

**Motion to be moved by Hon YUNG Hoi-yan
under Rule 49B(1A) of the Rules of Procedure
to censure Hon Claudia MO**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Hon Claudia MO for misbehaviour (details as particularized in the Schedule to this motion).

Schedule

Details of Hon Claudia MO's misbehaviour are particularized as follows:

1. At the meeting of the Panel on Security of the Legislative Council ("LegCo") on 3 December 2019, Hon Claudia MO said that Hon YUNG Hoi-yan should withdraw her candidacy for the post of Deputy Chairman of the Panel as she would soon take maternity leave. The pretext given by Ms MO was to allow Ms YUNG sufficient time to take rest after giving birth and she further insulted Ms YUNG by saying that her IQ was low.
2. According to section 5(1) of the Sex Discrimination Ordinance (Cap. 480) on sex discrimination against women, "[a] person discriminates against a woman in any circumstances relevant for the purposes of any provision of this Ordinance if—
 - (a) on the ground of her sex he treats her less favourably than he treats or would treat a man; or
 - (b) he applies to her a requirement or condition which he applies or would apply equally to a man but—
 - ... - (iii) which is to her detriment because she cannot comply with it."
3. According to section 8 of the Sex Discrimination Ordinance (Cap. 480) on discrimination against pregnant women, "[a] person discriminates against a woman in any circumstances relevant for the purposes of any provision of Part 3 or 4 if—
 - (a) on the ground of her pregnancy he treats her less favourably than he treats or would treat a person who is not pregnant; or
 - (b) he applies to her a requirement or condition which he applies or would apply to a person who is not pregnant but—
 - ... - (ii) which he cannot show to be justifiable irrespective of whether or not the person to whom it is applied is pregnant; and
 - (iii) which is to her detriment because she cannot comply with it."

4. According to Section 5 of the Family Status Discrimination Ordinance (Cap. 527) on discrimination against a person who has family status, “[a] person discriminates against a person who has family status in any circumstances relevant for the purposes of any provision of this Ordinance if—
 - (a) on the ground of the second-mentioned person’s family status or that person’s particular family status (*the relevant family status*) he treats that person less favourably than he treats or would treat another person who does not have family status or the relevant family status, as the case may be;...
5. The Sex Discrimination Ordinance (Cap. 480) seeks to prohibit discrimination on the ground of sex, marital status or pregnancy while the Family Status Discrimination Ordinance (Cap. 527) prohibits discrimination on the ground of family status.
6. Hon Claudia MO’s remarks have misled other LegCo Members and the public to think that Hon YUNG Hoi-yan is incapable of performing her duties and/or her capability at work will be undermined by her pregnancy and childbirth. She even intended to deprive Ms YUNG of her equal opportunity to stand for election as the Deputy Chairman of the Panel and of her right to participate in politics and LegCo business. Ms MO’s remarks clearly reflect that working women are still subject to a certain degree of discrimination due to pregnancy or the likelihood of getting pregnant in future. Had she not been covered by immunity from legal proceedings under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), she could have been prosecuted for making remarks violating the Sex Discrimination Ordinance and the Family Status Discrimination Ordinance.
7. Hon Claudia MO, being a LegCo Member and a mother, is not only biased against a pregnant LegCo Member, but has even made insulting remarks at her, expressing explicit discrimination against pregnant women and showing no basic respect for women. Moreover, Ms MO’s further personal attack and insulting remarks against Hon YUNG Hoi-yan have set a very bad example to the public, and are contrary to the assumed standard of conduct expected of a LegCo Member and constitute misbehaviour under Article 79(7) of the Basic Law.

**Motion to be moved by Hon Alice MAK
under Rule 49B(1A) of the Rules of Procedure
to censure Hon Dennis KWOK**

Wording of the Motion

That this Council, in accordance with Article 79(7) of the Basic Law, censures Hon Dennis KWOK 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 Dennis KWOK's misbehaviour and breach of oath under Article 104 of the Basic Law are particularized as follows:

Procrastinating the election of the Chairman of the House Committee ("HC") of the Legislative Council ("LegCo")

1. Hon Dennis KWOK, as the presiding member of the election of the HC Chairman for the 2019-2020 session, has not properly executed the provisions related to the election under the Rules of Procedure ("RoP") (including Rule 41(1)) and the House Rules when presiding over the meetings by allowing members to speak on issues irrelevant to the election or raise numerous points of order to express their views, thus wasting a great deal of meeting time. Such conduct has caused HC to stall at the stage of the election of the HC Chairman after spending more than half a year with 16 special meetings held between October 2019 and April 2020, rendering HC unable to function properly and discharge its duties, including failure to form Bills Committees, appoint subcommittees to study subsidiary legislation and monitor the progress of work of these committees.
2. To procrastinate the election of the HC Chairman, Hon Dennis KWOK has allowed: (a) many members to propose various motions on issues irrelevant to the election; and (b) unnecessary and lengthy discussions and voting procedures on whether those motions should be dealt with, which have constituted abuse of power and have been ultra vires.

Obstructing LegCo to discharge its constitutional duties

3. Article 73(1) of the Basic Law stipulates that LegCo shall enact, amend or repeal laws in accordance with the provisions of the Basic Law and legal

procedures. Between October 2019 and April 2020, as the election of the HC Chairman presided over by Hon Dennis KWOK was unable to elect the HC Chairman, 14 bills and more than 90 items of subsidiary legislation presented by the Government and a senior judicial appointment could not be dealt with by HC. Hon Dennis KWOK stated in public that his procrastination of the election aimed at preventing the passage of the National Anthem Bill and other bills. The aforesaid conduct of Hon KWOK has obviously obstructed LegCo to perform its functions conferred by the Basic Law and has indirectly paralyzed the operation of the legislature for a prolonged period of time.

Misbehaviour and breach of oath

4. Hon Dennis KWOK, as a LegCo Member, has procrastinated the election of the HC Chairman and obstructed LegCo to perform its functions conferred by the Basic Law, thus failing to meet the assumed standard of conduct expected of a LegCo Member by the public and to live up to the constitutional role of a LegCo Member, which obviously constitutes misbehaviour and breach of the oath taken by him at the Council meeting of 12 October 2016 under Article 104 of the Basic Law and the Oaths and Declarations Ordinance (Cap.11), i.e. “to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, bear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China and serve the Hong Kong Special Administrative Region conscientiously, dutifully, in full accordance with the law, honestly and with integrity”.