

立法會
Legislative Council

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(These minutes have been cleared
with the presiding member)

Panel on Constitutional Affairs

Minutes of meeting
held on Friday, 18 October 2019, at 12:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon CHEUNG Kwok-kwan, JP (Chairman)
Hon LUK Chung-hung, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon WONG Ting-kwong, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Kin-por, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, 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 WU Chi-wai, MH
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 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 Helena WONG Pik-wan
Hon IP Kin-yuen
Hon Martin LIAO Cheung-kong, SBS, JP
Dr Hon CHIANG Lai-wan, SBS, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon Alvin YEUNG

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-chun
Hon Tanya CHAN
Hon HUI Chi-fung
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 Gary FAN Kwok-wai
Hon AU Nok-hin
Hon Tony TSE Wai-chuen, BBS

Members absent : Hon Abraham SHEK Lai-him, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHUNG Kwok-pan
Hon CHU Hoi-dick

Clerk in attendance : Ms Jasmine TAM
Acting Chief Council Secretary (2) 3

Staff in attendance : Miss Flora TAI
Assistant Secretary General 2

Mr Kelvin LEE
Senior Assistant Legal Adviser 3

Miss Connie AU
Senior Council Secretary (2) 6

Mr Dennis HO
Council Secretary (2) 3

Mrs Fanny TSANG
Legislative Assistant (2) 3

I. Election of Chairman and Deputy Chairman

Election of Chairman

Mr CHEUNG Kwok-kwan, the incumbent Chairman, called for nominations for the chairmanship of the Panel on Constitutional Affairs ("the CA Panel") for the 2019-2020 session. Mr CHEUNG Kwok-kwan was nominated by Mr CHAN Han-pan and the nomination was seconded by Dr Priscilla LEUNG. Mr CHEUNG Kwok-kwan accepted the nomination.

2. Mr LUK Chung-hung, the incumbent Deputy Chairman, took over from Mr CHEUNG Kwok-kwan to preside over the election. Mr LUK Chung-hung invited other nominations for the chairmanship. Another nine valid nominations were made.

3. Ms Tanya CHAN was nominated by Mr Gary FAN and the nomination was seconded by Mr Alvin YEUNG. Ms Tanya CHAN accepted the nomination.

4. Ms Claudia MO was nominated by Mr AU Nok-hin and the nomination was seconded by Mr LAM Cheuk-ting. Ms Claudia MO accepted the nomination.

5. Mr CHAN Chi-chuen was nominated by Mr Gary FAN and the nomination was seconded by Dr KWOK Ka-ki. Mr CHAN Chi-chuen accepted the nomination.

6. Dr KWOK Ka-ki was nominated by Mr AU Nok-hin and the nomination was seconded by Mr Charles MOK. Dr KWOK Ka-ki accepted the nomination.

7. Dr CHENG Chung-tai was nominated by Mr Gary FAN and the nomination was seconded by Mr LAM Cheuk-ting. Dr CHENG Chung-tai accepted the nomination.

8. Mr HUI Chi-fung was nominated by Mr Gary FAN and the nomination was seconded by Mr AU Nok-hin. Mr HUI Chi-fung accepted the nomination.

9. Mr James TO was nominated by Mr Charles MOK and the nomination was seconded by Mr WU Chi-wai. Mr James TO accepted the nomination.

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10. Mr Dennis KWOK was nominated by Mr Alvin YEUNG and the nomination was seconded by Mr Jeremy TAM. Mr Dennis KWOK accepted the nomination.

11. Dr Fernando CHEUNG was nominated by Mr AU Nok-hin and the nomination was seconded by Mr Jeremy TAM. As Dr Fernando CHEUNG was absent, Mr AU Nok-hin confirmed that the nomination was accepted by Dr Fernando CHEUNG.

12. Ms Claudia MO pointed out that the Chairman and Deputy Chairman of the House Committee ("HC") for the 2019-2020 session had yet to be elected and Mr Dennis KWOK was still holding office as the Deputy Chairman of HC. She questioned whether Mr KWOK was eligible to be nominated for the chairmanship of the CA Panel. Mr LUK Chung-hung referred members to Rule 77(7) of the Rules of Procedure ("RoP"), which provided that "a Member shall not be chairman or deputy chairman of more than one Panel at the same time". Mr LUK Chung-hung said that since HC was not covered by RoP 77(7), he did not see any problem with Mr Dennis KWOK being nominated for the chairmanship of the CA Panel. In reply to Ms Claudia MO's further enquiry, Mr LUK Chung-hung confirmed that the Finance Committee and its subcommittees were also not covered by RoP 77(7).

13. Mr James TO said that he was the Deputy Chairman of the Panel on Security for the 2018-2019 session, and was still holding the office as the Chairman and Deputy Chairman of that Panel for the 2019-2020 session had yet to be elected. He sought clarification on his eligibility to be nominated for the chairmanship of the CA Panel. Mr CHAN Chi-chuen also enquired about the role and function of the incumbent chairman and deputy chairman of a Panel in a new session before the chairman and deputy chairman of the Panel for the new session were elected.

14. Mr LAU Kwok-fun pointed out that the elections of the chairmen and deputy chairmen of the 18 Panels for the 2019-2020 session were held at different times on 17 and 18 October 2019. In his view, it would be unreasonable if, at the time the election of the chairman and deputy chairman of the first Panel was held, a Member who was still holding office as the chairman or deputy chairman of another Panel was deprived of the right to run for the chairman or deputy chairman of the first Panel for the 2019-2020 session. He opined that there should be no problem with Mr James TO being nominated for the chairmanship of the CA Panel.

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Echoing the view of Mr LAU, Mr Steven HO considered that before the chairman and deputy chairman of a Panel for a new session were elected, the role and function of the incumbent chairman and deputy chairman in the new session were confined mainly to arranging for and/or presiding at the election of the chairman and deputy chairman for the new session and they were not in a position to perform the substantive duties of the chairman and deputy chairman in the new session.

15. At the invitation of Mr LUK Chung-hung, Assistant Secretary General 2 ("ASG2") and Senior Assistant Legal Adviser 3 ("SALA3") both advised that RoP 77(7) should be meant to provide that a Member should not be chairman or deputy chairman of more than one Panel in the same session. SALA3 pointed out that under RoP 77(5), the chairman and deputy chairman of a Panel should hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected. The membership of a Panel was reopened in the second and each subsequent session of a term of the Legislative Council, and a Panel would elect the chairman and deputy chairman at the first meeting in each session. SALA3 explained that before the chairman and deputy chairman of a Panel for a new session were elected, the powers and functions of the incumbent chairman and deputy chairman in the new session were primarily related to the conduct of the election of chairman and deputy chairman for the new session. Given that the Chairman and Deputy Chairman of the Panel on Security for the 2019-2020 session had yet to be elected, the fact that Mr James TO was still holding office as the Deputy Chairman of that Panel should not prevent Mr James TO from being validly nominated for the chairmanship of the CA Panel for the 2019-2020 session. Mr LUK Chung-hung said that in the light of the advice of ASG2 and SALA3, he was of the view that RoP 77(7) was meant to provide that a Member should not be chairman or deputy chairman of more than one Panel in the same session, and the fact that a Member who was the chairman or deputy chairman of a Panel for the last session continued to hold office in the current session until the chairman and deputy chairman of the Panel for the current session were elected would not undermine the Member's right to run for the chairmanship or deputy chairmanship of another Panel for the current session.

16. At 1:01 pm, Mr LUK Chung-hung announced that due to shortage of time, he would close the meeting at this juncture and the election of the Chairman for the 2019-2020 session would be continued at the next meeting.

Action

(Post-meeting note: After consultation with Mr LUK Chung-hung, the presiding member at the election of Chairman of the CA Panel for the 2019-2020 session, and with the concurrence of Mr CHEUNG Kwok-kwan, the incumbent Chairman of the CA Panel, a special meeting was scheduled to be held on Tuesday, 5 November 2019, from 4:30 pm to 6:00 pm to continue the election of Chairman and Deputy Chairman.)

17. The meeting ended at 1:01 pm.

Council Business Division 2
Legislative Council Secretariat
20 November 2019