

立法會  
*Legislative Council*

LC Paper No. CB(2)1046/19-20

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, 13 December 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 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 WONG Kwok-kin, SBS, JP  
Hon Mrs Regina IP LAU Suk-yea, GBS, JP  
Hon Claudia MO  
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 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 Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Dr Hon Junius HO Kwan-yiu, 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 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 James TO Kun-sun  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon CHUNG Kwok-pan  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Hon HO Kai-ming

**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**

*(The Chairman's seat was occupied by Dr CHIANG Lai-wan when the meeting commenced, and Mr Dennis KWOK had to sit on the Deputy Chairman's seat.)*

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, asked Dr CHIANG Lai-wan to return to her seat. However, Dr CHIANG refused to do so. Mr KWOK therefore ordered her to withdraw from the meeting, and also that the meeting be suspended for 10 minutes.

*(The meeting was suspended at 2:32 pm. Dr CHIANG Lai-wan withdrew from the meeting and the meeting was resumed at 2:42 pm.)*

2. Mr Dennis KWOK said that at the last special HC meeting, some Members had given views on the requests for the attendance of the Secretary General ("SG") at the HC meetings held for the election of the Chairman and Deputy Chairman of HC. He said that on the instruction of Mr James TO, Member presiding at the last special HC meeting, the Clerk had already relayed the relevant views to SG. The referral memorandum from the Clerk to SG and SG's written reply to the Clerk were circulated to Members before this meeting (LC Paper Nos. CB(2)382/19-20(01) and (02)). Besides, a note entitled "Matters awaiting consideration/decision by the House Committee pending the election of its chairman and deputy chairman" (LC Paper No.

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CB(2)381/19-20(01)) ("the note on matters awaiting HC's consideration/decision") prepared by the Secretariat was also issued to Members before this meeting. Mr KWOK further said that a letter from Dr Fernando CHEUNG proposing to move a motion at this meeting was tabled at the meeting.

*(Post-meeting note: The letter from Dr Fernando CHEUNG tabled at this meeting was circulated to Members vide LC Paper No. CB(2)406/19-20(01) on 13 December 2019.)*

3. Referring to SG's written reply to the Clerk as mentioned in paragraph 2 above, Mr LEUNG Yiu-chung said that he remained of the view that SG should explain to Members in person the reasons for not attending the special HC meetings held for the election of the Chairman and Deputy Chairman of HC to provide information relating to the security arrangements for the Legislative Council ("LegCo") Complex. Mr Kenneth LEUNG and Mr CHAN Chi-chuen shared a similar view that although The Legislative Council Commission ("LCC") had not given SG permission to attend HC meetings to answer Members' questions on the security arrangements for the LegCo Complex, it was still the duty of SG to attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC and answer the questions raised by Members on other issues so as to facilitate the conduct of the election. Mr Kenneth LEUNG said that SG's declination to attend the special HC meetings was unacceptable and had created a bottleneck in the proceedings for the election of the HC Chairman. In Mr Kenneth LEUNG's view, Members' requests for SG's attendance at the special HC meetings were reasonable. As SG had repeatedly declined such requests, Mr Kenneth LEUNG was concerned whether this would amount to a breach of the employment contract of SG. Mr CHAN considered that SG should not use LCC's decision as a shield for refusing to accede to Members' requests for his attendance at the special HC meetings. Ms Tanya CHAN said that as the next Chief Executive's Question and Answer Session was scheduled to be held in January 2020, she considered it necessary for SG to provide information on the security arrangements for the Council meeting concerned. She also expressed concern that the water-filled barriers which had been erected outside the LegCo Complex for quite some time had not yet been removed.

4. Dr Priscilla LEUNG said that Members would have ample opportunities to put questions to SG on issues relating to the security arrangements for the LegCo Complex in future, and considered that

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Members should not dwell on the issue of SG's attendance at the special HC meetings held for the election of the Chairman and Deputy Chairman of HC. Mr CHAN Kin-por shared a similar view and pointed out that issues discussed at closed meetings of LCC, including the security arrangements for the LegCo Complex, were confidential. As LCC had not given SG permission to provide the relevant information on the security arrangements for the LegCo Complex, SG, as an employee of LCC, was duty-bound to be abided by LCC's decision. In Mr CHAN's view, it was reasonable for SG not attending the special HC meetings.

5. Mr Dennis KWOK said that given the various security incidents that took place in the vicinity of the LegCo Complex in recent months, many Members had raised concerns about the security arrangements for the LegCo Complex and had expressed the view that they would like to put questions to the candidates for the HC Chairman on issues relating to the security arrangements for the LegCo Complex during the election forum to be conducted. Since the HC Chairman would be the Deputy Chairman of LCC, Mr KWOK considered that issues dealt with by LCC (including the security arrangements for the LegCo Complex) were directly related to the election of the HC Chairman. The provision of information on such issues by LCC and/or SG would ensure that all candidates for the HC Chairman would have equal access to information that would be relevant to the election of the HC Chairman.

Matters awaiting HC's consideration/decision pending the election of its Chairman and Deputy Chairman

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6. Referring to the note on matters awaiting HC's consideration/decision, Dr Priscilla LEUNG and Mr Vincent CHENG expressed concern that there were many matters awaiting the consideration/decision by HC pending the election of the Chairman and Deputy Chairman of HC, such as the election of Members for appointment to the investigation committees established under Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motions moved under RoP 49B(1A) at the Council meeting of 11 December 2019 to censure certain Members, the making of recommendations to the President on the size and membership of the select committee(s) appointed by the Council (if any) as well as consideration of the reports of the Bills Committees in preparation for resumption of the Second Reading debates on the Bills concerned in the Council. Mr CHENG said that there were several Bills Committees which had completed their scrutiny work and were awaiting HC's consideration of their reports (e.g.

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the Bills Committee on Hotel and Guesthouse Accommodation (Amendment) Bill 2018 and the Bills Committee on Fire Safety (Industrial Buildings)). He was concerned that if the relevant Bills could not be passed before the prorogation of the Council in July 2020, such Bills would lapse and all the efforts expended in scrutinizing them would be wasted.

7. Ms CHAN Hoi-yan said that the Subcommittee to Follow Up Issues Related to Inadequate Housing and Relevant Housing Policies formed under the Panel on Housing ("the said Subcommittee") had held its last meeting on 7 December 2019, and many deputations that had been invited to give views at the meeting expressed their hope that the Subcommittee could continue its work. However, members of the said Subcommittee and deputations were told at the meeting that the Subcommittee had to end its work after the 12-month period. Ms CHAN referred to rule 26(c) of the House Rules ("HR") and said that should a subcommittee on policy issues ("a policy subcommittee") consider it necessary for it to work beyond 12 months, the policy subcommittee should, after obtaining the endorsement of the relevant Panel, report to HC and give justifications for an extension of the 12-month period. She sought clarification whether the proposal of the extension of the work period of the said Subcommittee, if made, could be considered by HC pending the election of the Chairman and Deputy Chairman of HC.

8. At the invitation of Mr Dennis KWOK, the Clerk advised that Members had agreed at previous HC meetings to adopt the following arrangements for extension of period of work of policy subcommittees in the Sixth LegCo: upon completion of the 12-month period, a policy subcommittee in operation would vacate its slot for activation of a subcommittee on the waiting list, if the subcommittee considered it necessary for it to work beyond the 12-month period, it would be put on the waiting list for re-activation upon obtaining the endorsement of HC. However, priority would be accorded to subcommittees on the waiting list which had not yet commenced work since appointment over those subcommittees awaiting re-activation. The Clerk further said that at the HC meeting on 11 October 2019, information on the updated timeline for activation of policy subcommittees on the waiting list was provided to Members.

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9. Ms CHAN Hoi-yan expressed grave dissatisfaction with the undue prolongation in the election of the HC Chairman, and was concerned that the operation of HC had been seriously affected. Mr Dennis KWOK said that as a few investigation committees and/or select committee(s) had been/might be formed upon completion of relevant proceedings in the Council, even if the said Subcommittee submitted a proposal for extension of its work, such proposal had to be considered by HC, after the election of the Chairman and Deputy Chairman of HC, in the light of the staff resources available from the Secretariat to provide servicing work to the various committees/subcommittees.

10. Mr CHAN Kin-por said that members of the public were seriously concerned that despite some 20 hours of meeting time had been spent on the election of the HC Chairman in the past two months, HC had yet to elect its Chairman. Referring to the Court of Final Appeal's judgment in *Leung Kwok Hung v President of the Legislative Council* [2015] 1 HKC 195 ("the CFA's judgment") and the Court of First Instance's judgment in *Wong Yuk Man v Ng Leung Sing and Tommy Cheung Yu-yan*, HCAL 78/2014 ("the CFI's judgment"), Mr CHAN said that any presiding Member should ensure the orderly, efficient and fair disposition of business. In his view, it would be in the interest of the public if the election of the Chairman and Deputy Chairman of HC could be conducted expeditiously so that HC could transact other business that required its decisions. Mr CHAN considered that Mr Dennis KWOK should set a limit on Members' speaking time.

11. On Members' views, Mr Dennis KWOK responded that as the Member presiding at the election of the HC Chairman, his goal was to ensure that the election would be conducted in a fair, impartial and efficient manner. He further said that he had made reference to the CFA's judgment and the CFI's judgment and considered that as the Member presiding at the election of the HC Chairman, he had the power to regulate the process of meetings, including the power to terminate a debate. In his view, it was important to allow Members to explain their views clearly, therefore, he would not set a limit on Members' speaking time. Mr KWOK reiterated that since the HC Chairman would be the Deputy Chairman of LCC, he considered that issues dealt with by LCC, including the security arrangements for the LegCo Complex, were directly related to the election. Given the unprecedented situation that so many candidates were validly nominated for the HC chairmanship and that so many Members had raised concerns about the security arrangements for the LegCo Complex, it was important to ensure that all

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candidates could have equal access to the relevant information. Mr KWOK added that in some Members' views, members of the public were very concerned about the security arrangements for the LegCo Complex.

12. Mr HUI Chi-fung said that he did not subscribe to the view held by some Members that Mr Dennis KWOK, as the presiding Member at the election of the HC Chairman, should have the responsibility for the present situation. He further said that a majority of LCC members belonged to the royalist camp and if they could give consent for SG to attend the special HC meetings held for the election of the Chairman and Deputy Chairman of HC, the election of the HC Chairman could have proceeded far more smoothly and the bottleneck could have been resolved. Mr HUI maintained his view that the election forum should not be conducted until SG attended the special HC meetings to provide the information requested by Members and that it would be a waste of Members' time to hold the special HC meetings pending SG's attendance at such meetings.

Dealing with motions proposed to be moved by Members

13. Both Mr CHAN Kin-por and Mr Vincent CHENG were concerned about the progress of the proceedings of the election of the HC Chairman. Mr CHENG expressed his hope that Mr Dennis KWOK would draw a line beyond which Members would not be allowed to propose motions. Mr Dennis KWOK responded that drawing reference from the practice of the Panel chairmen in dealing with motions intended to be moved by members at Panel meetings, he would deal with all non-binding motions proposed to be moved by Members first before proceeding to consider the proposed resolutions which, if passed, would have binding effect on HC. After all non-binding motions and proposed resolutions had been dealt with/considered, Members would then be invited to consider the three revised options of the election forum arrangements for the election of the HC Chairman the details of which were tabled at the special HC meeting on 25 October 2019; and voting for the election of the HC Chairman would take place after the election forum was conducted. Mr KWOK added that he would set a deadline in due course for Members intending to propose non-binding motions at the special HC meetings, and also consider arranging joint discussion on motions where appropriate.

14. Ms Starry LEE, Chairman for the 2018-2019 session, said that if non-binding motions and proposed resolutions were put forward by Members at the same meeting of a committee, it was the practice to first



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deal with non-binding motions, followed by proposed resolutions. However, according to the Mr Dennis KWOK's proposed arrangements, all non-binding motions, irrespective of whether they were proposed to be moved at the same special HC meeting, would be dealt with first, followed by the proposed resolutions. In her view, such arrangements had deviated from the practice. She suggested that Mr KWOK should seek advice from the Secretariat on this matter. Ms LEE further said that nine special HC meetings had already been held for the election of the Chairman and the Deputy Chairman of HC and the repeated discussions by Members on issues relating to the security arrangements for the LegCo Complex had prolonged the proceedings of the election of the HC Chairman. She commented that Mr KWOK had not properly performed his role as the Member presiding at the election of the HC Chairman. Mr CHAN Han-pan also expressed disapproval of the way in which Mr KWOK had presided at the election of the HC Chairman. Mr CHAN considered that Mr KWOK did not have any power to allow Members to put forward motions during the election of the HC Chairman and Mr KWOK had abused his power.

15. Ms Claudia MO opined that the remark made by Mr CHAN Han-pan was offensive to Mr Dennis KWOK, and she hoped that Mr KWOK would make a ruling. She further said that as the HC Chairman would be the President's deputy and would assist the President in presiding over Council meetings, she wondered whether Members could raise questions on issues relating to the business of Council meetings and whether those issues were also relevant to the election of the HC Chairman. Mr Alvin YEUNG pointed out that considerable time had been used in discussing whether a deadline should be set for Members to put forward their motions and whether a limit should be set on Members' speaking time. He reminded Members that the discussion on Mr Jeremy TAM's motions, which had originally been proposed at the special HC meeting on 15 November 2019, had not been completed and should be continued at this meeting.

16. Ms Starry LEE and Dr Junius HO expressed a similar view that Mr Dennis KWOK should consult the views of the committee on setting a deadline for Members to propose their non-binding motions. Ms LEE suggested that the deadline for proposing non-binding motions should be no later than the day of this meeting, and that the matter should be put to vote if there were different views from Members. Dr HO said that RoP 75(18) stipulated that subject to RoP, the practice and procedure of HC should be determined by the committee.

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17. Mr Dennis KWOK reiterated his views expressed at paragraph 13 above. He said that a deadline would be set for Members to put forward their non-binding motions and due notice would be given to Members in this regard. Therefore, those Members who wished to propose non-binding motions should do so as early as possible. However, he saw no need to consult Members on the date of the deadline as he noticed that neither the HC Chairman in office nor the Chairman of the Finance Committee had done so in the past.

18. Mr Kenneth LEUNG said that as what he had mentioned at the last special HC meeting, given that proposed resolutions were intended to have binding effect on HC, he considered it questionable for the presiding Member to allow Members to propose any resolutions even if such proposed resolutions were related to the election of the HC Chairman. As regards the CFA's judgment and the CFI's judgment mentioned by Mr CHAN Kin-por and Mr Dennis KWOK, Mr LEUNG wondered if the judgments had touched upon issues in respect of how a meeting could be conducted in an efficient manner. He also wondered if the CFA's judgment in respect of the powers of chairmen/Members in presiding over committee meetings would take precedence over RoP/HR.

19. In response, Mr Dennis KWOK said that he had sought the Legal Adviser's advice before this meeting and was told that if a proposed resolution was considered by him, as the presiding Member at the election of the HC Chairman, to be directly related to the election of the HC Chairman, the proposed resolution could be proceeded with at the meeting. He added that as what he had said earlier at the meeting, he would deal with all non-binding motions proposed to be moved by Members first before proceeding to consider the proposed resolutions.

Provision of draft minutes of the special HC meetings to Members

20. Ms Starry LEE enquired when would the draft minutes of the special HC meetings held for the election of the Chairman and Deputy Chairman of HC be made available for Members' consideration. Mr Dennis KWOK responded that as the Member presiding at the election of the HC Chairman, his role and power were confined to the conduct of the election, and as such he was not vested with the power to add an agenda item to the special HC meetings held for the election of the Chairman and Deputy Chairman of HC to invite Members to confirm the minutes or instruct the Clerk to circulate the minutes for Members' confirmation.

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At the request of Ms LEE, Mr KWOK agreed to provide the draft minutes of the relevant special HC meetings for Members' information.

21. Mr Dennis KWOK said that as the meeting was approaching 4:00 pm at which a Finance Committee meeting had been scheduled to commence, he had to end the meeting.

22. The meeting ended at 4:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2020