about Member(s), he/she should request the Chairman to rule on it at the meeting concerned. However, the Member concerned could not be ordered to withdraw from a subsequent meeting even if he/she refused to withdraw his/her remarks.

28. Ms Claudia MO said that the quality of some Members, particularly those from the so-called pro-establishment camp, were low. In her view, they were rascals as they dared not bear the responsibility for what they had said at the meetings and just left the meeting after making offensive remarks. Ms MO added that she had lodged a complaint to the Equal Opportunities Commission ("EOC") regarding the insulting and

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offensive remarks made by Dr Junius HO against her at the last special HC meeting. She noted that EOC had issued a press release stating that his remarks were inappropriate.

29. Mr Tony TSE requested Ms Claudia MO to clarify whether the expression "the so-called pro-establishment camp" in her remarks made earlier was meant for any particular Member or all Members from the pro-establishment camp. Ms Claudia MO responded that she had nothing to clarify. Mr TSE requested for a review of the video record of the meeting. Mr Dennis KWOK then ordered that the meeting be suspended.

*(The meeting was suspended at 4:39 pm and resumed at 4:54 pm.)*

30. After reviewing the video record, Mr Dennis KWOK said that he considered that Ms Claudia MO had not referred to any particular Member in her remarks made earlier. Therefore, Ms MO had not breached the relevant rule of RoP.

Implications on Council meetings pending the election of the Chairman and Deputy Chairman of HC

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31. Mr CHAN Chi-chuen asked whether or not a separate HC meeting would be arranged for the purpose of considering the business for the Council meeting of 23 October 2019 if the Chairman and Deputy Chairman of HC for the 2019-2020 session could be elected at this meeting. He also enquired whether Ms Starry LEE and Mr Dennis KWOK would continue to act as the President's deputy to assist the President in presiding at Council meetings in accordance with the relevant rules of RoP, and whether they would continue to serve on LCC, pending the election of the Chairman and Deputy Chairman of HC.

32. At the invitation of Mr Dennis KWOK, the Clerk said that the Secretariat would study the issues raised by Mr CHAN Chi-chuen and provide a response later.

*(Post-meeting note: A letter from Mr CHAN Chi-chuen dated 22 October 2019 regarding his enquiries made at this meeting and the reply from the Clerk was circulated to Members on 23 October 2019 vide LC Paper Nos. CB(2)47/19-20(01) and (02).)*

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33. Mr Dennis KWOK said that having regard to the views expressed by Members at the last special HC meeting, he had made amendments to the three options of the election forum arrangements discussed at the last meeting. The revised options would be provided for Members' consideration at the next special HC meeting. Mr KWOK further said that as advised by the Clerk, SG had taken note of Members' request for his attendance at the special HC meetings. He also said that the proceedings of the election of the HC Chairman would continue at the next meeting.

34. The meeting ended at 5:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2020

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1039/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 25 October 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
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 WONG Kwok-kin, 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 MA Fung-kwok, SBS, JP  
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 Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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 Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon KWONG Chun-yu

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session, continued to preside over the election of the Chairman of the House Committee ("HC") for the 2019-2020 session. He informed Members that having regard to the views raised by Members at previous special HC meetings, he had made amendments to the three options of election forum arrangements, and a table setting out the revised options was tabled at this meeting (see **Appendix**). Besides, a note entitled "Implications on the operation of the House Committee pending the election of its chairman and deputy chairman" (LC Paper No. LS11/19-20) prepared by the Legal Service Division ("the LSD note") had been issued to Members before this meeting.

2. Mr Dennis KWOK further said that five letters which had been dealt with at the last special HC meeting on 18 October 2019 ("the last special HC meeting") had been referred to The Legislative Council Commission ("LCC"), but LCC's replies had not yet been received. Besides, he had learnt that four Members (i.e. Dr KWOK Ka-ki, Mr Alvin YEUNG, Ms Tanya CHAN and Mr Jeremy TAM) had issued a joint letter to the Secretary General ("SG") requesting SG to attend this meeting to provide information relating to the security arrangements for the Legislative Council ("LegCo") Complex and the deployment of police officers in the LegCo Complex, and SG had issued a reply letter dated 24 October 2019 advising that LCC had not given him permission to attend this meeting.

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Letters from Members tabled at the meeting

3. Mr Dennis KWOK invited Members to note the five letters tabled at the meeting (i.e. two joint letters dated 24 October 2019 from Dr KWOK Ka-ki, Mr Alvin YEUNG, Ms Tanya CHAN and Mr Jeremy TAM to Ms Starry LEE, Chairman for the 2018-2019 session, requesting SG to attend this meeting, the reply letter to these two joint letters by Ms LEE, the letter dated 24 October 2019 from Mr Kenneth LEUNG and addressed to Mr Dennis KWOK regarding the remuneration for the HC Chairman, and the letter provided by Mr AU Nok-hin at this meeting which was addressed to the LCC Chairman regarding the security arrangements for the LegCo Complex). Mr KWOK said that he considered the letter from Mr Kenneth LEUNG not related to the election of the HC Chairman, and therefore, that letter would not be dealt with at this meeting.

*(Post-meeting note: The five letters tabled at this meeting were circulated to Members vide LC Paper Nos. CB(2)63/19-20(01)-(05) on 28 October 2019. On the instruction of Mr Dennis KWOK, Mr Kenneth LEUNG's letter had been referred to LCC. The Clerk to LCC had replied to Mr Kenneth LEUNG on 31 October 2019.)*

4. Given the situation that LCC had not yet responded to Members' requests for providing the relevant information and SG had replied that he would not attend this meeting, Mr Dennis KWOK said that he would like to listen to Members' views on how related matters should be dealt with.

*Requesting LCC to provide the relevant information*

5. Ms Tanya CHAN and Dr KWOK Ka-ki, referring to the two joint letters dated 24 October 2019 they had issued together with Mr Alvin YEUNG and Mr Jeremy TAM, expressed dissatisfaction about the recent installation of water-filled barriers by the Police in the vicinity of the LegCo Complex which caused much inconvenience to many Members and members of the public in getting access to the LegCo Complex. Besides, Ms CHAN and Dr KWOK noted that the Secretariat had, in recent months, employed some temporary security staff, and they considered that the way these temporary security staff carried out their duties was far from satisfactory. Dr KWOK also took the view that Members should be provided with information about the arrangements to be made for guided tours to the LegCo Complex for the public which had

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been suspended from July 2019 onwards, and the expenditure incurred for employing the temporary security staff as well as whether the Secretariat's manpower resources available for the operation of subcommittees on policy issues would be affected. Ms CHAN and Dr KWOK also expressed dissatisfaction about LCC not providing Members with any relevant information and SG not attending this meeting.

6. Mr IP Kin-yuen, Dr KWOK Ka-ki, Mr Alvin YEUNG, Mr WU Chi-wai reiterated their views and concerns raised at the last special HC meeting about the security arrangements for the LegCo Complex, particularly those made on 12 June 2019. These Members took the view that relevant information should be made available to facilitate candidates for the HC Chairman to expound their stance on such issues and other Members to put questions to them during the election forum to be conducted. Mr IP added that if issues relating to the security arrangements for the LegCo Complex on 12 June 2019 were to be discussed by LCC, he hoped that he would be invited to attend the relevant LCC meeting(s). Dr KWOK considered it of the utmost importance to uphold the dignity of LegCo, and therefore, he considered it unacceptable for police officers to be permitted to station in the LegCo Complex and use the facilities therein arbitrarily on 12 June 2019. Mr YEUNG and Mr WU commented that security arrangements had not been implemented uniformly by the security staff of the Secretariat in recent months. Mr YEUNG considered it imperative for LCC to put in place a mechanism for determining the special security arrangements for the LegCo Complex when the Red alert or Amber alert was issued, and make available guidelines and provide sufficient training for the security staff of the Secretariat. He added that in making security arrangements for the LegCo Complex, particularly those involved giving permission for police officers to station in the LegCo Complex, due regard should be given to the constitutional principle of the separation of powers. Mr WU also considered that the Secretariat staff should be requested to implement security arrangements in a consistent manner and demonstrate neutrality when rendering their services. He considered it unreasonable for LCC not to provide Members with information which, in his view, was not confidential, e.g. statistical data in relation to the security arrangements for the LegCo Complex as requested in his letter dated 18 October 2019.

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7. Mr AU Nok-hin, Ms Claudia MO and Mr CHAN Chi-chuen also expressed dissatisfaction with the security arrangements for the LegCo Complex in recent months, and they took the view that the issues under discussion would be major issues of concern during the election forum to be conducted. Mr AU and Ms MO were gravely concerned about Mr AU being scratched allegedly by a security staff of the Secretariat after the Chief Executive's Question and Answer Session on 17 October 2019 had ended. Mr AU said that he felt that he had not been fairly treated by the security staff of the Secretariat on various occasions, the details of which had been set out in his letter to the LCC Chairman. He considered it necessary for LCC to conduct a review of related matters, including finding out who gave instructions on the way the security staff of the Secretariat carried out their work. Mr CHAN said that he was particularly concerned about the special security arrangements when the Red alert was issued. He recalled that after the incident on 1 July 2019, he stayed overnight at his office in the LegCo Complex. After midnight of 1 July 2019, police officers had knocked on his office door and requested to conduct a search of his office, and when he left the LegCo Complex in the daytime on 2 July 2019, police officers had requested to check his bag and claimed that they had the power to do so. Mr CHAN added that even though he gave his consent on both occasions, he was concerned whether the security staff of the Secretariat had assisted police officers in opening the doors of other Members' offices, and whether police officers really had the powers to carry out such work in the LegCo Complex.

8. Mr CHAN Hak-kan said that as an LCC member for the 2018-2019 session, he would like to point out that the term of office of LCC members would expire shortly, and therefore, issues raised by various Members could only be discussed at a future LCC meeting after LCC members for the 2019-2020 session were elected at an HC meeting, which could only be held after the election of the Chairman and Deputy Chairman of HC was completed. At the request of Mr CHAN and at the invitation of Mr Dennis KWOK, the Clerk advised that the term of office of LCC members should be one year or until the next HC meeting held for the election of LCC members, whichever was the earlier. As the election of LCC members for the 2018-2019 session was held on 26 October 2018, the term of office of LCC members would expire on 25 October 2019, i.e. the day of this HC meeting. As LCC members for the 2019-2020 session were to be elected at an HC meeting, LCC meetings for the new session had yet to be scheduled.

*Requesting SG to attend HC meetings*

9. Mr WU Chi-wai and Mr Alvin YEUNG said that they had learnt from SG's reply letter dated 24 October 2019 that SG had consulted LCC and LCC had not given SG permission to attend this meeting. Mr WU enquired about the procedure adopted by LCC in making such a decision. In response, Mr Dennis KWOK, Mr CHAN Hak-kan and Mr WONG Ting-kwong (who all were LCC members for the 2018-2019 session) respectively confirmed that LCC had made that decision by circulation of papers to its members.

10. Noting that the term of office of LCC members for the 2018-2019 session would expire on the day of this HC meeting, Mr Alvin YEUNG wondered whether or not it would be up to SG to decide if he would attend the next HC meeting. Mr YEUNG made clear that he would like SG to attend HC meetings held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. Ms Claudia MO held the view that SG had a duty to attend all HC meetings and to answer Members' questions and provide necessary assistance to Members.

11. Ms Claudia MO noted that Ms Starry LEE had issued a letter informing Members of LCC's decision not to give permission for SG to attend this HC meeting. She enquired in what capacity Ms LEE had issued that letter.

12. Referring to the LSD note which advised that the incumbent HC Chairman continued to hold office until the chairman for the new session was elected, Ms Starry LEE said that she had adopted a prudent manner in carrying out her duties as the HC Chairman in office. Upon receiving the letter dated 24 October 2019 from the four Members, she had made reference to the letter issued by SG earlier to the four Members in her reply letter and informed them of LCC's decision not to give permission for SG to attend this meeting. Ms LEE said that it was her view that issues relating to the security arrangements for the LegCo Complex were not related to the election of the HC Chairman, and that the time already spent on dealing with proceedings of the election of the HC Chairman was beyond reasonable limits.

13. Mr CHAN Chi-chuen said that he had given notice for moving a proposed resolution under section 17(2) of The Legislative Council Commission Ordinance (Cap. 443) at the Council meeting of 10 July 2019 seeking to suspend the duties of SG and to set up a disciplinary

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investigation panel to investigate SG's dereliction of duty. He had been informed on 4 July 2019 that in respect of his proposed resolution, legal advice from outside counsel would be sought. He expressed dissatisfaction about not receiving any definite response to date about how his proposed resolution would be dealt with.

14. Mr WONG Ting-kwong and Mr Holden CHOW expressed a similar view that the election of the HC Chairman should be conducted more expeditiously, and that it was undesirable to spend so much time on dealing with issues relating to the security arrangements for the LegCo Complex. They also took the view that it was understandable to keep confidential the details of security arrangements for the LegCo Complex; otherwise the security arrangements concerned would easily be compromised. Therefore, even if SG had attended this meeting, not much detail could be disclosed. Mr WONG said that issues relating to the security arrangements for the LegCo Complex were usually considered at the closed meetings of LCC. If any decision was made, then the President would usually conduct a media briefing, and where appropriate, relevant papers would be circulated to all Members for reference. Mr WONG added that while SG had a duty to provide support services to all Members, SG reported only to LCC in respect of issues relating to the security arrangements for the LegCo Complex. Therefore, if Members so wished, they should convey their views and concerns to LCC for follow-up. Mr CHOW took the view that given various security incidents in recent months, it was understandable to make stringent security arrangements for the LegCo Complex, and Members should give due respect to the relevant decisions made by LCC. He added that it was impracticable to consult all Members before making relevant decisions, and even if so, the relevant security arrangements could hardly meet all the demands of Members.

15. In response to Members' views, Mr Dennis KWOK reiterated his view that it was of the utmost importance for the election forum to be conducted in a fair, efficient and orderly manner. It was also important to ensure that all candidates could have equal access to information that would be relevant to the election of the HC Chairman. Since the Chairman and Deputy Chairman of HC would be the Deputy Chairman and a member of LCC respectively, he considered that issues dealt with by LCC were directly related to the election of the HC Chairman. Given the unprecedented situation that 23 candidates were validly nominated for the HC chairmanship, with so many Members raising concerns about the security arrangements for the LegCo Complex and only a few candidates

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having prior knowledge of the operation of LCC, if LCC and/or SG could not provide the relevant information to all candidates, the election forum could not be conducted in a fair and effective manner. Therefore, he considered it reasonable to first deal with issues raised in Members' letters, particularly those relating to the security arrangements for the LegCo Complex and personnel issues, etc. Mr KWOK added that he noticed that some of the information which Members had requested LCC and/or SG to provide was not confidential. Mr KWOK also said that the proceedings of the election of the HC Chairman would continue at the next meeting.

16. The meeting ended at 3:59 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2020



**Options for conducting the election forum for the election of  
the Chairman of the House Committee for the 2019-2020 session  
(Number of candidates: 23)**

	<b>Option A</b>	<b>Option B</b>	<b>Option C</b>
<b>Presentation of platforms by candidates</b> (The order to be determined by drawing of lots)	Two minutes for each candidate	Two minutes for each candidate	One minute for each candidate
<b>Questions from Members</b>	Two minutes for each Member (assuming that 35 Members will raise questions)	Two minutes for each Member (assuming that 35 Members will raise questions)	Each candidate to be allocated eight minutes. Within this period of time, each Member who has indicated intention to speak to raise questions for not more than one minute, and each candidate to make immediate response for not more than one minute (If certain candidates were asked a larger number of questions, the presiding Member will exercise discretion and give those candidates more time for response)
<b>Response by candidates</b>	After each Member has raised questions, each candidate to make immediate response for not more than 1.5 minutes, (The order of candidates making response to be determined by drawing of lots)	After all Members who intend to raise questions have done so, each candidate to make a consolidated response for not more than eight minutes (The order of candidates making response to be determined by drawing of lots) (If certain candidates were asked a larger number of questions, the presiding Member will exercise discretion and give those candidates more time for response)	
<b>Concluding remarks by candidates</b>	No concluding remarks	Two minutes for each candidate (the order to be determined by drawing of lots)	Two minutes for each candidate (the order to be determined by drawing of lots)
<b>Estimated time required</b>	<b>1 323 minutes and 30 seconds</b>	<b>346 minutes</b> (subject to whether discretion is exercised for giving certain candidates additional time for response)	<b>253 Minutes</b> (subject to whether discretion is exercised for adjusting the time for response by certain candidates)

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1040/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 1 November 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Hon CHAN Hak-kan, BBS, JP  
Hon CHAN Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon WONG Kwok-kin, 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 MA Fung-kwok, SBS, JP  
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 Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, 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 Jimmy NG Wing-ka, BBS, JP  
Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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 Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Prof Hon Joseph LEE Kok-long, SBS, JP  
Hon WONG Ting-kwong, GBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon CHU Hoi-dick  
Hon KWONG Chun-yu

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

Ms Connie FUNG	Legal Adviser
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
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Letters from Members tabled at this meeting

Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session and Member presiding at the election of the Chairman of the House Committee ("HC") for the 2019-2020 session, said that the following letters were tabled at the meeting:

- (a) letter dated 31 October 2019 from Dr KWOK Ka-ki to Ms Starry LEE, Chairman for the 2018-2019 session, requesting the Secretary General ("SG") to attend this special HC meeting to provide information on issues relating to the education qualifications of a Member and the reply by Ms Starry LEE; and
- (b) letter dated 31 October 2019 from Mr Kenneth LEUNG to Mr Dennis KWOK requesting SG to attend this special HC meeting to provide information on issues relating to the security arrangements for the Legislative Council ("LegCo") Complex and the reply by SG.

*(Post-meeting note: The above two letters from Members and the corresponding replies by Ms Starry LEE and SG respectively were circulated to Members vide LC Paper Nos. CB(2)135/19-20(01) to (04) on 4 November 2019.)*

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2. At the invitation of Mr Dennis KWOK, Dr KWOK Ka-ki expressed dissatisfaction that SG had ignored Members' requests for his attendance at the HC meeting again. Referring to his letter dated 31 October 2019, Dr KWOK said that he noted that Mr Junius HO had recently been stripped of an honorary doctorate by the Anglia Ruskin University. In his view, the public was concerned about the authenticity of the biographical details of Members, and he had therefore requested SG to attend this special HC meeting to provide information on the mechanism that The Legislative Council Commission ("LCC") had put in place to verify the authenticity of the biographical details provided by Members. Dr KWOK further said that as the name cards and other stationery of Mr HO would have to be reprinted, and information on the LegCo website would also have to be updated to reflect the change in the information in relation to Mr HO's education qualifications, he was concerned if Mr HO would be personally responsible for all or part of the expenses incurred. Mr Dennis KWOK said that Dr KWOK's letter would be relayed to LCC to follow up.

*(Post-meeting note: On the instruction of Mr Dennis KWOK, the Clerk had referred the letter from Dr KWOK Ka-ki to LCC to follow up.)*

3. Referring to the written reply by Ms Starry LEE to his letter dated 31 October 2019, Dr KWOK Ka-ki said that he noted that the Secretariat would not and was not empowered to verify the authenticity of the biographical details (including the education and professional qualifications) provided by Members via the LegCo Administrative Support System. He was concerned that there might be loopholes in such an honour system which might be susceptible to abuse. Mr Kenneth LEUNG and Mr LEUNG Yiu-chung also expressed a similar view.

4. Mr LEUNG Yiu-chung said that when the election of the President for the Sixth LegCo was held in 2016, many members of the public criticized that there was no mechanism for LegCo to verify the eligibility of candidates nominated for the office of the President in respect of their compliance with the requirements stipulated in Article 71 of the Basic Law ("BL") (i.e. a permanent resident of the Hong Kong Special Administrative Region with no right of abode in any foreign country and had ordinarily resided in Hong Kong for a continuous period of not less than 20 years). He noted that amendments were made to the Rules of Procedure ("RoP") in 2019 to require Members running for the office of

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the President to make a statutory declaration in respect of their nationality and residency status. In his view, even if a Member was required to make a statutory declaration, the authenticity of the information provided by the Member concerned could not be ensured in the absence of any verification mechanism.

5. Mr Kenneth LEUNG echoed the view of Mr LEUNG Yiu-chung and said that at present, neither LCC nor HC was empowered to verify the authenticity of the biographical details provided by Members. He wondered whether consideration should be given to widen the functions of HC in this regard, possibly by amending RoP. He also considered that the candidates for the HC Chairman should be invited to elucidate their stance on issues under discussion during the election forum. Mr Kenneth LEUNG further said that he held a British nationality and enquired if the nationality requirement of the President as provided in BL 71 also applied to the candidates for the HC Chairman as the HC Chairman would be the President's deputy and would preside over Council meetings.

6. Mr Junius HO said that the withdrawal of his honorary doctorate by the Anglia Ruskin University was, in his view, only a political act and he could not understand why Members had wasted so much meeting time on discussing the issue. He further said that if Members considered that the integrity and personal conduct of Members were important and should be taken into consideration in the election of the Chairman and Deputy Chairman of HC, the candidates concerned should be required to declare their personal background (such as whether or not he/she had been found guilty of an offence by a court and whether there was/were any pending lawsuit(s) against him/her) for consideration by Members. Regarding Mr HO's view about the need for candidates for the HC Chairman to declare their personal background, Mr HUI Chi-fung said that it might worth considering what types of information that the candidates for the HC Chairman should declare.

Requests for the attendance of SG at the HC meetings held for the election of the Chairman and Deputy Chairman of HC

7. Ms Tanya CHAN said that the election of the Chairman and Deputy Chairman of HC was originally scheduled to be held at the regular HC meeting on 11 October 2019 but the relevant agenda item was not dealt with before the close of the meeting. In her view, the special HC meetings subsequently held to deal with this unfinished business

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(i.e. election of the Chairman and Deputy Chairman of HC) should be regarded as a continuation of the regular HC meeting on 11 October 2019. Therefore, she saw no reason why SG had not attended the special HC meetings subsequently held to deal with the election of the Chairman and Deputy Chairman of HC. Referring to the written reply of SG of 1 November 2019 to the letter of Mr Kenneth LEUNG dated 31 October 2019, Ms CHAN considered that although permission was not given by LCC for SG to attend HC meetings to provide information relating to the security arrangements for the LegCo Complex, it was still the duty of SG to attend the special HC meetings held for the said election and answer questions raised by Members on other issues so as to facilitate the conduct of the said election.

8. At the invitation of Mr Dennis KWOK, the Clerk advised that in general, regular HC meetings would be attended by SG, the Clerk and relevant supporting staff from the Secretariat while special HC meetings would be attended by the Clerk and the staff who were required to provide supporting services in the meetings concerned. Ms Tanya CHAN said that she vaguely remembered that SG had attended some special HC meetings in the past. She further said that she would find out which particular special HC meetings SG had attended.

9. Mr CHAN Kin-por reiterated his view made at previous special HC meetings that issues relating to the security arrangements for the LegCo Complex were under the purview of LCC and not HC. Mr CHAN further said that according to a ruling previously made by the court, any presiding Member should ensure the orderly, efficient and fair disposition of business. He therefore strongly urged Mr Dennis KWOK to conduct the election of the HC Chairman in an efficient manner. Echoing the view of Mr CHAN Kin-por, Mr CHAN Hak-kan said that issues relating to the security arrangements for the LegCo Complex should not be discussed at open meetings as it might undermine the effectiveness of the security measures if their details were made public. As such, he did not consider it appropriate or necessary for SG to attend the special HC meetings. He suggested that Members might request LCC to invite them to attend the LCC meeting(s) when it discussed issues relating to the security arrangements for the LegCo Complex.

10. Mr Dennis KWOK said that in presiding over the election of the HC Chairman, he had all along been exercising his power to ensure the orderly, efficient and fair disposition of business. He said that as the Chairman and Deputy Chairman of HC would be the Deputy Chairman

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and a member of LCC respectively, some Members had expressed the view that they would like the candidates for the HC Chairman to elucidate their stance on issues dealt with by LCC including the security arrangements for the LegCo Complex. Mr KWOK further said that not all candidates for the HC Chairman had ever served as a member of LCC. To ensure that the election of the HC Chairman would be held on a fair, equal and open basis, he considered it necessary for all candidates to have equal access to the relevant information and it was on this ground that information relating to the security arrangements for the LegCo Complex was sought. However, despite repeated requests from Members for LCC to provide the relevant information and for SG to attend the special HC meetings to answer questions from Members in this regard, neither LCC nor SG had acceded to any of those requests. Referring to Mr CHAN Hak-kan's earlier remarks, Mr KWOK considered that not all information relating to the security arrangements for the LegCo Complex was confidential, and what could be divulged to the public and discussed openly could be further considered by Members.

11. Mr CHAN Kin-por said that pending the election of LCC members for the 2019-2020 session, LCC was not in a position to deal with the requests from Members on issues relating to the security arrangements for the LegCo Complex. Mr Kenneth LEUNG wondered if the President, in his capacity as the LCC Chairman, could exercise the powers conferred upon LCC by The Legislative Council Commission Ordinance (Cap. 443) pending the election of LCC members for the 2019-2020 session. Mr LEUNG said that the advice of the Legal Adviser ("LA") should be sought to clarify issues relating to the powers of the LCC Chairman pending the election of LCC members for the 2019-2020 session.

*(On the instruction of Mr Dennis KWOK, the Clerk had requested LA to join the meeting to answer Mr Kenneth LEUNG's enquiry.)*

12. At the invitation of Mr Dennis KWOK, LA said that the powers of LCC were provided in Cap. 443. According to Cap. 443, the quorum of LCC meetings was four members where the meetings were held during the sessions of the Council. As the one-year terms of office of the members elected to LCC at the HC meeting on 26 October 2018 had expired on 25 October 2019, a quorum could not be formed for LCC to transact its business pending the election of LCC members for the 2019-2020 session. As regards whether or not and to what extent the LCC Chairman could exercise the powers of LCC pending the election of LCC members for the 2019-2020 session, LA said that there was no



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provision in Cap. 443 empowering the LCC Chairman to do so, and the only provision concerning the LCC Chairman that touched upon LCC's statutory powers or functions was section 15, which stipulated that SG should be responsible to the LCC Chairman for the administration of the Secretariat.

*(LA left the meeting after giving the above advice.)*

Progress of the proceedings for the election of the HC Chairman

13. Ms Starry LEE said that five meetings had already been held for the election of the HC Chairman but the progress was far from satisfactory. She was gravely concerned that HC had not even decided on the arrangements for the election forum after these five meetings. In her view, the election of the HC Chairman was unduly delayed by hours of discussion on issues not directly related to the election (such as the security arrangements for the LegCo Complex). Ms LEE reiterated that pending the election of the Chairman and Deputy Chairman of HC, HC would not be in a position to transact its business that required its decision. Not only the Bills Committees could not be formed to scrutinize bills, but also the motion debate on the Policy Address originally scheduled for the Council meeting on 13, 14 and 15 November 2019 had to be rescheduled to a later date. In addition, the special HC meeting for which the Chief Secretary for Administration had initially agreed to attend to answer questions from Members in respect of the social incidents in the past few months could not be arranged pending the said election. As the President had to preside over the entire Council meetings, the time available for Members' debates had been reduced as breaks had to be provided during the meetings. Mr Junius HO commented that Mr Dennis KWOK had performed poorly in presiding at the election of the HC Chairman and had unduly prolonged the proceedings of the meetings. Dr Priscilla LEUNG said that some Members had raised their views repeatedly and she considered that it was a waste of meeting time. Ms LEE and Dr LEUNG shared a similar view that Mr Dennis KWOK should set a limit on Members' speaking time.

14. Mr HUI Chi-fung said that issues raised by Members at the meeting including the security arrangements for the LegCo Complex were relevant to the election of the Chairman and Deputy Chairman of HC. He considered that the manner in which Ms Starry LEE had presided over the HC meetings in the past was not satisfactory, in particular, little or even no time was allowed for Members of the

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pro-democracy camp to express their views and for them to put questions to SG on issues of public concern (such as issues relating to the security arrangements for the LegCo Complex). Mr HUI further said that there were a number of occasions in which Members of the pro-democracy camp had to leave their seats during the HC meetings in protest of the rulings she made. Mr HUI considered it necessary for the candidates for the HC Chairman to explain to Members the manner in which they would preside over the HC meetings in future.

15. Ms Starry LEE strongly protested against Mr HUI Chi-fung's remarks about her, and made clear that what Mr HUI had said about her was not the fact. Ms LEE stressed that she had all along presided over the HC meetings in accordance with RoP and the House Rules. She also pointed out that ample time was given for SG at the HC meeting on 11 October 2019 to respond to the questions raised by Members regarding the security arrangements for the LegCo Complex on 16 and 17 October 2019.

16. Mr Dennis KWOK said that he had not set a limit on the speaking time of Members so as to allow Members to explain their views clearly. He had always reminded Members to keep their views brief and concise, and he considered that so far there was no repetition in the views expressed by Members. Nevertheless, he might consider, if necessary, requesting Members to speak for not more than five minutes if they were speaking for the second time. Mr KWOK further said that as it was approaching 4:00 pm at which a Finance Committee meeting had been scheduled to commence, he had to end the meeting.

17. The meeting ended at 4:00 pm.

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1041/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 8 November 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
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 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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, 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 MA Fung-kwok, SBS, JP  
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 Helena WONG Pik-wan

Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, 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, BBS, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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, JP  
Hon CHAN Hoi-yan

**Members absent :**

Hon James TO Kun-sun  
Hon Jeffrey LAM Kin-fung, GBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Hon Junius HO Kwan-yiu, JP  
Hon Tony TSE Wai-chuen, BBS

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

Ms Connie FUNG	Legal Adviser
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
Mr Arthur KAN	Legislative Assistant (2)7

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Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session and Member presiding at the election of the Chairman of the House Committee ("HC") for the 2019-2020 session, invited Members to observe three minutes of silence to express their condolences to Mr CHOW Tsz-lok, a student of the Hong Kong University of Science and Technology who passed away on the day of this meeting.

**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Letters from Members tabled at this meeting

2. Mr Dennis KWOK said that since the last special HC meeting on 1 November 2019 ("the last special HC meeting"), he had written to the Chairman of The Legislative Council Commission ("LCC") regarding the security arrangements for the Legislative Council ("LegCo") Complex, and had received a written reply from the Clerk to LCC on the day of this meeting. He further said that the following letters were tabled at the meeting:

- (a) letter dated 5 November 2019 from Mr Kenneth LEUNG to Mr Dennis KWOK requesting that the arrangements for the declaration by candidates for the election of the HC Chairman to be discussed at the meeting;

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- (b) letter dated 7 November 2019 from Dr KWOK Ka-ki to Ms Starry LEE, Chairman for the 2018-2019 session, regarding the powers enjoyed by the President's deputy when presiding over Council meetings and Ms LEE's written reply issued on the day of this meeting; and
- (c) letter dated 7 November 2019 from Ms Tanya CHAN to Ms Starry LEE requesting the Secretary General ("SG") to attend HC meetings held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session and Ms LEE's written reply issued on the day of this meeting.

*(Post-meeting note: The letters set out in paragraph 2 above were circulated to Members vide LC Paper Nos. CB(2)191/19-20(01) to (07) on 11 November 2019.)*

Requests for SG's attendance at HC meetings held for the election of the Chairman and Deputy Chairman of HC

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3. Ms Tanya CHAN referred to her letter to Ms Starry LEE and Ms LEE's written reply mentioned in paragraph 2 above. She reiterated her view expressed at the last special HC meeting that it was necessary for SG to attend the HC meetings held since 15 October 2019 for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session irrespective of whether these meetings were regular or special meetings. She pointed out that since the said election was not proceeded with before the close of the regular HC meeting on 11 October 2019, the special HC meetings subsequently held for the said election should be regarded as a continuation of the regular HC meeting on 11 October 2019 for dealing with the unfinished business on the agenda. In her view, SG's attendance at the HC meetings held for the election of the Chairman and Deputy Chairman of HC would not affect the Secretariat in upholding political neutrality. Besides, she noted that apart from attending the HC meetings at which the election of the Chairman and Deputy Chairman of HC took place in the past sessions, SG had also attended the special HC meetings held on 12 October 2012, 23 November 2012 and 4 May 2019 respectively. She queried whether SG's attendance at a special HC meeting was decided at his own discretion.

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4. Mr Jeremy TAM recalled that in SG's written response to the joint request made by some Members, SG had advised that permission was not given by LCC for the 2018-2019 session for SG to attend the special HC meeting on 25 October 2019. As the term of office of LCC for the 2018-2019 session had expired on 25 October 2019, Mr TAM wondered who would be in a position to give permission to SG should his attendance at any future special HC meetings be required pending the election of LCC members for the 2019-2020 session.

5. Referring to his letter to Ms Starry LEE mentioned in paragraph 2 above, Dr KWOK Ka-ki expressed dissatisfaction with SG's absence from this meeting. He said that as the HC Chairman would be the President's deputy, it was necessary for SG to attend this meeting to provide information relating to the powers enjoyed by the President's deputy when presiding over Council meetings. In his view, the information provided by SG would facilitate Members to put questions to the candidates for the HC Chairman in this regard at the election forum to be conducted. In particular, he was concerned that at the Council meeting of 6 November 2019, the President did not allow some Members to follow up their questions during the oral question session. He considered that Members had the responsibility to raise questions on the work of the Government in accordance with Article 73(5) of the Basic Law ("BL"), which the President and the President's deputy should respect when exercising the power to preside over Council meetings.

6. Mr HUI Chi-fung and Mr AU Nok-hin expressed a similar view that SG had a duty to attend HC meetings upon Members' request. Mr HUI said that as the HC Chairman would be the Deputy Chairman of LCC, some Members had earlier requested SG to attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session to answer enquiries concerning various issues dealt with by LCC (particularly the security arrangements for the LegCo Complex), with a view to putting questions to the candidates for the HC Chairman in this regard at the election forum to be conducted. To be fair to all candidates, Mr HUI considered that the election forum should not be proceeded with unless SG could provide the relevant information sought by those Members. Mr AU said that pending the election of LCC members for the 2019-2020 session, SG was the only officer of the LegCo Secretariat who would be able to answer Members' enquiries concerning various security incidents that took place in the vicinity of the LegCo Complex in the past few months.

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7. Mr CHEUNG Kwok-kwan said that the question of whether SG should attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC to answer Members' enquiries regarding various issues dealt with by LCC had been discussed repeatedly at the previous special HC meetings. He considered it inappropriate for HC to keep dwelling on the matter, which was totally irrelevant to the election of the HC Chairman. He urged Mr Dennis KWOK to proceed with the election process without further delay.

8. Mr Dennis KWOK said that as the HC Chairman would be the Deputy Chairman of LCC, LCC's or SG's provision of information concerning various issues dealt with by LCC would ensure that all candidates would have equal access to information that would be relevant to the election of the HC Chairman. In his view, it was of paramount importance for the election to be held on a fair, equal and open basis hence such information was sought by some Members on this ground. However, as advised by the Clerk to LCC and SG in their replies to the requests of some Members, pending the election of LCC members for the 2019-2020 session, LCC would not be in a position to deal with such requests which would require LCC's decision and SG would not attend the relevant HC meetings. Mr KWOK further said that at the previous special HC meetings, Members had discussed about the arrangements for the election forum to be conducted and he had worked out three options for Members' consideration. Having regard to the views expressed by Members, he had made amendments to the three options of the election forum arrangements, the details of which had been tabled at the special HC meeting on 25 October 2019. He would invite Members to express their views on the revised options and put them to vote in due course.

Arrangements for the declaration by candidates for the HC Chairman

9. Referring to his letter to Mr Dennis KWOK mentioned in paragraph 2 above, Mr Kenneth LEUNG said that at the last special HC meeting, Mr Junius HO had expressed concern about the need for candidates for the HC Chairman to declare their personal background (e.g. criminal records). He considered it necessary for HC to discuss in detail the types of information that candidates for the HC Chairman should declare. He pointed out that under BL 71, the President should be a Chinese citizen of not less than 40 years of age, who was a permanent resident of the Hong Kong Special Administrative Region with no right of abode in any foreign country and had ordinarily resided in Hong Kong for a continuous period of not less than 20 years. As the HC Chairman



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would be the President's deputy and would enjoy the power to preside over Council meetings conferred on the President by BL 72(1) in the absence of the President, Mr LEUNG enquired if the qualification requirements for the President under BL 71 would be applicable to the HC Chairman, and if so, whether candidates for the HC Chairman should be required to declare his/her nationality, length of residency in Hong Kong, etc. to prove that they had met such requirements. Mr LEUNG Yiu-chung expressed a similar concern and considered it necessary to seek advice from the Legal Adviser ("LA") as a matter of prudence.

10. Mr Dennis KWOK said that while there was no requirement under the Rules of Procedure ("RoP") and the House Rules for candidates for the HC Chairman to declare their personal background, the question of whether candidates for the HC Chairman should meet the qualification requirements under BL 71 involved a point of law concerning the scope of application of BL 71. He then ordered that the meeting be suspended for a while so that he could seek LA's advice on the relevant legal issue. At the same time, he would relay to SG the requests of some Members for his attendance at the special HC meetings held for the election of the Chairman and Deputy Chairman of HC.

*(The meeting was suspended at 3:23 pm and resumed at 3:47 pm.)*

11. When the meeting resumed, Mr Dennis KWOK invited LA to give her views on the scope of application of BL 71, which was raised by Mr Kenneth LEUNG before suspension of the meeting.

12. At the invitation of Mr Dennis KWOK, LA said that the President and the President's deputy were separate offices. Under BL 71, the President should be elected by and from among LegCo Members. The qualification requirements for the President were also provided under the same Article of BL. On the other hand, the office of the President's deputy and the powers enjoyed by the President's deputy were provided in RoP, not in BL. In this light, the qualification requirements under BL 71 should be construed as only applicable to the Member holding the office of the President, but not to the Member who acted as the President's deputy.

13. Mr Kenneth LEUNG said that the powers of the President's deputy conferred by RoP were the same as those of the President under BL 72. In this light, he enquired whether there were any implied restrictions imposed by BL on the qualifications of the President's deputy,

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such that the President's deputy was subject to the requirements provided in BL 71. Ms Tanya CHAN expressed a similar concern and enquired whether the President's deputy would be qualified to exercise the power to preside over Council meetings conferred on the President by BL 72(1) so long as he/she was duly elected as the HC Chairman.

14. At the invitation of Mr Dennis KWOK, LA responded that RoP 3(3) stipulated that "The President's deputy or other Member presiding shall enjoy all those powers conferred by these Rules of Procedure on the President or Chairman that are exercisable in respect of the meeting, or part of the meeting, of the Council or a committee of the whole Council at which the President's deputy or that Member presides or is Chairman, or in respect of which the President has requested that he preside or be Chairman.". As the office of the President's deputy was provided through the making of the relevant provisions in RoP by LegCo, the arrangement provided in RoP 3(3) could be taken as an internal procedure passed by LegCo in order to allow Council meetings to continue in the absence of the President or in other circumstances specified in RoP 3(2).

15. In response to Mr Kenneth LEUNG's and Ms Tanya CHAN's requests, Mr Dennis KWOK invited LA to consider setting out her advice in writing if she had further views on issues relating to the qualification requirements for the President's deputy in addition to those given at the meeting. He then invited the Clerk to brief Members on SG's response to the requests of some Members for his attendance at the special HC meetings held for the election of the Chairman and Deputy Chairman of HC. At the invitation of Mr KWOK, the Clerk said that during the suspension of the meeting, SG had informed Mr KWOK that as explained in SG's written reply dated 1 November 2019 to the request of Mr Kenneth LEUNG, permission was not given by LCC for the 2018-2019 session for SG to attend the relevant HC meetings to provide information relating to the security arrangements for the LegCo Complex. The said decision made by LCC remained valid notwithstanding that its term of office had expired.

16. Ms Starry LEE said that since 15 October 2019, HC had held five special meetings and had spent a total of about 14.5 hours for the election of the HC Chairman. However, HC had yet to decide which of the three proposed options of the election forum arrangements should be adopted. She was greatly disappointed by the way Mr Dennis KWOK had presided over the election. She expressed concern that at the previous special HC meetings as well as this special meeting, HC had been dwelling on issues

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relating to SG's attendance at special HC meetings held for the election of the Chairman and Deputy Chairman of HC. While many Members had already expressed their views in this regard, a consensus was yet to be reached. She suggested that the question of whether SG should attend the relevant HC meetings should be put to vote, so that discussion of the relevant issues could be put to an end.

17. Mr Jeremy TAM said that while he agreed with Ms Starry LEE's suggestion, he had reservation as to whether the voting result of HC would have any binding effect, given that LCC for the 2018-2019 session had made an earlier decision of not permitting SG to attend the relevant HC meetings.

18. Mr Dennis KWOK said that apart from SG's attendance at the relevant HC meetings, LCC's provision of information relating to various issues it had dealt with (particularly the security arrangements for the LegCo Complex) to HC remained outstanding. He further said that in his letter to the LCC Chairman, he had suggested that LCC should consider providing the relevant information on a confidential basis. However, as advised by the Clerk to LCC in her written reply to his letter, LCC would not be in a position to deal with his suggestion pending the election of LCC members for the 2019-2020 session. As it was approaching the appointed end time of 4:00 pm, Mr KWOK said that the proceedings of the election of the HC Chairman would continue at the next meeting.

19. The meeting ended at 4:00 pm.

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1042/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 15 November 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
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-yee, 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 MA Fung-kwok, SBS, 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  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
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, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon Abraham SHEK Lai-him, GBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Charles Peter MOK, JP  
Hon Elizabeth QUAT, BBS, JP  
Hon Andrew WAN Siu-kin  
Hon LUK Chung-hung, JP

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session and Member presiding at the election of the Chairman of the House Committee ("HC") for the 2019-2020 session, said that since the movement of opposition to the Administration's proposed legislative amendments concerning the surrender of fugitive offenders began in June 2019, another Hong Kong citizen had unfortunately passed away on the day before this meeting. He then invited Members to observe three minutes of silence to express their condolences to those who had lost their lives in the said movement.

**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Letters from Members tabled at this meeting

2. Mr Dennis KWOK said that Dr KWOK Ka-ki had written to Ms Starry LEE, Chairman for the 2018-2019 session, requesting the Secretary General ("SG") to attend HC meetings to explain the arrangements about the erection of water-filled barriers by the Police outside the Legislative Council ("LegCo") Complex, so as to facilitate the conduct of the election forum for the election of the HC Chairman for the 2019-2020 session. He further said that Ms LEE had issued a reply to Dr KWOK and had referred Dr KWOK's letter to SG for SG's reference. The said letters were tabled for Members' reference.

*(Post-meeting note: Dr KWOK Ka-ki's letter and the reply by Ms Starry LEE were circulated to Members vide LC Paper Nos. CB(2)236/19-20(01) and (02) on 18 November 2019.)*

Consultation on the way forward for the election of the HC Chairman

3. Mr Dennis KWOK said that given the views expressed by Members at the previous special HC meetings, all Members were invited vide LC Paper No. CB(2)206/19-20 issued on 12 November 2019 to indicate their views on the way forward for the election of the HC Chairman for the 2019-2020 session. By the deadline of 14 November 2019, a total of 54 Members had responded to the invitation, of which 21 were candidates for the HC Chairman and 33 were not. Among the 21 candidates who had given a response, one had indicated no objection to proceeding with the election forum irrespective of whether or not the information requested by some Members in relation to various issues dealt with by The Legislative Council Commission ("LCC") (particularly the security arrangements for the LegCo Complex and personnel issues) could be provided before the conduct of the election forum, while the other 20 had objected to adopting such course. Expressing his wish to make a point about his response, Mr AU Nok-hin said that he had added a comment urging the Administration to respond to the five demands put forward by members of the public participating in the protests against the Administration's proposed legislative amendments concerning the surrender of fugitive offenders and to pursue police brutality without further delay.

4. Mr Dennis KWOK further said that as regards the other 33 Members who were not the candidates for the HC Chairman and had given a response, 22 had indicated that HC should immediately put to vote the various options of the election forum arrangements. In addition, Mr Tony TSE had expressed a similar view and had urged HC to hold the election forum immediately, while Mr Junius HO had indicated that the presiding Member (i.e. Mr Dennis KWOK) was either incapable of presiding the HC meetings held for the election of the HC Chairman or was deliberate in procrastinating the said election and wasting meeting time. Mr HO had also suggested that the President should proactively intervene or appoint a capable Member to replace Mr KWOK to complete the election of the HC Chairman.

5. Mr Dennis KWOK also advised that as reflected by the outcome of the consultation set out above, a vast majority of the candidates for the HC Chairman wished to have equal and adequate access to information that would be relevant to the election of the HC Chairman before the conduct of the election forum. In his view, the wish of the candidates would be one of the key factors in considering the way forward for the

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election of the HC Chairman. Mr KWOK further said that he had taken note of the views expressed by the other Members on the way forward for the election of the HC Chairman and would take them into consideration as well.

6. Mr Dennis KWOK also informed Members that he had received two letters from Mr LEUNG Yiu-chung and Mr James TO respectively issued on 14 November 2019 and on the day of this meeting advising that they would withdraw from the election of the HC Chairman for the 2019-2020 session. As a result, there were currently a total of 21 valid nominations.

Motions and resolution proposed by Members

7. Mr Dennis KWOK said that he had received a letter from Dr KWOK Ka-ki proposing to move a resolution at the meeting and four letters respectively from Mr Alvin YEUNG, Ms Tanya CHAN, Mr Jeremy TAM and Mr Kenneth LEUNG proposing to move motion(s) at the meeting. The letters were tabled for Members' reference.

*(Post-meeting note: The letters from the five Members were circulated to Members vide LC Paper Nos. CB(2)236/19-20(03) to (07) on 18 November 2019.)*

8. Ms Tanya CHAN said that while she had written to indicate her intention to move motions at the meeting, she would like clarify whether Members could propose motions during the proceedings of the election of the HC Chairman and whether Mr Dennis KWOK, being the presiding Member at the said election, had the necessary power to deal with the proposed motions. In response, Mr Dennis KWOK said that he had sought the Secretariat's advice beforehand and understood that as the presiding Member of the election of the HC Chairman, his role and power should be confined to the conduct of the said election. Mr KWOK further said that it was the practice of HC to make reference to the procedure for dealing with motions proposed at a Panel meeting as stipulated in Rule 22(p) of the House Rules, which provided that a motion might be proposed if it was considered by the chairman of the Panel as directly related to an agenda item of that meeting, and the motion would be proceeded with if agreed by a majority of the members voting. Should HC agree to deal with the motion, Members would be invited to decide how the motion should be dealt with. Considering that the motion(s) proposed by the four Members and the resolution proposed by



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Dr KWOK Ka-ki were directly related to the election of the HC Chairman, Mr KWOK said that he would invite Members to consider the non-binding motion(s) proposed by the four Members first followed by the resolution proposed by Dr KWOK. To avoid confusion about the subject matter of the respective motion(s) proposed by the four Members, he would invite Members to discuss separately on the motion(s) proposed by each individual Member and after each discussion, put to vote on whether HC agreed to deal with the motion(s) concerned.

*Motions proposed by Mr Alvin YEUNG*

9. Mr Dennis KWOK then invited Mr Alvin YEUNG to give a brief account on the two motions proposed by him. Mr Alvin YEUNG said that the various security incidents that took place in the vicinity of the LegCo Complex from June to October 2019 had aroused serious concern of many Members over the security arrangements for the LegCo Complex and the deployment of police officers in the LegCo Complex. Against this background, he considered it necessary for LCC to provide to HC all documents, information and records in this regard during the said period. In Mr YEUNG's view, such information would facilitate candidates for the Chairman and Deputy Chairman of HC to expound their stance on the relevant issues and other Members to put questions to them during the election forum to be conducted, which would be vital to the fair and impartial conduct of the election of the Chairman and Deputy Chairman of HC. Mr YEUNG further said that having regard to the concern of some Members that the security measures taken in the LegCo Complex might be compromised if the details of those measures were made public, he had proposed under his motions that the relevant documents, information and records be provided by LCC on a confidential basis. As the security arrangements might impact the personal safety of all users of the LegCo Complex, Mr YEUNG hoped that Members belonging to various political parties and groupings would support the motions proposed by him and that LCC would give due consideration to acceding to the requests made under these motions.

10. Ms Tanya CHAN, Mr Jeremy TAM and Mr Kenneth LEUNG expressed support for the motions proposed by Mr Alvin YEUNG. Ms CHAN said that LCC could not maintain absolute confidentiality of its documents, information and records, as they might be declassified and could be released to the public after a certain period of time in accordance with the established procedures. She also pointed out that there had been cases in the past where the Administration had provided information

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to Panels and subcommittees of LegCo on a confidential basis, and in one case, the Administration had eventually released to the public the information concerned. In Ms CHAN's view, LCC's provision of the relevant documents, information and records could dispel Members' concern over the security arrangements for the LegCo Complex. Echoing Ms CHAN's views, Mr TAM recalled that LCC had invited all Members to join a closed-door review of the closed-circuit television footage concerning an incident happened in the LegCo Complex. He was concerned that police officers had been permitted to be deployed in the LegCo Complex on some occasions when no colour alert was issued, and he queried whether the Police was permitted to take full control over the security work of the LegCo Complex when police officers were deployed in the LegCo Complex. In Mr TAM's view, the major concern of Members was about the justifications for LCC's decisions on making the security arrangements for the LegCo Complex, rather than the details of the security measures that had been taken. Hence, the relevant documents, information and records should contain no sensitive information. Mr TAM further said that while he was in full support of the motions proposed by Mr YEUNG, he was uncertain whether LCC would accede to the requests made under these motions if they were passed by HC. Mr LEUNG said that LCC could provide the relevant documents, information and records subject to varying degrees of confidential treatment, depending on the sensitivity of the contents concerned. Apart from holding a closed meeting to examine the relevant documents, information and records, Members might be required to sign a confidentiality undertaking or make a statutory declaration not to disclose those documents, information and records. In the latter case, Members might be held criminally liable for breaching an undertaking made in the statutory declaration.

11. Dr KWOK Ka-ki, Ms Claudia MO and Mr LEUNG Yiu-chung said that while they supported the motions proposed by Mr Alvin YEUNG, they had reservation as to whether the documents, information and records of LCC that were relevant to the security arrangements for the LegCo Complex should be provided on a confidential basis. They considered that the work of the Legislature should be open to the public as far as possible. Dr KWOK said that many security incidents that took place in the vicinity of the LegCo Complex involved the conduct of the Police when carrying out their duties. He was particularly concerned about the use of excessive force by the Police when carrying out the dispersal operations in the vicinity of the LegCo Complex on 12 June 2019, which had posed a real threat to the personal safety of the users of

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the LegCo Complex. He expressed strong dissatisfaction with the LCC Chairman and SG for turning a blind eye to the conduct of the Police and for failing to uphold the dignity of LegCo. In Dr KWOK's view, it was necessary for LCC or SG to explain to the public the security incidents concerned. Ms MO was worried that keeping information relating to the security arrangements for the LegCo Complex confidential might give the public an impression that LegCo was operating behind closed-door. Mr LEUNG said that while it was understandable to keep confidential the details of the security measures deployed by the Police, he saw no strong basis for LCC to keep confidential the reasons for giving permission for the deployment of police officers in the LegCo Complex on various occasions and who had made such decisions. As the Chairman and Deputy Chairman of HC would be the Deputy Chairman and a member of LCC respectively, Mr LEUNG considered it essential for LCC to provide the necessary information to facilitate the candidates for the Chairman and Deputy Chairman of HC to make clear their stance on issues relating to the deployment of police officers in the LegCo Complex.

12. Ms Starry LEE expressed grave dismay at the slow progress of the election of the HC Chairman and the way Mr Dennis KWOK had presided over the election. She pointed out that the election of the HC Chairman had dragged on for more than 10 hours, and the three proposed options of the election forum arrangements had not yet been considered. She was dissatisfied that the issues under discussion, particularly the security arrangements for the LegCo Complex, had been discussed again and again during the election process. In her view, these issues should be dealt with after the Chairman and Deputy Chairman of HC and LCC members for the 2019-2020 session had been duly elected respectively. Ms LEE also criticized Mr Dennis KWOK for not holding joint debate(s) on the motion(s) proposed by Members and not setting a limit on the speaking time of Members, which in her view, only served to prolong the election process. She reiterated that pending the election of the Chairman and Deputy Chairman of HC, HC would not be in a position to transact its business that required its decision. Not only the Bills Committees could not be formed to scrutinize bills, but also the special HC meeting for which the Chief Secretary for Administration had initially agreed to attend to answer questions from Members in respect of the social incidents in the past few months could not be arranged. As the election of LCC members for the 2019-2020 session could only be held after the election of the Chairman and Deputy Chairman of HC was completed, Ms LEE considered that the motions proposed by Mr YEUNG would only hinder the normal operation of HC and hence HC should not deal with these motions.

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13. Mr Dennis KWOK said that he did not subscribe to the view that limiting the speaking time of Members would help facilitate the conduct of the election of the HC Chairman and hence he would not do so. However, he would remind Members that they should make their views brief and concise as far as possible.

14. Expressing support for the motions proposed by Mr Alvin YEUNG, Mr CHAN Chi-chuen said that many issues concerning the security arrangements for the LegCo Complex remained in doubt, including whether Members would be allowed to enter or stay in the LegCo Complex when the colour alert was issued. He also expressed grave concern that other than the search operation conducted by police officers at his office in the LegCo Complex after the midnight of 1 July 2019, whether the security staff of the Secretariat had assisted police officers in opening the doors of other Members' offices for the purpose of conducting search operations as well. In Mr CHAN's view, LCC's provision of the relevant documents, information and records would allow the candidates for the HC Chairman to fully understand the mechanism put in place for determining the security arrangements for the LegCo Complex, which would be conducive to the fair conduct of the election of the HC Chairman. While the motions proposed by Mr YEUNG were non-binding in nature, Mr CHAN considered that Members could later discuss ways to give effect to these motions if they were passed by HC.

15. Mr Dennis KWOK said that as it was approaching 4:00 pm at which a Finance Committee meeting had been scheduled to commence, the discussion on the motions proposed by Mr Alvin YEUNG would continue at the next meeting.

16. The meeting ended at 3:52 pm.

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1043/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 22 November 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
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 WONG Kwok-kin, 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 MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, 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  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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 Jeremy TAM Man-ho  
Hon Gary FAN Kwok-wai  
Hon AU Nok-hin  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon Charles Peter MOK, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon KWONG Chun-yu

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session and Member presiding at the election of the Chairman of the House Committee ("HC") for the 2019-2020 session, said that since the last special HC meeting on 15 November 2019 ("the last special HC meeting"), he had received two letters respectively from Mr Kenneth LEUNG and Ms Claudia MO proposing to move motion(s) at this meeting and the letters were tabled for Members' reference. He further said that he would continue to deal with the motions proposed by Mr Alvin YEUNG at the last special HC meeting.

*(Post-meeting note: The letters from Mr Kenneth LEUNG and Ms Claudia MO were circulated to Members vide LC Paper Nos. CB(2)277/19-20(01) and (02) on 25 November 2019.)*

Continuation of dealing with motions proposed by Members

*Motions proposed by Mr Alvin YEUNG*

2. At the invitation of Mr Dennis KWOK, Mr Alvin YEUNG said that most Members who had spoken on the motions proposed by him at the last special HC meeting supported HC to make a request to The Legislative Council Commission ("LCC") for the provision of documents, information and records in relation to the security arrangements for the Legislative Council ("LegCo") Complex and in relation to allowing the Police to enter the LegCo Complex for discharge of duties from June to

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October 2019 on a confidential basis, so that HC could proceed with the election of its Chairman and Deputy Chairman for the 2019-2020 session in a fair and impartial manner. Sharing a similar concern with those Members, Mr YEUNG considered that the Secretary General ("SG") should also attend the special HC meetings held for the said election to respond to enquiries from Members concerning the relevant issues.

3. Mr Dennis KWOK then put to vote the question as to whether HC agreed to deal with the motions proposed by Mr Alvin YEUNG, and he ordered a division.

The following Members voted in favour of the question:

Mr LEUNG Yiu-chung, Prof Joseph LEE, Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Dr Pierre CHAN, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai and Mr Gary FAN.  
(17 Members)

The following Members voted against the question:

Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Mr WONG Kwok-kin, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr Jimmy NG, Mr Junius HO, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU, Mr Vincent CHENG and Ms CHAN Hoi-yan.  
(33 Members)

4. Mr Dennis KWOK declared that 17 Members voted for and 33 Members voted against the question, and no Member abstained from voting. Mr KWOK declared that the question was not supported.



*Motions proposed by Ms Tanya CHAN*

5. Mr Dennis KWOK invited Ms Tanya CHAN to give a brief account of the two motions proposed by her and explain to Members the relevance of her second motion to the agenda item under discussion. Ms Tanya CHAN said that the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session was not proceeded with before the close of the regular HC meeting on 11 October 2019, and special HC meetings were subsequently held to continue the said election. Therefore, these special HC meetings should be regarded as a continuation of the regular HC meeting on 11 October 2019 for dealing with the unfinished business on the agenda. In Ms CHAN's view, it was incumbent upon SG to attend the HC meetings held for the said election irrespective of whether these meetings were regular or special meetings. However, SG had not attended any special HC meetings since 11 October 2019. Ms CHAN pointed out that apart from attending HC meetings at which the election of the Chairman and Deputy Chairman of HC took place in the past sessions, SG had also attended the special HC meetings held on 12 October 2012, 23 November 2012 and 4 May 2019 respectively. Ms CHAN further said that the two motions proposed by her should be read together and were directly related to the agenda item under discussion. She also reiterated her view expressed in the previous special HC meetings that SG's attendance at the HC meetings held for the election of the Chairman and Deputy Chairman of HC would not affect the Secretariat in upholding political neutrality.

6. In response to Mr Dennis KWOK's suggestion of combining the discussion on the motions proposed by Ms Tanya CHAN and the motion(s) proposed by Mr Jeremy TAM and Mr Kenneth LEUNG at the last special HC meeting, Ms Tanya CHAN said that while the motions proposed by her focused on SG's duty to attend the HC meetings held for the election of the Chairman and Deputy Chairman of HC, the motion(s) proposed by the other two Members focused on other matters. She therefore did not agree that a joint discussion on all the motions proposed by Members should be held.

7. Dr KWOK Ka-ki expressed support for the motions proposed by Ms Tanya CHAN. He said that some Members had earlier requested SG to attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session to provide information on issues relating to the security arrangements for the LegCo Complex, but to no avail. He further said that such issues remained a

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serious concern, especially the Legislative Council Road remained closed even when there was no apparent sign of danger in the vicinity of the LegCo Complex. He considered that should the motions proposed by Ms Tanya CHAN be passed by HC, SG would have no more excuse not to attend the relevant HC meetings.

*(At the instruction of Mr Dennis KWOK, the meeting was suspended at 2:58 pm to allow the Secretariat staff to adjust the projector screen to make viewing of the wording of the motions more viewable. The meeting was resumed at 3:08 pm.)*

8. Mr Gary FAN and Mr LEUNG Yiu-chung expressed a similar view that SG had a duty to attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. Expressing support for the motions proposed by Ms Tanya CHAN, Mr FAN said that SG, as the head of the LegCo Secretariat, should be present during the election process in order to respond to Members' enquiries whenever necessary. In Mr FAN's view, if the motions were passed by HC, it would become a practice for SG to attend all special HC meetings in the future. Mr LEUNG said that according to the Handbook on Services Provided for Members by the Legislative Council Secretariat, the mission of the Secretariat was to provide efficient and professional secretariat, research and administrative support for LegCo. As HC comprised all Members except the President, he considered it natural for SG to attend all HC meetings to fulfil the mission of the Secretariat, and he should provide a reasonable explanation if he was not able to do so. Echoing Mr FAN's and Mr LEUNG's views, Mr AU Nok-hin said that he remained of the view that SG should attend the coming special HC meetings held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session irrespective of whether the motions proposed by Ms CHAN would be passed or not.

9. Mr Kenneth LEUNG said that SG's presence during the election of the Chairman and Deputy Chairman of HC was not only for the sake of answering enquiries from Members, but also for the provision of administrative support and services for the presiding Member, so as to facilitate the election process to be conducted in an effective and efficient manner. Mr LEUNG further said that following the passage of the amendments to the relevant provisions in the Rules of Procedure ("RoP") in December 2017, the Clerk to LegCo should be responsible for conducting the election of the President. He considered that SG, as the Clerk to LegCo, should observe the entire election process of the

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Chairman and Deputy Chairman of HC for the 2019-2020 session, so as to get prepared for performing his duty to conduct the election of the President in the next LegCo Term.

10. Mr CHEUNG Kwok-kwan said that while a number of special HC meetings had been held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session, HC had continued to discuss issues that were totally irrelevant to the said election. He was concerned that a considerable amount of meeting time had been wasted. Mr CHEUNG also queried whether the election process had been abused by some Members to compel SG to attend the relevant HC meetings and respond to enquiries that were not related to the election of the Chairman and Deputy Chairman of HC. He had strong reservation whether Mr Dennis KWOK was capable in presiding over the election of the HC Chairman.

11. Mr Dennis KWOK reminded Members that they should focus on discussing the motions proposed by Ms Tanya CHAN and hoped that they could make their views brief and concise as far as possible.

12. Ms Claudia MO and Mr HUI Chi-fung considered it unacceptable for SG to have absented himself from the special HC meetings held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session despite repeated requests of some Members. Expressing support for the motions proposed by Ms Tanya CHAN, Ms MO said that pending the election of LCC members for the 2019-2020 session, SG would be the only officer of the Secretariat who could provide information relating to the security arrangements for and in the vicinity of the LegCo Complex to facilitate the conduct of the election forum for the election of the HC Chairman. Ms MO and Mr HUI were concerned about the closure of the Legislative Council Road when no colour alert was issued by the Secretariat. Mr HUI said that the closure of the Legislative Council Road had obstructed some Members from attending meetings of the Council and of committees, which might potentially constitute an offence under section 19 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). He also expressed serious concern about the role of the HC Chairman and/or SG in the arrangements made for the adoption of the guidelines provided by HC pursuant to RoP 75(8) to the Bills Committee on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, to which HC had subsequently rescinded its decision to form the said Bills Committee. He held a strong view that

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the election forum should not be proceeded with unless SG could provide an explanation on the above issues.

13. Mr Dennis KWOK said that as it was approaching 4:00 pm at which a Finance Committee meeting had been scheduled to commence, the discussion on the motions proposed by Ms Tanya CHAN would continue at the next meeting.

14. The meeting ended at 3:58 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2020

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1044/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 29 November 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, 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 MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, JP  
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  
Hon Elizabeth QUAT, BBS, JP

Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
Hon Paul TSE Wai-chun, JP  
Hon Charles Peter MOK, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Hon Kenneth LEUNG  
Hon CHU Hoi-dick  
Hon Junius HO Kwan-yiu, JP

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Since Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session, was absent from the meeting, Mr James TO, the Member present who had the highest precedence, presided over the meeting. Members noted that Mr Gary FAN and Mr CHAN Chi-chuen had respectively issued a letter proposing to move a motion at this meeting, and the two letters were tabled at this meeting.

*(Post-meeting note: Mr Gary FAN's letter and Mr CHAN Chi-chuen's letter were circulated to Members vide LC Paper Nos. CB(2)311/19-20(01) and (02) on 2 December 2019.)*

Continuation of dealing with motions proposed by Members

2. Mr James TO said that the House Committee ("HC") would continue to deal with those motion(s) proposed by Members at previous meetings. He then reminded Members that Mr CHAN Chi-chuen had requested to speak on the motions proposed by Ms Tanya CHAN at the last special HC meeting on 22 November 2019.

*Motions proposed by Ms Tanya CHAN*

3. At the invitation of Mr James TO, Mr CHAN Chi-chuen said that he had given notice for moving a proposed resolution under section 17(2) of The Legislative Council Commission Ordinance (Cap. 443) at the Council meeting of 10 July 2019 seeking to suspend the duties of the

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Secretary General ("SG") and to set up a disciplinary investigation panel to investigate SG's dereliction of duty, and he had learnt on 4 July 2019 that outside counsel advice had been sought in respect of his proposed resolution. Mr CHAN considered it unreasonable for the Secretariat not to revert to him about the relevant work progress after more than three months, and he added that such information could facilitate his consideration of whether to support the motions proposed by Ms Tanya CHAN.

4. At the invitation of Mr James TO, Ms Tanya CHAN reiterated her view that it was incumbent upon SG to attend HC meetings held for the election of the Chairman and Deputy Chairman of HC irrespective of whether these meetings were regular or special meetings. Since the said election was not proceeded with before the closure of the regular HC meeting on 11 October 2019, the special HC meetings subsequently held for the said election should be regarded as a continuation of the regular HC meeting on 11 October 2019 for dealing with the unfinished business on the agenda. Ms CHAN further said that information requested by Members, particularly those relating to the security arrangements for the Legislative Council ("LegCo") Complex, would facilitate the fair conduct of the election forum. Ms CHAN added that SG could decline to answer those questions which asked about information that had to be kept confidential. She called on Members to support her proposed motions.

5. Noting that no more Members had indicated intention to speak, Mr James TO put to vote the question as to whether HC agreed to deal with the motions proposed by Ms Tanya CHAN. Ms Starry LEE requested a division.

The following Members voted in favour of the question:

Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu and Mr Jeremy TAM.

(15 Members)

The following Members voted against the question:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla



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LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Miss Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU, Mr Vincent CHENG, Mr Tony TSE and Ms CHAN Hoi-yan.

(33 Members)

6. Mr James TO declared that 15 Members voted for and 33 Members voted against the question, and no Member abstained from voting. Mr TO declared that the question was negatived.

*Motions proposed by Mr Jeremy TAM*

7. At the invitation of Mr James TO, Mr Jeremy TAM said that the emphasis of his motions was on the security arrangements for the LegCo Complex in relation to giving permission for police officers to carry out duties in the LegCo Complex. He queried whether there were any guidelines and standards for making a decision on giving permission for the deployment of police officers in the LegCo Complex, and if such permission was given, whether there was any mechanism for governing/monitoring the number and rank of police officers being deployed in the LegCo Complex as well as the duration and the way police officers carried out duties therein. In Mr TAM's view, the presence of fully-armed, masked police officers in the LegCo Complex would constitute a threat to some Members such that they could not freely speak and/or vote on certain issues. Therefore, he considered it unacceptable for police officers to be given permission to carry out duties in the LegCo Complex in an arbitrary manner. Besides, he expressed grave concern about the water-filled barriers which had been erected by the Police in the vicinity of the LegCo Complex for more than a month, and he wondered whether SG/the Secretariat had made any liaison with the Administration/the Police for removing those water-filled barriers. In light of the above, Mr TAM considered it necessary for SG to attend HC meetings and provide the relevant information.

8. Dr KWOK Ka-ki and Mr CHAN Chi-chuen expressed support for the motions proposed by Mr Jeremy TAM. In their view, controversies surrounding the security arrangements for the LegCo Complex on 12 June and 1 July 2019 were among the most pressing issues that needed

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to be resolved, and therefore, SG had a duty to respond to Members' questions on the relevant issues. Expressing dissatisfaction about the security arrangements on 12 June 2019, Dr KWOK said that some Members had been denied entry to the LegCo Complex and some police officers had disrupted the work of some Secretariat staff on duty at their office(s). Dr KWOK and Mr CHAN took a strong view that Members should be given a detailed explanation on various issues relating to the security arrangements on 1 July 2019, particularly why police officers had withdrawn from the LegCo Complex after being permitted to take control over the security work therein, whether any undercover operation had been conducted during the protest in the vicinity of the LegCo Complex on that day and the extent of powers of the police officers in relation to carrying out duties in the LegCo Complex, etc. Mr CHAN considered that similar security arrangements might be made in the near future, and therefore, Members' concerns should be addressed as soon as possible. Given that the HC Chairman, in his/her capacity of the Deputy Chairman of The Legislative Council Commission, would be consulted before any decision was made on the security arrangements for the LegCo Complex, Dr KWOK considered it necessary to address Members' concerns about security arrangements during the election of the HC Chairman. He added that if Members supported Mr TAM's motions and then SG attended HC meetings, it might no longer be necessary to deal with other motion(s) proposed by Members.

9. Dr CHIANG Lai-wan expressed dissatisfaction that the discussion on issues relating to the security arrangements for the LegCo Complex, which, in her view, was not relevant to the election of the HC Chairman, had dragged on for several meetings. She considered that a more desirable way forward was to expeditiously conduct the election of the HC Chairman for the 2019-2020 session, and then to request the newly-elected HC Chairman to invite SG to attend a special HC meeting for discussing the related issues. Dr CHIANG also noted that since the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session had not been completed, HC could not deal with other business, notably giving consideration to forming Bills Committees and subcommittees on subsidiary legislation. She added that if such a situation continued, she would seriously consider whether to propose a motion seeking to forfeit Members' remuneration as Members had failed to properly discharge their duties. Dr CHIANG called on Members to stop discussing issues relating to the security arrangements for the LegCo Complex, and to expeditiously deal with the remaining proceedings of the election.

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10. Mr HUI Chi-fung and Mr Andrew WAN expressed support for the motions proposed by Mr Jeremy TAM. They took the view that the security arrangements for the LegCo Complex were among the most controversial issues during the election of the HC Chairman, particularly those relating to the deployment of police officers in the LegCo Complex and the employment of temporary security staff by the Secretariat. Mr HUI also expressed concern about the way some security staff of the Secretariat had treated certain Members on various occasions, e.g. on the day of the Chief Executive's Question and Answer Session (i.e. 17 October 2019). He also expressed dissatisfaction about the erection of water-filled barriers by the Police in the vicinity of the LegCo Complex that had caused Members much inconvenience in getting access to the LegCo Complex. Mr WAN indicated that various issues of concern raised by Members remained unresolved, including who was/were responsible for making the decision on erecting water-filled barriers in the vicinity of the LegCo Complex and whether undercover police officers had been deployed during those protests that had occurred in the vicinity of the LegCo Complex over the past few months. Mr HUI and Mr WAN considered it incumbent upon SG who was the chief executive of the Secretariat to attend HC meetings and respond to Members' questions. Mr HUI held a strong view that the election forum should not be conducted until SG attended HC meetings.

11. In response to Members' views and concerns, Mr James TO said that Members' views on the requests for the attendance of SG at HC meetings would be relayed to SG for consideration.

*(Post-meeting note: The Clerk issued a referral memorandum on 9 December 2019 to SG regarding Members' views on the requests for SG's attendance at HC meetings, and SG made a written reply to the Clerk on 13 December 2019. The referral memorandum and SG's written reply were issued to Members vide LC Paper Nos. CB(2)382/19-20(01) and (02) on 13 December 2019.)*

12. At 3:53 pm, Mr James TO said that given that the Finance Committee meeting had been scheduled to be held at 4:00 pm, the discussion on the motions proposed by Mr Jeremy TAM would continue at the next meeting.

13. The meeting ended at 3:54 pm.

立法會  
*Legislative Council*

LC Paper No. CB(2)1045/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 6 December 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon James TO Kun-sun  
Hon LEUNG Yiu-chung  
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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, 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 MA Fung-kwok, SBS, JP  
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  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Junius HO Kwan-yiu, JP

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Since Mr Dennis KWOK, Deputy Chairman of the House Committee ("HC") for the 2018-2019 session was absent from the meeting, Mr James TO, the Member present who had the highest precedence, presided over the meeting. Mr TO said that Ms Alice MAK, Mr HUI Chi-fung, Mr Andrew WAN, Mr WU Chi-wai and Mr SHIU Ka-chun had respectively issued a letter proposing to move a proposed resolution/motion at this meeting, and the five letters were tabled at the meeting.

*(Post-meeting note: The above five letters were circulated to Members on 8 December 2019 vide LC Paper Nos. CB(2)354/19-20(01)-(05).)*

Continuation of dealing with motions proposed by individual Members

2. Mr James TO invited Members to continue the discussion on Mr Jeremy TAM's motions, which had originally been proposed at the special HC meeting on 15 November 2019. Mr TO further said that the subject matter of Mr TAM's proposed motions was substantially the same as that of Mr Gary FAN's proposed motion which would be dealt with at a later time, and therefore, once HC made a decision on Mr TAM's proposed motions, HC should not deal with Mr FAN's proposed motion.

3. Mr Gary FAN said that he hoped that HC would hold a joint discussion on the motions respectively proposed by Mr Jeremy TAM and

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by himself and then would vote on them one by one. Mr James TO referred Members to the motion proposed by Mr FAN and said that the wording of the motions proposed by Mr FAN and Mr TAM was practically the same, and rule 24(n) of the House Rules ("HR") stipulated that the decisions of a committee should not be reopened for discussion, unless with the permission of the committee. Therefore, he had ruled that if HC made a decision on Mr Jeremy TAM's motions, HC should not discuss Mr FAN's motion.

Points of order raised by Members

*Issues relating to whether and how non-binding motions and proposed resolutions should be dealt with*

4. Dr KWOK Ka-ki noted that among the various proposed motions/proposed resolutions put forward by individual Members, the one originally proposed by himself at the special HC meeting on 15 November 2019 and the one proposed by Ms Alice MAK at this meeting were both proposed resolutions which, if passed, would have binding effect on HC. He enquired about the order for dealing with all those non-binding motions and proposed resolutions that had been proposed by individual Members since the special HC meeting on 15 November 2019.

5. In response, Mr James TO said that non-binding motions would first be dealt with, followed by proposed resolutions. Therefore, he would first invite Members' views as to whether they agreed to deal with those non-binding motions originally proposed to be moved at the special HC meeting on 15 November 2019, and then those non-binding motions originally proposed at the special HC meeting on 22 November 2019, and so on, before inviting Members' views on the two proposed resolutions.

6. Mr Martin LIAO asked about the rationale for making the said arrangements and whether such arrangements were specified in the Rules of Procedures ("RoP") or HR. At the invitation of Mr James TO, the Clerk said that where non-binding motions and proposed resolutions were put forward by Members at the same meeting of a committee, it was the practice to first deal with non-binding motions, followed by proposed resolutions ("the said practice"). However, the present situation was rather special as there were several non-binding motions and a proposed resolution which had originally been proposed to be moved at previous special HC meetings but had not been dealt with. She had earlier consulted Mr Dennis KWOK, Deputy Chairman for the 2018-2019

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session and presiding Member of the election of the HC Chairman for the 2019-2020 session, and Mr KWOK had taken the view that the said practice should be followed and all non-binding motions proposed at previous meetings should be dealt with first, followed by proposed resolutions.

7. Expressing concern about the said arrangements, Mr Steven HO and Ms Alice MAK shared a similar view that it was necessary to set a deadline for Members to propose non-binding motions and proposed resolutions so as to avoid further prolonging the election procedure. Mr HO said that it was very likely that HC could not finish the discussion on all the non-binding motions previously proposed by individual Members at this meeting, and if more non-binding motions were to be proposed after this meeting, then the timing for dealing with Ms MAK's proposed resolution would be further postponed. Ms MAK considered that the duration of the election of the HC Chairman for the 2019-2020 session ("the said election") had gone beyond reasonable limits, and that Mr Dennis KWOK as the presiding Member should step up his effort in expediting the proceedings of the said election.

8. Dr KWOK Ka-ki, Mr HUI Chi-fung and Mr LEUNG Yiu-chung considered that the security arrangements for the Legislative Council ("LegCo") Complex were urgent issues which should be dealt with as soon as possible. These Members took the view that if the Secretary General ("SG") undertook to attend HC meetings and respond to Members' questions on the relevant issues, the said election could be expedited. Dr KWOK said that his proposed resolution, if passed, would give rise to a situation that the proceedings of the said election would not be continued unless SG attended HC meetings to respond to Members' questions. Dr KWOK therefore considered that it was proper to first deal with non-binding motions, followed by proposed resolutions, and that such practice should be respected. Mr HUI said that if Members of the pro-establishment camp wished to solve the present deadlock faced by HC, they should ask SG to attend HC meetings. Mr HUI also suggested that the presiding Member and/or the Clerk should personally invite SG to attend HC meetings. Mr LEUNG said that even if SG found that some of the questions to be raised by Members involved confidential information, SG should give reasons and justifications for declining to disclose such information during the relevant meetings.



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9. Mr James TO said that he had learnt from the Clerk that Mr Dennis KWOK as the presiding Member had previously invited SG to attend HC meetings, and Mr KWOK had also informed Members of SG's response at a previous meeting. At the invitation of Mr James TO, the Clerk added that SG had also issued a written reply to Members indicating that The Legislative Council Commission ("LCC") had not given him permission to attend HC meetings to answer Members' questions on the security arrangements for the LegCo Complex. In response to Mr HUI Chi-fung's further enquiry about whether the Chief Security Officer of the LegCo Secretariat ("CSO") could be invited to attend this meeting, Mr James TO said that SG had not been given permission to attend HC meetings on the ground that information relating to the security arrangements for the LegCo Complex was confidential in nature, and therefore, in his view, the request for CSO to attend HC meetings would not be treated in a different manner. Mr TO added that another alternative that Members could consider was to request SG to answer Members' questions on such issues at closed meetings of HC.

*(Post-meeting note: The Clerk issued a referral memorandum on 9 December 2019 to SG regarding Members' views on the requests for SG's attendance at HC meetings, and SG made a written reply to the Clerk on 13 December 2019. The referral memorandum and SG's written reply were circulated to Members vide LC Paper Nos. CB(2)382/19-20(01) and (02) on 13 December 2019.)*

10. Noting that a few more Members had requested to raise points of order, Mr James TO reminded those Members to avoid raising points of order which had already been dealt with, so as to allow HC to continue the discussion on the motions proposed by Mr Jeremy TAM.

11. Ms Alice MAK and Mr Martin LIAO took the view that issues relating to the security arrangements for the LegCo Complex should not be dealt with during the said election. Ms MAK queried whether requesting SG to attend HC meetings by way of proposing motions was tantamount to abusing the procedure. She considered that a proper way to deal with the relevant issues was to expeditiously elect the Chairman and Deputy Chairman of HC for the 2019-2020 session, and then to request the newly elected Chairman to schedule a special HC meeting for the discussion on the relevant issues. Mr LIAO said that such issues should be under the purview of LCC and therefore, were not directly related to the said election. He added that even if such motions were to

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be discussed, those motions that were concerned with the same subject should be grouped for joint discussion, and there should be a deadline for Members to propose motions.

12. Given that proposed resolutions were intended to have binding effect on HC, Mr Kenneth LEUNG considered it questionable for the presiding Member to allow Members to propose any resolutions even if such proposed resolutions were related to the said election. In Mr LEUNG's view, if a proposed resolution, if passed, gave the presiding Member any powers in excess of presiding over the said election, then giving permission for dealing with such proposed resolution would be ultra vires. Therefore, before inviting Members to discuss a proposed resolution, the presiding Member should carefully examine how the said election would be affected by the proposed resolution.

13. Mr Martin LIAO and Ms Alice MAK also queried whether the presiding Member was vested with the power to deal with motions proposed by individual Members during the said election, irrespective of whether or not such motions would have binding effect on HC. Mr LIAO said that the role of the presiding Member should be confined to the conduct of the said election, and therefore, the presiding Member should only have those powers incidental to the said election, e.g. maintaining the order of meetings. Therefore, he took the view that as the presiding Member was not the HC Chairman duly elected by Members, the presiding Member should not have the power to deal with motions proposed by individual Members.

14. In response to various views raised by Members, Mr James TO said that in his estimation, this meeting could only finish discussing the non-binding motions originally proposed by Mr Jeremy TAM and Mr Kenneth LEUNG respectively at the HC meeting on 15 November 2019. Therefore, he considered it unnecessary to discuss at length whether or not HC should first deal with all non-binding motions proposed at previous meetings, followed by proposed resolutions. Mr TO further said that he understood Mr Dennis KWOK's rationale for allowing Members to propose motions during the said election and that he did not see any strong justification to overturn the decision already made by Mr KWOK. As regards some Members' view that it was necessary to set a deadline for Members to propose motions, he would instruct the Clerk to relay the view to Mr Dennis KWOK. Mr TO also said that he did not subscribe to Mr Martin LIAO's view concerning the power of the presiding Member to deal with motions, but instead, he shared the view

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stated earlier by Mr Dennis KWOK that if the motions proposed by individual Members were directly related to the said election, the presiding Member should have the power to deal with such motions.

15. Ms Tanya CHAN recalled that at a previous special HC meeting, Mr Dennis KWOK had explained why he upheld the view that he had the power to deal with motions/proposed resolutions proposed by Members. She asked whether and when the minutes of previous special HC meetings would be issued to Members. At the invitation of Mr James TO, the Clerk said that in accordance with the note entitled "Implications on the operation of the House Committee pending the election of its chairman and deputy chairman" prepared by the Legal Service Division, the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session would need to be completed before HC could proceed to transact other business that required its decision, including confirmation of minutes. Although the draft minutes of the special HC meetings had not been issued to Members, the Secretariat was preparing them as usual.

*Other issues*

16. Noting that RoP stipulated that HC should make recommendations to the President on the size of a select committee (if any) and its membership, Dr Priscilla LEUNG enquired whether it was the case that even if a motion under the Legislative Council (Powers and Privileges) Ordinance to appoint a select committee to conduct an inquiry was passed in Council, the relevant select committee could not commence work pending the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. At the invitation of Mr James TO, the Clerk replied in the affirmative. Dr LEUNG considered it necessary to have more details about the matters that had been affected or would be affected by the prolonged proceedings of the election of the Chairman and Deputy Chairman of HC. Mr James TO concurred and instructed the Clerk to prepare a note on the matter.

*(Post-meeting note: A note entitled "Matters awaiting consideration/decision by the House Committee pending the election of its chairman and deputy chairman" was issued to Members vide LC Paper No. CB(2)381/19-20(01) on 12 December 2019.)*

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17. Mr LUK Chung-hung and Mr CHAN Kin-por expressed strong dissatisfaction with the way Mr James TO presided over the meeting. In the view of Mr LUK and Mr CHAN, Members should not be allowed to incessantly raise points of order on issues which were not points of order at the meeting, and therefore, it was questionable whether Mr TO had properly carried out his duty as the presiding Member. Mr CHAN denounced Mr TO for failing to ensure that the meeting was conducted in an efficient manner, allowing Members to raise points of order without requiring them to first specify which rule(s) of RoP they referred to, and not setting any limits on Members' speaking time, etc. Mr CHAN considered that a point of order should only be raised when there was an irregularity in the course of the meeting that should be rectified immediately, and he urged Mr TO to consult the Legal Adviser on the matter. Pointing out that HC had held many special meetings since mid-October 2019 for the election of the Chairman and Deputy Chairman of HC, Mr LUK said that this had failed to meet the reasonable expectation of Members and given rise to an undesirable situation that HC could not deal with normal business, particularly those relating to the scrutiny of Bills and subsidiary legislation. Mr CHAN also considered that the duration of the election of the HC Chairman had gone beyond reasonable limits as a total of more than 19 hours of meeting time had been spent on such election.

18. In response, Mr James TO said that he disagreed with the comments made by Mr LUK Chung-hung and Mr CHAN Kin-por. In Mr TO's view, whenever a Member raised a point of order, he, as the presiding Member, had a duty to allow sufficient time for that Member to elucidate his point/view. If that Member could not state clearly his point after a reasonable period of time, he would request that Member to substantiate his point as soon as possible or to stop speaking further. Furthermore, he had reminded Members to avoid raising points of order which had already been dealt with. Mr TO considered that by doing so, he had endeavored to preside over this meeting in a fair manner. Mr TO further said that as the meeting was approaching 4:00 pm at which a Finance Committee meeting had been scheduled to commence, he had to close the meeting.

19. The meeting ended at 3:59 pm.

立法會  
*Legislative Council*

LC Paper No. CB(2)1046/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 13 December 2019**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
Hon LEUNG Yiu-chung  
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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Hon Claudia MO  
Hon Steven HO Chun-yin, BBS  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon YIU Si-wing, BBS  
Hon MA Fung-kwok, SBS, JP  
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  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kiwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Dr Hon Junius HO Kwan-yiu, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHUNG Kwok-pan  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon HO Kai-ming

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

*(The Chairman's seat was occupied by Dr CHIANG Lai-wan when the meeting commenced, and Mr Dennis KWOK had to sit on the Deputy Chairman's seat.)*

Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session and Member presiding at the election of the Chairman of the House Committee ("HC") for the 2019-2020 session, asked Dr CHIANG Lai-wan to return to her seat. However, Dr CHIANG refused to do so. Mr KWOK therefore ordered her to withdraw from the meeting, and also that the meeting be suspended for 10 minutes.

*(The meeting was suspended at 2:32 pm. Dr CHIANG Lai-wan withdrew from the meeting and the meeting was resumed at 2:42 pm.)*

2. Mr Dennis KWOK said that at the last special HC meeting, some Members had given views on the requests for the attendance of the Secretary General ("SG") at the HC meetings held for the election of the Chairman and Deputy Chairman of HC. He said that on the instruction of Mr James TO, Member presiding at the last special HC meeting, the Clerk had already relayed the relevant views to SG. The referral memorandum from the Clerk to SG and SG's written reply to the Clerk were circulated to Members before this meeting (LC Paper Nos. CB(2)382/19-20(01) and (02)). Besides, a note entitled "Matters awaiting consideration/decision by the House Committee pending the election of its chairman and deputy chairman" (LC Paper No.

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CB(2)381/19-20(01)) ("the note on matters awaiting HC's consideration/decision") prepared by the Secretariat was also issued to Members before this meeting. Mr KWOK further said that a letter from Dr Fernando CHEUNG proposing to move a motion at this meeting was tabled at the meeting.

*(Post-meeting note: The letter from Dr Fernando CHEUNG tabled at this meeting was circulated to Members vide LC Paper No. CB(2)406/19-20(01) on 13 December 2019.)*

3. Referring to SG's written reply to the Clerk as mentioned in paragraph 2 above, Mr LEUNG Yiu-chung said that he remained of the view that SG should explain to Members in person the reasons for not attending the special HC meetings held for the election of the Chairman and Deputy Chairman of HC to provide information relating to the security arrangements for the Legislative Council ("LegCo") Complex. Mr Kenneth LEUNG and Mr CHAN Chi-chuen shared a similar view that although The Legislative Council Commission ("LCC") had not given SG permission to attend HC meetings to answer Members' questions on the security arrangements for the LegCo Complex, it was still the duty of SG to attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC and answer the questions raised by Members on other issues so as to facilitate the conduct of the election. Mr Kenneth LEUNG said that SG's declination to attend the special HC meetings was unacceptable and had created a bottleneck in the proceedings for the election of the HC Chairman. In Mr Kenneth LEUNG's view, Members' requests for SG's attendance at the special HC meetings were reasonable. As SG had repeatedly declined such requests, Mr Kenneth LEUNG was concerned whether this would amount to a breach of the employment contract of SG. Mr CHAN considered that SG should not use LCC's decision as a shield for refusing to accede to Members' requests for his attendance at the special HC meetings. Ms Tanya CHAN said that as the next Chief Executive's Question and Answer Session was scheduled to be held in January 2020, she considered it necessary for SG to provide information on the security arrangements for the Council meeting concerned. She also expressed concern that the water-filled barriers which had been erected outside the LegCo Complex for quite some time had not yet been removed.

4. Dr Priscilla LEUNG said that Members would have ample opportunities to put questions to SG on issues relating to the security arrangements for the LegCo Complex in future, and considered that



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Members should not dwell on the issue of SG's attendance at the special HC meetings held for the election of the Chairman and Deputy Chairman of HC. Mr CHAN Kin-por shared a similar view and pointed out that issues discussed at closed meetings of LCC, including the security arrangements for the LegCo Complex, were confidential. As LCC had not given SG permission to provide the relevant information on the security arrangements for the LegCo Complex, SG, as an employee of LCC, was duty-bound to be abided by LCC's decision. In Mr CHAN's view, it was reasonable for SG not attending the special HC meetings.

5. Mr Dennis KWOK said that given the various security incidents that took place in the vicinity of the LegCo Complex in recent months, many Members had raised concerns about the security arrangements for the LegCo Complex and had expressed the view that they would like to put questions to the candidates for the HC Chairman on issues relating to the security arrangements for the LegCo Complex during the election forum to be conducted. Since the HC Chairman would be the Deputy Chairman of LCC, Mr KWOK considered that issues dealt with by LCC (including the security arrangements for the LegCo Complex) were directly related to the election of the HC Chairman. The provision of information on such issues by LCC and/or SG would ensure that all candidates for the HC Chairman would have equal access to information that would be relevant to the election of the HC Chairman.

Matters awaiting HC's consideration/decision pending the election of its Chairman and Deputy Chairman

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6. Referring to the note on matters awaiting HC's consideration/decision, Dr Priscilla LEUNG and Mr Vincent CHENG expressed concern that there were many matters awaiting the consideration/decision by HC pending the election of the Chairman and Deputy Chairman of HC, such as the election of Members for appointment to the investigation committees established under Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motions moved under RoP 49B(1A) at the Council meeting of 11 December 2019 to censure certain Members, the making of recommendations to the President on the size and membership of the select committee(s) appointed by the Council (if any) as well as consideration of the reports of the Bills Committees in preparation for resumption of the Second Reading debates on the Bills concerned in the Council. Mr CHENG said that there were several Bills Committees which had completed their scrutiny work and were awaiting HC's consideration of their reports (e.g.

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the Bills Committee on Hotel and Guesthouse Accommodation (Amendment) Bill 2018 and the Bills Committee on Fire Safety (Industrial Buildings)). He was concerned that if the relevant Bills could not be passed before the prorogation of the Council in July 2020, such Bills would lapse and all the efforts expended in scrutinizing them would be wasted.

7. Ms CHAN Hoi-yan said that the Subcommittee to Follow Up Issues Related to Inadequate Housing and Relevant Housing Policies formed under the Panel on Housing ("the said Subcommittee") had held its last meeting on 7 December 2019, and many deputations that had been invited to give views at the meeting expressed their hope that the Subcommittee could continue its work. However, members of the said Subcommittee and deputations were told at the meeting that the Subcommittee had to end its work after the 12-month period. Ms CHAN referred to rule 26(c) of the House Rules ("HR") and said that should a subcommittee on policy issues ("a policy subcommittee") consider it necessary for it to work beyond 12 months, the policy subcommittee should, after obtaining the endorsement of the relevant Panel, report to HC and give justifications for an extension of the 12-month period. She sought clarification whether the proposal of the extension of the work period of the said Subcommittee, if made, could be considered by HC pending the election of the Chairman and Deputy Chairman of HC.

8. At the invitation of Mr Dennis KWOK, the Clerk advised that Members had agreed at previous HC meetings to adopt the following arrangements for extension of period of work of policy subcommittees in the Sixth LegCo: upon completion of the 12-month period, a policy subcommittee in operation would vacate its slot for activation of a subcommittee on the waiting list, if the subcommittee considered it necessary for it to work beyond the 12-month period, it would be put on the waiting list for re-activation upon obtaining the endorsement of HC. However, priority would be accorded to subcommittees on the waiting list which had not yet commenced work since appointment over those subcommittees awaiting re-activation. The Clerk further said that at the HC meeting on 11 October 2019, information on the updated timeline for activation of policy subcommittees on the waiting list was provided to Members.

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9. Ms CHAN Hoi-yan expressed grave dissatisfaction with the undue prolongation in the election of the HC Chairman, and was concerned that the operation of HC had been seriously affected. Mr Dennis KWOK said that as a few investigation committees and/or select committee(s) had been/might be formed upon completion of relevant proceedings in the Council, even if the said Subcommittee submitted a proposal for extension of its work, such proposal had to be considered by HC, after the election of the Chairman and Deputy Chairman of HC, in the light of the staff resources available from the Secretariat to provide servicing work to the various committees/subcommittees.

10. Mr CHAN Kin-por said that members of the public were seriously concerned that despite some 20 hours of meeting time had been spent on the election of the HC Chairman in the past two months, HC had yet to elect its Chairman. Referring to the Court of Final Appeal's judgment in *Leung Kwok Hung v President of the Legislative Council* [2015] 1 HKC 195 ("the CFA's judgment") and the Court of First Instance's judgment in *Wong Yuk Man v Ng Leung Sing and Tommy Cheung Yu-yan*, HCAL 78/2014 ("the CFI's judgment"), Mr CHAN said that any presiding Member should ensure the orderly, efficient and fair disposition of business. In his view, it would be in the interest of the public if the election of the Chairman and Deputy Chairman of HC could be conducted expeditiously so that HC could transact other business that required its decisions. Mr CHAN considered that Mr Dennis KWOK should set a limit on Members' speaking time.

11. On Members' views, Mr Dennis KWOK responded that as the Member presiding at the election of the HC Chairman, his goal was to ensure that the election would be conducted in a fair, impartial and efficient manner. He further said that he had made reference to the CFA's judgment and the CFI's judgment and considered that as the Member presiding at the election of the HC Chairman, he had the power to regulate the process of meetings, including the power to terminate a debate. In his view, it was important to allow Members to explain their views clearly, therefore, he would not set a limit on Members' speaking time. Mr KWOK reiterated that since the HC Chairman would be the Deputy Chairman of LCC, he considered that issues dealt with by LCC, including the security arrangements for the LegCo Complex, were directly related to the election. Given the unprecedented situation that so many candidates were validly nominated for the HC chairmanship and that so many Members had raised concerns about the security arrangements for the LegCo Complex, it was important to ensure that all

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candidates could have equal access to the relevant information. Mr KWOK added that in some Members' views, members of the public were very concerned about the security arrangements for the LegCo Complex.

12. Mr HUI Chi-fung said that he did not subscribe to the view held by some Members that Mr Dennis KWOK, as the presiding Member at the election of the HC Chairman, should have the responsibility for the present situation. He further said that a majority of LCC members belonged to the royalist camp and if they could give consent for SG to attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC, the election of the HC Chairman could have proceeded far more smoothly and the bottleneck could have been resolved. Mr HUI maintained his view that the election forum should not be conducted until SG attended the special HC meetings to provide the information requested by Members and that it would be a waste of Members' time to hold the special HC meetings pending SG's attendance at such meetings.

Dealing with motions proposed to be moved by Members

13. Both Mr CHAN Kin-por and Mr Vincent CHENG were concerned about the progress of the proceedings of the election of the HC Chairman. Mr CHENG expressed his hope that Mr Dennis KWOK would draw a line beyond which Members would not be allowed to propose motions. Mr Dennis KWOK responded that drawing reference from the practice of the Panel chairmen in dealing with motions intended to be moved by members at Panel meetings, he would deal with all non-binding motions proposed to be moved by Members first before proceeding to consider the proposed resolutions which, if passed, would have binding effect on HC. After all non-binding motions and proposed resolutions had been dealt with/considered, Members would then be invited to consider the three revised options of the election forum arrangements for the election of the HC Chairman the details of which were tabled at the special HC meeting on 25 October 2019; and voting for the election of the HC Chairman would take place after the election forum was conducted. Mr KWOK added that he would set a deadline in due course for Members intending to propose non-binding motions at the special HC meetings, and also consider arranging joint discussion on motions where appropriate.

14. Ms Starry LEE, Chairman for the 2018-2019 session, said that if non-binding motions and proposed resolutions were put forward by Members at the same meeting of a committee, it was the practice to first

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deal with non-binding motions, followed by proposed resolutions. However, according to the Mr Dennis KWOK's proposed arrangements, all non-binding motions, irrespective of whether they were proposed to be moved at the same special HC meeting, would be dealt with first, followed by the proposed resolutions. In her view, such arrangements had deviated from the practice. She suggested that Mr KWOK should seek advice from the Secretariat on this matter. Ms LEE further said that nine special HC meetings had already been held for the election of the Chairman and the Deputy Chairman of HC and the repeated discussions by Members on issues relating to the security arrangements for the LegCo Complex had prolonged the proceedings of the election of the HC Chairman. She commented that Mr KWOK had not properly performed his role as the Member presiding at the election of the HC Chairman. Mr CHAN Han-pan also expressed disapproval of the way in which Mr KWOK had presided at the election of the HC Chairman. Mr CHAN considered that Mr KWOK did not have any power to allow Members to put forward motions during the election of the HC Chairman and Mr KWOK had abused his power.

15. Ms Claudia MO opined that the remark made by Mr CHAN Han-pan was offensive to Mr Dennis KWOK, and she hoped that Mr KWOK would make a ruling. She further said that as the HC Chairman would be the President's deputy and would assist the President in presiding over Council meetings, she wondered whether Members could raise questions on issues relating to the business of Council meetings and whether those issues were also relevant to the election of the HC Chairman. Mr Alvin YEUNG pointed out that considerable time had been used in discussing whether a deadline should be set for Members to put forward their motions and whether a limit should be set on Members' speaking time. He reminded Members that the discussion on Mr Jeremy TAM's motions, which had originally been proposed at the special HC meeting on 15 November 2019, had not been completed and should be continued at this meeting.

16. Ms Starry LEE and Dr Junius HO expressed a similar view that Mr Dennis KWOK should consult the views of the committee on setting a deadline for Members to propose their non-binding motions. Ms LEE suggested that the deadline for proposing non-binding motions should be no later than the day of this meeting, and that the matter should be put to vote if there were different views from Members. Dr HO said that RoP 75(18) stipulated that subject to RoP, the practice and procedure of HC should be determined by the committee.

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17. Mr Dennis KWOK reiterated his views expressed at paragraph 13 above. He said that a deadline would be set for Members to put forward their non-binding motions and due notice would be given to Members in this regard. Therefore, those Members who wished to propose non-binding motions should do so as early as possible. However, he saw no need to consult Members on the date of the deadline as he noticed that neither the HC Chairman in office nor the Chairman of the Finance Committee had done so in the past.

18. Mr Kenneth LEUNG said that as what he had mentioned at the last special HC meeting, given that proposed resolutions were intended to have binding effect on HC, he considered it questionable for the presiding Member to allow Members to propose any resolutions even if such proposed resolutions were related to the election of the HC Chairman. As regards the CFA's judgment and the CFI's judgment mentioned by Mr CHAN Kin-por and Mr Dennis KWOK, Mr LEUNG wondered if the judgments had touched upon issues in respect of how a meeting could be conducted in an efficient manner. He also wondered if the CFA's judgment in respect of the powers of chairmen/Members in presiding over committee meetings would take precedence over RoP/HR.

19. In response, Mr Dennis KWOK said that he had sought the Legal Adviser's advice before this meeting and was told that if a proposed resolution was considered by him, as the presiding Member at the election of the HC Chairman, to be directly related to the election of the HC Chairman, the proposed resolution could be proceeded with at the meeting. He added that as what he had said earlier at the meeting, he would deal with all non-binding motions proposed to be moved by Members first before proceeding to consider the proposed resolutions.

Provision of draft minutes of the special HC meetings to Members

20. Ms Starry LEE enquired when would the draft minutes of the special HC meetings held for the election of the Chairman and Deputy Chairman of HC be made available for Members' consideration. Mr Dennis KWOK responded that as the Member presiding at the election of the HC Chairman, his role and power were confined to the conduct of the election, and as such he was not vested with the power to add an agenda item to the special HC meetings held for the election of the Chairman and Deputy Chairman of HC to invite Members to confirm the minutes or instruct the Clerk to circulate the minutes for Members' confirmation.

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At the request of Ms LEE, Mr KWOK agreed to provide the draft minutes of the relevant special HC meetings for Members' information.

21. Mr Dennis KWOK said that as the meeting was approaching 4:00 pm at which a Finance Committee meeting had been scheduled to commence, he had to end the meeting.

22. The meeting ended at 4:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2020

立法會  
*Legislative Council*

LC Paper No. CB(2)1047/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 3 January 2020**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
Hon James TO Kun-sun  
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 Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Hon CHUNG Kwok-pan



Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
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  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon LEUNG Yiu-chung  
Hon CHAN Hak-kan, BBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon MA Fung-kwok, SBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Dr Hon KWOK Ka-ki  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon HO Kai-ming  
Hon SHIU Ka-chun  
Dr Hon CHENG Chung-tai

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session and Member presiding at the election of the Chairman of the House Committee ("HC") for the 2019-2020 session ("the said election"), informed Members of the following matters:

- (a) on his instruction, a circular had been issued on 23 December 2019 notifying Members that the deadline for proposing non-binding motions would be 7 January 2020. Thus far, Mr Kenneth LEUNG had issued three letters each proposing to move a non-binding motion at this meeting. He considered these three proposed motions to be directly related to the agenda item of this meeting, and the three letters were tabled at this meeting;
- (b) as Mr Gary FAN Kwok-wai and Mr AU Nok-hin had ceased to be Members of the Legislative Council ("LegCo") since 17 December 2019, there were currently a total of 19 valid nominations for the said election;
- (c) at the request of some Members, the English version of the draft minutes of the eight special HC meetings held between 15 October and 29 November 2019 had been issued by email to Members for information. Following the completion of the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session, Members would be invited to confirm these minutes; and

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- (d) the Chief Secretary for Administration ("CS") had issued a letter dated 16 December 2019 to the President on "Impact on Legislative Council Business from the Protracted Delay in Election of House Committee Chairman and Deputy Chairman", and the President had arranged to forward CS's letter and his reply letter to all Members for information. These two letters were available in English only, and had been uploaded onto the LegCo website.

*(Post-meeting note: The three letters from Mr Kenneth LEUNG were circulated to Members vide LC Paper Nos. CB(2)474/19-20(01) to (03) on 6 January 2020.)*

Letter dated 16 December 2019 from CS addressed to the President

2. Mr Kenneth LEUNG said that as the President had forwarded CS's letter to Members for information, he would like to speak on CS's letter. Mr LEUNG considered that it was necessary for Members to consider whether a letter should be issued to CS in response to his letter to the President in the name of HC or otherwise. Mr Jeremy TAM also expressed a similar view. Mr WONG Ting-kwong, however, held the view that the role of Mr Dennis KWOK should be confined to presiding at the said election.

3. Mr Dennis KWOK said that CS's letter had expressed concern over the impact of the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session on LegCo business. He referred to paragraphs 3, 6 and 9 of CS's letter and considered that the views/questions raised in these paragraphs were directly related to the said election and that Members should be allowed to consider such views/questions at this meeting if they so wished. As regards whether to issue a letter to CS, and if so, in what capacity should such a letter be issued, Mr KWOK said that he would like to listen to Members' views and would see if there was any consensus.

4. Both Mr Kenneth LEUNG and Ms Claudia MO said that the Administration in general would provide papers in both English and Chinese and considered it desirable if a Chinese translation of CS's letter could be provided. Mr LEUNG, Ms MO, Mr Jeremy TAM, Mr HUI Chi-fung and Mr Alvin YEUNG expressed disagreement with the views raised in CS's letter, and they considered it desirable to issue a letter to CS setting out Members' views. These Members also took the view that it

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was inappropriate for the Administration to interfere with the internal operation of LegCo. Mr LEUNG, Ms MO and Mr HUI questioned whether all of the 11 Bills currently under scrutiny by LegCo as set out in the Annex to CS's letter were really of an urgent nature and related to people's livelihood. Mr LEUNG said that while Article 73(1) of the Basic Law ("BL") provided that LegCo should exercise the powers and functions to enact, amend or repeal laws in accordance with the provisions of BL and legal procedures, it was within the powers of LegCo to determine the time required for completing such procedures. Ms MO, Mr HUI and Mr YEUNG questioned whether the only one Bill that the Administration was really eager to be passed before the prorogation of the Sixth LegCo was the National Anthem Bill. They considered that the National Anthem Bill was unpopular among members of the public, and therefore, they saw no problem even if that Bill was to lapse. Mr HUI added that in his view, the National Anthem Bill was a "draconian law" and therefore, the Administration should withdraw the Bill. Mr LEUNG considered that in the event that the Motion of Thanks could not be moved at a Council meeting, there were other platforms on which a discussion/debate on the Chief Executive's Policy Address could be held, e.g. a Member's motion not intended to have legislative effect. As regards the operation of the Panel on Administration of Justice and Legal Service, Mr LEUNG and Mr YEUNG took the view that it was the internal operation of LegCo which the Administration should not interfere with.

5. As regards CS's enquiry as to whether there were any viable ways and means of proceeding further with the affected Government Bills in LegCo, Mr Alvin YEUNG said that there was no superior/subordinate relationship between the President and HC, and he could not see how the President could help solve the current problems. Ms Claudia MO and Mr Jeremy TAM questioned whether or not the Administration was seeking to circumvent the normal procedure of LegCo. Mr TAM considered that if the Administration wished to expedite the scrutiny of Bills, the Administration should give priority to non-controversial Bills. Mr HUI Chi-fung took the view that should the Administration wish to solve the current political impasse, the Administration should look into its fundamental causes (e.g. an election system which had failed to reflect the views of the public) and its proximate causes (e.g. the Administration's unwillingness to accede to the five major demands of the "anti-extradition to China" movement, and the Secretary General of the LegCo Secretariat ("SG") not being permitted to attend HC meetings to respond to Members' questions concerning the security arrangements for

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the LegCo Complex). Mr HUI reiterated his view that should Members of the pro-establishment camp wish to expedite the said election, they should request SG to attend HC meetings.

6. Mr WONG Ting-kwong took the view that even if CS's letter was to be dealt with, HC should do so after the Chairman and Deputy Chairman of HC for the 2019-2020 session were elected. Mr WONG and Mr YIU Si-wing shared a similar view that given that the HC had yet to elect its Chairman after 10 meetings, it was understandable for CS to express the Administration's concern over the impact of the protracted delay in the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. Mr WONG said that Members should give due regard to the current situation that a range of LegCo businesses had been affected. Mr YIU said that all bills currently under scrutiny by LegCo, if not passed by the end of the 2019-2020 session, would lapse. Mr YIU was worried that even some uncontroversial Bills would lapse and all the previous scrutiny work would be in vain, e.g. the Hotel and Guesthouse Accommodation (Amendment) Bill 2018.

Non-binding motions/resolutions proposed by individual Members

7. Mr WONG Ting-kwong, Ms CHAN Hoi-yan, Dr Priscilla LEUNG and Dr Junius HO expressed dissatisfaction with the progress of the said election. Mr WONG and Ms CHAN considered that in addition to setting a deadline for proposing non-binding motions, Mr Dennis KWOK should also set a more definite timeline for completing the said election, so that HC could proceed to transact normal business as soon as possible. Ms CHAN noted that according to Rule 75(2) of the Rules of Procedure, the HC Chairman for the 2018-2019 session should hold office until that of the 2019-2020 session was elected. She enquired whether it was practicable for HC to hold meetings to transact other business pending the election of its Chairman and Deputy Chairman for the 2019-2020 session. Dr Priscilla LEUNG and Dr HO considered that Mr Dennis KWOK should endeavour to expedite the said election and should set a limit on Members' speaking time. Dr HO criticized Mr Dennis KWOK for having abused his power as the presiding Member and the procedure of the said election. He denounced Mr KWOK as a disgrace to those legal practitioners who had voted for him to be the Member representing the Legal Functional Constituency. Dr HO urged Mr Dennis KWOK to bring the said election back on the right track, and added that he might consider moving a motion of no confidence in Mr Dennis KWOK as the presiding Member.

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8. In response to Members' views, Mr Dennis KWOK said that he had all along endeavoured to preside at the said election in a fair manner, and the progress of the said election was not under his control, but instead, subject to whether and when Members could reach a decision. He reiterated that he had all along took the view that setting a strict limit on Members' speaking time was not a good way to preside at meetings, and that Members would be held accountable for their speech and behaviour. Therefore, he did not subscribe to the view that he had not properly discharged his duty as Member presiding at the said election, and he considered that his performance had not brought any disgrace on LegCo. As regards Ms CHAN Hoi-yan's enquiry, Mr KWOK said that the powers and functions of the incumbent Chairman and Deputy Chairman of HC vis-à-vis a new session had been set out in the note prepared by the Legal Service Division entitled "Implications on the operation of the House Committee pending the election of its chairman and deputy chairman" (LC Paper No. LS 11/19-20) and the note prepared by the Secretariat entitled "Matters awaiting consideration/decision by the House Committee pending the election of its chairman and deputy chairman" (LC Paper No. CB(2)381/19-20(01)) In gist, pending the election, HC would not be in a position to transact other business that required its decision.

9. Mr CHAN Chi-chuen said that it was more desirable if there was not a deadline for proposing non-binding motions, so that Members could do so in case of any new developments. However, he considered it acceptable for Mr Dennis KWOK to give regard to the request of some other Members and set such a deadline so as to strike a balance among different views of Members. Mr CHAN enquired about the order for dealing with the non-binding motions and proposed resolutions, as well as whether Members could still propose to move resolutions after the deadline. He also expressed concern about Ms Alice MAK's proposed resolution which, if passed by HC, would result in Members no longer having the opportunity to discuss the merits and demerits of the three options of election forum arrangements.

10. Mr Dennis KWOK said that in setting the deadline for proposing non-binding motions, he had struck a balance among different views of Members. Following the deadline for proposing non-binding motions, he would examine whether these motions were directly related to the agenda item of the meeting, and then a table setting out the discussion and voting arrangements for these motions would be prepared for Members' reference. Dr KWOK added that he had previously made clear that he

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would follow the past practice where non-binding motions would first be dealt with, followed by proposed resolutions. Besides, there was no deadline for submitting proposed resolutions, and proposed resolutions would be dealt with in the order of the time they were submitted. He added that Members' views on non-binding motions/proposed resolutions could be expressed when the relevant motions/proposed resolutions were dealt with.

11. As the meeting had approached the appointed ending time, Mr Dennis KWOK said the he had to close the meeting.

12. The meeting ended at 3:53 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2020

立法會  
*Legislative Council*

LC Paper No. CB(2)1048/19-20

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of the Special House Committee meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 10 January 2020**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman for the 2018-2019 session)  
Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)  
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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, 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 MA Fung-kwok, SBS, JP  
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 Elizabeth QUAT, BBS, JP  
Hon Martin LIAO Cheung-kong, GBS, JP  
Hon POON Siu-ping, BBS, MH  
Dr Hon CHIANG Lai-wan, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon Alvin YEUNG  
Hon CHU Hoi-dick  
Dr Hon Junius HO Kwan-yiu, JP  
Hon HO Kai-ming  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
Hon SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
Hon Tanya CHAN  
Hon CHEUNG Kwok-kwan, JP  
Hon HUI Chi-fung  
Hon Kenneth LAU Ip-keung, BBS, MH, JP  
Dr Hon CHENG Chung-tai  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon Christopher CHEUNG Wah-fung, SBS, JP  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan  
Hon IP Kin-yuen  
Hon CHUNG Kwok-pan  
Hon Andrew WAN Siu-kin  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon LUK Chung-hung, JP  
Hon LAU Kwok-fan, MH  
Hon Vincent CHENG Wing-shun, MH, JP

**Clerk in attendance :**

Miss Flora TAI Clerk to the House Committee

**Staff in attendance :**

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
Mr Arthur KAN	Legislative Assistant (2)7

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Action

**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session**

Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session and Member presiding at the election of the Chairman of the House Committee ("HC") for the 2019-2020 session ("the said election"), invited Members to note that Mr Charles MOK and Mr Kenneth LEUNG had issued a letter on 6 and 7 January 2020 respectively proposing to move a motion at this meeting, and the two letters were tabled at this meeting. Besides, a table setting out the discussion and voting arrangements for the non-binding motions proposed to be moved by Members at the special HC meetings held for the said election was issued to members on 9 January 2020 vide LC Paper No. CB(2)499/19-20(01).

*(Post-meeting note: The letters from Mr Charles MOK and Mr Kenneth LEUNG tabled at this meeting were circulated to Members vide LC Paper Nos. CB(2)509/19-20(01) and (02) on 13 January 2020.)*

Letter from Mr HO Kai-ming to Mr Dennis KWOK requesting HC to expedite the election of its Chairman and accord priority to deal with the Employment (Amendment) Bill 2019 ("the Amendment Bill")

2. Mr Dennis KWOK said that he had received a letter from Mr HO Kai-ming shortly before this meeting, which was tabled at the meeting. Mr KWOK then invited Mr HO to speak briefly on his letter.

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*(Post-meeting note: The letter from Mr HO Kai-ming tabled at this meeting was circulated to Members vide LC Paper No. CB(2)509/19-20(03) on 13 January 2020.)*

3. Mr HO Kai-ming said that despite the fact that more than 10 special HC meetings had been held for the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session in the past three months, the HC Chairman for the 2019-2020 session had yet to be elected. Pending the election of its Chairman and Deputy Chairman, HC was not in a position to consider the bills referred to it under Rule 54(4) of the Rules of Procedure ("RoP"). Mr HO further said that the Amendment Bill, which was introduced into the Legislative Council ("LegCo") on 8 January 2020, would lapse if it could not be passed before the prorogation of the Sixth LegCo in mid-July this year. Therefore, he hoped that Mr Dennis KWOK could expedite the proceedings of the said election so that the Amendment Bill could be scrutinized by Members in a timely manner. Mr HO also appealed to Members that if the HC Chairman for the 2019-2020 session could not be elected at this meeting, they would render their support to the motion moved by the Secretary for Labour and Welfare ("SLW") at the Council meeting of 8 January 2020 under RoP 54(4) that the Second Reading debate on the Amendment Bill be adjourned and the Amendment Bill be referred to the Panel on Manpower ("the Manpower Panel") instead of HC ("the motion moved by SLW"). By doing so, it was hoped that the Amendment Bill could be passed by the Council before the end of the current legislative term.

4. Mr Dennis KWOK considered that the issues raised in the letter of Mr HO Kai-ming were not directly related to the said election, and that this meeting should continue with the proceedings to deal with the non-binding motions proposed by Members. However, he noted that many Members had indicated their wish to speak on Mr HO's letter, he would allow them to do so if they so wished.

5. Ms Claudia MO said that Members from the pro-democracy camp supported the Amendment Bill. However, she had grave concern about the motion moved by SLW. Pointing out that the Panels and the Bills Committees had different terms of reference, she was strongly of the view that the Panels should not be tasked with the scrutiny of bills which had already been introduced into the Council. Echoing the view of Ms MO, Mr Kenneth LEUNG and Mr Jeremy TAM respectively said that the Professionals Guild and the Civic Party supported the Amendment Bill. Mr LEUNG said that while he understood that the Hong Kong Federation

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of Trade Unions as a labour organization was concerned about the Amendment Bill, he considered that the motion moved by SLW would undermine Members' rights in scrutinizing bills. Mr LEUNG further said that a Bills Committee could consider and discuss the amendments to a bill proposed by its members and also propose amendments to a bill if there was agreement among the majority of the members on the proposed amendments. However, a Panel was not tasked to do so. Mr TAM pointed out that the motion moved by SLW would affect the rights of non-Panel members to scrutinize the Amendment Bill and that non-Panel members might have to submit late application for membership so as to participate in the relevant scrutiny work. This would invariably affect the division of duties among Members from the same political party or grouping in respect of the work of Panels.

6. Ms Claudia MO, Mr Kenneth LEUNG and Mr Jeremy TAM also raised concern about the arrangements for resumption of the Second Reading debate on the Amendment Bill in the Council in the event that the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session was still pending when the Manpower Panel had completed its discussion on the Amendment Bill. Ms MO and Mr TAM said that according to RoP 54(5), a debate adjourned under RoP 54(4) might be resumed on notice given by the public officer in charge of the bill in writing after consultation with the HC Chairman. They did not subscribe to the view of SLW that if the HC Chairman for the 2019-2020 session had yet to be elected, the requirement stipulated in RoP 54(5) in respect of the consultation with the HC Chairman could be met by consulting all Members of HC instead. Ms MO and Dr KWOK Ka-ki shared a similar view that SLW had twisted the spirit of RoP 54(5) so as to circumvent the requirement on consultation with the HC Chairman. They were concerned that the Administration might use similar arrangements to deal with controversial legislative proposals or draconian laws in future.

7. Ms Alice MAK said that the main purposes of the Amendment Bill were to, amongst others, extend the statutory maternity leave ("ML") by four weeks and allow a certificate of attendance to be accepted as proof in respect of entitlement to sickness allowance for a day on which a female employee attended a medical examination in relation to her pregnancy. Ms MAK and Mr WONG Kwok-kin said that the labour sector had fought for the proposed enhancements to the ML regime introduced under the Amendment Bill for many years. If the Amendment Bill could not be passed before the prorogation of the Sixth LegCo in mid-July this year,

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the Amendment Bill would lapse and the whole legislative exercise of enhancing the ML regime had to start all over again in the next legislative term. Mr WONG was concerned that in such case, it might bring about uncertainties to the hard-won consensus reached among the labour sector, the employer sector and the Government in this respect. Mr WONG hoped that Members would consider withdrawing all the non-binding motions proposed to be moved at the special HC meetings held for the said election so that the said election could be conducted expeditiously. Ms MAK said that Members should give regard to the well-being of the female employees and urged them to expeditiously elect the HC Chairman for the 2019-2020 session. She added that if Mr Dennis KWOK kept on spending considerable time at each special HC meetings to handle the points of order or questions raised by Members, the proceedings of the said election could not be completed expeditiously.

8. Mr KWOK Wai-keung said that in the past, the proceedings of the election of the Chairman and Deputy Chairman of HC could be completed in one meeting. However, the Chairman of HC for the 2019-2020 session had yet to be elected since the commencement of current legislative session in mid-October 2019 despite the fact that more than 10 special HC meetings had already been held. Mr KWOK criticized that Members from the opposition camp had on the one hand prolonged the proceedings of the said election and on the other hand insisted that the Amendment Bill be referred to HC for consideration. Mr KWOK and Mr Holden CHOW shared a similar view that given the protracted delay in the said election, the motion moved by SLW was a way out to facilitate the Amendment Bill to be scrutinized by Members in a timely manner. Mr CHOW said that there were many matters awaiting the consideration/decision by HC (including a number of bills which were related to people's livelihood) pending the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. Mr CHOW hoped that the said election could be conducted as soon as possible so that HC could resume its normal operation and transact other business that required its decision.

9. Mr Kenneth LEUNG and Mr Jeremy TAM said that as Members in general were supportive of the Amendment Bill, the scrutiny work of the Amendment Bill would not be long. They considered that there should be enough time to deal with the Amendment Bill in the normal way. Dr KWOK Ka-ki said that the Chief Executive had already stated in the 2018 Policy Address that the Government proposed to extend the statutory ML from 10 weeks to 14 weeks and according to his understanding, the

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proposed extension of the ML period to 14 weeks could only be implemented in 2021-2022 even if the Amendment Bill was enacted in the current legislative term. Both Dr KWOK and Mr TAM queried why the Administration would take such a long time to prepare for the implementation of the enhancements to the ML regime.

10. Mr CHAN Hak-kan said that more than 10 special HC meetings had already been held for the said election in the past three months but the HC Chairman for the 2019-2020 session had yet to be elected. The situation was unsatisfactory as the normal operation of HC had been stalled and it might possibly lead to a constitutional crisis. He considered that the said election should be conducted as soon as possible and he hoped that the Secretariat could liaise with the Chairman in office, Ms Starry LEE, to consult Members' views on holding additional special HC meetings to expedite the said election.

*(Post-meeting note: Members were invited to indicate their availability for additional special HC meetings scheduled to be held in February 2020 vide LC Paper No. CB(2)519/19-20 on 14 January 2020.)*

11. Dr KWOK Ka-ki said that the current election process had enabled the candidates for the HC Chairman for the 2019-2020 session to give a serious thought to how they could use HC as a platform to facilitate Members to discharge their constitutional duties (e.g. inviting public officials to attend HC meetings to answer questions from Members on issues of public concern). Mr Jeremy TAM and Mr Charles MOK said that in their view, the issues raised in Mr HO Kai-ming's letter in respect of the Amendment Bill were not directly related to the said election. They recalled that Members from the pro-establishment camp had said at the previous special HC meetings that issues not directly related to the said election should not be discussed. Therefore, they found it strange that some Members from the pro-establishment camp had spent a lot of time at this meeting in discussing Mr HO's letter while at the same time requesting Mr Dennis KWOK to speed up the proceedings of the said election.

12. Mr Dennis KWOK reminded Members that if Members used a lot of time to discuss the letter of Mr HO Kai-ming, the non-binding motions proposed by Members could not be dealt with at this meeting.

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13. Mr CHU Hoi-dick said that if the motion moved by SLW was passed by the Council, the Amendment Bill would be referred to the Manpower Panel instead of HC. He noted that SLW had suggested a way which, in SLW's own view, could get round the requirement stipulated in RoP 54(5) with regard to the consultation with the HC Chairman on resumption of the Second Reading debate on the Amendment Bill in the Council in the event that the HC Chairman for the 2019-2020 session had yet to be elected by the time the Amendment Bill was ready to resume its Second Reading debate. Mr CHU further said that as Mr HO Kai-ming was in support of the motion moved by SLW, he could not understand why Mr HO had to write to Mr Dennis KWOK and request Mr KWOK to expedite the said election to facilitate the early consideration of the Amendment Bill by HC. Mr CHU also said that Dr Priscilla LEUNG had mentioned at a media stand-up on the day of this meeting that the prolonged proceedings of the said election had delayed the enactment of the National Anthem Bill and the Administration could resort to an extraordinary means where necessary in order to apply this national law in Hong Kong. He stressed that Members from the pro-democracy camp had the full support of Hong Kong people in stopping the passage of the National Anthem Bill which was a "draconian law".

14. Expressing disagreement with Mr CHU Hoi-dick's remarks about the National Anthem Bill, Dr Priscilla LEUNG stressed that the Bill was not a "draconian law" and that the legislative intent of the Bill was to preserve the dignity of the national anthem so that members of the public would respect the national anthem. According to the Basic Law ("BL"), the national laws listed in Annex III to BL should be applied locally by way of promulgation or legislation by the Hong Kong Special Administration Region. The Government had then decided to implement the Law of the People's Republic of China on National Anthem ("the National Anthem Law") in Hong Kong by local legislation. Dr LEUNG noted that Ms Tanya CHAN had indicated to the media that Members from the pro-democracy camp would stall the operation of HC in a bid to delay the timing of the resumption of the Second Reading debate on the National Anthem Bill so that the Second Reading debate on the Bill could not be resumed in time before the end of the current legislative term. Dr LEUNG was concerned that in such circumstances, the Administration might have to consider implementing the National Anthem Law in Hong Kong by way of promulgation. Dr LEUNG also pointed out that pending the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session, many matters that required

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the consideration/decision by HC (including a number of bills which were related to people's livelihood and the making of recommendations to the President on the size of the select committees and its membership) could not be dealt with. She hoped that Members from the pro-democracy camp would allow HC to get back on track as soon as possible.

15. Mr Dennis KWOK said that as it was already 4:00 pm at which a Finance Committee meeting had been scheduled to commence, he had to end the meeting.

16. The meeting ended at 4:02 pm.

Council Business Division 2  
Legislative Council Secretariat  
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