

立法會
Legislative Council

LC Paper No. AS182/03-04

Ref : AM 12/01/19/1 (Pt 3)

**Subcommittee on Members' Remuneration and
Operating Expenses Reimbursement**

**Minutes of meeting
held on Wednesday, 14 January 2004
at 11:00 am in Conference Room B of the Legislative Council Building**

- Members Present** : Hon NG Leung-sing, JP (Chairman)
Hon LEUNG Yiu-chung
Hon Howard YOUNG, SBS, JP
Hon YEUNG Yiu-chung, BBS
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
- Member Absent** : Hon Cyd HO Sau-lan
- Clerk in Attendance** : Mrs Anna LO
Principal Council Secretary (Administration) (PCS(A))
- Staff in Attendance** : Mr LAW Kam-sang, JP
Deputy Secretary General (DSG)
- Mr Watson CHAN
Head (Research and Library) (H(RL))
- Mr Joseph KWONG
Accountant (ACCT)
- Mr Michael YU
Research Officer 7 (RO7)

I. Confirmation of Minutes of the Last Meeting held on 1 November 2003

LC Paper No. AS 114/03-04

The minutes of the last meeting held on 1 November 2003 were confirmed.

II. Eligibility of Legislators for Pension Benefits in Some Overseas Places

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2. H(RL) briefed members on the main points of the research report, which set out the eligibility of legislators for pension benefits in Canada, the United Kingdom, Australia, the United States and Singapore. He highlighted that there were no requirements in these legislatures for legislators to work full time to be eligible for pension benefits. In fact, there was no definition for full-time legislators, nor were there criteria for differentiating full-time legislators from part-time legislators. Except Singapore, which did not provide any information, legislatures in these countries regarded their Members' work as a full-time undertaking. This was justified on the grounds that the workload was heavy and the legislators had to work long hours. Consequently, legislators had little time for any work outside their legislatures.

3. The Chairman thanked the Secretariat for providing the research report for members' reference. He remarked that the scale of operation in the legislatures selected for the study might be different from that of Hong Kong.

4. Ms Emily Lau believed that the workload of the Members of the Legislative Council ("LegCo") was comparable to that in the legislatures studied. Most Members had to work very long hours, and regrettably, being a Member of LegCo, was not recognized by the Administration as a full-time job, but as a public service. In her view, such an attitude was inconsistent with the objective of attracting able people to become LegCo Members.

5. Mr Howard Young, Mr Leung Yiu Chung and Mr Andrew Cheng echoed the same opinion that LegCo work was heavy and most Members had to work very long hours. Mr Leung Yiu-chung agreed that Hong Kong legislators' work was similar to that in the legislatures studied. While these overseas legislatures did not have a definition for "full-time" legislator, retirement benefits were provided in recognition

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of their contributions. Mr Andrew Cheng pointed out that apart from attending meetings of the Council and its committees, Members had to handle affairs in their districts or constituencies.

6. Mr Howard Young further opined that Members should be provided with retirement benefits, as employees in Hong Kong were covered by the Mandatory Provident Fund (“MPF”) Schemes Ordinance. He reiterated his previous suggestion that the portion of contribution from employer towards a pension scheme could be funded by the Office Operation Expenses Reimbursement (“OOER”). The Chairman concurred with the proposal and stated that it would not increase the funding required as the reimbursement ceiling had been set.

7. Mr Andrew Cheng supported the proposal as he believed that allocation of additional funding would be difficult. Nonetheless, he considered the Administration’s argument against the introduction of a contributory retirement fund unconvincing, be it for the reason of fiscal deficits or not recognizing LegCo membership as a full-time job. Members’ request with their justifications should be put on record so that even if the request could not get through in the current LegCo term, it would be brought up again in the next term. He added that the question of whether LegCo membership might be regarded as a full-time job arose from the election of Members through functional constituencies. This unique method of LegCo election warranted a corresponding unique way of providing for Members’ retirement protection.

8. Mr Leung Yiu-chung suggested that the research report should be provided for the Administration with the request that it reconsidered the question of whether legislators in Hong Kong should be provided with retirement benefits. He asserted that in the course of constitutional development, people from all walks of life, not just the well-to-do, would come forward to stand for election. They should be provided with retirement protection in the same way as other employees.

9. Mr Andrew Cheng suggested that data on the time devoted by Members to public affairs be collected for the information of the Independent Commission on Remuneration for Members of the Executive Council and the Legislature of the HKSAR (“Independent Commission”), because he doubted whether the Independent Commission was aware of the actual situation of Members’ work.

10. The Chairman and Ms Emily Lau believed that data on Members’ working hours could be provided for the Independent

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Commission upon request. Mr Emily Lau suggested that a consensus should be reached by Members so that the House Committee would put forward a concrete proposal to the Independent Commission for its consideration before the end of the current term.

Contributory retirement protection plan

11. The meeting discussed in detail Mr Howard Young's proposal that the rates of contributions to a Member's retirement protection plan should be similar to those of the employers and employees in the MPF scheme, and the contributions would come from Members' personal resources and the OOER account.

12. The Chairman remarked that the proposal would take care of the Members who did not have any other occupations, and thus were not covered by any retirement plans.

13. Mr Andrew Cheng suggested that individual Members could be allowed to decide whether they would use their own OOER account for making such contributions, because this would reduce the resources for serving their electorate by \$1,000 a month or \$48,000 for a full LegCo term. Members had to judge whether their electorate would accept this arrangement.

14. Mr Howard Young remarked that the contribution ceiling of \$1,000 a month would change if the MPF Schemes Ordinance in this respect was amended in future.

15. Members agreed that even if a Member had already participated in an MPF or other retirement schemes, he should also be entitled to the proposed retirement protection plan.

16. In reply to Mr Yeung Yiu-chung, the Chairman confirmed that the inclusion of contributions to Members' retirement protection plan as a reimbursable expense under OOER would require the endorsement of the Administration.

17. Mr Leung Yiu-chung enquired how an individual Member could participate in a retirement protection plan. DSG advised that as the Government was not the employer of Members, it would not be appropriate for Members to join an MPF scheme. Instead, Members might consider alternative plans which were similar to the way that MPF schemes operated. These alternative plans might offer more flexibility.

18. The Chairman requested the Secretariat to arrange for Secretariat

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Members to be consulted on the proposed arrangement.

(Post meeting note: A consultation paper (LC paper No. AS153/03-04) was issued to Members on 6 February 2004.)

III. Date of Next meeting

19. The next meeting would be held in early March 2004.

(Post meeting note: The next meeting was scheduled for 1 March 2004 at 9 am.)

20. There being no other business, the meeting ended at 11:55 am.

Legislative Council Secretariat
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