

立法會
Legislative Council

LC Paper No. CB(2)1044/19-20

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, 29 November 2019**

Members present :

Hon Starry LEE Wai-king, SBS, JP (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 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 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 Jimmy NG Wing-ka, BBS, 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 :

Hon Dennis KWOK Wing-hang (Deputy Chairman for the 2018-2019 session)
Hon Paul TSE Wai-chun, JP
Hon Charles Peter MOK, JP
Hon LEUNG Che-cheung, SBS, MH, JP
Hon Kenneth LEUNG
Hon CHU Hoi-dick
Hon Junius HO Kwan-yiu, 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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I. Election of the Chairman and Deputy Chairman of the House Committee for the 2019-2020 session

Since Mr Dennis KWOK, Deputy Chairman for the 2018-2019 session, was absent from the meeting, Mr James TO, the Member present who had the highest precedence, presided over the meeting. Members noted that Mr Gary FAN and Mr CHAN Chi-chuen had respectively issued a letter proposing to move a motion at this meeting, and the two letters were tabled at this meeting.

(Post-meeting note: Mr Gary FAN's letter and Mr CHAN Chi-chuen's letter were circulated to Members vide LC Paper Nos. CB(2)311/19-20(01) and (02) on 2 December 2019.)

Continuation of dealing with motions proposed by Members

2. Mr James TO said that the House Committee ("HC") would continue to deal with those motion(s) proposed by Members at previous meetings. He then reminded Members that Mr CHAN Chi-chuen had requested to speak on the motions proposed by Ms Tanya CHAN at the last special HC meeting on 22 November 2019.

Motions proposed by Ms Tanya CHAN

3. At the invitation of Mr James TO, 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 the

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Secretary General ("SG") and to set up a disciplinary investigation panel to investigate SG's dereliction of duty, and he had learnt on 4 July 2019 that outside counsel advice had been sought in respect of his proposed resolution. Mr CHAN considered it unreasonable for the Secretariat not to revert to him about the relevant work progress after more than three months, and he added that such information could facilitate his consideration of whether to support the motions proposed by Ms Tanya CHAN.

4. At the invitation of Mr James TO, Ms Tanya CHAN reiterated her view that it was incumbent upon SG to attend HC meetings held for the election of the Chairman and Deputy Chairman of HC irrespective of whether these meetings were regular or special meetings. Since the said election was not proceeded with before the closure of the regular HC meeting on 11 October 2019, the special HC meetings subsequently held for the said election should be regarded as a continuation of the regular HC meeting on 11 October 2019 for dealing with the unfinished business on the agenda. Ms CHAN further said that information requested by Members, particularly those relating to the security arrangements for the Legislative Council ("LegCo") Complex, would facilitate the fair conduct of the election forum. Ms CHAN added that SG could decline to answer those questions which asked about information that had to be kept confidential. She called on Members to support her proposed motions.

5. Noting that no more Members had indicated intention to speak, Mr James TO put to vote the question as to whether HC agreed to deal with the motions proposed by Ms Tanya CHAN. Ms Starry LEE requested a division.

The following Members voted in favour of the question:

Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr LAM Cheuk-ting, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu and Mr Jeremy TAM.

(15 Members)

The following Members voted against the question:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla

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LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Miss 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 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, Mr Tony TSE and Ms CHAN Hoi-yan.

(33 Members)

6. Mr James TO declared that 15 Members voted for and 33 Members voted against the question, and no Member abstained from voting. Mr TO declared that the question was negatived.

Motions proposed by Mr Jeremy TAM

7. At the invitation of Mr James TO, Mr Jeremy TAM said that the emphasis of his motions was on the security arrangements for the LegCo Complex in relation to giving permission for police officers to carry out duties in the LegCo Complex. He queried whether there were any guidelines and standards for making a decision on giving permission for the deployment of police officers in the LegCo Complex, and if such permission was given, whether there was any mechanism for governing/monitoring the number and rank of police officers being deployed in the LegCo Complex as well as the duration and the way police officers carried out duties therein. In Mr TAM's view, the presence of fully-armed, masked police officers in the LegCo Complex would constitute a threat to some Members such that they could not freely speak and/or vote on certain issues. Therefore, he considered it unacceptable for police officers to be given permission to carry out duties in the LegCo Complex in an arbitrary manner. Besides, he expressed grave concern about the water-filled barriers which had been erected by the Police in the vicinity of the LegCo Complex for more than a month, and he wondered whether SG/the Secretariat had made any liaison with the Administration/the Police for removing those water-filled barriers. In light of the above, Mr TAM considered it necessary for SG to attend HC meetings and provide the relevant information.

8. Dr KWOK Ka-ki and Mr CHAN Chi-chuen expressed support for the motions proposed by Mr Jeremy TAM. In their view, controversies surrounding the security arrangements for the LegCo Complex on 12 June and 1 July 2019 were among the most pressing issues that needed

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to be resolved, and therefore, SG had a duty to respond to Members' questions on the relevant issues. Expressing dissatisfaction about the security arrangements on 12 June 2019, Dr KWOK said that some Members had been denied entry to the LegCo Complex and some police officers had disrupted the work of some Secretariat staff on duty at their office(s). Dr KWOK and Mr CHAN took a strong view that Members should be given a detailed explanation on various issues relating to the security arrangements on 1 July 2019, particularly why police officers had withdrawn from the LegCo Complex after being permitted to take control over the security work therein, whether any undercover operation had been conducted during the protest in the vicinity of the LegCo Complex on that day and the extent of powers of the police officers in relation to carrying out duties in the LegCo Complex, etc. Mr CHAN considered that similar security arrangements might be made in the near future, and therefore, Members' concerns should be addressed as soon as possible. Given that the HC Chairman, in his/her capacity of the Deputy Chairman of The Legislative Council Commission, would be consulted before any decision was made on the security arrangements for the LegCo Complex, Dr KWOK considered it necessary to address Members' concerns about security arrangements during the election of the HC Chairman. He added that if Members supported Mr TAM's motions and then SG attended HC meetings, it might no longer be necessary to deal with other motion(s) proposed by Members.

9. Dr CHIANG Lai-wan expressed dissatisfaction that the discussion on issues relating to the security arrangements for the LegCo Complex, which, in her view, was not relevant to the election of the HC Chairman, had dragged on for several meetings. She considered that a more desirable way forward was to expeditiously conduct the election of the HC Chairman for the 2019-2020 session, and then to request the newly-elected HC Chairman to invite SG to attend a special HC meeting for discussing the related issues. Dr CHIANG also noted that since the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session had not been completed, HC could not deal with other business, notably giving consideration to forming Bills Committees and subcommittees on subsidiary legislation. She added that if such a situation continued, she would seriously consider whether to propose a motion seeking to forfeit Members' remuneration as Members had failed to properly discharge their duties. Dr CHIANG called on Members to stop discussing issues relating to the security arrangements for the LegCo Complex, and to expeditiously deal with the remaining proceedings of the election.

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10. Mr HUI Chi-fung and Mr Andrew WAN expressed support for the motions proposed by Mr Jeremy TAM. They took the view that the security arrangements for the LegCo Complex were among the most controversial issues during the election of the HC Chairman, particularly those relating to the deployment of police officers in the LegCo Complex and the employment of temporary security staff by the Secretariat. Mr HUI also expressed concern about the way some security staff of the Secretariat had treated certain Members on various occasions, e.g. on the day of the Chief Executive's Question and Answer Session (i.e. 17 October 2019). He also expressed dissatisfaction about the erection of water-filled barriers by the Police in the vicinity of the LegCo Complex that had caused Members much inconvenience in getting access to the LegCo Complex. Mr WAN indicated that various issues of concern raised by Members remained unresolved, including who was/were responsible for making the decision on erecting water-filled barriers in the vicinity of the LegCo Complex and whether undercover police officers had been deployed during those protests that had occurred in the vicinity of the LegCo Complex over the past few months. Mr HUI and Mr WAN considered it incumbent upon SG who was the chief executive of the Secretariat to attend HC meetings and respond to Members' questions. Mr HUI held a strong view that the election forum should not be conducted until SG attended HC meetings.

11. In response to Members' views and concerns, Mr James TO said that Members' views on the requests for the attendance of SG at HC meetings would be relayed to SG for consideration.

(Post-meeting note: The Clerk issued a referral memorandum on 9 December 2019 to SG regarding Members' views on the requests for SG's attendance at HC meetings, and SG made a written reply to the Clerk on 13 December 2019. The referral memorandum and SG's written reply were issued to Members vide LC Paper Nos. CB(2)382/19-20(01) and (02) on 13 December 2019.)

12. At 3:53 pm, Mr James TO said that given that the Finance Committee meeting had been scheduled to be held at 4:00 pm, the discussion on the motions proposed by Mr Jeremy TAM would continue at the next meeting.

13. The meeting ended at 3:54 pm.