

立法會
Legislative Council

LC Paper No. CB(1)2149/08-09
(These minutes have been seen by
the Administration)

Ref : CB1/BC/2/08/2

Bills Committee on Disciplined Services Legislation
(Miscellaneous Amendments) Bill 2009

Fourth meeting on
Tuesday, 26 May 2009, at 2:30 pm
in Conference Room B of the Legislative Council Building

Members present : Hon LEE Cheuk-yan (Chairman)
Hon James TO Kun-sun
Hon TAM Yiu-chung, GBS, JP
Dr Hon PAN Pey-chyou

Members absent : Hon CHEUNG Man-kwong
Hon Audrey EU Yuet-mee, SC, JP
Hon IP Wai-ming, MH

Public officers attending : Civil Service Bureau

Ms Mimi LEE
Deputy Secretary for the Civil Service 3

Mr Aaron LIU
Principal Assistant Secretary for the Civil Service
(Conduct and Discipline)

Department of Justice

Ms Phyllis KO
Senior Assistant Law Draftsman

Ms Frances HUI
Senior Government Counsel

Clerk in attendance : Ms Rosalind MA
Chief Council Secretary (1)5

Staff in attendance : Miss Winnie LO
Assistant Legal Adviser 7

Mr Noel SUNG
Senior Council Secretary (1)4

Ms Haley CHEUNG
Legislative Assistant (1)8

Action

I Confirmation of minutes and matters arising

(LC Paper No. CB(1)1666/08-09 — Minutes of meeting on 4 May 2009)

The minutes of the meeting held on 4 May 2009 were confirmed.

II Meeting with the Administration

Follow-up to issues raised at the meeting on 4 May 2009

(LC Paper No. CB(1)1665/08-09(02) —Administration's response to the paper on effect of the Bill on the contract of employment of Civil Service Provident Fund civil servants prepared by the Assistant Legal Adviser 7

LC Paper No. CB(1)1665/08-09(01) —Administration's response to Hon James TO's proposed Committee Stage amendments

LC Paper No. CB(1)1504/08-09(01) —Committee Stage amendments proposed by Hon James TO)

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Legislative timetable

3. The Bills Committee had completed scrutiny of the Bill. Members noted the following legislative timetable:

Date of reporting to House Committee	Deadline for giving notice for resumption of Second Reading Debate	Deadline for giving notice of Committee Stage amendments	Date of resumption of Second Reading debate (Date of Council Meeting)
5 June 2009 (Friday)	8 June 2009 (Monday)	8 June 2009 (Monday)	17 June 2009 (Wednesday)

III Any other business

4. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 1
Legislative Council Secretariat
3 July 2009

**Proceedings of the
Bills Committee on Disciplined Services Legislation
(Miscellaneous Amendments) Bill 2009
Fourth meeting on Tuesday, 26 May 2009, at 2:30 pm
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action Required
000844 – 001447	Chairman Administration Mr James TO ALA7 Mr TAM Yiu-chung	<p>(a) The Chairman's introductory remarks.</p> <p>(b) Briefing by the Administration on the response to the Committee Stage amendments (CSAs) proposed by Mr James TO (LC Paper No. CB(1)1665/08-09(02)). Having considered the CSAs to provide the maximum percentage (i.e.25%) of reduction (the reduction ceiling) of the accrued benefits attributable to Government's voluntary contributions (GVC benefits), the Administration remained of the view that specifying the reduction ceiling for GVC benefits in a government circular was the best course, as it was consistent with the approach to provide the basis of the Civil Service Provident Fund (CSPF) Scheme, including all its terms and conditions, in contract. The Administration did not support the CSAs proposed by Mr James TO.</p> <p>(c) Noting the Administration's response, Mr James TO's comment that it would be for the Bills Committee to consider whether the proposed CSAs would be moved in its name.</p> <p>(d) In response to the Chairman's enquiry, ALA7's advice that she agreed in general to the observations of the Administration made on the drafting of the proposed CSAs.</p> <p>(e) Given the number of members present and the Administration's response to the proposed CSAs, Mr TAM Yiu-chung's view that it might not be desirable for the Bills Committee to make a decision on moving the proposed CSAs in its name at the meeting.</p> <p>(f) Mr James TO's view that if the Bills Committee would not move the proposed CSAs in its name, he planned to move these in his own name.</p>	

Time Marker	Speaker	Subject(s)	Action Required
		(g) Noting members' views, the Chairman concluded that the Bills Committee would not move the CSAs proposed by Mr James TO in its name.	
001448 – 002116	Chairman Administration ALA7	<p>(a) Briefing by the Administration on its responses to the paper on "Effect of the Disciplined Services Legislation (Miscellaneous Amendments) Bill 2009 on the contract of employment of CSPF civil servants" (LC Paper No. CB(1)1665/08-09(01)).</p> <p>(b) Noting the Administration's explanation on the effect of dismissal on a civil servant's claims to civil service benefits, ALA7's comment that the use of the word "vested" in the proposed section 31(2)(b) of the Police Force Ordinance (PFO) (Cap. 232) in clause 6 of the Bill was acceptable from the drafting point of view.</p> <p>(c) The Chairman's concern whether the use of the word "vested" in clause 6 of the Bill would be in breach of the provisions in the Mandatory Provident Fund Schemes Ordinance (MPFSO) (Cap. 485), as the accrued benefits attributable to the mandatory and voluntary contributions were held in the name of the employees, i.e. the civil servant concerned. His concern whether the forfeiture of GVC benefits upon summary dismissal of the police officer would involve the repayment of the benefits from the officer concerned to the Government instead.</p> <p>(d) The Administration's advice that the concept of vesting of GVC benefits before they were paid to the individual concerned was in line with those in the MPFSO and the terms and conditions of the CSPF Scheme.</p>	
002117 – 002230	Chairman Administration	Legislative timetable	