

立法會
Legislative Council

LC Paper No. CB(2)449/08-09
(These minutes have been
cleared with the Chairman)

Ref : CB2/HS/1/08

**Subcommittee on Preparatory Work for the Appointment of
the Select Committee to Inquire into Matters relating to
the Post-service Employment of Mr LEUNG Chin-man**

**Minutes of the first meeting
held on Tuesday, 4 November 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon LI Fung-ying, BBS, JP (Chairman)
Hon LEE Wing-tat (Deputy Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Hon CHAN Tanya
Hon WONG Yuk-man
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Dr Hon PAN Pey-chyou
Dr Hon Samson TAM Wai-ho, JP
- Members absent** : Hon Jeffrey LAM Kin-fung, SBS, JP
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan

Clerk in attendance : Ms Connie SZETO
Chief Council Secretary (1)6

Staff in attendance : Mrs Vivian KAM
Assistant Secretary General 2

Ms Connie FUNG
Assistant Legal Adviser 3

Ms Guy YIP
Senior Council Secretary (1)5

Miss Ivy LEONG
Council Secretary (2)3

Miss Carmen HO
Legislative Assistant (2)6

Action

I. Election of Chairman and Deputy Chairman

Election of Chairman

Ir Dr Raymond HO, the member present who had the highest precedence in the Council among the members of the Subcommittee present at the meeting, presided over the election of the Chairman of the Subcommittee. He invited nominations for the chairmanship.

2. Ms LI Fung-ying was nominated by Mrs Sophie LEUNG and the nomination was seconded by Mr Abraham SHEK and Mr IP Kwok-him. Ms LI Fung-ying accepted the nomination. Dr Samson TAM was nominated by Mrs Regina IP and the nomination was seconded by Ms LI Fung-ying. Ir Dr Raymond HO and Mr James TO enquired whether it was appropriate for Ms LI, who was a candidate for the chairmanship, to second the nomination. Assistant Secretary General 2 (ASG2) advised that the Rules of Procedure were silent in this respect, although the member concerned might wish to consider whether she should second another member's nomination after having herself accepted a nomination. Members considered that it would be for Ms LI to decide on the matter. Ms LI Fung-ying withdrew her support for the nomination of Mr TAM.

3. There being no other nominations, Ir Dr Raymond HO declared Ms LI Fung-ying the Chairman of the Subcommittee. Ms LI then took over the chair.

Action

Election of Deputy Chairman

4. The Chairman invited nominations for the deputy chairmanship. Mr LEE Wing-tat was nominated by Ms Emily LAU and the nomination was seconded by Mrs Sophie LEUNG, Dr Margaret NG and Mr IP Kwok-him. Mr LEE Wing-tat accepted the nomination. There being no other nominations, the Chairman declared Mr LEE Wing-tat the Deputy Chairman of the Subcommittee.

5. The Subcommittee deliberated (Index of proceedings attached at **Appendix**.)

II. Terms of Reference of the Select Committee

LC Paper No. CB(2)185/08-09(01) -- Paper on Proposed Terms of Reference of the Select Committee prepared by the Legislative Council Secretariat

6. The Chairman invited members' views on the proposed terms of reference (TOR) of the Select Committee set out in paragraph 3 of the paper which was to inquire into matters relating to the post-service employment of Mr LEUNG Chin-man with New World China Land Limited (NWCL). Members noted that the TOR had been drafted with reference to Mr LEE Wing-tat's proposal put forward to the House Committee at the meeting on 17 October 2008 (LC Paper No. CB(2)38/08-09(02)).

7. Mr Abraham SHEK declared that he was an independent non-executive director of NWS Holdings Limited.

8. Some members considered the proposed TOR appropriate and opined that the Select Committee should make recommendations on the policies and arrangements governing post-service work of directorate civil servants and related matters. Given that Mr LEUNG Chin-man's involvement in controversial housing or land policies during his service with the Government, such as the disposal of Private Sector Participation Scheme flats in the Hunghom Peninsula and the exercise of discretionary power in respect of land matters in the development of the Grand Promenade, had aroused public concern about possible transfer of interests between Mr LEUNG and the concerned developers, some other members were of the view that the Select Committee should inquire into these issues and the post-service work taken up by Mr LEUNG with other real estate organizations. In this connection, ASG2 advised that the areas of study and their respective scopes should be determined by the Select Committee having regard to its TOR.

Action

9. After discussion, members agreed that the following matters be included in the TOR of the Select Committee -

- (a) matters relating to Mr LEUNG Chin-man's post-service work with NWCL and other real estate organizations;
- (b) major housing or land policies which Mr LEUNG Chin-man had taken part in their formulation or implementation while serving in the civil service; and
- (c) recommendations on the policies and arrangements governing post-service work of directorate civil servants.

III. Size of the Select Committee and procedure for the nomination of Members for appointment to the Select Committee

LC Paper No. CB(2)185/08-09(02) -- Paper on Membership Size of the Select Committee and Nomination Procedure prepared by the Legislative Council Secretariat

10. Upon the invitation of the Chairman, the Clerk advised that members' views were sought on the membership size of the Select Committee and the procedure for the nomination of Members for appointment to the Select Committee as set out in paragraphs 6, 7 and 8 of the paper. She further informed members that the membership size of the Select Committee to inquire into the handling of the Severe Respiratory Syndrome outbreak by the Government and the Hospital Authority should be 11 instead of 15 as shown in paragraph 4(e) of the paper.

11. Some members suggested a membership size of 12. Some other members considered that the number of members should be odd in number, and they considered a membership size of 13 appropriate. Members agreed to put the matter to vote. Eight members voted for a membership size of 12, and six members voted for a membership size of 13. The Chairman concluded that the Subcommittee would propose to the House Committee that the number of members of the Select Committee be 12 including the Chairman and Deputy Chairman.

12. Members endorsed the procedure for the nomination of Members for appointment to the Select Committee set out in paragraphs 7 and 8 of the paper, and agreed that the motion on the appointment of the Select Committee be moved by the Chairman of the Subcommittee at a Council meeting.

Action

IV. Any other business

The way forward

13. Members agreed that the TOR of the Select Committee should be revised in the light of discussion at the meeting and circulated for members' comments. Subject to endorsement of the revised TOR by members, the Chairman would report the Subcommittee's deliberations and recommendations at the House Committee meeting on 7 November 2008. After endorsement of the Subcommittee's recommendations by the House Committee, the Chairman of the Subcommittee would move the motion to appoint the Select Committee at the Council meeting on 26 November 2008.

(Post-meeting note : The revised proposed TOR was circulated for members' comments vide LC Paper No. CB(2)214/08-09 on 5 November 2008. As three members had proposed amendments to the revised proposed TOR, a meeting was held on 7 November 2008 to further discuss the matter.)

14. There being no other business, the meeting ended at 3:35 pm.

Council Business Division 2
Legislative Council Secretariat
9 December 2008

**Proceedings of the
Subcommittee on Preparatory Work for the Appointment of
the Select Committee to Inquire into Matters relating to
the Post-service Employment of Mr LEUNG Chin-man**

**First meeting on Tuesday, 4 November 2008, at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000037 – 000437	Ir Dr Raymond HO Mrs Sophie LEUNG Mr Abraham SHEK Mr IP Kwok-him Ms LI Fung-ying Mrs Regina IP Mr James TO Assistant Legal Adviser 3 Assistant Secretary General 2 (ASG2)	Election of Chairman	
000438 – 000527	Chairman Ms Emily LAU Mrs Sophie LEUNG Dr Margaret NG Mr IP Kwok-him Mr LEE Wing-tat	Election of Deputy Chairman	
000528 – 005532	Chairman Mr LEE Wing-tat Dr Margaret NG Mr CHEUNG Man-kwong Ms Emily LAU Mrs Sophie LEUNG Mr Ronny TONG Mr James TO Mr Abraham SHEK Ms Cyd HO Mr LEUNG Kwok-hung Mr LAU Kong-wah Mr IP Kwok-him	<u>Terms of reference (TOR) of the Select Committee</u> (LC Paper No. CB(2)185/08-09(01)) (a) Mr LEE Wing-tat's view that the TOR of the Select Committee should allow inquiry into the following: (i) the processing of Mr LEUNG Chin-man's application for post-service work with New World China Land Limited (NWCL); (ii) major housing or land policies formulated or implemented by Mr LEUNG during his service in the Government which had aroused public concern including incidents of Hunghom Peninsula and Grand Promenade; and	

Time marker	Speaker	Subjects	Action required
		<p>(iii) recommendations on improving the mechanism governing post-service work of civil servants.</p> <p>(b) Dr Margaret NG's view that the Select Committee should examine the mechanism governing post-service work of senior Government officials and make recommendations on improvement to avoid conflict of interests between the post-service work taken up by the officials and their previous work in the civil service, including whether the officials should be restricted from taking up post-service work with companies that they had dealt with during their service in the Government, or post-service work the nature of which was in conflict with their previous work in the Government.</p> <p>(c) Mr CHEUNG Man-kwong's opinion that the Select Committee should inquire into:</p> <ul style="list-style-type: none">(i) the major land or housing policies which Mr LEUNG Chin-man had taken part in the formulation or implementation during his service in the Government; and(ii) matters relevant to Mr LEUNG's taking up of post-service work with real estate organizations. <p>(d) Ms Emily LAU's view that the proposed TOR of the Select Committee should include making recommendations on improving the mechanism governing post-service work of civil servants.</p> <p>(e) Mrs Sophie LEUNG's view that the Select Committee should first focus on matters relating to the taking up of post-service work by Mr LEUNG Chin-man. During the process of inquiry, the Select Committee could inquire into other related matters if considered necessary.</p>	

Time marker	Speaker	Subjects	Action required
		<p>(f) Mr Ronny TONG's comment that apart from NWCL, Mr LEUNG Chin-man might have discussed with other real estate organizations on possible post-service work, and the matter should also be inquired.</p> <p>(g) Mr James TO's view that the scope of the Select Committee's inquiry should be confined within certain bounds. Other matters of concern might arise during the inquiry. If considered justified, the Select Committee could expand its scope of inquiry.</p> <p>(h) Mr Abraham SHEK's declaration that he was an independent non-executive director of NWS Holdings Limited. While supporting the inquiry, he also stressed the importance of civil servants' right to post-service work.</p> <p>(i) Ms Cyd HO's view that flexibility should be provided in the TOR to enable the Select Committee to inquire into matters directly related to the major housing or land policies which Mr LEUNG Chin-man had taken part in their formulation or implementation, and other Government officials involved.</p> <p>(j) Mr LEUNG Kwok-hung's view that the Select Committee should also inquire into the divestment of the retail and carparking facilities by the Housing Authority to The Link Real Estate Investment Trust which was handled by Mr LEUNG Chin-man and had aroused much public concern, and the Select Committee should invite public submissions on the issues to be covered under its inquiry.</p> <p>(k) Mr LAU Kong-wah's view that the proposed TOR in the paper was appropriate. The Select Committee should make recommendations on improving the mechanism governing post-service work of civil servants, and the Select Committee should decide its areas of study.</p>	

Time marker	Speaker	Subjects	Action required
		<p>(l) Mr IP Kwok-him's view that the TOR of the Select Committee should be confined to the post-service work taken up by Mr LEUNG Chin-man with NWCL, whether such work had given rise to conflict of interests, and making of recommendations on improving the mechanism governing post-service work of civil servants.</p> <p>(m) The Chairman's conclusion that the following matters should be included in the proposed TOR of the Select Committee:</p> <ul style="list-style-type: none"> (i) matters relating to Mr LEUNG Chin-man's post-service work with NWCL and other real estate organizations; (ii) major housing or land policies which Mr LEUNG had taken part in their formulation or implementation while serving in the civil service; and (iii) recommendations on the policies and arrangements governing post-service work of directorate civil servants. 	
005533 – 010655	<p>Chairman Clerk Mr IP Kwok-him Ms Margaret NG ASG2 Ir Dr Raymond HO Dr PAN Pey-chyou Ms Cyd HO Mrs Sophie LEUNG</p>	<p><u>Size of the Select Committee and procedure for the nomination of Members for appointment to the Select Committee</u> (LC Paper No. CB(2)185/08-09(02))</p> <p>(a) The Clerk's advice that the membership size of the Select Committee to inquire into the handling of the Severe Respiratory Syndrome outbreak by the Government and the Hospital Authority should be 11 instead of 15 (paragraph 4(e) of LC Paper No. CB(2)185/08-09(02)).</p> <p>(b) Mr IP Kwok-him's suggestion that the membership size of the Select Committee should be 12.</p>	

Time marker	Speaker	Subjects	Action required
		<p>(c) Ir Dr Raymond HO's view that the size of the Select Committee should be 13.</p> <p>(d) ASG2's advice that the chairman of a select committee did not have an original vote. He/she should not vote unless the votes of other members were equally divided in which case he/she should give a casting vote, and the casting vote should not be exercised in such a way as to produce a majority vote in favour of the question put.</p> <p>(e) Dr PAN Pey-chyou's view that the chairman of the Select Committee would not be required to exercise his/her casting vote if some members abstained from voting. In such case, a tie vote might not appear. He had no preference on whether the size of the Select Committee should be an odd or an even number.</p> <p>(f) Mrs Sophie LEUNG's view that if the membership size of the Select Committee was 12, the Chairman might not be required to give a casting vote.</p> <p>(g) Dr Margaret NG's view that the membership size of the Select Committee should be an odd number and should not exceed 13. It was a convention for the chairman of a committee to exercise a casting vote so as to provide an opportunity for further discussion on the question put.</p> <p>(h) A vote was taken on the size of the Select Committee. Eight members voted in support of a membership size of 12, and six members in support of a membership size of 13.</p> <p>(i) In response to Ms Cyd HO, ASG2 advised that there was a precedent case in which two Members joined two concurrently operating select committees.</p>	

Time marker	Speaker	Subjects	Action required
010656 – 010816	Chairman Clerk ASG2	The way forward	Clerk

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