

立法會
Legislative Council

LC Paper No. CB(2)1363/2025

Ref : CB(2)/P/2/OL

Tel : 3919 3300

Date : 7 July 2025

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 9 July 2025

Request for special leave of the Legislative Council (“LegCo”) to give evidence of Council proceedings

The **Department of Justice (“DoJ”)** has submitted a **request for special leave of LegCo** under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and Rule 90 of the Rules of Procedure (“RoP”) for **three Members and five officers of LegCo to give evidence in respect of the proceedings held before the Bills Committee on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (“the BC”)** and held before the **House Committee in the criminal proceedings of *HKSAR v LAM Cheuk-ting* (ESCC 2514/2019) (“the Request”).**^{Note} The case has been scheduled to be heard between 26 and 30 September 2025. **The Request, section 7 of Cap. 382 and RoP 90 (LC Paper Nos. CB(2)1363/2025(01) to (03)) are attached for Members’ reference.**

2. In accordance with RoP 90(2), **the President has directed that the Request be placed on the Agenda for the Council meeting of 9 July 2025.**

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

Encl.

Note: DoJ mentioned in the Request that witnesses 1 to 7 witnessed the events that happened **before** and during the BC meeting. In response to the Secretariat’s inquiry, **DoJ has clarified** that while special leave of LegCo is not necessary with regard to **evidence for events that happened before the BC meeting**, since these events are **the background of the incident and part of the prosecution case against the defendant**, DoJ included references to events that happened before the BC meeting in the Request for the sake of completeness.

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本司檔號 Our Ref: ESCC 2514/2019
來函檔號 Your Ref:
電話號碼 Tel. No.: 3902 8189 (for Ms. Stella Lo, SPP)

27 June 2025

Ms. Dora WAI
Clerk to the Legislative Council
The Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

By Email (secgen@legco.gov.hk) and By Post

Dear Ms. WAI,

**Application for Special Leave of the Legislative Council
for members of the Council, and officers of and persons employed by the
Council to give evidence in respect of proceedings held before the Bills
Committee on the Fugitive Offenders and Mutual Legal Assistance in Criminal
Matters Legislation (Amendment) Bill 2019 of the Council and before the House
Committee of the Council in the criminal proceedings of:**

**HKSAR v LAM Cheuk-ting
(Case No. ESCC 2514/2019)**

We are writing to make applications for Special Leave of the Legislative Council (“**LegCo**”) under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) and rule 90 of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region (Instrument No. A501) for:-

- (a) the following members of the LegCo, and officers of and persons employed by the LegCo to give evidence in the criminal proceedings instituted against LAM Cheuk-ting (“**LAM**”) in respect of the proceedings held before the Bills Committee on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation

(Amendment) Bill 2019 of the LegCo (the “**Bills Committee**”) on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019; and in respect of the proceedings held before the House Committee of the Council (“**House Committee**”) on 3 May 2019 and 4 May 2019 (**Category A**);

- (b) the following members of the LegCo and persons employed to take minutes or keep any record of evidence before the LegCo, the Bills Committee and/or the House Committee to give evidence in the criminal proceedings instituted against LAM in respect of the contents of such minutes or record of evidence, or of the contents of any document laid before the Bills Committee and/or the House Committee, as the case may be, or in respect of any proceedings held before the Bills Committee and/or the House Committee (**Category B**):-

| | Name | Role | Remarks | Category |
|---|--------------------------------------|--|---|----------|
| 1 | Hon Mr. CHAN Han-pan 陳恒鏞議員 | Legislative Councillor, victim and witness | <ul style="list-style-type: none"> - witnessed the proceedings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and of the House Committee on 3 May 2019 and 4 May 2019; - witnessed the events that happened before and during the meeting of the Bills Committee on 11 May 2019; - perused the contents of the documents laid before the Bills Committee and the House Committee concerning the election of chairman of the Bills Committee, in particular, at the meetings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and of the House Committee on 3 May 2019 and 4 May 2019 - was a victim in LAM’s alleged offences | A & B |

| | | | | |
|---|---|--|--|-------|
| 2 | Hon Mr. CHOW Ho-ding Holden 周浩鼎議員 | Legislative Councillor, victim and witness | <ul style="list-style-type: none"> - witnessed the proceedings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and of the House Committee on 3 May 2019 and 4 May 2019; - witnessed the events that happened before and during the meeting of the Bills Committee on 11 May 2019; - perused the contents of the documents laid before the Bills Committee and the House Committee concerning the election of chairman of the Bills Committee, in particular, at the meetings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and of the House Committee on 3 May 2019 and 4 May 2019; - was a victim in LAM's alleged offences | A & B |
| 3 | Hon Ms. QUAT Elizabeth 葛珮帆議員 | Legislative Councillor, witness | <ul style="list-style-type: none"> - witnessed the proceedings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and of the House Committee on 3 May 2019 and 4 May 2019; - witnessed the events that happened before and during the meeting of the Bills Committee on 11 May 2019; - perused the contents of the documents laid before the Bills Committee and the House Committee concerning the election of chairman of the Bills Committee, in particular, at the meetings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and of the House Committee on 3 May 2019 and 4 May 2019 | A & B |
| 4 | Mr. CHAN Chun 陳進 | Senior Security Officer, witness | <ul style="list-style-type: none"> - witnessed the events that happened before and during the meeting of the Bills Committee on 11 May 2019 | A |

| | | | | |
|---|--|---|---|---|
| 5 | Mr. LAU Kin-wai 劉健偉 | Security Officer, witness | - witnessed the events that happened before and during the meeting of the Bills Committee on 11 May 2019 | A |
| 6 | Mr. LAU Vai-kun 劉偉權 | Senior Security Assistant, witness | - witnessed the events that happened before and during the meeting of the Bills Committee on 11 May 2019 | A |
| 7 | Mr. SZETO Chun-fat 司徒駿發 | Security Assistant I, witness | - witnessed the events that happened before and during the meeting of the Bills Committee on 11 May 2019 | A |
| 8 | Ms. MA Shuk-ha 馬淑霞 | Former Chief Council Secretary (retired), witness | - oversaw the taking of minutes and/or keeping of records of the proceedings and/or keeping of records of the documents laid before the Bills Committee and the House Committee concerning the election of chairman of the Bills Committee, in particular, at the meetings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and of the House Committee on 3 May 2019 and 4 May 2019 | B |

The reasons for the abovementioned applications are as follows:-

- (a) LAM has been prosecuted for two counts of “*Assaulting, obstructing or molesting a member being within the precincts of the Chamber*”, contrary to section 19(a) of the Legislative Council (Powers and Privileges) Ordinance, Cap. 382. It is alleged that before and during the meeting of the Bills Committee held in the Conference Room 1 of the LegCo on 11 May 2019, LAM assaulted, obstructed or molested two members namely Hon CHAN Han-pan and Hon CHOW Ho-ding Holden, being within the precincts of the Chamber. Hon CHAN Han-pan, Hon CHOW Ho-ding Holden, Hon Elizabeth QUAT, CHAN Chun, LAU Kin-wai, LAU Vai-kun and SZETO Chun-fat were witnesses to the incidents thus their testimonies are crucial in proving the Prosecution case against LAM.

- (b) Hon CHAN Han-pan, Hon CHOW Ho-ding Holden, Hon Elizabeth QUAT, members of the Council; and MA Shuk-ha, former Chief Council Secretary of the LegCo, had knowledge about the history of proceedings held before and contents of documents laid before the Bills Committee and the House Committee concerning the election of chairman of the Bills Committee, which were the factual background concerning the offences being prosecuted against LAM.
- (c) All of the above witnesses have given a witness statement in the course of the Police's investigation of the case.

LAM pleaded not guilty to the above offences at a hearing on 8 August 2022. The trial is fixed to be heard on 26-30 September 2025 with 3 days reserved. The evidence of the above-named witnesses will be necessary in the trial of LAM, and may involve events which had happened during the meetings of the Bills Committee on 17 April 2019, 30 April 2019, 6 May 2019 and 11 May 2019 and the meetings of the House Committee on 3 May 2019 and 4 May 2019.

Please do not hesitate to contact me or Ms. Stella Lo (3902-8189) if we can be of any further assistance.

Yours sincerely,



(William Siu)

Senior Assistant Director of Public Prosecutions

cc. DSIP Jeffrey Lau, OC RPOEIT 2 HKI (By Fax (2200-4413) only)

《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*)

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。

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.