
立法會秘書處

Legislative Council Secretariat

新聞稿 Press Release

Legislative Council Secretariat responds to a media report

A spokesman for the Legislative Council Secretariat clarifies today (January 29) some apparent misunderstanding reported by the press that the President was involved in the examination of the range of issues that the witness is requested to include in the written statement for appearing before the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products ("the Subcommittee").

The Subcommittee has been authorized by the Legislative Council to exercise the power of summons under Section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) for its study of the Lehman Brothers-related Minibonds. The Subcommittee decided at its meeting last Wednesday (January 21) that the Secretary for Financial Services and the Treasury (SFST) and the Under Secretary should be summonsed to attend open hearings of the Subcommittee on 20 February 2009 and 24 February 2009 respectively.

Under section 10 of Cap. 382, any person to be lawfully ordered to attend before a committee should be notified by a summons issued under the hand of the Clerk by direction of the President. In every summons, it should also be stated, in addition to the time and place of the meeting, the particular documents (if any) he is required to produce. It has been the established practice that the witness is requested to submit

a written statement for the hearing, and that in order to facilitate the preparation of a written statement, the witness is usually advised in writing of the range of issues to be included in the written statement. Such range of issues is determined by the committee and not by the President.

In the case of the Subcommittee, upon the President's direction, a summons was issued under the signature of the Clerk to the Legislative Council and served on SFST on 23 January 2009.

On delivery of the summons, SFST was also advised in writing by the Secretariat of the arrangements for the open hearing, including the range of issues to be included in the written statement for the hearing.

The spokesman also explains that under sections 2 and 9 (2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), in addition to standing committees of the Council, any other committee (which includes a subcommittee) may also exercise the powers under section 9 (1) of Cap. 382 to order the attendance of witnesses to give evidence, if it is so authorized by resolution of the Council. The Subcommittee was authorised by resolution of the Council on 12 November 2008 to exercise the powers under section 9 (1) of Cap. 382 for the purpose of performing its functions.

"While subcommittees are not specifically mentioned in the current Rule 80 (Attendance of Witness) of the Rules of Procedure, it does not affect the Council's power to authorize a subcommittee to exercise the powers under Cap. 382. The proposed amendment to include subcommittees in Rule 80, as agreed to by the House Committee, is only a technical amendment to reflect such powers as provided under section 9 of Cap. 382," the spokesman says.

Ends/Thursday, January 29, 2009

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