

政府總部



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本函檔號 Our Ref. :  
來函檔號 Your Ref. :

13 January 2012

The Hon Emily Lau, JP  
Chairman  
Subcommittee on Members'  
Remuneration and Operating  
Expenses Reimbursement  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong



Dear

*Emily,*

**Review of the Operating Expenses Reimbursement  
for Legislative Council Members**

Thank you for your letter of 21 December 2011.

Upon receipt of the package of proposals from the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement to enhance the level of the Operating Expenses Reimbursement (OER) of Legislative Council (LegCo) Members in mid-March 2011, the Independent Commission took the first opportunity to arrange a meeting with the Subcommittee in June 2011 to better understand the rationale of the proposals. With your kind assistance, we also visited several district offices of LegCo Members in July 2011 and gained first hand knowledge of the operation of district offices of LegCo Members. Upon our request, the LegCo Secretariat has also provided updated statistics subsequently. All these fruitful exchanges have been very

helpful in facilitating the deliberations of the Independent Commission.

However, as you will appreciate, the proposed increase in the OER this time, at over 40%, is substantial. Some related arrangements are also new proposals. The Independent Commission considers it essential to conduct its own research and to collect other relevant data in addition to those provided by LegCo to enable a comprehensive consideration of the issues involved. Our ultimate aim is to come up with a reasonable and impartial recommendation to the Government, which could address the concerns of LegCo Members and that of the public at large for prudent use of public moneys. We hope to be able to complete our review and make our recommendations to the Government soon. It would then be up to the Government to consider our recommendations and to take things forward.

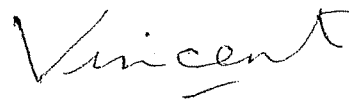
I would also like to take this opportunity to point out that in order to uphold the integrity of the system, it has been the established and well-accepted practice that the remuneration package of LegCo Members should remain the same within the entire LegCo term, apart from the annual inflation adjustment in accordance with the CPI(C). Any substantial change to the package or fundamental changes to the existing framework will only take effect from the next LegCo term onwards to avoid any real or perceived conflict of interest. There are precedents, in 2001 and 2006 respectively, where mid-term increase in the OER were made. However, they were exceptions rather than the rule, and were made having regard to the specific circumstances and considerations pertaining at the time. Of note is that on both occasions, the LegCo Subcommittee submitted their proposals shortly after the start of the respective LegCo terms. Since 2011-12 is the last legislative session of the current LegCo term, we have to satisfy ourselves that there are indeed very strong justifications and urgency for the proposed amount of increase in the OER to be dated back to October 2011.

As pointed out at our meeting with the Subcommittee in June, in line with the established practice, we have started the comprehensive review of the remuneration package of LegCo Members for the next LegCo term, so that any changes to the level of the remuneration package can be finalised in good time and made known to all concerned before the start of the new LegCo term. This information is of particular relevance to those who are contemplating to

run for the impending LegCo election, since they will then have full knowledge of the remuneration package to plan their future work if they are elected. Modelling on the timing of the last term whereby the Government sought funding approval in January 2008 for the remuneration package for the 4<sup>th</sup> LegCo term, we have earlier invited comments of the Subcommittee, if any, on the monthly remuneration for Members of the next LegCo term. We had originally hoped to have your comments on this aspect by August 2011 and were given to understand by the LegCo Secretariat that such comments would only be available some time in November 2011. However, as stated in your letter of 21 December, the Subcommittee still needs some time to review the issue. We would therefore appreciate it if your views on the monthly remuneration, if any, could reach us latest by early February 2012. Otherwise, we may not be able to take into account your comments in our overall review of the remuneration package for the next LegCo term. Furthermore, we should also point out that the review of the remuneration package can only be dealt with according to the framework already established. If the Subcommittee wishes to put forth any ideas which change the established framework, then any such changes could only be addressed during the new LegCo term and be considered separately then.

With best regards,

Yours sincerely,



( Vincent Cheng )

Chairman, Independent Commission  
on Remuneration for Members of the Executive Council  
and the Legislature, and Officials under the Political  
Appointment System of the HKSAR

c.c. All members of the Independent Commission  
Director of Administration  
All Hon Members of the Legislative Council

政府總部



GOVERNMENT SECRETARIAT

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償還款額小組委員會主席  
劉慧卿議員, JP



劉議員 :

立法會議員  
工作開支償還款額的檢討

感謝你二零一一年十二月二十一日的來信。

獨立委員會在二零一一年三月中收到立法會議員酬金及工作開支償還款額小組委員會(小組委員會)提交有關調高立法會議員工作開支償還款額水平的建議後,已盡快在二零一一年六月與小組委員會舉行會議,以期更深入了解各項建議的理據。在你的協助下,我們亦在二零一一年七月探訪了數間立法會議員的地區辦事處,並取得有關辦事處運作情況的第一手資料。立法會秘書處亦應我們的要求,在其後提供了最新的統計數據。上述各項交流對獨立委員會的審議工作助益甚大。

然而,相信你會明白,小組委員會建議將工作開支償還款額調高逾 40%,實為一個重大的增幅。某些相關安排亦屬新的建議。獨立委員會認為有必要自行進行研究,並且收集除了由立法會提供的資料外的其他有關資料,藉此全面審議涉及的事宜。我們的最終目標,是向政府提出合理而持平的建議,以回應立法會議員的訴求,以及廣大市民對審慎運用公帑的關注。我們希望盡快完成檢討,並且向政府提出建議。其後,政府將審議有關建議及負責後續的工作。

我亦想藉此機會指出,為維持制度的完整性,除了按丙類消費物價指數作出每年的通脹調整外,一個已確立及廣為接受的做法,是立法會議員的薪津安排應在整個立法會任期內維持不變。為免出現任何實質或觀感上的利益衝突,對薪津安排作出的任何重大改變,或對現行架構作出根本性的轉變,均只會由下一屆立法會任期開始後生效。雖然在二零零一年及二零零六年,曾經分別在立法會任期中段調高工作開支償還款額,但這是顧及當時的環境及相關考慮因素後作出

的個別決定，屬於特別的情況，而非常規。值得注意的是，在該兩個情況，小組委員會都是在當屆立法會任期開始後不久提出有關建議。鑑於二零一一至一二年度是今屆立法會最後一個立法會會期，如要將工作開支償還款額的擬議增幅追溯至二零一一年十月，我們必須信納這項安排確實有非常強而有力的理據和迫切性。

一如我們在六月與小組委員會舉行會議時指出，按照既定做法，我們已展開下一屆立法會任期立法會議員薪津安排的全面檢討，以期及早落實薪津安排水平的任何變動，以及在新一屆立法會任期開始前向所有相關人士公布。這項資料對於有意參與即將舉行的立法會選舉的人士尤有關係，因為他們可藉着對薪津安排的充分了解而在一旦當選後籌劃未來的工作。根據上一屆任期的時間安排，政府是在二零零八年一月就第四屆立法會任期的薪津安排尋求撥款批准。我們早前曾請小組委員會就下一屆立法會任期議員的每月酬金提出意見。我們本希望在二零一一年八月或之前收到小組委員會對這方面的意見；但我們從立法會秘書處得知需在二零一一年十一月左右才會收到意見。然而，你在十二月二十一日的來信中表示，小組委員會仍需若干時間檢討有關事宜。我們希望最遲在二零一二年二月初能收到小組委員會對議員每月酬金的意見，否則我們或許不能在下一屆立法會任期薪津安排的整體檢討中納入小組委員會的意見。再者，我們亦要指出，薪津安排的檢討工作只可在既定的架構下進行。如小組委員會欲提出任何改變既定架構的意見，則任何該等轉變只可在新一屆的立法會任期內予以處理，並分開考慮。

香港特別行政區行政會議成員、  
立法會議員及政治委任制度官員  
薪津獨立委員會主席鄭海泉

二零一二年一月十三日

副本送： 獨立委員會全體成員  
          行政署長  
          立法會全體議員