

立法會
Legislative Council

LC Paper No. CB(2)1322/19-20

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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, 24 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 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 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 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

Member absent :

Hon Mrs Regina IP LAU Suk-yee, GBS, 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 no Members had raised any other issues in writing before this meeting, and the discussion on motions proposed by Members at previous meetings would continue at this meeting. He then asked whether Members had further views on the motions originally proposed by Mr Jeremy TAM at the special HC meeting on 15 November 2019.

Continuation of discussion on non-binding motions proposed by Mr Jeremy TAM

2. Mr CHAN Hak-kan, Mr Jeffrey LAM, Dr Junius HO and Mr KWOK Wai-keung considered it improper to deal with Members' proposed motions during the conduct of the said election. These Members took the view that the role and powers of the presiding Member should be confined to the conduct of the said election, and therefore, Mr Dennis KWOK did not have the powers to deal with Members' proposed motions. Mr CHAN urged Mr KWOK to expedite the conduct of the said election. Mr LAM and Mr KWOK considered Mr Dennis KWOK to be acting beyond his powers.

3. In response, Mr Dennis KWOK reiterated that he had made clear at previous meetings that Members could propose motions which were directly related to the said election if they so wished. If he as the

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presiding Member considered such proposed motions to be directly related to the said election, such proposed motions would be dealt with during the said election. He added that in deciding how Members' proposed motions should be dealt with at previous meetings, he had sought the Secretariat's advice. Mr KWOK also indicated that if Members hoped to expedite the said election, they should consider how to use the meeting time to that end.

4. Dr Junius HO considered that the subject matter of Mr Jeremy TAM's proposed motions was very similar to that of some proposed motions which had been dealt with at previous special HC meetings, i.e. to request the Secretary General of the Secretariat ("SG") to attend HC meetings to respond to Members' questions on issues relating to security arrangements for the Legislative Council ("LegCo") Complex. In Dr HO's view, to continue discussing Mr TAM's proposed motions was a waste of meeting time, and therefore, even if the presiding Member had the powers to deal with Members' proposed motions, he should have dismissed Mr TAM's proposed motions immediately.

5. Dr Priscilla LEUNG expressed grave concern about the huge backlog of HC business arising from the delay of the said election which, in her view, was against public interest, and therefore, lengthy and repetitive discussion on similar issues should be discontinued. Dr LEUNG further said that while she respected the advice of the Legal Adviser ("LA") on the role/powers of the incumbent HC Chairman as set out in LC Paper No. LS11/19-20, she did not agree with that advice. In Dr LEUNG's view, pursuant to Rule 75(2) of the Rules of Procedure ("RoP"), the incumbent HC Chairman should continue to hold office until the HC Chairman for the new session was elected, and therefore, the incumbent HC Chairman could call meetings to deal with normal business of HC in parallel with the proceedings of the election of the Chairman and Deputy Chairman of HC, preferably with no more than 15 minutes allocated to the election procedure at each meeting. Dr LEUNG considered it necessary to seek additional professional advice, including that from Ms Pauline NG, a former SG.

6. At the invitation of Mr Dennis KWOK, the Clerk advised that the President had announced on the day before this meeting that he had directed the Secretariat in late March 2020 to seek outside Counsel's advice on how to resolve the current situation.

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7. Dr KWOK Ka-ki and Mr Kenneth LEUNG expressed a similar view that if Members were eager to proceed with the said election, they should allow Mr Jeremy TAM's proposed motions to be voted upon expeditiously. In Dr KWOK's view, the presiding Member had all along presided over the said election in accordance with RoP as well as LA's advice, and it was therefore unreasonable for any Members to obstruct the relevant proceedings. In Mr LEUNG's view, if it turned out that the outside Counsel's advice provided to the President was different from that of LA, it was necessary to consider whether a third legal advice should be sought.

8. Mr SHIU Ka-fai considered that as some Members were opposed to dealing with Members' proposed motions during the said election, it would be inappropriate to request Members to cast vote on Mr Jeremy TAM's proposed motions. Mr SHIU considered it more appropriate to give Members the opportunity to discuss whether Mr Jeremy TAM's proposed motions should be voted upon in the first place.

9. In response, Mr Dennis KWOK reminded Members that the question to be put to vote was whether Members agreed to deal with Mr Jeremy TAM's proposed motions. He added that it was for Members to decide how to cast their votes, and Members were accountable to their electors.

10. At the invitation of Mr Dennis KWOK, Mr Jeremy TAM said that he recollected that a Member of the pro-establishment camp had proposed to move a resolution during the said election. He considered it unreasonable for Members of the pro-establishment camp to be opposed to dealing with Members' proposed motions during the said election. Mr TAM further said that if Members of the pro-establishment camp were of the view that the presiding Members did not have the powers to deal with Members' proposed motions, those Members could abstain from voting or even not cast any vote at all.

11. As no other Members raised further views, Mr Dennis KWOK put to vote the question as to whether HC agreed to deal with the motions proposed by Mr Jeremy TAM. Mr KWOK ordered a division.

12. Before proceeding to vote, Mr CHAN Han-pan requested to put on record that he considered that the presiding Member did not have the powers to deal with Members' proposed motions, and such motions

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should not be dealt with during the said election. Therefore, the vote he was about to cast was for the purpose of stopping the filibuster, instead of recognizing that the presiding Member had such powers. Mr WONG Ting-kwong then indicated that he shared Mr CHAN's view.

13. Mr Martin LIAO then requested to put on record that Members of the pro-establishment camp did not recognize that Mr Dennis KWOK as the presiding Member had the powers to deal with Members' proposed motions, and the vote these Members were about to cast were "protest vote".

14. Mr CHU Hoi-dick and Mr Andrew WAN wondered how to make sense of the situation where Members of the pro-establishment camp considered that the presiding Member did not have the powers to deal with Members' proposed motions, but those Members would still cast vote on the question put.

15. In response, Mr Dennis KWOK reiterated his view that he as the presiding Member could deal with Members' proposed motions which he considered to be directly related to the said election, and it was for Members to decide how to cast their votes.

The following Members voted in favour of the proposal:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Ms Claudia MO, Mr WU Chi-wai, Mr Charles MOK, Mr CHAN Chi-chuen, Mr Kenneth LEUNG, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr IP Kin-yuen, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Mr SHIU Ka-chun, Dr Pierre CHAN, Ms Tanya CHAN, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr KWONG Chun-yu and Mr Jeremy TAM .

(23 Members)

The following Members voted against the proposal:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Ir Dr LO Wai-kwok,

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Mr CHUNG Kwok-pan, Mr Jimmy NG, Dr Junius HO, 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.

(39 Members)

16. Mr Dennis KWOK declared that 23 Members voted for and 39 Members voted against the question, and no Member abstained from voting. Mr KWOK declared that the question was not supported.

Joint discussion on non-binding motions proposed at previous meetings by Mr Kenneth LEUNG, Ms Claudia MO and Mr Charles MOK respectively

17. Mr Dennis KWOK said that he had previously instructed the Clerk to issue to Members the discussion and voting arrangements for non-binding motions proposed by Members at previous meetings. Accordingly, the first joint discussion concerned the motions originally proposed by Mr Kenneth LEUNG, Ms Claudia MO and Mr Charles MOK at the special HC meetings on 15 and 22 November 2019, and 10 January 2020 respectively. Mr KWOK also reminded Members that as the HC Chairman would also be the Deputy Chairman of The Legislative Council Commission ("LCC"), the election of the HC Chairman was in effect tantamount to selecting a Member for two separate positions in HC and LCC. Given that LCC was responsible for making decisions on the security arrangements for the LegCo Complex, he took the view that issues relating to security arrangements were directly related to the said election. He then invited Mr LEUNG, Ms MO and Mr MOK to take turn to briefly introduce the proposed motions.

18. Mr Kenneth LEUNG said that his proposed motion concerned requesting SG to attend HC meetings held for the election of the Chairman and Deputy Chairman of HC. Mr LEUNG recalled that following the amendments to RoP in 2017, SG would be responsible for conducting the election of the President. However, that election would not be conducted at a meeting of the Council. Mr LEUNG expressed concern about how SG would conduct the next election of the President. He therefore considered it desirable for SC to attend HC meetings and gain first-hand experience in the conduct of the election of the HC Chairman.

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19. Ms Claudia MO said that her proposed motion concerned the security arrangements made for the LegCo Complex since June 2019. In Ms MO's view, such arrangements had aroused public concern, particularly those made on 12 June 2019, as a number of Members were denied access to the LegCo Complex in the afternoon of that day when a large number of police officers and protesters were present in the vicinity of the LegCo Complex. Besides, she had not yet been informed about who had given permission on several occasions to police officers to station in the LegCo Complex and to use the facilities therein arbitrarily. Given that SG was responsible for carrying out LCC's decision on the security arrangements for the LegCo Complex, Ms MO considered that SG should attend the HC meetings and respond to Members' questions on the relevant issues.

20. Mr Charles MOK considered that with so many Members raising concerns about the security arrangements for the LegCo Complex, the 19 candidates nominated for the HC Chairmanship would be requested to make clear their stance on the relevant issues. However, not all candidates had served as a member of LCC. Given the importance for the election to be held on a fair and equal basis, he considered it necessary to ensure that all candidates could have adequate information about the operation of LCC in relation to security arrangements for the LegCo Complex. Mr MOK therefore proposed the motion to request SG to attend HC meetings and provide the relevant information.

21. Dr KWOK Ka-ki expressed support for the motions proposed by Mr Kenneth LEUNG, Ms Claudia MO and Mr Charles MOK respectively. In Dr KWOK's view, some of the security arrangements made for the LegCo Complex since June 2019 had impeded the discharge of duties by Members as well as their assistants, and such issues had aroused public concern. Dr KWOK therefore considered it necessary for SG to attend HC meetings and respond to Members' questions so that Members could better understand the mechanism for making the relevant security arrangements before casting their votes on the said election.

22. Mr Dennis KWOK said that as the meeting had approached the appointed ending time, the joint discussion on Members' proposed motions would continue at the next meeting.

23. The meeting ended at 3:00 pm.