

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-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 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