

立法會
Legislative Council

LC Paper No. CB(2)684/08-09

(These minutes have been
cleared with the Chairman)

Ref : CB2/SC/08

**Select Committee to Inquire into Matters relating to
the Post-service Work of Mr LEUNG Chin-man**

**Minutes of the first meeting
held on Thursday, 18 December 2008, at 10:45 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 Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LAU Kong-wah, JP
Hon LEUNG Kwok-hung
Hon Ronny TONG Ka-wah, SC
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Dr Hon PAN Pey-chyou
Dr Hon Samson TAM Wai-ho, JP
- Member absent** : Dr Hon Philip WONG Yu-hong, GBS
- Clerk in attendance** : Ms Connie SZETO
Chief Council Secretary (2)7
- Staff in attendance** : Mrs Vivian KAM
Assistant Secretary General 2

Ms Connie FUNG
Assistant Legal Adviser 3

Mr YICK Wing-kin
Assistant Legal Adviser 8

Ms Guy YIP
Senior Council Secretary (2)9

Miss Ivy LEONG
Council Secretary (2)4

Miss Carmen HO
Legislative Assistant (2)7

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

I. Proposed practice and procedure for the Select Committee

LC Paper No. CB(2)501/08-09(01) -- Paper on proposed practice and procedure prepared by the Legislative Council Secretariat

2. Members endorsed the proposed practice and procedure for the Select Committee.

3. Members agreed that all witnesses attending before the Select Committee to give evidence should be summoned in accordance with the relevant provisions of the Legislative Council (Power and Privileges) Ordinance (Cap. 382) and be examined on oath.

4. Members further agreed that the Select Committee should hold closed meetings to deliberate on procedural matters, progress of its work, the logistical arrangements for hearings, the evidence obtained, the draft report of the Select Committee and any other matters relevant to the Select Committee's work. Members including the Chairman and the Deputy Chairman should not disclose any information about the internal deliberations held or documents considered at these meetings, and the Chairman or the Deputy Chairman should be the only persons authorized to handle media enquires relating to these meetings.

5. To facilitate members in perusing documents produced to or compiled by the Select Committee, members agreed that Room 003B on the ground floor of the Legislative Council (LegCo) Building should be designated for keeping a complete set of the Select Committee's documents.

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(*Post-meeting note:* Detailed arrangements for the use of Room 003B were circulated to members vide LC Paper No. CB(2)531/08-09 on 19 December 2008.)

II. Proposed major areas of study

LC Paper No. CB(2)501/08-09(02) -- Paper on proposed major areas of study prepared by the Legislative Council Secretariat

Major areas of study

6. Mr LAU Kong-wah pointed out that the Select Committee would inquire into the Hunghom Peninsula incident as Mr LEUNG Chin-man had taken up post-service work with a subsidiary company of the developer of the Hunghom Peninsula, and a connection could be established between the two. However, as the Grand Promenade involved another developer, the need for inquiring into the Grand Promenade incident was unclear. He added that issues, including conflict of interest issues, relating to the development of the Grand Promenade had been studied thoroughly by the Public Accounts Committee (PAC), and the Select Committee could make reference to the relevant PAC report and papers.

7. Mr LEE Wing-tat said that the terms of reference of the Select Committee included, inter alia, major housing or land policies which Mr LEUNG Chin-man had taken part in their formulation or execution and decisions which he had made pursuant to such policies while serving as Director of Buildings, and as Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, and the connection between such policy formulations and decisions with his post-service work in order to ascertain whether there had been any potential or actual conflict of interest. As there might be post-service work which Mr LEUNG had engaged in and such work might be related to the developer of the Grand Promenade, Mr LEE considered that this incident should also be covered in the inquiry. Although PAC had studied the Grand Promenade incident, he understood that it was mainly from the angles of value-for-money and exercise of discretion. Mr LEE affirmed that the Select Committee should not inquire into whether or not a policy decision had been made rightly or wrongly.

8. Mr Ronny TONG said that there was grave public concern about the possibility of senior officials giving favouritism to private consortia during their service with the Government in exchange for well-remunerated employment after leaving the civil service. Therefore, it was incumbent for the Select Committee to inquire into all matters relating to the post-service work of Mr LEUNG Chin-man, including the Grand Promenade incident, although there could be differences in the depth of inquiry depending on the circumstances.

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9. Mr LAU Kong-wah concurred with Mr LEE that the Select Committee should focus on conflict of interest issues. The Select Committee should not study the appropriateness of major policy decisions, nor the issues from the value-for-money angle which was within PAC's portfolio. He also agreed with Mr TONG that different circumstances called for different degrees of inquiry.

10. Dr Margaret NG said that in fairness to all parties concerned and to dispel speculations, the areas of study should be broad enough to enable the Select Committee to come to a view, after the taking of evidence from witnesses, on whether senior Government officials should be allowed to take up post-service employment the nature of which was closely related to the policy portfolios handled by the officials shortly before they left the civil service. If not, the areas of study might have to be revised in the course of the inquiry.

11. Ms Cyd HO was of the view that the Select Committee should not confine its scope of inquiry, particularly at its initial stage of work. Mrs Sophie LEUNG and Dr PAN Pey-chyou remarked that the Select Committee should ensure fairness to persons whose interests or reputation might be affected by the proceedings of the Select Committee. The Select Committee should be very cautious in its work in order to uphold its integrity.

12. Members endorsed the proposed major areas of study of the Select Committee.

Information to be obtained from and liaison with the Administration

13. To facilitate the Select Committee in identifying possible witnesses and deciding on their order for appearing before the Select Committee as well as the main areas of evidence to be obtained from the witnesses, members endorsed the list of "Information to be obtained from the Administration" ("the list") prepared by the Secretariat and tabled at the meeting. They also agreed that in addition to the list, the Secretariat could obtain other information from the Administration as and when required during the course of inquiry of the Select Committee. The Chairman said that in order to avoid speculations about the witnesses to be summoned by the Select Committee, the list was restricted to members of the Select Committee and should not be disclosed to other persons. Members who had suggestions for other information to be obtained from the Administration should inform the LegCo Secretariat before 24 December 2008.

(Post-meeting note: The list of information to be obtained from the Administration was circulated to members vide LC Paper No. CB(2)532/08-09 on 19 December 2008.)

14. To facilitate the work of the Select Committee, Members agreed to request the Civil Service Bureau to coordinate the responses from the Administration.

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Invitation of public views

15. Members agreed that a general notice inviting submissions on the major areas of study of the Select Committee should be posted on the LegCo website.

16. Members noted that in general, all submissions received by the Secretariat would be circulated to all members of the Select Committee for consideration. The handling of anonymous submissions or those containing defamatory information would be considered on a case-by-case basis.

(Post-meeting note : The general notice was posted on the LegCo website on 22 December 2008.)

III. Proposed work plan

LC Paper No. CB(2)501/08-09(03) -- Paper on proposed work plan prepared by the Legislative Council Secretariat

Work plan and schedule of meetings

17. Members endorsed the proposed work plan and the tentative schedule of meetings from January to July 2009. The Select Committee would hold two meetings or hearings per week. If the meeting was a hearing, the meeting time would include a pre-hearing and post-hearing internal meeting, each lasting for about 30 minutes. The Chairman invited members to mark the dates in their diaries and said that formal notices and agendas of meetings would be issued once when the dates were confirmed. Members agreed that the schedule of meetings would be reviewed in the light of progress of work of the Select Committee.

18. Members noted that upon the request of the Chairman and the Deputy Chairman, the Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products ("the Subcommittee") had been requested to explore the possibility of swapping some of the Subcommittee's meeting slots on Friday mornings with those of the Select Committee on Saturday mornings. Members would be informed of the result in due course.

Provision of verbatim transcripts

19. Mr Ronny TONG opined that the verbatim transcript of a hearing should be made available for members' reference at the following hearing to facilitate the taking of evidence from witnesses. Given that both the Select Committee and the Subcommittee would require the production of verbatim transcripts for

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their hearings, he expressed concern about the timely provision of verbatim transcripts by the Secretariat to members of the two committees, and suggested exploring the feasibility of outsourcing the transcription service.

20. The Assistant Secretary General 2 assured members that the Secretariat would endeavour to provide verbatim transcripts for hearings in a timely manner. The suggestion of outsourcing the transcription service would be considered if necessary. In this connection, Mrs Sophie LEUNG said that members might consider taking their own notes during hearings to facilitate following up on the matters at subsequent hearings.

IV. Proposed indexing system for Select Committee papers

LC Paper No. CB(2)501/08-09(04) -- Paper on proposed indexing system for Select Committee papers prepared by the Legislative Council Secretariat

21. Members endorsed the proposed indexing system for papers of the Select Committee.

V. Any other business

Next meeting

22. Members noted that the Civil Service Bureau would be requested to provide information requested in the list to the Secretariat by early January 2009. The next meeting of the Select Committee was tentatively scheduled for Thursday, 8 January 2009, at 2:30 pm. Members agreed that the meeting would be a closed meeting to discuss the information provided by the Administration, possible witnesses to be summoned and the main areas of evidence to be obtained.

(Post-meeting note: The notice of the second meeting of the Select Committee was issued to members vide LC Paper No. CB(2)581/08-09 on 5 January 2009.)

23. There being no other business, the meeting ended at 11:35 am.

**Proceedings of the
Select Committee to Inquire into Matters relating to
the Post-service Work of Mr LEUNG Chin-man**

**First meeting on Thursday, 18 December 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000203 – 001202	The Chairman Clerk	<p><u>Proposed practice and procedure for the Select Committee</u> (LC Paper No. CB(2)501/08-09(01))</p> <p>(a) Brief introduction by the Clerk</p> <p>(b) The Select Committee's decision that-</p> <p style="padding-left: 40px;">(i) all witnesses should be summoned to attend before the Select Committee to give evidence and be required to take oath before testifying;</p> <p style="padding-left: 40px;">(ii) the Select Committee could hold closed meetings and the Chairman or the Deputy Chairman should be the only persons authorized to handle media enquires relating to these meetings; and</p> <p style="padding-left: 40px;">(iii) Room 003B on the ground floor of the Legislative Council Building, where a complete set of documents produced to or compiled by the Select Committee would be kept, should be designated for use by members of the Select Committee to facilitate members in perusing the documents.</p>	
001203 – 003516	The Chairman Clerk Mr LAU Kong-wah Mr LEE Wing-tat Mr Ronny TONG Dr Margaret NG Ms Cyd HO Mrs Sophie LEUNG Dr PAN Pey-chyou	<p><u>Proposed major areas of study of the Select Committee</u> (LC Paper No. CB(2)501/08-09(02))</p> <p>(a) Brief introduction by the Clerk</p> <p>(b) Discussion on the proposed major areas of study</p> <p>(c) The Select Committee's decision that -</p>	

Time marker	Speaker	Subjects	Action required
		<p>(i) the Administration should be requested to provide the information set out in the list tabled at the meeting, and the Secretariat could obtain further information from the Administration as and when required during the course of inquiry of the Select Committee;</p> <p>(ii) the Civil Service Bureau should be requested to co-ordinate the responses from the Administration in order to facilitate the work of the Select Committee; and</p> <p>(iii) a general notice should be posted on the website of the Legislative Council to invite submissions from the public on the major areas of study of the Select Committee.</p> <p>(d) Discussion on the handling of submissions</p>	
003517 – 004746	<p>The Chairman Clerk Mr Ronny TONG Assistant Secretary General 2 Ms Cyd HO Mrs Sophie LEUNG</p>	<p><u>Proposed work plan</u> (LC Paper No. CB(2)501/08-09(03))</p> <p>(a) Brief introduction by the Clerk</p> <p>(b) Discussion on the proposed work plan and provision of verbatim transcripts</p>	
004747 – 004924	<p>The Chairman Clerk</p>	<p><u>Proposed indexing system for Select Committee papers</u> (LC Paper No. CB(2)501/08-09(04))</p> <p>Brief introduction by the Clerk</p>	
004925– 005103	<p>Chairman Clerk Mr LAU Kong-wah</p>	<p>Next meeting</p>	