

立法會
Legislative Council

LC Paper No. CB(2)1321/19-20

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, 17 April 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 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 Mrs Regina IP LAU Suk-ye, 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 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 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 CHU Hoi-dick
Hon Jimmy NG Wing-ka, BBS, JP
Dr 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 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 Abraham SHEK Lai-him, GBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon WU Chi-wai, MH
Hon LEUNG Che-cheung, SBS, 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

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"), invited Members to note that the following letters were tabled at the meeting:

- (a) a joint letter dated 14 April 2020 from four Members, namely Mr Alvin YEUNG, Ms Tanya CHAN, Dr KWOK Ka-ki and Mr Jeremy TAM, to Ms Starry LEE, the Chairman in office, concerning the recent remarks regarding the operation of HC made by the Hong Kong and Macao Affairs Office of the State Council ("HKMAO") and the Liaison Office of the Central People's Government ("LOCPG") in the Hong Kong Special Administrative Region ("HKSAR");
- (b) a letter dated 16 April 2020 from Ms Starry LEE to members of HC inviting for their views and/or suggestions as to how to address and/or dispose of the concerns over the progress of the said election; and
- (c) a joint letter dated 16 April 2020 from four Members, namely Mr Martin LIAO, Mrs Regina IP, Mr WONG Kwok-kin and Mr CHAN Hak-kan, to Ms Starry LEE, urging Ms LEE to seek ways to resume the normal operation of HC as early as possible.

Action

(*Post-meeting note*: The above three letters were circulated to Members vide LC Paper Nos. CB(2)841/19-20(01) to (03) on 17 April 2020.)

2. Mr Dennis KWOK then invited Mr Alvin YEUNG, Ms Starry LEE and Mr Martin LIAO to speak briefly on the above three letters respectively. He added that given that this was a 30-minute meeting, Members should not speak for more than three minutes each.

Points of Order

3. Dr CHIANG Lai-wan and Ms Elizabeth QUAT considered that Mr Dennis KWOK had no power to deal with the above three letters, the subject matters of which concerned issues relating to the operation of HC. Dr CHIANG said that as the Member presiding at the said election, Mr KWOK's role and power should be confined to the conduct of the said election. Ms QUAT expressed a similar concern and said that the above three letters were not addressed to Mr KWOK in the first place. In Ms QUAT's view, only Ms Starry LEE, the Chairman in office, had the power to deal with the above three letters.

4. In response, Mr Dennis KWOK said that the points raised by Dr CHIANG Lai-wan and Ms Elizabeth QUAT were not really points of order. Mr KWOK took the view that the above three letters were obviously related to the said election and he saw no problem for him to deal with these letters at this meeting. As Dr CHIANG Lai-wan and Ms Elizabeth QUAT spoke loudly in their seats in protest of Mr KWOK's response, Mr KWOK gave a warning to Dr CHIANG and Ms QUAT respectively. While Mr KWOK was speaking, Mr LUK Chung-hung spoke aloud in his seat. Mr KWOK asked Mr LUK to stop speaking but he did not do so. Mr KWOK gave a warning to Mr LUK.

5. Mr CHAN Han-pan referred to the recent remarks of HKMAO and LOCPG, in which a member of HC was being accused of misconduct in public office. He believed that the said accusation was directed against Mr Dennis KWOK. As a matter of fairness, Mr CHAN considered it inappropriate for Mr KWOK to continue to preside over the said election and that he should abstain from the meeting.

6. Mr Dennis KWOK said that the point raised by Mr CHAN Han-pan was not really a point of order. Mr KWOK further said that those accused him of having committed the offence of misconduct in

Action

public office should be asked to produce evidence in support. As Mr CHAN Han-pan spoke loudly in his seat in protest, Mr KWOK warned Mr CHAN to stop speaking but he did not do so. Mr KWOK gave a second warning to Mr CHAN.

7. Dr Priscilla LEUNG referred to the view earlier made by Ms Miriam LAU, a former HC Chairman, and Ms Pauline NG, a former Secretary General of the Legislative Council ("LegCo"), that since Ms Starry LEE, Chairman for the 2018-2019 session, continued to hold office until the Chairman for the 2019-2020 session was elected, Ms LEE retained the power to convene HC meetings and decide on the agenda of these meetings. Concurring with the above view, Dr LEUNG considered that in the public interest of Hong Kong, HC should not waste all meeting time to conduct the election of the Chairman and Deputy Chairman of HC for the 2019-2020 session. Instead, only 15 minutes should be allocated for the conduct of the election at each HC meeting and this would allow HC to transact its normal business in the remaining meeting time.

8. Mr Dennis KWOK said that the point raised by Dr Priscilla LEUNG was not really a point of order. He further said that the powers and functions of the incumbent HC Chairman vis-à-vis a new session had already 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" issued on 25 October 2019 (LC Paper No. LS 11/19-20) ("the note on the implications on the operation of HC pending the election of its chairman and deputy chairman"). As Dr Priscilla LEUNG kept speaking loudly in her seat despite Mr KWOK had asked her not to do so, Mr KWOK gave two warnings to Dr LEUNG.

Issues raised in the three letters tabled at the meeting

9. At the invitation of Mr Dennis KWOK, Mr Alvin YEUNG said that the said election was only one of the procedures of LegCo, which perfectly fell within the scope of Hong Kong's autonomy as laid down in the Basic Law ("BL"). He queried whether HKMAO and LOCPG had any power to comment on the conduct of the said election. Mr YEUNG further said that Members of the pro-establishment camp had seldom taken issue with the conduct of the said election over the past six months. He strongly queried why these Members had just awoken and had suddenly felt anxious about the conduct of the said election just after the

Action

recent remarks made by HKMAO and LOCPG. In his view, the remarks of HKMAO and LOCPG amounted to an interference in Hong Kong affairs, and Members of the pro-establishment camp should not turn a blind eye to the two offices' attempt to destroy BL and "one country, two systems".

10. Expressing disagreement with Mr Alvin YEUNG's remarks, Dr CHIANG Lai-wan said that she wished to clarify that in the special HC meetings held in the past few months, Members of the pro-establishment camp had repeatedly raised objection to the way Mr Dennis KOWK had presided over the said election. However, these Members were warned by Mr KWOK every time, or were even ordered to withdraw from those meetings.

11. Ms Starry LEE said that the said election had already lasted for six months, but the HC Chairman for the 2019-2020 session had yet to be elected. As the Chairman in office, she had written to all members of HC on the day before this meeting inviting them to offer solutions to end this impasse. She took the view that Mr Dennis KWOK had departed from the election process by allowing Members to speak on matters not directly related to the said election. She urged Mr KWOK to bring the said election back to the election procedure without further delay.

12. Mr Martin LIAO said that the joint letter dated 16 April 2020 was addressed to Ms Starry LEE, the Chairman in office, and not Mr Dennis KWOK. He pointed out that since Mr KWOK presided at the said election in last October, the election process had not yet completed after 14 special HC meetings in the past six months. This was extremely unusual and the normal business of HC was put to a halt as a result. Mr LIAO further said that HC performed various important functions under the Rules of Procedure ("RoP") and the House Rules ("HR"). As the normal business of HC was at a standstill, HC could not deal with 14 bills that had been referred to it and 89 items of subsidiary legislation the period for amendment of which had already expired. Besides, the debate on the Motion of Thanks (i.e. the motion debate on the Chief Executive's 2019 Policy Address) could not be held in Council. The appointment of the Chief Justice of the Court of Final Appeal ("CJ") could not be considered by HC as well. Consequently, LegCo could not discharge various constitutional duties (including enacting, amending and repealing laws) in accordance with BL 73, which would bring serious impact on politics, justice, economy, livelihood and social development of Hong Kong. Mr LIAO also said that the society had expressed serious

Action

concern about the deadlock of the said election. He urged the Chairman in office to seek ways to resolve the deadlock so that HC could resume its normal operation as early as possible.

13. Mr LUK Chung-hung and Ms Elizabeth QUAT reiterated that only the Chairman in office had the power to deal with the three letters tabled at the meeting. In their view, Mr Dennis KWOK should step down from the Chairman's seat if these letters were to be dealt with at the meeting. Mr LUK considered that Mr KWOK was in dereliction of duty as the Member presiding over the said election and Mr LUK had serious doubt about Mr KWOK's integrity. Mr LUK observed that on the one hand Mr KWOK had indicated at previous special HC meetings that he would allow ample speaking time for Members to express their valuable views, but on the other hand he had indicated to the media on various occasions (including the press conference hosted by Mr KWOK on 14 April 2020) that he was aiming to obstruct the passage of various bills introduced by the Government, particularly the National Anthem Bill. Mr LUK further said that as the Law of the People's Republic of China ("PRC") on National Anthem had already been listed in Annex III to BL, LegCo had a constitutional duty to complete the relevant work on local legislation. He strongly queried whether Mr KWOK had sincerely sworn allegiance to HKSAR of PRC under the LegCo Oath. Ms QUAT condemned Mr KWOK for abusing his power as the Member presiding over the said election. She urged Mr KWOK to immediately proceed with the election procedure should he continue to preside over the meeting.

14. Ms Claudia MO said that in the remarks made by a Member earlier at this meeting, there was an allegation that Mr Dennis KWOK was in dereliction of duty and Mr KWOK's integrity had been attacked. She considered that such remarks were offensive to Mr KWOK and hoped that Mr KWOK would make a ruling. In reply, Mr Dennis KWOK considered it not necessary to waste time on these remarks which were frivolous in nature.

15. Referring to the note on the implications on the operation of HC pending the election of its chairman and deputy chairman, Mr Kenneth LEUNG said that the position of the Chairman in office was nominal and could not exercise any real power pending the election of the Chairman and Deputy Chairman of HC. He further said that the current deadlock over the said election was a result of various political issues. In his view, while there were many political solutions, the deadlock should be resolved in accordance with RoP and HR. Mr LEUNG also said that

Action

there was still ample time for LegCo to consider the appointment of the next CJ before it would take effect on 11 January 2021. In his view, the Government could resort to other ways to enact, amend or repeal laws while the deadlock over the said election was not resolved, and it would be up to the Government to decide whether to do so or not.

16. Mr Jeremy TAM and Ms Claudia MO considered that there was a role conflict on the part of Ms Starry LEE to invite all members of HC to offer suggestions on taking forward the said election, as Ms LEE was running for the chairmanship of HC for the 2019-2020 session. Mr TAM considered that Ms LEE could withdraw from the said election should she wish to take over the chair of the meeting again. Mr TAM further said that according to his recollection, Mr Dennis KWOK had dealt with letters from some Members of the pro-establishment camp to Ms LEE without being challenged at previous special HC meetings held for the said election. He described these Members as "being activated" ("被激活" in Chinese) after the recent remarks made by HKMAO and LOCPG, which had led them to raise objection to Mr KWOK dealing with letters addressed to Ms LEE at this meeting. Ms MO said that Mr KWOK was being accused of misconduct in public office by the two offices in their recent remarks as well as by some Members. In her view, such accusation was extremely grave indeed, and Mr KWOK should refute it in clear terms.

17. Dr Fernando CHEUNG and Ms Tanya CHAN expressed strong disapproval of the recent remarks made by HKMAO and LOCPG. Dr CHEUNG pointed out that under BL 22, no department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government might interfere in the affairs which HKSAR administered on its own in accordance with BL. In Dr CHEUNG's view, Members of the pro-establishment camp should condemn HKMAO and LOCPG for making those remarks which were in blatant contravention of BL. Ms CHAN pointed out that none of the provisions in BL 22 as well as in the Provisions on the Functional Configuration, Internal Organizations and Staffing of the General Office of the State Council had empowered HKMAO and LOCPG to intervene in the internal business of LegCo. She further said that the deadlock over the said election was a consequence brought by the plan indicated by Members of the pro-establishment camp in October 2019 to seize the chairmanship and deputy chairmanship of all LegCo committees for the 2019-2020 session.

Action

18. While Ms Tanya CHAN was speaking, Ms Alice MAK spoke loudly in her seat and Mr KWOK Wai-keung left his seat and spoke loudly near the Chairman's podium. Mr Dennis KWOK gave a warning to Mr KWOK Wai-keung and asked him to return to his seat. Mr Dennis KWOK also reminded Ms MAK not to speak loudly in her seat when Members were speaking.

(Mr KWOK Wai-keung returned to his seat.)

19. Mr KWOK Wai-keung said that he would like to raise a point of order. He said that while Mr Dennis KWOK had stressed that he had acted in accordance with RoP when presiding over the said election, Ms Tanya CHAN appeared to suggest in her earlier remarks that there were other causes for the deadlock over the said election. He considered it necessary for Mr Dennis KWOK or Ms CHAN to clarify whether the deadlock was deliberately made. In reply, Mr Dennis KWOK said that the point raised by Mr KWOK Wai-keung was not a point of order. Mr Dennis KWOK then said that as there were some Members still waiting to speak, he had already sought the consent of the Chairman of the Finance Committee ("FC") for this meeting to continue for not more than 10 minutes beyond the scheduled starting time of the FC meeting.

20. Mr Andrew WAN and Mr HUI Chi-fung considered it inappropriate for HKMAO and LOCPG to interfere in Hong Kong affairs. Mr WAN said that the interference of HKMAO and LOCPG was not only in violation of BL, but also in contrary to the interests of Hong Kong and China as a whole. He further said that while he understood that Members of the pro-establishment camp had to show loyalty to China after the recent remarks of HKMAO and LOCPG, these Members should not arbitrarily accuse Mr Dennis KWOK for misconduct in public office with no evidence in support. Mr HUI pointed out that Hong Kong was not ruled by HKMAO and LOCPG, and the principle of "Hong Kong people administering Hong Kong" had been enshrined in BL. He worried that whether HKMAO and LOCPG would intervene in other LegCo business or even the operation of the Secretariat in the future. Mr HUI further said that Members of the pro-establishment camp were only putting on a political show after the recent remarks made by HKMAO and LOCPG, which only served to attack against Mr KWOK and Members of the pro-democracy camp. He hoped that Mr KWOK could continue to preside over the said election in strict accordance with RoP.

Action

21. While Mr Andrew WAN was speaking, Mr KWOK Wai-keung spoke loudly in his seat. Mr Dennis KWOK gave a second warning to Mr KWOK Wai-keung and ordered him to stop speaking.

22. Dr CHENG Chung-tai said that the remarks of HKMAO and LOCPG did not have any substantive meaning for him. In his view, the incident of assaults which occurred in Yuen Long Station of West Rail Line of the MTR Corporation Limited on 21 July 2019 ("the 721 incident") and the alleged involvement of Dr Junius HO in the 721 incident remained the foremost concern of Hong Kong people. He considered that unless the truth of the 721 incident could be uncovered, BL and RoP would just be empty words to Hong Kong people.

23. As Mr KWOK Wai-keung kept on speaking loudly on his way to leave the conference room, Mr Dennis KWOK asked Mr KWOK Wai-keung to leave the conference room immediately.

24. Concluding the discussion, Mr Dennis KWOK said that he wished to make it clear that any wanton remarks and condemnations made against him outside LegCo would in no way affect the way how he would preside over the said election in the future. He further said that any attempts to intimidate him would be futile and to no avail.

25. The meeting ended at 3:09 pm.