

立法會
Legislative Council

LC Paper No. CB(2)450/07-08

(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 second meeting
held on Friday, 7 November 2008, at 4:05 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)
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 Jeffrey LAM Kin-fung, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon CHAN Tanya
Hon WONG Yuk-man
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou

**Members
absent**

: Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEUNG Kwok-hung
Dr Hon Samson TAM Wai-ho, JP

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. 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

LC Paper No. CB(2)214/08-09 -- Paper on revised proposed terms of reference of the Select Committee prepared by the Legislative Council Secretariat

LC Paper No. CB(2)233/08-09(01) -- Hon Abraham SHEK's proposal on the revised proposed terms of reference of the Select Committee dated 6 November 2008

LC Paper No. CB(2)233/08-09(02) -- Hon IP Kwok-him's proposal on the revised proposed terms of reference of the Select Committee dated 6 November 2008

LC Paper No. CB(2)233/08-09(03) -- Hon Margaret NG's proposal on the revised proposed terms of reference of the Select Committee dated 6 November 2008

Action

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

2. The Chairman said that the purpose of the meeting was to further discuss the proposed terms of reference (TOR) of the Select Committee as three members, namely Mr Abraham SHEK, Mr IP Kwok-him and Dr Margaret NG had proposed amendments to the revised TOR circulated to members on 5 November 2008. At the invitation of the Chairman, the three members briefed the Subcommittee on their proposals.

3. Members supported Mr IP Kwok-him's proposal in general, which had incorporated into the scope of inquiry matters on the granting of approval for Mr LEUNG Chin-man to take up post-service work with New World China Land Limited (NWCL) and other real estate organizations, as well as whether there was any conflict of interest between the taking up of such work by Mr LEUNG and his previous work in the position of Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing in the Government. Some members were of the view that the Select Committee should inquire into the incidents regarding Hunghom Peninsula and Grand Promenade in which Mr LEUNG had been involved and which had aroused grave public concern. They considered that these matters should be reflected in the TOR of the Select Committee.

4. Assistant Legal Adviser 3 (ALA3) advised that based on available information, NWCL was not the developer of Grand Promenade nor did the developer belong to the same company group of NWCL. Moreover, Mr LEUNG Chin-man was serving as Director of Buildings when the Grand Promenade incident occurred. As such, the TOR as proposed by Mr IP Kwok-him might not cover the Grand Promenade incident.

5. Mr James TO suggested that the proposed TOR put forward by Mr IP Kwok-him could be fine-tuned to incorporate the conflict of interest issues arising from the taking up of post-service work by Mr LEUNG Chin-man and his previous work in the position of Director of Buildings in the Government so that the scope of the inquiry could cover the Grand Promenade incident. Members agreed.

II. Any other business

The way forward

6. The Chairman instructed the Secretariat to revise the proposed TOR of the Select Committee in the light of discussion at the meeting and to circulate it for members' comments. She further advised that subject to members' endorsement of the revised TOR, she would report the Subcommittee's

Action

deliberations and recommendations at the House Committee meeting on 14 November 2008. A motion on the appointment of the Select Committee would be moved at the Council meeting on 3 December 2008, and the nomination of Members to the Select Committee would be made at the House Committee meeting on 5 December 2008 if the motion was passed.

(Post-meeting note : The revised proposed TOR was circulated for members' comments vide LC Paper No. CB(2)250/08-09(01) on 11 November 2008. Mr Abraham SHEK proposed a further amendment to the TOR which was circulated for members' comments vide LC Paper No. CB(2)278/08-09(01) on 12 November 2008. As three members expressed reservation on Mr SHEK's amendment, another meeting was held on 17 November 2008 to further discuss the matter.)

7. There being no other business, the meeting ended at 4:35 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**

**Second meeting on Friday, 7 November 2008, at 4:05 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000302 - 000407	Chairman	Opening remarks	
000408 - 003008	Chairman Mr Abraham SHEK Mr IP Kwok-him Dr Margaret NG Mr LEE Wing-tat Mr Ronny TONG Mrs Regina IP Mrs Sophie LEUNG Mr James TO Ms Cyd HO Assistant Legal Adviser 3 (ALA3) Mr CHEUNG Man-kwong	<u>Terms of Reference of the Select Committee</u> (a) Mr Abraham SHEK's view that the scope of the proposed terms of reference (TOR) of the Select Committee as prepared by the Secretariat was too wide. He therefore proposed amendments as set out in his proposal. Nevertheless, after perusing the proposal put forward by Mr IP Kwok-him, he would support Mr IP's proposal. (b) Mr IP Kwok-him's advice that his proposal was made on the basis of the discussion at the meeting on 4 November 2008, which included: (i) granting of the approval for Mr LEUNG Chin-man to take up post-service work with New World China Land Limited (NWCL); (ii) the major housing and land policies which Mr LEUNG had taken part in their formulation or implementation during his service as the Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing; and (iii) recommendations on the policies and arrangements governing post-service work of civil servants and other related matters.	

Time marker	Speaker	Subjects	Action required
		<p>(c) Dr Margaret NG's view that the Select Committee should inquire into the major housing and land policies which Mr LEUNG Chin-man had handled during his service in the Government. Even though Mr LEUNG had not participated in the lease modification negotiation with the developer of the Hunghom Peninsula, the Select Committee should still inquire into the matter. She would support Mr IP Kwok-him's proposal on the TOR if it could enable the inquiry into the above matter.</p> <p>(d) Support from Mrs Regina IP and Mrs Sophie LEUNG for Mr IP Kwok-him's proposal.</p> <p>(e) Views of Mr LEE Wing-tat, Mr Ronny TONG, Ms Cyd HO, Dr Margaret NG and Mr CHEUNG Man-kwong that the Select Committee should inquire into the incidents regarding Hunghom Peninsula and Grand Promenade. They considered that the above should be clearly reflected in the scope of inquiry.</p> <p>(f) Mr Abraham SHEK's opinion that the Select Committee should focus its inquiry on Mr LEUNG Chin-man's application for post-service work with NWCL and make recommendations based on the findings. He did not support that the Select Committee should inquire into the incident of Grand Promenade, which had already been thoroughly studied by the Public Accounts Committee and the Independent Committee of Inquiry on the Sai Wan Ho Development on Inland Lot No. 8955.</p> <p>(g) ALA3's advice that Mr LEUNG Chin-man was serving as Director of Buildings when the Grand Promenade incident occurred. Furthermore, based on available information, the developer of Grand Promenade was not NWCL</p>	

Time marker	Speaker	Subjects	Action required
		<p>nor did the developer belong to the same company group of NWCL. Her reservation that the TOR as proposed by Mr IP Kwok-him might not cover the Grand Promenade incident.</p> <p>(h) Mr James TO's suggestion to incorporate conflict of interest issues arising from the taking up of post-service work by Mr LEUNG Chin-man and his previous work in the position of Director of Buildings in Mr IP Kwok-him's proposal. Members agreed.</p>	
003009 - 003108	Chairman Ms Emily LAU	The way forward	Clerk