

立法會
Legislative Council

LC Paper No. CB(2)451/07-08

(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 third meeting
held on Monday, 17 November 2008, at 9:30 am
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 Abraham SHEK Lai-him, SBS, JP
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon LEUNG Kwok-hung
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 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** : Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon Emily LAU Wai-hing, JP
Hon WONG Yuk-man

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)250/08-09(01) -- Paper on revised proposed terms of reference of the Select Committee prepared by the Legislative Council Secretariat

LC Paper No. CB(2)278/08-09(01) -- Hon Abraham SHEK's proposal on the revised proposed terms of reference of the Select Committee dated 12 November 2008

LC Paper No. CB(2)304/08-09(01) -- Hon James TO's proposal on the revised proposed terms of reference of the Select Committee dated 17 November 2008
(tabled at the meeting and subsequently issued on 17 November 2008)

LC Paper No. CB(2)304/08-09(02) -- Hon Margaret NG's proposal on the revised proposed terms of reference of the Select Committee dated 17 November 2008
(tabled at the meeting and subsequently issued on 17 November 2008)

Action

LC Paper No. CB(2)304/08-09(03) -- Hon Abraham SHEK, Hon James TO and Hon IP Kwok-him's joint proposal on the revised proposed terms of reference of the Select Committee dated 17 November 2008
(tabled at the meeting and subsequently issued on 17 November 2008)

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

2. The Chairman said that the Secretariat had revised the proposed TOR of the Select Committee in the light of discussion at the Subcommittee meeting held on 7 November 2008 and had circulated it for members' comments vide LC Paper No. CB(2)250/08-09(01) on 11 November 2008 (the revised TOR). Mr Abraham SHEK had subsequently proposed a further amendment which was circulated for members' comments vide LC Paper No. CB(2)278/08-09(01) on 12 November 2008. Three members, namely Mr LEE Wing-tat, Ms Cyd HO and Mr James TO, had expressed reservation on Mr SHEK's proposed amendment. While Mr LEE and Ms HO had subsequently advised that they would support Mr SHEK's proposal, Mr James TO had expressed other views on Mr SHEK's proposal.

3. Mr Abraham SHEK considered that the phrase "as well as related matters" in the first part of the revised TOR should be deleted as it was redundant and did not provide clarity to the TOR.

4. Mr James TO was of the view that the TOR should spell out explicitly that the Select Committee could inquire into the approval of Mr LEUNG Chin-man's application(s) for post-service work and matters related to such approval.

(Post-meeting note: Mr James TO's proposal was tabled at the meeting and issued vide LC Paper No. CB(2)304/08-09(01) on 17 November 2008).

5. Dr Margaret NG considered that the focus of the Select Committee's inquiry should be on the employment of Mr LEUNG by New World China Land Limited or other real estate companies and related matters, as well as whether such employment and Mr LEUNG's duties and performance as Director of Buildings, Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing might have given rise to any potential or actual conflict of interest. She then proposed amendments to the first and second parts of the revised TOR to reflect her views, and other textual amendments to the Chinese and English versions of the TOR.

Action

(Post-meeting note: Dr Margaret NG's proposal was tabled at the meeting and issued vide LC Paper No. CB(2)304/08-09(02) on 17 November 2008).

6. Members deliberated on the proposals, and generally agreed that the Select Committee should inquire into matters relating to Mr LEUNG Chin-man's taking up of post-service work with real estate organizations in order to address public concern about whether there was any actual or potential conflict of interest between the post-service work and Mr LEUNG's previous work in the civil service.

7. The Chairman advised that a vote would be taken on the proposals put forward by Mr Abraham SHEK, Mr James TO and Dr Margaret NG. Members agreed that the meeting be suspended for 10 minutes to enable members to discuss the proposals.

(The meeting was suspended at 10:15 am and resumed at 10:25 am.)

8. After resumption of the meeting, Mr Abraham SHEK, Mr James TO and Mr IP Kwok-him made a joint proposal (in Chinese only) (the joint proposal) on the proposed TOR. The Chairman advised that the Subcommittee should take a vote on the proposal from Dr Margaret NG and the joint proposal.

(Post-meeting note: The joint proposal from Mr Abraham SHEK, Mr James TO and Mr IP Kwok-him was tabled at the meeting and issued vide LC Paper No. CB(2)304/08-09(03) on 17 November 2008).

9. A vote was taken on the Chinese versions of the two proposals. The Chairman advised that each member should only vote once. Two members voted in favour of Dr Margaret NG's proposal and 14 members voted in favour of the joint proposal.

II. Any other business

The way forward

10. The Chairman said that the Subcommittee would report its deliberations and recommendations at the House Committee meeting on 21 November 2008. A motion on the appointment of the Select Committee would be moved at the Council meeting on 10 December 2008. Subject to the passage of the motion, nomination of Members to the Select Committee would be made at the House Committee meeting on 12 December 2008.

Action

11. There being no other business, the meeting ended at 10:30 am.

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**

**Third meeting on Monday, 17 November 2008, at 9:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000136 - 000339	Chairman	Opening remarks	
000340 - 004439	Chairman Mr Abraham SHEK Mr James TO Mr Ronny TONG Mr IP Kwok-him Assistant Legal Adviser 3 (ALA3) Mr LAU Kong-wah Dr Margaret NG Mr Jeffrey LAM Mr LEE Wing-tat Mr IP Wai-ming Dr PAN Pey-chyou Mr LEUNG Kwok-hung	<p><u>Terms of Reference of the Select Committee</u></p> <p>(a) Mr Abraham SHEK's proposal to delete the phrase "as well as related matters" (the phrase) from the first part of the revised terms of reference (TOR) of the Select Committee (LC Paper No. CB(2)250/08-09(01)).</p> <p>(b) Support from Mr IP Kwok-him and Dr PAN Pey-chyou for Mr SHEK's proposal (LC Paper No. CB(2)278/08-09(01)).</p> <p>(c) Mr James TO's view that the TOR should spell out explicitly that the Select Committee could inquire into Mr LEUNG Chin-man's application(s) for post-service work and matters related to such approval (LC Paper No. CB(2)304/08-09(01)).</p> <p>(d) ALA3's advice that the phrase was added to highlight that the matters to be inquired by the Select Committee would cover matters relating to the granting of approval for Mr LEUNG Chin-man to take up post-service work with New World China Land Limited (NWCL) (the application). It was open to the Select Committee to inquire into matters ancillary or incidental to such approval even if the phrase was not included in the TOR.</p>	

Time marker	Speaker	Subjects	Action required
		<p>(e) Mr LAU Kong-wah's view that the phrase should be included only when necessary. Mr Jeffrey LAM echoed the view.</p> <p>(f) Dr Margaret NG's view that even if the application itself did not constitute actual conflict of interest, the Select Committee should examine matters relating to the granting of approval of the application which had given rise to public suspicion about potential conflict of interest.</p> <p>(g) Mr IP Wai-ming's view that the Select Committee should inquire into whether there was actual or potential conflict of interest for senior Government officials to take up employment in private companies after retirement.</p> <p>(h) Mr LEE Wing-tat's view that the Select Committee should inquire into "related matters" including whether the processing of the application had strictly adhered to the policies and arrangements governing post-service work of civil servants.</p> <p>(i) Mr Ronny TONG's views that there was public suspicion about senior Government officials providing "benefits" to private companies when formulating public policies and making decisions pursuant to the policies during their service in the Government. The Select Committee should therefore inquire into all matters relating to Mr LEUNG Chin-man's taking up of post-service work with NWCL and other real estate organizations. He considered the proposed TOR as set out in LC Paper No. CB(2)250/08-09(01) appropriate.</p> <p>(j) Mr LEUNG Kwok-hung's view that the Select Committee should inquire into all matters relating to Mr LEUNG Chin-man's taking up of post-service work with NWCL including matters relating</p>	

Time marker	Speaker	Subjects	Action required
		<p>to the divestment of the retail and carparking facilities by the Housing Authority which Mr LEUNG had been involved when he was the Permanent Secretary for Housing, Planning and Lands (Housing).</p> <p>(k) Dr Margaret NG's proposal to amend the Chinese and English versions of the TOR (LC Paper No. CB(2)304/08-09(02)).</p> <p>(l) The Chairman's decision that a vote be taken on the proposals on the proposed TOR.</p>	
004440 - 005924	Chairman Mr Abraham SHEK Dr Margaret NG	<p>(a) Suspension of the meeting for 10 minutes for members to discuss the proposals.</p> <p>(b) Mr Abraham SHEK, Mr James TO and Mr IP Kwok-him put forward a joint proposal on the TOR of the Select Committee (in Chinese version only) (the joint proposal) (LC Paper No. CB(2)304/08-09(03)).</p> <p>(c) A vote was taken on the Chinese versions of Dr Margaret NG's proposal and the joint proposal. Two members voted for Dr NG's proposal and 14 members voted for the joint proposal.</p>	
005925 - 010012	Chairman Dr Margaret NG	The way forward	