

# Transcript of remarks by LegCo President on delay in election of House Committee Chairman

The following is issued on behalf of the Legislative Council Secretariat:

Following is the transcript of remarks by the President of the Legislative Council (LegCo), Mr Andrew Leung, on the delay in the election of the House Committee (HC) Chairman at a media briefing at the LegCo Complex today (May 4):

As the HC has yet to elect its chairman, and this has impeded the proper exercise of the constitutional functions of the LegCo, I have sought the advice from outside Senior Counsel on the relevant issues with a view to resolving the current deadlock as early as possible.

HC is the most important committee of the Council, preparing for business on the agenda of the Council and considering matters referred by the Council. From the past experience, HC can usually conclude the election of its chairman and deputy chairman in one meeting. But what has happened in this session is unprecedented.

HC has begun the process of the election of the chairman since October 15 last year and still failed to elect its chairman and deputy chairman by the end of the month. As early as October last year, the Secretariat's Legal Adviser had explained in detail the implications on the operation of HC pending the election of its chairman. The legal analysis made at the time was based on the ordinary course of events envisaged in HC. As before, it is anticipated that HC could complete the election of chairman within a short time.

Regrettably, after quite some time since last October, HC has not yet been able to elect its chairman as at early this year. I have monitored the developments closely and made repeated appeals in public, urging Members to put aside their political differences and complete the election of the HC Chairman as soon as possible, so that the Council can resume normal functioning. I notice that the incumbent HC Chairman, Hon Starry Lee, had arranged special meetings to speed up the election of the chairman for the current session. However, the meetings were cancelled eventually due to the severe situation of the COVID-19 outbreak. When the outbreak eased off, the incumbent HC Chairman called another meeting on March 13, but HC still could not have its chairman elected at that meeting.

The failure of HC to function normally has rendered the Council unable to properly perform its functions as stipulated in Article 73 of the Basic Law. In the face of this novel problem to LegCo, it is incumbent on me, as the President, to identify a solution so as to ensure that the Council can fulfil its constitutional duties effectively.

Therefore, in late March I have sought, through the Secretariat, the legal advice from outside Senior Counsel on how to resolve the issues relating to HC.

I have now received the advice from outside Senior Counsel. In summary, pending the election of a new chairman, while the incumbent HC Chairman should have all the usual powers to conduct the business of HC, the exercise of such powers is subject to certain caveats and he/she should exercise caution as to whether to exercise the powers as HC Chairman. In this regard, Senior Counsel's advice is no different from that provided by the Secretariat earlier. Since October last year, the incumbent HC Chairman has prudently exercised her powers as the chairman in office only to call meetings for the purpose of electing the new chairman.

In the ordinary course of events, the election of the HC Chairman for the new session should be the first item of business ahead of any business to be transacted in a new session. Senior Counsel said that the way Hon Dennis Kwok has conducted the election of chairman is inconsistent with the powers and functions of the presiding Member. He allowed HC members to have discussions on a number of issues and motions covering the security arrangements and their implementation in the LegCo Complex, matters under the purview of the Legislative Council Commission, as well as a number of non-binding motions. In Senior Counsel's view, it is difficult to see how such discussions could be relevant to the election of the HC Chairman. The Secretariat has also expressed similar views to the presiding Member.

Both the Secretariat and outside Senior Counsel are of the view that, as in the present situation, the incumbent HC Chairman, Hon Starry Lee, has the responsibility and authority to deal with the problems caused by the inordinate delay in the election of the chairman, and make sure that there is no undue disruption to the work of HC and its normal or proper functioning, especially transacting the urgent or essential business.

Therefore, in the present situation, the incumbent HC Chairman, Hon Starry Lee, has both responsibility and authority to deal with HC's heavy backlog of work.