

立法會
Legislative Council

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Tel : 3919 3300

Date : 24 November 2017

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 December 2017

Motions under Rule 49B(1A) of the Rules of Procedure

The President has given permission for the following Members to move the attached four motions under Rule 49B(1A) of the Rules of Procedure at the above meeting:

<u>Mover</u>	<u>Members jointly signed the notice of motion</u>	<u>Motion</u>
Hon Andrew WAN	Hon WU Chi-wai Hon Charles Peter MOK Hon Kenneth LEUNG	Appendix 1
Hon CHU Hoi-dick	Hon CHAN Chi-chuen Hon Claudia MO Dr Hon Fernando CHEUNG	Appendix 2
Hon WU Chi-wai	Hon Dennis KWOK Hon Charles Peter MOK Hon Kenneth LEUNG	Appendix 3
Hon Charles Peter MOK	Hon Jeremy TAM Hon KWONG Chun-yu Hon CHAN Chi-chuen	Appendix 4

2. The President has directed that the motions be printed in the terms in which they were handed in.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

**Motion to be moved by Hon Andrew WAN
under Rule 49B(1A) of the Rules of Procedure
to censure Dr Hon Junius HO
at the Council meeting of 6 December 2017**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Dr Hon Junius HO for misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).

Schedule

Details of Dr Hon Junius HO's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Incorrect and/or false statement of legal professional qualifications

As a Member of the Legislative Council of the Hong Kong Special Administrative Region, Dr Hon Junius HO made an incorrect statement and/or false statement regarding his legal professional qualifications. After his being elected in the 2016 Legislative Council Election and until September 2017, Dr Hon Junius HO stated in the Chinese version of his biography on the Legislative Council webpage that “[he] became a practising solicitor in England and Wales in 1997” (original Chinese wording: “於 1997 年成為英格蘭及威爾斯執業律師”). However, a letter from the Solicitors Regulation Authority dated 25 September 2017, which has subsequently been made available in the public domain, stated that the records of the Solicitors Regulation Authority “do show that [Junius HO] has never held a practising certificate in England and Wales.”

The Legislative Council Oath made under Article 104 of the Basic Law requires a Member to “serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity”. Dr Hon Junius HO has made an incorrect statement and allegedly tendered a false statement on the legality of his legal professional qualifications; the aforementioned acts of Dr Hon Junius HO constitute misbehaviour and breach of oath under Article 104 of the Basic Law, in particular, showing his failure as a Member of the Legislative Council to serve the Hong Kong Special Administrative Region honestly and with integrity.

**Motion to be moved by Hon CHU Hoi-dick
under Rule 49B(1A) of the Rules of Procedure
to censure Hon Wilson OR
at the Council meeting of 6 December 2017**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Hon Wilson OR for misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).

Schedule

Details of Hon Wilson OR's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Incorrect and/or false statement of education qualification

As a Member of the Legislative Council of the Hong Kong Special Administrative Region, Hon Wilson OR claimed that he held a Master of Business Administration degree from the Nottingham Trent University, but the University stated that it did not have the relevant student record. Until now, Hon Wilson OR has not made a reasonable clarification about his education qualification.

The Legislative Council oath under Article 104 of the Basic Law requires a Member to "serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity". Hon Wilson OR made an incorrect statement and is alleged of making a false statement of his education qualification, his aforementioned conduct constitutes misbehaviour and breach of oath under Article 104 of the Basic Law, in particular, he fails to serve the Hong Kong Special Administrative Region honestly and with integrity as a Member of the Legislative Council.

**Motion to be moved by Hon WU Chi-wai
under Rule 49B(1A) of the Rules of Procedure
to censure Hon CHAN Kin-por
at the Legislative Council meeting of 6 December 2017**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Hon CHAN Kin-por for misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).

Schedule

Details of Hon CHAN Kin-por's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Serious conflict of interest and dereliction of duty as Chairman of the Finance Committee

In his capacity of a Member of the Legislative Council, Hon CHAN Kin-por, who is the Chairman of the Finance Committee, was in serious conflict of interest and dereliction of duty in handling matters related to the amendments to the Finance Committee Procedure proposed by Hon Martin LIAO in his letter to the Chairman of the Finance Committee on 9 October 2017 (Legislative Council papers: FC4/17-18(01) and FC4/17-18(02)) ("the FCP Amendments"). As the Chairman of the Finance Committee, Hon CHAN Kin-por announced to the public in August 2017 his proposal to amend the Finance Committee Procedure, of which the contents were substantively identical to the FCP Amendments. Also, Hon CHAN Kin-por was in serious neglect of his duty of following the proper rules and conventions of the Council in convening an unofficial meeting to discuss the FCP Amendments on 17 October 2017, in that the contents of the meeting were not recorded in the agenda and official records of the Council. The Chairman of the Finance Committee must be, and has to be seen to be impartial when presiding over the proceedings of the Finance Committee. With an obvious support to the implementation of the FCP Amendments, Hon CHAN Kin-por failed to recuse himself from presiding over the proceedings of the meeting and continued to deal with matters related to the FCP Amendments.

The Legislative Council Oath requires a Member to "serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity". With serious conflict of interest

and dereliction of duty, the aforementioned conduct of Hon CHAN Kin-por amounts to misbehaviour and breach of oath under Article 104 of the Basic Law, particularly when he did not serve the Hong Kong Special Administrative Region conscientiously and dutifully as a Member of the Legislative Council and Chairman of the Finance Committee.

**Motion to be moved by Hon Charles Peter MOK
under Rule 49B(1A) of the Rules of Procedure
to censure Hon Starry LEE
at the Council meeting of 6 December 2017**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Hon Starry LEE for misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).

Schedule

Details of Hon Starry LEE's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Serious conflict of interest and dereliction of duty as the Chairman of the House Committee

As a Member and the Chairman of the House Committee of the Legislative Council of the Hong Kong Special Administrative Region, Hon Starry LEE was involved in serious conflict of interest and dereliction of duty in handling the House Committee meeting on 17 November 2017 ("the meeting"). One of the agenda items of the meeting (Item VII(c)) was a letter issued on 14 November 2017 to the Chairman of the House Committee by Hon Martin LIAO on behalf of 38 Members, in which amendments to the Rules of Procedure ("RoP") were proposed ("the amendments to RoP proposed by the pro-establishment camp"). As the Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB"), Hon Starry LEE told the media and the public in September 2017 that both DAB and herself were in strong support of the amendments to RoP proposed by the pro-establishment camp, and she continued to express similar opinions afterwards. Since the amendments to RoP proposed by the pro-establishment camp will have a strong and obvious bias and lean towards the interest of the pro-establishment camp in the course of implementation, Hon Starry LEE did not proactively recuse herself from the handling of the relevant amendments; at the meeting, she also did not allow all members to have proper discussion on the agenda items. Moreover, Hon Starry LEE failed to handle the meeting appropriately, thus plunging the meeting into disorder and rendering Legislative Council Members unable to fully discharge their duties.

The Legislative Council Oath requires Members to “serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity”. Hon Starry LEE has been involved in serious conflict of interest and dereliction of duty; her acts constitute misbehaviour and breach of oath under Article 104 of the Basic Law, showing in particular her failure as a Legislative Council Member and the Chairman of the House Committee to serve the Hong Kong Special Administrative Region conscientiously and dutifully.