

立法會  
*Legislative Council*

LC Paper No. CB(2)11/20-21

Ref : CB2/H/5/19

**House Committee of the Legislative Council**

**Minutes of meeting  
held in Conference Room 1 of the Legislative Council Complex  
at 2:30 pm on Friday, 9 October 2020**

**Members present :**

Hon Starry LEE Wai-king, SBS, JP (Chairman)  
Hon MA Fung-kwok, GBS, JP (Deputy Chairman)  
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 Mrs Regina IP LAU Suk-yee, 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 Charles Peter MOK, JP  
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 CHUNG Kwok-pan  
Hon Alvin YEUNG  
Hon Andrew WAN Siu-kin  
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 SHIU Ka-chun  
Hon Wilson OR Chong-shing, MH  
Hon YUNG Hoi-yan, JP  
Dr Hon Pierre CHAN  
Hon CHAN Chun-ying, JP  
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, JP

**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  
Ms Anna CHEUNG  
Mr Arthur KAN

Council Secretary (2)6  
Senior Legislative Assistant (2)3  
Legislative Assistant (2)7

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**I. Election of the Chairman and Deputy Chairman of the House Committee for the 2020-2021 session**

Election of Chairman

The Chairman called for nominations for the chairmanship of House Committee ("HC") for the 2020-2021 session. Ms Starry LEE was nominated by Mr LUK Chung-hung and the nomination was seconded by Mrs Regina IP. Ms Starry LEE accepted the nomination. As the Chairman was nominated, the Deputy Chairman took over from the Chairman to preside over the election. He invited other nominations for the chairmanship.

2. During the nomination process, Members had made more than 60 nominations, of which most were not accepted by the Members being nominated or the Members being nominated were not at the meeting and the Members who made the nominations had not secured those absent Members' acceptance of the nominations. The Deputy Chairman had called on Members many times to act more prudently during the nomination process so as to avoid repeatedly nominating those Members who had already indicated that they would not accept nominations. He also reminded Members to secure other Members' acceptance of the nominations before making the nominations if the Members being nominated were not at the meeting.

3. When being nominated by Mr LAM Cheuk-ting, Dr Junius HO indicated that he would not accept the nomination, and referred to Mr LAM as a former low-level investigator ("低級調查員" in Chinese) in the Independent Commission Against Corruption ("ICAC"). Mr LAM Cheuk-ting said that he had formerly worked in ICAC as investigator ("調查主任" in Chinese), and the term "low-level investigator" was factually incorrect and also offensive. The Deputy Chairman asked Dr HO if he wished to make a clarification on what he had said earlier. Dr HO said that he saw no need for making any clarification. Mr LAM expressed disapproval of Dr HO's response and requested the Deputy Chairman to rule on whether the expression used by Dr HO had breached Rule 41(4) of the Rules of Procedure ("RoP"). The Deputy Chairman said that he did not consider that Dr HO had meant to offend Mr LAM, and the expression that Dr HO had just used might be based on his own understanding.

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4. Mr LAM Cheuk-ting, Mr IP Kin-yuen, Mr Dennis KWOK, Mr Alvin YEUNG and Mr James TO expressed dissatisfaction with the Deputy Chairman's ruling. Mr LAM considered it unacceptable for Dr Junius HO's earlier expression not to be considered offensive. Mr IP and Mr KWOK took the view that the Deputy Chairman should have distinguished between stating an objective fact and using an offensive expression which was merely based on subjective judgment to describe a Member. Mr IP added that in his view, the Deputy Chairman should reconsider making a clear ruling on whether the expression used by Dr HO had breached RoP 41(4). Mr YEUNG and Mr TO considered it inappropriate not to consider the expression "low-level" to be offensive, and Mr TO urged the Deputy Chairman to reconsider his earlier ruling.

5. Ms Claudia MO, Mr Jeremy TAM and Dr Helena WONG were also unconvinced of the Deputy Chairman's ruling. Ms MO criticized the Deputy Chairman for not being objective. Mr TAM considered the Deputy Chairman to be arbitrarily exercising his powers. Dr WONG considered that the Deputy Chairman had not provided sufficient justification for his ruling.

6. Mr CHAN Hak-kan said that the role of the Deputy Chairman as the presiding Member should be confined to the conduct of the election of the Chairman and he wondered whether it was within the powers of the presiding Member at the election to deal with the points of order raised by Members. Mr CHAN hoped that Members should expeditiously proceed with the nomination procedure. Dr Priscilla LEUNG said that she supported the decision made earlier by the Deputy Chairman and also hoped that HC could proceed quickly with the election process. Mr Martin LIAO said that Members should not drag on the matter raised by Mr LAM Cheuk-ting as the Deputy Chairman had already made his decision on this matter. He further said that the presiding Member's decision on a point of order should be final and Members should not challenge the presiding Member's decision.

7. The Deputy Chairman reiterated that he had made the ruling, and he would not allow Members to drag on the matter. He made clear that he as the presiding Member had the powers to deal with points of order in respect of the election procedure. He warned the following Members for speaking loudly in their seats without permission: Mr LAM Cheuk-ting, Dr Helena WONG and Mr Andrew WAN. The Deputy Chairman also indicated that any Member who would like to raise a point of order must first specify what the point of order he was referring to.

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8. As the nomination procedure continued, the Deputy Chairman pointed out that some Members had used unnecessary expressions when referring to other Members and some of those expressions might be considered offensive/insulting by the Members concerned. The Deputy Chairman reminded Members not to do so and further said that there should be mutual respect among Members.

9. Mr HUI Chi-fung, when making a nomination, used the expression "government-business-rural-triad" ("官商鄉黑" in Chinese) to refer to Mr LEUNG Che-cheung. Mr LEUNG Che-cheung expressed a strong view that it was unacceptable for Mr HUI to use such an offensive expression, and requested the Deputy Chairman to rule on the matter. The Deputy Chairman said that the expression might unnecessarily lead other people to form a certain impression on someone. He considered it inappropriate to use the expression at this meeting, and requested Mr HUI to withdraw the expression. Mr HUI then indicated that he would withdraw the expression.

10. Some Members continued to try making nominations after the meeting had started for about an hour. The Deputy Chairman considered that the nomination process was being prolonged in an unnecessary manner and that some Members were abusing the nomination procedure. The Deputy Chairman further said that he would shortly draw a line for the election procedure, and urged those Members who would like to make nominations to do so promptly.

11. At 3:34 pm, the Deputy Chairman said that he as the presiding Member at the election had a duty to ensure that the meeting was conducted in a proper and orderly manner, to manage the transaction of business of the meeting in a reasonable way, and to ensure that the meeting time would be used effectively. He further said that he considered that some Members had abused the nomination procedure, and much meeting time had been wasted. The Deputy Chairman then announced that the nomination procedure had ended. As Ms Claudia MO, who had earlier been validly nominated for the HC chairmanship for the 2020-2021 session, had indicated that she would withdraw from the election, a total of nine valid nominations were as follows:

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<u>Nominees</u>	<u>Nominated by</u>	<u>Seconded by</u>
1. Ms Starry LEE	Mr LUK Chung-hung	Mrs Regina IP
2. Mr Alvin YEUNG	Mr Dennis KWOK	Mr WU Chi-wai
3. Mr Jeremy TAM	Mr Dennis KWOK	Mr WU Chi-wai
4. Mr HUI Chi-fung	Ms Claudia MO	Mr WU Chi-wai
5. Mr IP Kin-yuen	Mr Kenneth LEUNG	Mr WU Chi-wai
6. Mr LEUNG Yiu-chung	Mr Kenneth LEUNG	Mr WU Chi-wai
7. Dr KWOK Ka-ki	Mr James TO	Mr WU Chi-wai
8. Mr Kenneth LEUNG	Mr Alvin YEUNG	Mr WU Chi-wai
9. Dr CHENG Chung-tai	Mr LAM Cheuk-ting	Mr WU Chi-wai

12. In response to some Members' requests for holding a forum for candidates to present their election platforms and answer questions from Members, the Deputy Chairman said that this meeting was estimated to end in two hours and almost one hour had already been spent on the nomination procedure for the election of the Chairman. Besides, RoP or the House Rules ("HR") did not contain any provision concerning the holding of a forum for presentation of platforms and answering of questions from Members by candidates, and therefore, the holding of an election forum was neither a required nor statutory procedure. He therefore would not order a forum to be held.

13. The Deputy Chairman then announced a vote by secret ballot. The result of the vote was that 39 Members voted for Ms Starry LEE, one Member voted for Mr Alvin YEUNG and one Member voted for Mr LEUNG Yiu-chung. A total of 16 ballot papers were declared void. The Deputy Chairman declared Ms Starry LEE elected as the HC Chairman for the 2020-2021 session. Ms Starry LEE then took the chair.

Election of Deputy Chairman

14. The Chairman called for nominations for the deputy chairmanship of HC for the 2020-2021 session.

15. The Chairman reminded Members that the Finance Committee meeting would be held immediately after this meeting, and called on Members to be mindful of how to use the meeting time. To expedite the nomination process and make proper use of meeting time, the Chairman invited Members who would not accept nominations to so indicate by a show of hands. Members who had then indicated so were as follows:

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Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Mr CHAN Hak-kan, Mr CHAN Kin-por, Mr WONG Kwok-kin, Mrs Regina IP, Mr Michael TIEN, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Jimmy NG, Dr Junius HO, Mr Holden CHOW, Mr SHIU Ka-fai, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr Vincent CHENG and Mr Tony TSE.

16. As the nomination procedure continued, the Chairman noted that some Members still make nominations for those Members who had already indicated that they would not accept nominations. The Chairman said that as the HC Chairman, she had to ensure that the meeting time was used effectively. She called on Members to stop repeatedly making nominations for those Members who had already indicated that they would not accept nominations. Otherwise, she would consider Members to be abusing the nomination procedure.

17. At 4:17 pm, the Chairman said that there would only be one more round of nominations. She then invited Members who would still like to make nominations to so indicate by a show of hands, and some Members then indicated so. Dr Helena WONG, Mr HUI Chi-fung and Ms Claudia MO raised objection to the Chairman's decision and questioned whether RoP contained any provision setting limit on the number of nominations made by a Member. The Chairman said that the election procedure which was provided in Appendix IV to HR only stated that a valid nomination should be made orally by a Member, seconded by at least one other Member who should not be the Member being nominated, and accepted by the Member being nominated. RoP did not have any provision setting limit on the number of nominations made by a Member or allowing a Member to make an unlimited number of nominations. Neither did RoP contain any provision disallowing the Chairman to make certain arrangements in respect of the nomination procedure. The Chairman further said that her decision was final and should not be further discussed. She reiterated that in accordance with a ruling previously made by the court, she as the Chairman had a duty to ensure that the meeting time would be used in a proper and effective manner.

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18. At 4:26 pm, the Chairman informed Members that around 25 minutes had been used for the nomination procedure, and declared the nomination procedure ended. By that time, more than 20 nominations had been made by Members, but many of those were not accepted by the Members being nominated. There were a total of seven valid nominations as follows:

<u>Nominees</u>	<u>Nominated by</u>	<u>Seconded by</u>
1. Mr MA Fung-kwok	Mr Jeffrey LAM	Mr Jimmy NG
2. Mr HUI Chi-fung	Ms Claudia MO	Mr WU Chi-wai
3. Mr Alvin YEUNG	Mr Andrew WAN	Mr WU Chi-wai
4. Mr Jeremy TAM	Ms Claudia MO	Mr WU Chi-wai
5. Mr Kenneth LEUNG	Mr HUI Chi-fung	Mr WU Chi-wai
6. Prof Joseph LEE	Mr Kenneth LEUNG	Mr WU Chi-wai
7. Dr Helena WONG	Mr Alvin YEUNG	Mr WU Chi-wai

19. Mr HUI Chi-fung and Mr WU Chi-wai requested holding a forum for candidates to present election platforms and answer questions from Members. Mr WU considered that it should be for the committee to decide whether an election forum should be held, instead of the Chairman making the decision on her own.

20. The Chairman said that RoP did not contain any provision concerning the holding of an election forum. Besides, while there were past cases where such forums were held, there were many other cases where such forums were not held. She further said that the role and powers of the Chairman and Deputy Chairman of HC were confined to presiding over meetings in accordance with RoP. In addition, the 2020-2021 session was the fifth session of the Sixth Legislative Council and Members should be very familiar with HC business. The Chairman further said that having regard to the relevant considerations, she had decided that it was not necessary to hold an election forum.

21. Mr KWONG Chun-yu raised a point of order. He said that according to a media report, the Deputy Chairman, when presiding at the election of the Chairman held earlier, had used foul language against Members of the pro-democracy camp. Mr KWONG requested the Chairman to rule on the matter which he considered to be related to RoP 41. The Chairman said that Mr KWONG raised the matter only based on a media report, and she would not deal with it.



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22. The Chairman then announced a vote by secret ballot. The result of the vote was that 40 Members voted for Mr MA Fung-kwok, one Member voted for Mr HUI Chi-fung, one Member voted for Mr Alvin YEUNG, one Member voted for Mr Kenneth LEUNG and one Member voted for Prof Joseph LEE. A total of 12 ballot papers were declared void. The Chairman declared Mr MA Fung-kwok elected as the Deputy Chairman of HC for the 2020-2021 session.

Signification of membership of Panels

23. The Chairman reminded that Members who wished to join any Panel(s) with effect from the 2020-2021 session in addition to those they had already joined in the 2019-2020 session should signify membership through the System for Signification of Membership and Attendance at Meetings and other Activities by 12:00 noon, Saturday, 10 October 2020.

24. There being no other business, the meeting ended at 4:48 pm.