

立法會
Legislative Council

LC Paper No. CB(2)1241/19-20

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, 20 March 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
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
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 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-kwok, 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
Dr Hon CHENG Chung-tai
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
Prof Hon Joseph LEE Kok-long, SBS, 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 CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon Kenneth LAU Ip-keung, BBS, MH, JP

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Ms Alice LEUNG	Chief 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
Miss Meisy KWOK	Legislative Assistant (2)6

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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 ("the said election"), informed Members that he had received a joint letter dated 16 March 2020 from 21 Members expressing concerns about the way the security staff of the Legislative Council ("LegCo") had enforced the orders made by the presiding Member to withdraw individual Members from the last special HC meeting on 13 March 2020 ("the joint letter"), and the reply letter dated 20 March 2020 from the Clerk to the Legislative Council Commission ("LCC"), and the two letters were tabled at the meeting. Mr KWOK then invited Ms Tanya CHAN to speak on behalf of the 21 Members, and he added that given that this was a 30-minute meeting, Members should not speak for more than five minutes each.

(Post-meeting note: The joint letter from 21 Members and the reply letter from the Clerk to LCC were circulated to Members on 20 March 2020 after the meeting vide LC Paper Nos. CB(2)752/19-20(01) and (02).)

Points of order

2. Mr Steven HO questioned whether or not the issues raised in the joint letter were directly related to the said election. He considered that such issues should be referred to LCC if necessary.

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3. Mr Dennis KWOK said that he took the view that the issues raised in the joint letter were directly related to the said election, as it was about whether or not the security staff of LegCo could effectively enforce the orders made by the presiding Member in respect of maintaining the order of meetings, which could affect whether or not the said election could be smoothly conducted.

4. Mr WONG Ting-kwong considered that the issues raised in the joint letter had arisen from an incident which occurred at such time that was beyond the appointed ending time of the last special HC meeting, and therefore, the presiding Member should not have the power to order any Members to withdraw from the meeting. In reply, Mr Dennis KWOK considered that the point raised by Mr WONG was not really a point of order, and he asked Mr WONG to stop speaking further. As Mr WONG continued to speak aloud in his seat, Mr KWOK gave three warnings to Mr WONG and reminded Mr WONG that if he continued to speak aloud in his seat, he would be ordered to withdraw from the meeting.

(Mr WONG Ting-kwong then left the conference room on his own.)

Issues raised in the joint letter

5. At the invitation of Mr Dennis KWOK, Ms Tanya CHAN reiterated the concerns raised by 21 Members in the joint letter. In Ms CHAN's view, in order to facilitate the smooth conduct of the election, it was of the utmost importance for the security staff of LegCo to enforce the orders of the presiding Member in a neutral and professional manner. However, during the last special HC meeting, after the presiding Member had ordered Dr Junius HO to withdraw from the meeting, despite having more than 10 security staff stationing in the conference room, Dr HO could still approach the Chairman's podium and confront the presiding Member. Besides, Mr CHAN Kin-por, after having been ordered to withdraw from the meeting, could still return to the conference room. Mr Holden CHOW and Mr WONG Ting-kwong were also ordered to withdraw from the meeting, but no security staff approached them to escort them away from the conference room. Ms CHAN considered that the way the security staff had performed duties was not the same as in past occasions where Members of the pro-democracy camp were ordered to withdraw from meetings. She recalled that on those occasions, if individual Members refused to withdraw from the meeting, security staff would lift them up and remove them from the meeting venue. Ms CHAN further said that she remained unconvinced of the explanation

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given by the Clerk to LCC in the reply letter, and therefore, she considered it desirable if the issues raised in the joint letter would be followed up further, and improvements could be made in the future.

6. Mr Jeremy TAM, Dr KWOK Ka-ki and Mr Alvin YEUNG concurred with Ms Tanya CHAN's view that further follow-up on the issues raised in the joint letter was warranted. Mr TAM considered that compared with the past practice, there was a double standard in the way the security staff of LegCo had enforced the presiding Member's orders at the last special HC meeting. He wondered whether and why the security staff concerned had refrained from taking bold action to remove Dr Junius HO from the conference room, and he took the view that if the security staff of LegCo could not enforce the presiding Member's orders in a neutral and professional manner, it was questionable whether or not HC should continue to hold meetings for the election of its Chairman and Deputy Chairman. Dr KWOK considered it risky to hold meetings if the security staff of LegCo could not deter Members from approaching the Chairman's podium and confronting the presiding Member. He also questioned whether or not the security staff concerned had felt intimidated because Dr Junius HO had allegedly befriended those who were involved in the incident of assaults which occurred in Yuen Long Station of West Rail Line of the MTR Corporation Limited on 21 July 2019. Mr YEUNG expressed grave concern about why the security staff of LegCo could not deter Dr Junius HO from approaching the Chairman's podium during the last HC meeting. He recalled that in the past, any individual Member attempting to leave his seat and walk to the Chairman's podium would have been stopped within a few steps. Mr TAM considered that the Chief Security Officer should attend HC meetings to give an account of the relevant issues, and Dr KWOK and Mr YEUNG considered it desirable if the security staff concerned could attend HC meetings to provide more details, preferably under special arrangements for concealing their identity.

7. Mr Holden CHOW recalled that during the last special HC meeting, when the presiding Member had ordered individual Members to withdraw from the meeting, it was already beyond the appointed ending time of the special HC meeting and the appointed starting time of the Finance Committee ("FC") meeting, but the presiding Member had not obtained the consent of the FC Chairman before extending the meeting. Mr CHOW therefore considered that the presiding Member should not have the power to order withdrawal of any Members from the meeting. Besides, he considered it inappropriate for such issues to be discussed at

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this meeting, and even if some Members had concerns about the way the security staff had performed duties, the relevant issues should be referred to LCC if necessary. Mr CHOW also strongly criticized Mr Dennis KWOK for abusing his power by requesting Mr WONG Ting-kwong to leave the meeting venue earlier on.

8. Mr Kenneth LEUNG and Mr Alvin YEUNG recalled that during the election of the President for the Sixth LegCo, Members had been advised that the presiding Member should have such powers as might be reasonably necessary for him to perform his role and function of presiding at the election. Mr LEUNG also pointed out that the House Rules ("HR") provided that a chairman of a committee had the power to extend a meeting of the committee for not more than 15 minutes. In Mr LEUNG's view, if the presiding Member did not have such power, the Clerk to LCC would not have issued the reply letter. Mr LEUNG considered it desirable to seek legal advice on whether the presiding Member had the power to extend the meeting for not more than 15 minutes beyond the appointed ending time of the meeting without Members' prior consent, and to seek further explanation on the way the security staff had performed duties during the last special HC meeting. In his view, the possibility of similar incidents occurring in the near future might pose a psychological threat to the presiding Member, and therefore, there was a need to resolve the relevant issues.

9. On Members' views, Mr Dennis KWOK responded that the power of the chairman of a committee to extend a meeting of the committee was provided in HR 24A. Mr KWOK further said that the meeting had reached its appointed ending time of the meeting (i.e. 3:00 pm) and he did not intend to extend this meeting. As a total of four Members who had requested to speak had yet to do so, the discussion would be continued at the next meeting.

10. The meeting ended at 3:02 pm.