

立法會
Legislative Council

LC Paper No. CB(3)913/2022

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Tel : 3919 3300

Date : 13 December 2022

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting on 14 December 2022

**Request for special leave of the Council
to give evidence of Council proceedings**

The Department of Justice (“DoJ”) has submitted a request for special leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90 of the Rules of Procedure (“RoP”) (LC Paper Nos. CB(3)913/2022(01) to (03)) for seven officers of and persons employed by the Council to give evidence in the criminal proceedings of *HKSAR v JINN Mina* (Case No. ESCC 619/2022) (“the Request”), which have been scheduled to be heard between 3 and 7 February 2023.

2. In accordance with RoP 90(2), the President has directed that the Request be placed on the Agenda for the Council meeting on 14 December 2022.

3. Members are invited to note that under RoP 90(2), unless on a motion which may be moved without notice at the above meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(Miranda HON)
for Clerk to the Legislative Council

Encls.

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本司檔號 Our Ref: ESCC 619/2022 (C RN 22013706)
來函檔號 Your Ref:
電話號碼 Tel. No.: 3902 8003

8 December 2022

Mr. Kenneth CHEN
Secretary General of the Legislative Council Secretariat
The Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong

URGENT
By HAND ONLY

Dear Mr. CHEN,

HKSAR v. JINN Mina (ESCC 619/2022)

Application for Special Leave of the Legislative Council (the ‘LegCo’) for officers of and persons employed by the Council to give evidence in respect of proceedings held before the Council on 4 May 2022 (the ‘Council Meeting’)

This is an application for special leave of the LegCo under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (the ‘Ordinance’) and rule 90 of the Rules and Procedure of the Legislative Council of the Hong Kong Special Administrative Region (Instrument No. A501) for the following officers of and persons employed by the LegCo, namely :-

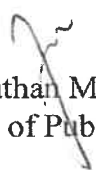
	Name	Role	Remarks
1	Ms. YAU Kin-lai Kenne Florence (‘YAU’)	Security Assistant (II)	Victim of the event happened during the Council Meeting.
2	Mr. CHEUNG Shu-wai (‘CHEUNG’)	Security Assistant (I)	Victim of the event happened during the Council Meeting.
3	Ms. SHIU Hoi-lun Helen	Steward	Eyewitness of the event happened during the Council Meeting.
4	Mr. KAM Chun-yi Thomas	Senior Security Assistant	Eyewitness of the event happened during the Council Meeting.

5	Mr. CHAN Kai-fat	Security Officer	Eyewitness of the event happened during the Council Meeting.
6	Mr. WONG Siu-kin	Assistant Secretary General (Administration)	Confirming (i) YAU and CHEUNG were employed as security assistants by the LegCo Secretariat and (ii) the event occurred within the precincts of the Chamber of the LegCo.
7	Mr. FONG Man-hing	Information Technology Officer	Providing CCTV footages taken at the precincts of the Chamber of the LegCo.

to give evidence in the criminal proceedings instituted against Ms. JINN Mina ('JINN'), who has been prosecuted for the offence of 'Contempt' contrary to section 17(c) the Ordinance and the offence of 'Interfering with Officers' contrary to section 19(b) of the Ordinance, in respect of certain alleged conducts on the part of JINN during the proceedings held before the LegCo on 4 May 2022.

The reasons for the application are as follows. For the purpose of the criminal proceedings, it is intended that evidence will be called in an attempt to prove amongst other things the following matters: (1) JINN climbed onto a desk at the press area, shouted, threw her Hong Kong identity card to the Chamber of the LegCo, and caused injury to YAU; (2) JINN was ordered to be removed from the public gallery during the Council Meeting; and (3) the Council Meeting was suspended for about 5 minutes. The evidence of the above-named witnesses will be necessary in the trial of JINN for the above two offences which are scheduled to be heard in the Eastern Magistrates' Court **between 3 February 2023 and 7 February 2023**, and may involve events which happened while the Council Meeting was held.

Yours faithfully,


 (Jonathan MAN)
 Deputy Director of Public Prosecutions

Encl.

c.c. (1) Ms. Fanny WONG, Counsel on fiat (by fax only: 2868 1965)
 (2) DIP, CHOI Ho-yin, OC DCS 3 CDIST (T) (by fax only: 2521 9377)

《立法會(權力及特權)條例》(第 382 章)

7. 未經許可不得就立法會或任何委員會的會議程序作證

- (1) 如未經立法會特別許可，任何議員或立法會人員，以及受僱在立法會或任何委員會會議席上錄取會議紀要或保存證據紀錄的人，不得就上述會議紀要或證據紀錄的內容、或就提交立法會或任何委員會的文件內容(視屬何情況而定)、或就立法會或任何委員會所進行的會議程序或訊問(視屬何情況而定)，在其他地方作證。
- (2) 在立法會休假或休會待續期間，第(1)款所提述的特別許可，可由主席給予；如主席因不在香港或喪失履行職務能力以致不能行事者，則可按照議事規則給予。 (由2002年第23號第126條修訂)

(由2000年第71號第3條修訂)

Legislative Council (Powers and Privileges) Ordinance (Cap. 382)

7. **Evidence of proceedings in the Council or any committee not to be given without leave**

- (1) No member or officer of the Council, and no person employed to take minutes or keep any record of evidence before the Council or a committee, shall give evidence elsewhere in respect of the contents of such minutes or record of evidence, or of the contents of any document laid before the Council or committee, as the case may be, or in respect of any proceedings or examination held before the Council or committee, as the case may be, without the special leave of the Council.
- (2) During a recess or adjournment of the Council, the special leave referred to in subsection (1) may be given by the President or, if the President is unable to act owing to his absence from Hong Kong or incapacity, in accordance with the Rules of Procedure. (*Amended 71 of 2000 s. 3*)

《香港特別行政區立法會議事規則》

90. 就立法會會議程序提供證據一事取得許可的程序

(1) 為取得根據《立法會(權力及特權)條例》(第382章)第7條所需的立法會許可，以就會議紀要、作證紀錄或提交立法會、委員會或小組委員會會議席上省覽的任何文件的內容，或就立法會、委員會或小組委員會的任何會議或審查程序，在立法會以外的地方提供證據，要求該許可的人須向立法會秘書書面陳述其請求及說明其理由，並須提供立法會秘書在個別情況下按立法會主席的指示所進一步要求的資料。(2017年第14號法律公告)

(2) 許可的請求須列入立法會主席所指定會議的議程內；除非立法會藉任何議員在該次會議動議的一項可無經預告的議案，決定拒絕給予許可，否則立法會須當作已命令給予許可。

(3) 立法會秘書須以書面將立法會的決定通知該要求許可的人。

(4) 凡有人在立法會休假、休會待續或解散期間，向立法會要求取得第(1)款所述的許可，可由立法會主席給予，如立法會主席不能執行主席職務，則可由主持立法會會議的議員給予許可。

Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region

90. Procedure for Obtaining Leave to Give Evidence of Council Proceedings

(1) For the purpose of obtaining the leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that evidence may be given elsewhere in respect of the contents of minutes, records of evidence or any document laid before the Council or a committee or subcommittee, or in respect of any proceedings or examination held before the Council or a committee or subcommittee, the person seeking such leave shall submit to the Clerk a written statement of the request and the reasons therefor and such further information as the Clerk, on the direction of the President, may require in any particular case.

(2) The request for leave shall be placed on the Agenda for such meeting as the President may appoint and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the person by whom the request for leave is made.

(4) Where the leave of the Council referred to in subrule (1) is sought during any recess or adjournment or dissolution of the Council such leave may be given by the President or, if the President is unable to act, by the Member presiding.