

**立法會**  
***Legislative Council***

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**Paper for the House Committee meeting on 5 October 2001**

**Report of the Panel on Home Affairs**

**Deliberations on nomination procedure and criteria for honours and awards and motion under the Legislative Council (Powers and Privileges) Ordinance to be moved by the Chairman of the Panel on Home Affairs**

**Purpose**

This paper reports on the Panel's deliberations on the nomination procedure and criteria for honours and awards, and the Panel's decision to seek the Council's authorisation to exercise the powers conferred by section 9(1) of the Legislative Council (Powers and Privileges) Ordinance for the purpose of ascertaining whether the nomination of Mr YEUNG Kwong has been considered by the 2001 Honours Committee.

**Background**

2. Following the Government's announcement on the Hong Kong Special Administrative Region (HKSAR) Establishment Day this year i.e. 1 July 2001 to award to Mr YEUNG Kwong the Grand Bauhinia Medal (GBM), the Panel requested the Director of Administration (D of A) to brief members on the nomination procedure and criteria for honours and awards under the present honours and awards system of the HKSAR at the Panel meeting on 10 July 2001. Representatives of the Honours Committee were also invited to the meeting, but D of A replied that as members of the Honours Committee were appointed on an ad personam basis and as deliberations of the Honours Committee must remain confidential, it was not appropriate for members of the Honours Committee to meet with the Panel.

### **Discussions of the Panel on 10 and 16 July 2001**

3. At the Panel meeting on 10 July 2001, D of A informed the Panel that a local honours and awards system was introduced after the reunification to give recognition to persons who had made an outstanding contribution to Hong Kong, or who had rendered distinguished and devoted community or public service to Hong Kong, or who had personally excelled in their respective fields. Nominations for honours and awards were normally made by bureaux and departments in response to a general call circular. To ensure that recommendations were consistent and in line with the selection criteria, nominations (except those for Long Service Medals) were considered by the Honours Committee which was chaired by the Chief Secretary for the Administration. In vetting the nominations from bureaux and departments and the public, the Honours Committee would carefully examine the merits and demerits of each nominee, including whether he had any criminal records, and if yes, the nature and seriousness of the criminal offence. The Honours Committee would make its recommendations to the Chief Executive (CE), together with a full list of the nominees, including those not recommended for honours and awards. CE had full discretion to decide whether to accept or reject the Honours List recommended by the Honours Committee in whole or in part.

4. Some members had expressed strong dissatisfaction with the decision to award a GBM to Mr YEUNG Kwong. They pointed out that GBM was the highest honour awarded to recognise the selected person's life-long and highly significant contribution to the well-being of Hong Kong. These members queried whether Mr YEUNG's nomination had been made according to these selection criteria. D of A responded that it was not appropriate to discuss individual awards, and that the citations under the Honours List announced on 1 July 2001 had already set out the considerations for making the award to each of the persons on the List.

5. Some members sought confirmation from the Administration as to whether CE had the right to add names to the Honours List recommended by the Honours Committee. D of A confirmed that CE could add or delete names to or from the Honours List put forward by the Honours Committee. The overriding consideration was that the honours and awards would only be awarded in accordance with the prescribed criteria. CE had added names to the Honours List recommended by the Honours Committee since the reunification. This was similar to the practice before 1 July 1997.

6. Despite some members' request, D of A refused to confirm whether or not the nomination of Mr YEUNG Kwong had been considered by the 2001 Honours Committee. These members were of the view that it was important to ascertain whether CE had bypassed the Honours Committee to add names to the Honours List. They considered that as CE accorded the honours and awards on behalf of the HKSAR Government, to bypass the established mechanism of nominating and approving honours and awards reflected the rule of man.

7. Some members requested that the Administration should provide the Panel with the relevant documents of the 2001 Honours Committee so that members could ascertain whether the nomination of Mr YEUNG Kwong had been considered by the Honours Committee. D of A reiterated that the deliberations of the Honours Committee must remain confidential. Hon Emily LAU proposed that given the Administration's position, the Panel should seek the powers conferred under the Legislative Council (Powers and Privileges) Ordinance to order the Administration to provide documents of the 2001 Honours Committee in order to ascertain whether the nomination of Mr YEUNG Kwong had been considered by the Committee. The Panel agreed that a decision on the proposal should be deferred to the Panel meeting scheduled for 16 July 2001 to allow adequate time for members to consider the proposal.

8. At the Panel meeting on 16 July 2001, Hon Emily LAU moved the following motion -

"That this Panel urges the Council to authorise the Panel to exercise its powers under the Legislative Council (Powers and Privileges) Ordinance to order the Administration to produce documents in relation to recent meetings of the 2001 Honours Committee to ascertain whether the name of Mr YEUNG Kwong was vetted by the Committee".

9. Hon Emily LAU considered that the move was necessary given that D of A had, at the Panel meeting on 10 July 2001, repeatedly refused to confirm whether the nomination of Mr YEUNG Kwong had been considered by the 2001 Honours Committee. Hon IP Kwok-him said that the Democratic Alliance for Betterment of Hong Kong objected to the motion. He pointed out that the powers conferred under the Legislative Council (Powers and Privileges) Ordinance should only be exercised when issues of significant public interest were involved. It should not be invoked for satisfying the curiosity of some people. Hon Emily LAU and Hon Cyd HO were of the view that as the issue had aroused great controversy within the community, it was in the public interest to find out whether CE had bypassed the normal procedure in according the award. Hon James TO also considered that the proposal was appropriate because it aimed only to ascertain whether as a matter of procedure the 2001 Honours Committee had considered the nomination of Mr YEUNG Kwong. The proposal did not aim to request detailed information about the nominations, including personal data of the nominees. A vote by a show of hands was taken at the meeting. The result was four members voted in favour of Hon Emily LAU's motion, and three members voted against the motion.

### **Way forward**

10. Pursuant to the decision of the Panel, the Chairman of the Panel on Home Affairs will move a motion at the Council meeting on 31 October 2001 to seek the Council's authorisation to exercise the powers conferred by the Legislative Council (Powers and Privileges) Ordinance. A copy of the motion is in the **Appendix**.

### **Members' advice sought**

11. Members are invited to note the deliberations of the Panel and its decision to move the motion.

**Wording of the Motion  
to be moved by the Chairman of the Panel on Home Affairs  
at the Legislative Council meeting on 31 October 2001**

"That the Panel on Home Affairs be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of the Ordinance for the purpose of ascertaining whether the nomination of Mr YEUNG Kwong was vetted by the 2001 Honours Committee."