

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 |

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.

Action

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

Action

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.

Action

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.

Action

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

Action

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

Action

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)**

| | Option A | Option B | Option C |
|---|--|--|--|
| Presentation of platforms by candidates (The order to be determined by drawing of lots) | Two minutes for each candidate | Two minutes for each candidate | One minute for each candidate |
| Questions from Members | 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) |
| Response by candidates | 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) | |
| Concluding remarks by candidates | 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) |
| Estimated time required | 1 323 minutes and 30 seconds | 346 minutes (subject to whether discretion is exercised for giving certain candidates additional time for response) | 253 Minutes (subject to whether discretion is exercised for adjusting the time for response by certain candidates) |