

Extract from the minutes of the House Committee meeting on 18 June 2004

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V. Reports of Bills Committees and subcommittees

(k) Report of the Subcommittee to consider a mechanism for handling complaints and allegations concerning Members' Operating Expenses Reimbursement claims

(LC Paper No. AS 298/03-04)

79. Ms Emily LAU, Chairman of the Subcommittee, said that the Subcommittee considered it necessary to put in place a mechanism to handle complaints and allegations concerning Members' Operating Expenses Reimbursement (OER) claims. The Subcommittee was of the view that the proposed mechanism set out in the paper, if adopted, should be enshrined in the Rules of Procedure. Furthermore, the deliberations in all cases should be open, fair and above party politics.

80. Ms LAU said that the Subcommittee had studied three options and came to the view that with some adaptation, the procedures of the Committee on Members' Interests (CMI) could be used for investigating complaints and allegations concerning Members' OER claims.

81. Ms LAU further said that the Subcommittee had issued a consultation paper to gauge the views of all 60 Members on the proposed mechanism which was set out in paragraphs 4 to 19 of the paper. However, only 42 Members had responded to the consultation paper as at 4 June 2004, and 25 of them supported the setting up of a mechanism for handling complaints and allegations concerning Members' OER claims. Ten Members proposed that the issue should be further considered by the third LegCo term, and four other Members indicated that they needed more time to consider the issue.

82. Ms LAU expressed disappointment that many Members, including Members belonging to the Liberal Party, had not responded to the consultation paper, and that some Members expressed objection to the setting up of a mechanism. Ms LAU said that if these Members had indicated earlier that they did not agree to the setting up of a mechanism for handling complaints and allegations concerning Members' OER claims, the Subcommittee would not have deliberated further on the matter.

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83. Ms LAU said that in the light of Members' response and the imminent end of the present term, the Subcommittee recommended that the need to set up a mechanism for handling complaints and allegations concerning Members' OER claims be further considered in the third LegCo term.

84. Mr Albert HO said that he did not see any problem with the Subcommittee's recommendation that the matter be further considered by the third LegCo term, if there was agreement among parties that there should be a mechanism for handling complaints and allegations concerning Members' OER claims.

85. Miss Margaret NG said that she did not agree that the terms of reference of CMI should be expanded to cover the handling of complaints and allegations concerning Members' OER claims. Miss NG further said that no action needed to be taken if a Member made a genuine mistake in making a wrong OER claim. However, if there was dishonesty on the part of the Member in making the claim, such an act amounted to misconduct. Miss NG considered that the proposed mechanism should deal with allegations of misconduct of Members and not restricted to allegations relating to OER claims only.

86. Mrs Selina CHOW said that Members belonging to the Liberal Party had carefully considered the matter and they had mixed views on the Subcommittee's proposed mechanism. Mrs CHOW further said that Members belonging to the Liberal Party would respect the view of the majority of Members on the issue. She, however, pointed out that the problem of Members investigating fellow Members still remained to be resolved.

87. Mr IP Kwok-him said that Members belonging to the Democratic Alliance for Betterment of Hong Kong had proposed in their response to the consultation paper that the need for such a mechanism should be considered by the third LegCo term, as it was a complex issue.

88. Members agreed to the Subcommittee's recommendation that the need to set up a mechanism for handling complaints and allegations concerning Members' OER claims be further considered in the third LegCo term.

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