

立法會  
*Legislative Council*

LC Paper No. CB(2)1047/19-20

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, 3 January 2020**

**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 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 Kin-por, GBS, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin, BBS  
Hon YIU Si-wing, BBS  
Hon Charles Peter MOK, JP  
Hon CHAN Chi-chuen  
Hon CHAN Han-pan, BBS, JP  
Hon Kenneth LEUNG  
Hon Alice MAK Mei-kuen, BBS, JP  
Hon KWOK Wai-keung, 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  
Hon CHUNG Kwok-pan

Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
Hon CHU Hoi-dick  
Hon Jimmy NG Wing-ka, BBS, JP  
Dr Hon Junius HO Kwan-yiu, JP  
Hon LAM Cheuk-ting  
Hon Holden CHOW Ho-ding  
Hon SHIU Ka-fai, JP  
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  
Hon KWONG Chun-yu  
Hon Jeremy TAM Man-ho  
Hon Vincent CHENG Wing-shun, MH, JP  
Hon Tony TSE Wai-chuen, BBS  
Hon CHAN Hoi-yan

**Members absent :**

Hon LEUNG Yiu-chung  
Hon CHAN Hak-kan, BBS, JP  
Hon WONG Kwok-kin, SBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Frankie YICK Chi-ming, SBS, JP  
Hon WU Chi-wai, MH  
Hon MA Fung-kwok, SBS, JP  
Hon LEUNG Che-cheung, SBS, MH, JP  
Dr Hon KWOK Ka-ki  
Hon Christopher CHEUNG Wah-fung, SBS, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP  
Hon HO Kai-ming  
Hon SHIU Ka-chun  
Dr Hon CHENG Chung-tai

**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

---

Action

**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 ("the said election"), informed Members of the following matters:

- (a) on his instruction, a circular had been issued on 23 December 2019 notifying Members that the deadline for proposing non-binding motions would be 7 January 2020. Thus far, Mr Kenneth LEUNG had issued three letters each proposing to move a non-binding motion at this meeting. He considered these three proposed motions to be directly related to the agenda item of this meeting, and the three letters were tabled at this meeting;
- (b) as Mr Gary FAN Kwok-wai and Mr AU Nok-hin had ceased to be Members of the Legislative Council ("LegCo") since 17 December 2019, there were currently a total of 19 valid nominations for the said election;
- (c) at the request of some Members, the English version of the draft minutes of the eight special HC meetings held between 15 October and 29 November 2019 had been issued by email to Members for information. Following the completion of the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session, Members would be invited to confirm these minutes; and

Action

- (d) the Chief Secretary for Administration ("CS") had issued a letter dated 16 December 2019 to the President on "Impact on Legislative Council Business from the Protracted Delay in Election of House Committee Chairman and Deputy Chairman", and the President had arranged to forward CS's letter and his reply letter to all Members for information. These two letters were available in English only, and had been uploaded onto the LegCo website.

*(Post-meeting note: The three letters from Mr Kenneth LEUNG were circulated to Members vide LC Paper Nos. CB(2)474/19-20(01) to (03) on 6 January 2020.)*

Letter dated 16 December 2019 from CS addressed to the President

2. Mr Kenneth LEUNG said that as the President had forwarded CS's letter to Members for information, he would like to speak on CS's letter. Mr LEUNG considered that it was necessary for Members to consider whether a letter should be issued to CS in response to his letter to the President in the name of HC or otherwise. Mr Jeremy TAM also expressed a similar view. Mr WONG Ting-kwong, however, held the view that the role of Mr Dennis KWOK should be confined to presiding at the said election.

3. Mr Dennis KWOK said that CS's letter had expressed concern over the impact of the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session on LegCo business. He referred to paragraphs 3, 6 and 9 of CS's letter and considered that the views/questions raised in these paragraphs were directly related to the said election and that Members should be allowed to consider such views/questions at this meeting if they so wished. As regards whether to issue a letter to CS, and if so, in what capacity should such a letter be issued, Mr KWOK said that he would like to listen to Members' views and would see if there was any consensus.

4. Both Mr Kenneth LEUNG and Ms Claudia MO said that the Administration in general would provide papers in both English and Chinese and considered it desirable if a Chinese translation of CS's letter could be provided. Mr LEUNG, Ms MO, Mr Jeremy TAM, Mr HUI Chi-fung and Mr Alvin YEUNG expressed disagreement with the views raised in CS's letter, and they considered it desirable to issue a letter to CS setting out Members' views. These Members also took the view that it

Action

was inappropriate for the Administration to interfere with the internal operation of LegCo. Mr LEUNG, Ms MO and Mr HUI questioned whether all of the 11 Bills currently under scrutiny by LegCo as set out in the Annex to CS's letter were really of an urgent nature and related to people's livelihood. Mr LEUNG said that while Article 73(1) of the Basic Law ("BL") provided that LegCo should exercise the powers and functions to enact, amend or repeal laws in accordance with the provisions of BL and legal procedures, it was within the powers of LegCo to determine the time required for completing such procedures. Ms MO, Mr HUI and Mr YEUNG questioned whether the only one Bill that the Administration was really eager to be passed before the prorogation of the Sixth LegCo was the National Anthem Bill. They considered that the National Anthem Bill was unpopular among members of the public, and therefore, they saw no problem even if that Bill was to lapse. Mr HUI added that in his view, the National Anthem Bill was a "draconian law" and therefore, the Administration should withdraw the Bill. Mr LEUNG considered that in the event that the Motion of Thanks could not be moved at a Council meeting, there were other platforms on which a discussion/debate on the Chief Executive's Policy Address could be held, e.g. a Member's motion not intended to have legislative effect. As regards the operation of the Panel on Administration of Justice and Legal Service, Mr LEUNG and Mr YEUNG took the view that it was the internal operation of LegCo which the Administration should not interfere with.

5. As regards CS's enquiry as to whether there were any viable ways and means of proceeding further with the affected Government Bills in LegCo, Mr Alvin YEUNG said that there was no superior/subordinate relationship between the President and HC, and he could not see how the President could help solve the current problems. Ms Claudia MO and Mr Jeremy TAM questioned whether or not the Administration was seeking to circumvent the normal procedure of LegCo. Mr TAM considered that if the Administration wished to expedite the scrutiny of Bills, the Administration should give priority to non-controversial Bills. Mr HUI Chi-fung took the view that should the Administration wish to solve the current political impasse, the Administration should look into its fundamental causes (e.g. an election system which had failed to reflect the views of the public) and its proximate causes (e.g. the Administration's unwillingness to accede to the five major demands of the "anti-extradition to China" movement, and the Secretary General of the LegCo Secretariat ("SG") not being permitted to attend HC meetings to respond to Members' questions concerning the security arrangements for

Action

the LegCo Complex). Mr HUI reiterated his view that should Members of the pro-establishment camp wish to expedite the said election, they should request SG to attend HC meetings.

6. Mr WONG Ting-kwong took the view that even if CS's letter was to be dealt with, HC should do so after the Chairman and Deputy Chairman of HC for the 2019-2020 session were elected. Mr WONG and Mr YIU Si-wing shared a similar view that given that the HC had yet to elect its Chairman after 10 meetings, it was understandable for CS to express the Administration's concern over the impact of the protracted delay in the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. Mr WONG said that Members should give due regard to the current situation that a range of LegCo businesses had been affected. Mr YIU said that all bills currently under scrutiny by LegCo, if not passed by the end of the 2019-2020 session, would lapse. Mr YIU was worried that even some uncontroversial Bills would lapse and all the previous scrutiny work would be in vain, e.g. the Hotel and Guesthouse Accommodation (Amendment) Bill 2018.

Non-binding motions/resolutions proposed by individual Members

7. Mr WONG Ting-kwong, Ms CHAN Hoi-yan, Dr Priscilla LEUNG and Dr Junius HO expressed dissatisfaction with the progress of the said election. Mr WONG and Ms CHAN considered that in addition to setting a deadline for proposing non-binding motions, Mr Dennis KWOK should also set a more definite timeline for completing the said election, so that HC could proceed to transact normal business as soon as possible. Ms CHAN noted that according to Rule 75(2) of the Rules of Procedure, the HC Chairman for the 2018-2019 session should hold office until that of the 2019-2020 session was elected. She enquired whether it was practicable for HC to hold meetings to transact other business pending the election of its Chairman and Deputy Chairman for the 2019-2020 session. Dr Priscilla LEUNG and Dr HO considered that Mr Dennis KWOK should endeavour to expedite the said election and should set a limit on Members' speaking time. Dr HO criticized Mr Dennis KWOK for having abused his power as the presiding Member and the procedure of the said election. He denounced Mr KWOK as a disgrace to those legal practitioners who had voted for him to be the Member representing the Legal Functional Constituency. Dr HO urged Mr Dennis KWOK to bring the said election back on the right track, and added that he might consider moving a motion of no confidence in Mr Dennis KWOK as the presiding Member.

Action

8. In response to Members' views, Mr Dennis KWOK said that he had all along endeavoured to preside at the said election in a fair manner, and the progress of the said election was not under his control, but instead, subject to whether and when Members could reach a decision. He reiterated that he had all along took the view that setting a strict limit on Members' speaking time was not a good way to preside at meetings, and that Members would be held accountable for their speech and behaviour. Therefore, he did not subscribe to the view that he had not properly discharged his duty as Member presiding at the said election, and he considered that his performance had not brought any disgrace on LegCo. As regards Ms CHAN Hoi-yan's enquiry, Mr KWOK said that the powers and functions of the incumbent Chairman and Deputy Chairman of HC vis-à-vis a new session had been set out in the note prepared by the Legal Service Division entitled "Implications on the operation of the House Committee pending the election of its chairman and deputy chairman" (LC Paper No. LS 11/19-20) and the note prepared by the Secretariat entitled "Matters awaiting consideration/decision by the House Committee pending the election of its chairman and deputy chairman" (LC Paper No. CB(2)381/19-20(01)) In gist, pending the election, HC would not be in a position to transact other business that required its decision.

9. Mr CHAN Chi-chuen said that it was more desirable if there was not a deadline for proposing non-binding motions, so that Members could do so in case of any new developments. However, he considered it acceptable for Mr Dennis KWOK to give regard to the request of some other Members and set such a deadline so as to strike a balance among different views of Members. Mr CHAN enquired about the order for dealing with the non-binding motions and proposed resolutions, as well as whether Members could still propose to move resolutions after the deadline. He also expressed concern about Ms Alice MAK's proposed resolution which, if passed by HC, would result in Members no longer having the opportunity to discuss the merits and demerits of the three options of election forum arrangements.

10. Mr Dennis KWOK said that in setting the deadline for proposing non-binding motions, he had struck a balance among different views of Members. Following the deadline for proposing non-binding motions, he would examine whether these motions were directly related to the agenda item of the meeting, and then a table setting out the discussion and voting arrangements for these motions would be prepared for Members' reference. Dr KWOK added that he had previously made clear that he

Action

would follow the past practice where non-binding motions would first be dealt with, followed by proposed resolutions. Besides, there was no deadline for submitting proposed resolutions, and proposed resolutions would be dealt with in the order of the time they were submitted. He added that Members' views on non-binding motions/proposed resolutions could be expressed when the relevant motions/proposed resolutions were dealt with.

11. As the meeting had approached the appointed ending time, Mr Dennis KWOK said the he had to close the meeting.

12. The meeting ended at 3:53 pm.

Council Business Division 2  
Legislative Council Secretariat  
21 May 2020