

**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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Action

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

Action

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

Action

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

Action

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

Action

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.



Action

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.