

立法會
Legislative Council

LC Paper No. AS 314/00-01
(These minutes have been
seen by the Administration)

Ref : AM12/01/19 (Pt 3)

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

**Minutes of meeting
held on Friday, 16 March 2001 at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members Present** : Hon NG Leung-sing (Chairman)
Hon Cyd HO Sau-lan
Hon Howard YOUNG, JP
Hon YEUNG Yiu-chung
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
- Member Absent** : Hon LEUNG Yiu-chung
- Public Officers Attending** : Mr Andrew WONG, JP
Director of Administration
- Ms Miranda CHIU
Deputy Director of Administration
- Mr David LEUNG
Assistant Director of Administration
- Clerk in Attendance** : Mrs Anna LO
Principal Assistant Secretary (Administration)
- Staff in Attendance** : Mr Ricky FUNG, JP
Secretary General
- Ms Eva LIU
Head (Research and Library Services)
- Mr Joseph KWONG
Accountant

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I. Confirmation of Minutes of Last Meeting held on 30 November 2000

(LC Paper No. AS 162/00-01)

Minutes of the last meeting held on 30 November 2000 were confirmed.

II. Matters Arising

2. The Chairman asked Mr Andrew Wong whether there was any progress in the review of Members' remuneration and expenses reimbursement system after the Chairman of the House Committee wrote to the Chief Secretary for Administration (CS) on 13 December 2000. Mr Andrew Wong replied that the Independent Commission on Remuneration for the Members of the Executive Council and the Legislature of the HKSAR (Independent Commission) would consider the matter in the light of the survey on Members' operating expenses in the last quarter of 2000, which was just completed a fortnight ago.

3. Miss Emily Lau was disappointed at the lack of progress. She said that the Administration should not use the survey as an excuse to put off the review; it should have come up with some initial suggestions based on its own standpoint. In response, Mr Wong said that the Independent Commission needed justifications, as well as supporting figures, for their review. For example, in determining how the reimbursement ceilings should be adjusted according to price changes, the ratio of different types of expenses should be taken into account. Therefore, the Administration had to wait for the outcome of the latest survey.

4. Miss Emily Lau hoped the Administration would review the ceiling of the information technology and communication equipment expenses reimbursement as requested in her letter of 22 February 2001 to Mr Andrew Wong (LegCo Paper No. AS 235/00-01). Mr Wong D of Adm promised that it would also be reviewed.

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**III. Statistics of Members' Operating Expenses in the period from
October to December 2000**

(LC Paper No. AS 243/00-01)

5. Miss Emily Lau highlighted paragraph 5 of the paper, which disclosed that in the three months under survey Members had dipped into their own pockets for \$165 to \$127,320 to pay for over-ceiling expenses. This indicated that the resources provided for Members were insufficient. However, she cautioned that it was unfair to look at these amounts alone to determine how much was really needed, because some Members might have needed more resources to support their work but were unable to bear those expenses that were not reimbursable. Mr Andrew Wong responded that they had requested detailed information from the Legislative Council Secretariat. They would look carefully into individual Members' figures and collate them for the Independent Commission.

6. Miss Cyd Ho asked whether the Administration had thought about how much resources should be required by Members in performing their duties stipulated in the Basic Law. She was concerned about the low salary that Members' assistants could get and the number of staff that Members could hire with the existing monthly expenses reimbursement. For reference purposes, she requested information on the resources used by the Administration in drafting a bill, in particular the number of personnel involved, their ranking and the total costs involved. Mr Andrew Wong replied that the resources given to Members for their monitoring of the Government included government officials' time and effort in furnishing Members with information they requested, and the resources afforded to the Legislative Council Secretariat. Therefore, it was not appropriate to compare, for instance, the government's bill drafting cost with the financial support directly provided for Members.

7. Miss Cyd Ho disagreed with the opinion that the comparison was inappropriate. She said that even after taking into account the eight legal advisers of the Secretariat, Members' legal support was still grossly inadequate. At Miss Ho's insistence, Mr Andrew Wong agreed to see if costing figures on bill drafting were available, even though he maintained that such information had no direct bearing on the review of Members' expenses reimbursements. He added that the existing mechanism for review by the Independent Commission served to maintain neutrality and objectivity.

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8. The Chairman suggested the Administration to compare the present functions of Members, as stipulated in Article 73 of the Basic Law, with those in 1994 when the format of the present remuneration package was first established. Such a comparison might highlight whether additional resources should be provided because of new functions vested in Members after 1997. On the issue of servicing enlarged areas following the re-definition of certain geographical constituencies, he reckoned that the number of Members representing such areas might also have increased. He requested the Administration to review whether additional manpower should be provided to Members in view of the increased workload. For example, more assistants might be required for taking notes and reporting back in case Members could not attend all meetings owing to clashes in schedule.

9. In response, Mr Andrew Wong said that because of the diverse expense patterns of Members, they had to study the facts and figures carefully. He observed that, consequent to a review in 1999, Members were provided with an additional reimbursement for information technology and communication equipment, which the majority of Members had not used much; quite a number of Members had made use of the new flexibility of using the entertainment and travelling expenses reimbursement to employ additional staff. Commenting on the over-ceiling expenditures, Mr Wong said that the amounts overspent by the 28 Members noted in the paper were quite varied and the excess amounts varied depending largely on expenditure on items other than those related to salaries and rents in most cases. On the number of offices maintained by Members, he said that nearly two-thirds of Members had only one or no office other than the central office provided by the Government. Besides, some of the offices reported were shared by two or more Members or with organizations affiliated with the Members concerned.

10. Miss Cyd Ho argued that the fact that so many Members had only one office was probably an indication that they could not afford more. Miss Emily Lau also pointed out that the Administration should not assume Members have deep pockets and expect them to overspend monthly in recurrent items such as staff salaries and office rents. It could not be assumed that the current reimbursement ceilings were sufficient simply because not every Member was footing substantial amounts of over-ceiling expenditure.

11. The Chairman requested the Administration to treat Members elected through different channels equally, because all of them had the same service target, namely Hong Kong citizens at large.

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12. Mr Andrew Wong acknowledged that Members who had overspent during the survey period included Members returned by different electorates. There was no definitive pattern of expenditure by Members.

13. Miss Emily Lau suggested that the Independent Commission should meet with Members, so that it could better understand the work and needs of Members. Mr Andrew Wong agreed D of Adm to convey the message.

III. Parliamentary Pension Schemes

(IN 7/00-01)

14. At the invitation of the Chairman, Mr Andrew Wong said that the Administration was collecting information from several countries, and had an open mind on the issue. The Chairman remarked that the paper was meant to serve as a starter. It demonstrated that quite a number of countries had already had such schemes in 1986; and the situation should have improved greatly as time went by.

15. Ms Eva Liu explained why the paper did not provide more up-to-date information. She said that the Research and Library Services Division was assigned the project at the beginning of November 2000. As the paper was intended to offer a general idea on the subject for the Subcommittee's preliminary consideration in late December 2000, what was readily available was summarized for Members' quick reference. She promised to provide more comprehensive and current information on schemes in the United States, United Kingdom and Australia by mid-Secretariat April 2001.

16. Mr Andrew Cheng was disappointed that the Administration did not bring any proposals to the meeting. He said that while MPF schemes were already in place for all employees in Hong Kong, legislators themselves were not covered or protected in any way.

17. Mr Howard Young agreed that the paper served as a starting point for discussion. He noted that about half of the countries in the paper had some kind of retirement or pension plan, most of which required contributions from legislators. As the Government had implemented the MPF Ordinance, he supported the suggestion that Members should have similar retirement plans.

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18. Mr Andrew Wong responded that since the Government was not the employer of Members and Members were not regarded as self-employed under the MPF Ordinance, Members were not required to join any MPF schemes under current laws. He said that he noticed that not every country had a pension plan for legislators and the Administration was collecting up-to-date information from several countries.

19. The Chairman suggested that the Administration consider the example of Brazil, where a "Members Pension Institute" was enacted.

20. Referring to the letter to CS, Miss Emily Lau reminded the meeting that it had to be determined whether LegCo work should be regarded as the main occupation of Members or just some kind of honorary public service. Recognition of legislators' full-time commitment and a commensurate remuneration would not only encourage suitable people to pursue a career as legislators but also provide a backing for retirement benefits. She questioned why the former Independent Commission turned down Members' request in 1995 for recognizing LegCo work as a 'job' without giving a proper explanation.

21. Miss Cyd Ho requested the Administration to consider the granting of pension to Members' surviving spouses and dependent children.

22. Over the issue of retirement benefits, Miss Emily Lau suggested that other Members should be consulted and invited to attend the Subcommittee's meetings. She also suggested that the public be invited to express their views too. The Chairman agreed to draw Members' attention to the issue at the House Committee meeting in the afternoon. He suggested the Secretariat use its web site to solicit opinions from the public and monitor any media comments on this issue.

(Post-meeting note: Invitation to all Members was issued vide LC Paper No. AS 271/00-01)

IV. Date of Next Meeting

23. It was agreed that the next meeting be held on 23 April 2001, at 10:45am to discuss Parliamentary Pension Scheme. Another meeting should be scheduled by the end of April to discuss progress on review of Members' remuneration and expenses reimbursement system.

(Post-meeting note: The latter meeting was scheduled on 25 April 2001 at 8:30 am.)

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Adjournment

24. There being no other business, the meeting was adjourned at
12:23pm.

Legislative Council Secretariat
April 2001