

立法會
Legislative Council

LC Paper No. CB(2) 220/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/BC/17/00

**Bills Committee on
The Ombudsman (Amendment) Bill 2001**

**Minutes of meeting
held on Thursday, 28 June 2001 at 10:45 am
in the Conference Room B of the Legislative Council Building**

Members Present : Hon Margaret NG (Chairman)
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Jasper TSANG Yok-sing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo

Public Officers Attending : Ms CHANG King-yiu
Deputy Director of Administration

Ms Maggie WONG
Assistant Director of Administration

Mr WAN Suet-ming
Assistant Ombudsman

Mr MOK Yun-chuen
Principal Executive Officer (Ag)
Office of The Ombudsman

Mr Michael LAM
Senior Government Counsel
Department of Justice

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Mr LEE Yu-sung
Senior Assistant Legal Adviser

Miss Irene MAN
Senior Assistant Secretary (2)9

Action

The Committee deliberated (Index of proceedings attached at **Annex**).

2. The Administration was requested to provide information on the following -
- (a) to explain the rationale for appointing "a person", instead of the office holder, as "a corporation sole with perpetual succession".
 - (b) to advise whether the present drafting of the new section 3(2) and (3) could achieve the intended legal effect that the office holder, i.e. The Ombudsman, would be appointed as a corporation sole.
 - (c) to consider whether the Ombudsman should be re-appointed for not more than 1 further period of 5 years.
 - (d) to consider whether the emoluments and terms of employment of the Ombudsman and his/her staff should be determined by a management committee instead of the Chief Executive, and whether the broad principles of administrative arrangements should be specified in the Bill.
 - (e) to define clearly the functions of "Advisers".
 - (f) to introduce express provisions in the Bill to prevent conflict of interest and to clearly reflect the segregation of the mediation and investigation functions.

Action

- (g) to consider whether the criteria for determining which complaint could be dealt with by mediation could be specified in the Bill.
 - (h) to specify the qualifications of mediators in the Bill.
 - (i) to provide information on the current mechanism, together with past years' statistics, in dealing with appeals and complaints on the outcome of mediation/investigation conducted by staff of the Ombudsman.
3. The Committee agreed to hold the next meeting on 16 July 2001.
 4. There being no other business, the meeting ended at 12:30 p.m.

Legislative Council Secretariat
23 October 2001

**Proceedings of the meeting of the Bills Committee on
The Ombudsman (Amendment) Bill 2001
on Thursday, 28 June 2001, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0000 - 0235	Chairman	Election of Chairman	
0236 - 0300	Ms Emily LAU	Urgency of delinking from the Government	
0301 - 0403	Admin	Urgency of delinking from the Government	
0404 - 0440	Ms Emily LAU	Urgency of delinking from the Government	
0441 - 0546	Admin	Urgency of delinking from the Government	
0547 - 0648	Chairman	Urgency of delinking from the Government	
0649 - 0808	Ms Audrey EU	Concept of corporation sole	
0809 - 0922	Admin	Concept of corporation sole	
0923 - 0949	Ms Audrey EU	Concept of corporation sole	
0950 - 1158	Admin	Concept of corporation sole	
1159 - 1225	Ms Audrey EU	Concept of corporation sole	
1226 - 1255	Chairman	Concept of corporation sole	
1256 - 1259	SALA	Concept of corporation sole	
1300 - 1312	Chairman	Concept of corporation sole	
1313 - 1426	SALA	Concept of corporation sole	
1427 - 1453	Chairman	Concept of corporation sole	
1454 - 1654	Ms Audrey EU	Concept of corporation sole	
1655 - 1904	Chairman	Concept of corporation sole	
1905 - 1939	Admin	Concept of corporation sole	
1940 - 1942	Chairman	Concept of corporation sole	
1943 - 2036	SALA	Concept of corporation sole	
2037 - 2123	Chairman	Concept of corporation sole	
2124 - 2143	Ms Emily LAU	Concept of corporation sole	
2144 - 2151	Admin	Concept of corporation sole	
2152 - 2206	Chairman	Concept of corporation sole	
2207 - 2255	Ms Audrey EU	Concept of corporation sole	
2256 - 2338	Admin	Concept of corporation sole	
2339 - 2423	Chairman	Concept of corporation sole	
2424 - 2508	Ms Emily LAU	Pay and conditions of service	
2509 - 2612	Admin	Pay and conditions of service	
2613 - 2724	Ms Emily LAU	Pay and conditions of service	
2725 - 2735	Chairman	Pay and conditions of service	

2736 - 2753	Ms Emily LAU	Pay and conditions of service	
2754 - 2845	Chairman	Pay and conditions of service	
2846 - 2919	Ms Emily LAU	Pay and conditions of service	
2920 - 3154	Admin	Pay and conditions of service	
3155 - 3211	Ms Emily LAU	Pay and conditions of service	
3212 - 3346	Chairman	Pay and conditions of service	
3347 - 3614	Admin	Pay and conditions of service	
3615 - 3647	Ms Emily LAU	Pay and conditions of service	
3648 - 3730	Admin	Pay and conditions of service	
3731 - 3809	Ms Emily LAU	Pay and conditions of service	
3810 - 3930	SALA	Pay and conditions of service	
3931 - 3952	Ms Emily LAU	Pay and conditions of service	
3953 - 3959	Admin	Pay and conditions of service	
4000 - 4143	Chairman	Pay and conditions of service	
4144 - 4238	Admin	Pay and conditions of service	√
4239 - 4258	Chairman	Pay and conditions of service	
4259 - 4512	Ms Audrey EU	Concept of corporation sole	
4513 - 4549	SALA	Concept of corporation sole	
4550 - 4626	Chairman	Concept of corporation sole	
(Tape 2)			
0209 - 0236	Admin	Concept of corporation sole	
0237 - 0319	Chairman	Concept of corporation sole	√ Admin to provide response
0320 - 0359	Ms Emily LAU	Tenure of office of the Ombudsman	
0400 - 0433	Admin	Tenure of office of the Ombudsman	√
0434 - 0451	Ms Audrey EU	Mediation arrangement	
0452 - 0528	SALA	Mediation arrangement	
0529 - 0730	Admin	Mediation arrangement	
0731 - 0803	Ms Emily LAU	Mediation arrangement	
0804 - 1000	SALA	Mediation arrangement	
1001 - 1024	Ms Emily LAU	Mediation arrangement	
1025 - 1109	Chairman	Mediation arrangement	
1110 - 1120	Ms Audrey EU	Mediation arrangement	
1121 - 1142	Admin	Mediation arrangement	
1143 - 1212	Chairman	Mediation arrangement	
1213 - 1218	Admin	Mediation arrangement	
1219 - 1230	Chairman	Mediation arrangement	
1231 - 1251	SALA	Mediation arrangement	

1252 - 1302	Chairman	Mediation arrangement	
1303 - 1329	Ms Emily LAU	Mediation arrangement	
1330 - 1355	Admin	Mediation arrangement	
1356 - 1435	Chairman	Mediation arrangement	
1436 - 1450	Admin	Mediation arrangement	
1451 - 1551	Chairman	Mediation arrangement	
1552 - 1623	Admin	Mediation arrangement	
1624 - 1631	Chairman	Mediation arrangement	
1632 - 1637	Admin	Mediation arrangement	√
1638 - 1657	Chairman	Mediation arrangement	
1658 - 1843	Ms Audrey EU	Mediation vs investigation	
1844 - 1909	Chairman	Mediation vs investigation	
1910 - 1946	SALA	Mediation vs investigation	
1947 - 2000	Chairman	Mediation vs investigation	
2001 - 2135	Admin	Mediation vs investigation	
2136 - 2326	Chairman	Mediation vs investigation	
2327 - 2334	Admin	Mediation vs investigation	
2335 - 2357	Chairman	Mediation vs investigation	
2358 - 2458	Ms Audrey EU	Mediation vs investigation	
2459 - 2518	Admin	Mediation vs investigation	
2519 - 2545	Ms Audrey EU	Mediation vs investigation	
2546 - 2622	Admin	Mediation vs investigation	
2623 - 2633	Ms Emily LAU	Mediation vs investigation	
2634 - 2704	Admin	Mediation vs investigation	
2705 - 2710	Ms Emily LAU	Mediation vs investigation	
2711 - 2730	Admin	Mediation vs investigation	
2731 - 2738	Ms Emily LAU	Mediation vs investigation	
2739 - 2840	Admin	Mediation vs investigation	
2841 - 2932	Ms Audrey EU	Mediation vs investigation	
2933 - 3030	Admin	Mediation vs investigation	
3031 - 3044	Ms Audrey EU	Mediation vs investigation	
3045 - 3350	Chairman	Mediation vs investigation and qualifications of mediators	
3351 - 3439	Admin	Qualifications of mediators	
3440 - 3516	Chairman	Qualifications of mediators	
3517 - 3523	Admin	Qualifications of mediators	√
3524 - 3710	Chairman	Qualifications of mediators	
3711 - 3750	Admin	Qualifications of mediators	
3751 - 3804	Chairman	Immunity	
3805 - 3922	SALA	Immunity	

3923 - 3949	Chairman	Immunity	
3950 - 4014	Ms Emily LAU	Complaint against the Office of the Ombudsman	
4015 - 4058	Admin	Complaint against the Office of the Ombudsman	
4059 - 4107	Ms Emily LAU	Complaint against the Office of the Ombudsman	
4108 - 4223	Admin	Complaint against the Office of the Ombudsman	
4224 - 4239	Ms Emily LAU	Complaint against the Office of the Ombudsman	
4240 - 4509	Admin	Complaint against the Office of the Ombudsman	
4510 - 4526	Ms Emily LAU	Complaint against the Office of the Ombudsman	
4527 - 4618	Admin	Complaint against the Office of the Ombudsman	
(Tape 3)			
0216 - 0243	Ms Emily LAU	Complaint against the Office of the Ombudsman	
0244 - 0347	Chairman	Complaint against the Office of the Ombudsman	√ Admin to provide response
0348 - 0422	Ms Emily LAU	Independent status of The Ombudsman and the ambit of the Prevention of Bribery Ordinance	
0423 - 0600	Admin	Independent status of staff and the ambit of the Prevention of Bribery Ordinance	
0601 - 0644	Ms Emily LAU	Independent status of staff and the ambit of the Prevention of Bribery Ordinance	
0645 - 0716	SALA	Independent status of staff and the ambit of the Prevention of Bribery Ordinance	
0717 - 0748	Admin	Independent status of staff and the ambit of the Prevention of Bribery Ordinance	
0749 - 0804	Ms Emily LAU	Replacement of "public officer" by "organization"	
0805 - 0906	Admin	Replacement of "public officer" by "organization"	
0907 - 0923	Chairman	Replacement of "public officer" by "organization"	
0924 - 0939	Ms Emily LAU	Replacement of "public officer" by "organization"	
0940 - 0946	Admin	Replacement of "public officer" by "organization"	
0947 - 0950	Ms Emily LAU	Replacement of "public officer" by "organization"	
0951 - 1017	Admin	Replacement of "public officer" by "organization"	
1018 - 1037	Chairman	Advisers	
1038 - 1050	Ms Audrey EU	Advisers	
1051 - 1119	Admin	Advisers	
1120 - 1216	Ms Audrey EU	Advisers	
1217 - 1435	Chairman	Advisers and arrangement of next meeting	√ Admin to provide response

Note : The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
23 October 2001