

**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-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  
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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Action

**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.)*

Action

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

Action

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.

Action

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

Action

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.



Action

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.)*

Action

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

Action

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).)*

Action

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