

立法會
Legislative Council

LC Paper No. AS 230/11-12

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**Subcommittee on Members' Remuneration
and Operating Expenses Reimbursement**

**Minutes of meeting
held on Tuesday, 7 February 2012 at 8:30 am
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Emily LAU Wai-hing, JP (Chairman)
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon IP Kwok-him, GBS, JP

Members absent : Hon Ronny TONG Ka-wah, SC
Hon Mrs Regina IP LAU Suk-yea, GBS, JP

Clerk in attendance : Mr Andy LAU
Principal Council Secretary (Administration)

Staff in attendance : Ms Pauline NG
Secretary General (SG)

Mr Joseph KWONG
Accountant

Mr Michael YU
Head (Research)

Ms Debbie YAU
Chief Council Secretary (Administration)

I. Draft Report of the Subcommittee on Members' Remuneration to the Independent Commission

LC Paper Nos. AS 103/11-12 and 104/11-12

LC Paper Nos. IN 05/11-12, 06/11-12, 07/11-12 and 08/11-12

Introduction

At the invitation of the Chairman, SG highlighted the salient points of the Draft Report of the Subcommittee on Members' Remuneration to the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the Hong Kong Special Administrative Region ("the Independent Commission") ("Draft Report") (LC Paper No AS103/11-12), which had summarized the findings of the surveys collated by the Secretariat and set out the principles and mechanisms for determination of the remuneration of a Member of Parliament in other overseas legislatures as well as the latest views expressed by Members on the initial proposal put forward by the Subcommittee.

2. In conducting the consultation with Members, SG said that she had conducted a series of discussions with Members from different political parties and affiliations, and also a briefing session for all Members and their Personal Assistants. Apart from explaining the content of the research findings and survey results as contained in LC Paper No. AS 91/11-12 and the initial views of the Subcommittee, she had also obtained Members' views and suggestions on the subject, having regard to the long term growth and development of the Legislature. A total of 41 Members (including those represented by other Members and/or their Personal Assistants) took part in the discussions and the briefing session.

3. The Chairman invited members to give views on the Draft Report as any submission had to be endorsed by the Subcommittee and House Committee before it was sent to the Independent Commission.

Discussion

4. Mr CHEUNG Man-kwong expressed regret that some criticisms on the Subcommittee's proposals had been directed to the

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Secretariat which was just responsible for consolidating Members' views on the remuneration package for the Subcommittee's consideration and decision. Members of the Subcommittee should be accountable for and be prepared to explain its own proposals to the media and the public. Indeed, the public should be informed that the Subcommittee was merely providing its views on the matter to the Independent Commission. It was up to the Independent Commission to consider the views of the Subcommittee and put forward its recommendations to the Administration for consideration. The Chairman agreed that the Secretariat was only responsible for conducting survey to collect relevant data for the Subcommittee's consideration. Any criticism towards the Subcommittee's proposals should not be directed to the Secretariat. She explained that after the Chief Executive-in-Council had made any decision, the funding proposal would have to be approved by the Finance Committee.

5. Mr CHEUNG Man-kwong highlighted that it was necessary to raise the transparency and accountability of Members' work and put in place a more objective mechanism for determining Members' remuneration which should provide a reasonable living standard to attract quality people to serve as LegCo Members. This would obviate the need for repeated discussion and argument on the level of adjustment once every four years. As one of the functions of LegCo in the Basic Law was to monitor the work of the Government, he considered that Members' remuneration should be comparable to that of a Director of Bureau ("DoB"). Members belonging to the Democratic Party supported that the remuneration for full-time Members should be about 40% to 50% of the present salary of a Director of Bureau while a lower percentage of 30% might be appropriate for non full-time Members. He agreed that Members should be allowed to draw a different percentage of monthly remuneration depending on their own circumstances. Members belonging to the Democratic Party also considered that it would be difficult to require Members to declare their outside income and interests in details as they might not be work-related.

6. Prof Patrick LAU said that the public had raised query about the work and remuneration of some Members as they did not fully understand the functions of Legislature as enshrined in the Basic Law. He suggested that enhanced public education was required on the constitutional role of LegCo to monitor the work of the Government. Members belonging to the Professional Forum agreed that each Member had their own contribution, despite the time spent

by individual Members on LegCo work which could vary from one to another. Citing that the Independent Commission had only recommended a 20% increase in Members' Office Operation Expenses Reimbursement vis-à-vis a 40% increase as proposed by the Subcommittee, he expressed disappointment that the Independent Commission had not attached great importance and given due recognition to Members' work.

7. Mr Abraham SHEK said that the remuneration offered to LegCo Members should be attractive enough to encourage a broad spectrum of quality individuals from different sectors of the community to come forward to serve the public in the capacity of LegCo Members which was essential to the political development in Hong Kong. Pointing out that Hong Kong was a free and pluralistic society, Mr SHEK said that Members should also be allowed to express views in their own ways. Members had contributions in their everyday work but public discussion mainly focused on scenes reported by the media which should not be the sole representation of Members' work. Indeed, the work of Members was closely monitored by the public and those under-performed would not be re-elected.

8. Mr WONG Ting-kwong expressed his appreciation of the work of the Secretariat. He considered that there should be no differentiation between full-time and non full-time Members as all Members should commit themselves fully to LegCo work, and they should receive the same remuneration rate. Referring to the original practice to set Members' monthly remuneration at the top 1.5% of salary earners in Hong Kong back in 1994, he pointed out that such system of determining Members' remuneration was arbitrary and inappropriate as it had not considered Members' role and responsibilities in a changing political environment. He considered it reasonable and objective to peg Members' salary to that of a DoB as proposed in the Draft Report which was based on Members' actual needs revealed in the Secretariat's survey and the present local political situation. He said that he had to give up his outside commitments for his LegCo work but some Members might not be able to do so given their own specific circumstances.

9. Mr LEE Cheuk-yan stressed that given the constitutional role of LegCo to monitor the work of the Government and in order to attract quality people to serve as LegCo Members, it was appropriate to peg Members' remuneration to 50% of that a DoB although the

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current salary level of a DoB in monetary term was too high. He supported that LegCo work required full commitment and the time taken for the preparation of various complicated issues, such as discussion on bills and speaking in motion debates, was substantial and comparable to a full-time job.

10. SG said that the Independent Commission requested the Subcommittee to provide views on the remuneration of the Fifth LegCo by mid-February 2012 and the Draft Report had been circulated to all Members. She summarized members' views expressed at the meeting as follows:

- a) a mechanism should be established to determine and adjust Members' remuneration;
- b) it was agreed that LegCo work required full commitment, irrespective that it was a job or public service. The time spent on LegCo work was comparable to a full-time job;
- c) Members returned from geographical or functional constituencies should receive the same level of remuneration. There was a view that Members could opt to receive a percentage of the remuneration depending on the time they spent on LegCo work on a voluntary basis; and
- d) public education should be stepped up to increase the transparency about Members' LegCo work.

11. The Chairman sought members' view on the suggestion that Members could opt on a voluntary basis to receive a percentage of remuneration depending on the time they spent on LegCo work. Mr WONG Ting-kwong expressed disagreement with the suggestion as this would be disrespectful of Members' work if they were required to assess their own work.

12. In response to SG's enquiry, Mr Abraham SHEK agreed that the Draft Report should state that Members' remuneration should be pegged to that of a DoB but it was not necessary to specify the percentage figures which should be determined by the Independent Commission to ensure that it was commensurate with the responsibilities, role and workload of a Member. This view was shared by Prof Patrick LAU and Mr WONG Ting-kwong. Prof LAU

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said that the important role of a Member in the local political environment to monitor the work of the Government should be recognized. As Members had different ways to discharge their duties, it would be difficult to quantify Members' work. Mr WONG opined that if the Independent Commission agreed to peg Members' remuneration against the salary of a DoB instead of setting the remuneration as a percentage at the top salary earners, the change would already be drastic. Prof LAU and Mr WONG believed that the level of pegging should allow Members a reasonable standard of living and the Independent Commission would have to justify if the pegged level was too low. Both Mr WONG and Mr SHEK considered that it might be more appropriate to state that Members' remuneration should be "comparable to"(比對標準) instead of "pegging against" (掛鈎) DoBs' salary as the former implied equal footing for both Members and DoBs while the latter had indicated primary and secondary roles.

13. Mr LEE Cheuk-yan and Mr CHEUNG Man-kwong considered it necessary to set out the suggested pegging level. Mr LEE agreed that the appropriate level at the present stage was 40% to 50% as Members had great responsibilities and the jobs were highly complicated. Mr CHEUNG agreed that 40% to 50%, which was the mainstream views expressed in the survey, was acceptable. As an initial stage, a 40% could be used and subsequently increased to 50% level.

14. Responding to Mr LEE Cheuk-yan's enquiry, SG said that the Subcommittee had made similar recommendations in the report in the Third LegCo that the monthly remuneration for LegCo Members should be pegged to a certain percentage of the salary range of a directorate officer in the civil service. Alternatively, an independent remuneration scale might be set for LegCo Members. In its report provided to the Third LegCo, the Independent Commission recognized the increasing volume and complexity of LegCo work and the heavier responsibilities and time commitments but it had not responded to the view of the Subcommittee on providing a pegging mechanism. To address the Independent Commission's claim that there were no objective statistics to back up the Subcommittee's view, the Secretariat had carried out a comprehensive survey on Members' work and needs.

15. The Chairman said that the Secretariat should summarize views of Members consulted and expressed at the meeting in a new

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section of the Draft Report. The new section should be circulated to all Members for comments. She wished to obtain the consensus on the Draft Report before it was submitted to the House Committee for discussion and endorsement. She also suggested that as the media was interested about the Subcommittee's submission on Members' remuneration for the Fifth LegCo, a press conference should be held after the House Committee endorsed the submission. Mr CHEUNG Man-kwong suggested that at least one Member from each political party/group should attend the press conference.

16. The Subcommittee asked the Secretariat to revise the report, taking into account comments made by members at the meeting, and then consult Members further. Should there be a consensus view, the finalized recommendations should be put forward to the House Committee for consideration at its meeting to be held on 10 February 2012. In case a consensus view could not be reached, the Subcommittee would defer its submission to the Independent Commission pending further deliberations by the Subcommittee.

(Post-meeting note: As a consensus view could not be reached among Members, the Chairman had recommended to withhold submitting its proposal to the Independent Commission. Accordingly, the Subcommittee did not make a report to the House Committee on 10 February 2012. A further meeting was held on 14 February 2012 to discuss the way forward.)

II. Any other business

17. There being no other business, the meeting ended at 10:00 am.