

立法會
Legislative Council

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House Committee of the Legislative Council

**Minutes of the 1st meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 22 May 2020**

Members present :

Hon Starry LEE Wai-king, SBS, JP (Chairman)
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 Mrs Regina IP LAU Suk-yee, GBS, JP
Hon Paul TSE Wai-chun, 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 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 Dennis KWOK Wing-hang
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 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 MA Fung-kwok, SBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon Michael TIEN Puk-sun, BBS, JP
Hon CHUNG Kwok-pan

Clerk in attendance :

Miss Flora TAI Clerk to the House Committee

Staff in attendance :

Mr Kenneth CHEN, SBS	Secretary General
Ms Connie FUNG	Legal Adviser
Miss Odelia LEUNG	Deputy Secretary General
Ms Anita SIT	Assistant Secretary General 1
Ms Dora WAI	Assistant Secretary General 3
Mr Matthew LOO	Assistant Secretary General 4
Mr Timothy TSO	Senior Assistant Legal Adviser 1
Mr YICK Wing-kin	Senior Assistant Legal Adviser 2
Mr Bonny LOO	Senior Assistant Legal Adviser 3
Ms Amy YU	Principal Council Secretary 1
Ms Hallie CHAN	Head (Public Information)
Ms Alice LEUNG	Chief Council Secretary (2)6
Miss Rachel DAI	Assistant Legal Adviser 2
Mr Alvin CHUI	Assistant Legal Adviser 3
Ms Vanessa CHENG	Assistant Legal Adviser 5
Ms Wendy KAN	Assistant Legal Adviser 6
Mr Mark LAM	Assistant Legal Adviser 7
Mr Cliff IP	Assistant Legal Adviser 8
Miss Evelyn LEE	Assistant Legal Adviser 10
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 Deputy Chairman of the House Committee for the 2019-2020 session

(When the meeting commenced, some Members were standing around the Chairman's podium and shouting slogans loudly.)

The Chairman asked Members who were standing around the Chairman's podium to return to their seats. The Chairman said that the endless protests by some Members to impede the normal conduct of House Committee ("HC") meetings and the allegation that this meeting

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was "illegal" were a waste of the meeting time and meaningless, and such poor conduct was also destructive to Hong Kong. In addition, HC was not an appropriate platform for Members to state their political stance or stage a protest. She reminded Members that under section 17(c) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), any person who created or joined in any disturbance which interrupted or was likely to interrupt the proceedings of the meeting committed an offence. In addition, under section 19(b) of Cap. 382, any person who assaulted, interfered with, molested, resisted or obstructed any officer of the Council while in the execution of his duty committed an offence.

2. The Chairman considered that the conduct of Mr CHU Hoi-dick, Mr CHAN Chi-chuen, Mr WU Chi-wai and Mr Andrew WAN was grossly disorderly and ordered them to withdraw from the meeting. The Chairman also gave warnings to Mr SHIU Ka-chun, Dr Fernando CHEUNG, Mr LAM Cheuk-ting, Mr Alvin YEUNG, Dr Helena WONG and Dr KWOK Ka-ki respectively due to their disorderly conduct. As some Members were still standing around the Chairman's podium, the Chairman suspended the meeting.

(The meeting was suspended at 2:42 pm and resumed at 3:05 pm.)

3. The Chairman said that she had invited Mr Martin LIAO, convenor of the pro-establishment camp, and Ms Tanya CHAN, convenor of the pro-democracy camp, to have a discussion during the suspension of the meeting in an attempt to reach consensus on how to take forward the meeting, but Ms CHAN declined her invitation.

4. The Chairman said that this was the first regular HC meeting in the 2019-2020 session. She would like to point out clearly to members of the public that it was clearly stipulated in the relevant rules of the Rules of Procedure ("RoP") (i.e. RoP 75(1) and 75(2)) that the HC chairman should hold office until the HC chairman for the next session was elected in that next session or, in case that election was held before that next session commenced, until that commencement. In fact, everyone should be clear about this if they read carefully the relevant rules of RoP. No person, especially Members of HC, should, whether deliberately or unintentionally, mislead the public by disseminating unreasonable and unlawful misinformation.

5. The Chairman said that all Members of HC, including herself, respected the advice given by the Legal Adviser ("LA") as set out in the

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note dated 25 October 2019 (LC Paper No. LS11/19-20) and had followed such advice. The Chairman said that as she was nominated for the chairmanship of HC for the 2019-2020 session, the role of presiding Member was passed to the Deputy Chairman for the 2018-2019 session in accordance with the relevant rules of the House Rules and the legal advice. The Chairman further said that although many Members had wished to elect the HC Chairman for the new session expeditiously, the relevant proceedings had dragged on for several months.

6. The Chairman also said that, when she was acting as the incumbent HC Chairman pending the election of the HC Chairman for the 2019-2020 session, she had exercised her powers prudently although it was her understanding that no restriction was imposed on her statutory powers, duties and responsibilities as the incumbent HC Chairman during the period. According to her understanding of the advice provided by LA, pending the election of the HC Chairman for the 2019-2020 session, the HC Chairman for the 2018-2019 session was the incumbent HC Chairman and her powers as the HC chairman would not be lost and there would not be a power vacuum during the period. The Chairman considered that her statutory position as the incumbent HC Chairman, the period for which she could assume such an office as well as the powers that could be exercised by her while discharging her duties as the incumbent HC chairman were clear and with legal backing.

7. The Chairman also advised that if Members had a different view on the above issues, or if they disapproved of the duties, powers, qualifications or behaviour of another Member, they could seek redress through legal means or follow up the matter at HC meetings according to the established procedures. However, they should not magnify the issue indefinitely and get entangled in it. In the Chairman's view, it would be irresponsible of Members to verbally attack another Member hysterically and impede the normal conduct of HC meetings. The Chairman considered that to verbally abuse another Member, shout slogans and state a political stance at HC meetings were a waste of the meeting time and public money, and this was in fact prejudicing the public interest under the guise of furthering public interest.

8. The Chairman stated that as the HC Chairman for the 2018-2019 session, she had all along been discharging her duties and responsibilities as the incumbent HC Chairman pending the election of the HC Chairman for the 2019-2020 session in accordance with RoP, such as deciding on the date on which meetings for the election of the Chairman and Deputy

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Chairman of HC for the new session would be held, approving the relevant agenda, and dealing with letters from Members addressed to her in her capacity as the incumbent HC Chairman. So far, no Members had raised any objection in this regard.

9. The Chairman pointed out that at the HC meeting held for the election of the HC Chairman for the 2019-2020 session on 18 May 2020, which was presided over by Mr CHAN Kin-por pursuant to the President's ruling made on 15 May 2020 in the exercise of his power under RoP 92, 40 Members, which represented the majority of HC Members, had voted for her. Similar to past elections of the HC Chairman, the election on 18 May 2020 was held in an open, fair and impartial manner and the proceedings were completed within a reasonable time. The Chairman stressed that unless decided otherwise by a court of law, the voting result was binding on all HC Members, including herself, and Members should respect the result. The Chairman considered that allegations that the election concerned was "illegal" or "had breached the law" were unfounded and would only reflect that those who made the allegations had acted irrationally, unreasonably and in a barbaric manner. The Chairman also reminded Members that while they enjoyed the freedom of speech, such freedom was not without bounds and they should not impede the conduct of meetings.

(Some Members were still standing around the Chairman's podium and shouting slogans loudly.)

10. The Chairman ordered Mr LAM Cheuk-ting and Mr HUI Chi-fung to withdraw from the meeting as their conduct was grossly disorderly. The Chairman reiterated that Members should not impede the normal conduct of the meeting. She asked Members to return to their seats and stop arguing with one another as she would proceed to deal with agenda item I immediately.

11. The Chairman called for nominations for the deputy chairmanship of HC for the 2019-2020 session. Mr MA Fung-kwok was nominated by Mr CHAN Chun-ying and the nomination was seconded by Mr CHAN Hak-kan, Mr WONG Ting-kwong and Dr CHIANG Lai-wan. As Mr MA Fung-kwok was absent, Mr CHAN Chun-ying stated that he had secured Mr MA's acceptance of the nomination.

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12. The Chairman invited other nominations for the deputy chairmanship. She urged Members who were standing around the Chairman's podium to return to their seats immediately so that they could make nominations.

(Those Members who were standing around the Chairman's podium did not return to their seats and continued shouting slogans.)

13. As there was no other nomination, the Chairman declared Mr MA Fung-kwok elected as the Deputy Chairman of HC for the 2019-2020 session.

14. At 3:18 pm, the Chairman said that she considered that the order of the meeting could not be restored, and declared the meeting closed.

Council Business Division 2
Legislative Council Secretariat
28 May 2020