

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-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 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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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.