

立法會
Legislative Council

LC Paper No. CB(2)501/08-09(02)

Ref : CB2/SC/08

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

**Proposed Major Areas of Study
(as at 16 December 2008)**

Purpose

This paper invites members to consider the proposed major areas of study of the Select Committee to Inquire into Matters relating to the Post-service Work of Mr LEUNG Chin-man ("the Select Committee").

Major Areas of Study of the Select Committee

2. The following major areas of study have been drawn up based on the Terms of Reference of the Select Committee in the **Appendix**, and with reference to the report 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 submitted to the House Committee at its meeting on 21 November 2008. The areas of study may be refined where necessary in the light of work progress of the Select Committee. The sequence of the study may not follow the order of the proposed areas listed below.

I. Post-service work of Mr LEUNG Chin-man with real estate organizations

- (a) An overview of existing policies and arrangements governing the post-service work of directorate civil servants, including -
 - (i) the history of development of the control regime governing post-service work of directorate civil servants in recent years ;
 - (ii) the parties and procedures involved in the vetting and approval of applications for post-service work; and

- (iii) where approval of an application for post-service work is granted subject to conditions, the monitoring of compliance of such conditions.
- (b) The vetting and approval of Mr LEUNG's application for taking up post-service work with New World China Land Limited ("NWCL") ("the application"), a subsidiary of New World Development Company Limited ("NWD"), including but not limited to -
 - (i) circumstances surrounding the employment offered by NWCL to Mr LEUNG;
 - (ii) the vetting and approval of the application (e.g. the processing procedures, consultation with parties concerned and their comments, information provided to the Advisory Committee on Post-service Employment of Civil Servants, consideration of the application by the Advisory Committee, decision of the Secretary for the Civil Service, conditions attached to the approval); and
 - (iii) termination of the employment contract between NWCL and Mr LEUNG.
- (c) The vetting and/or approval of Mr LEUNG's applications for taking up post-service work with other real estate organizations, if any -

Relevant cases to be identified for study based on information to be obtained from the Administration.

II. Major housing or land policies which Mr LEUNG had taken part in their formulation or execution and decisions which he had made pursuant to such policies while serving as Director of Buildings (August 1999 - June 2002), and as Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing (July 2002 - January 2006)

- (a) Disposal of Private Sector Participation Scheme ("PSPS") flats at Hunghom Peninsula, including but not limited to the following -
 - (i) Mr LEUNG's involvement in the formulation or execution of the policy of cessation of the production and sale of Home Ownership and PSPS flats in 2002;
 - (ii) Mr LEUNG's involvement in the consideration of options for disposing PSPS flats;

- (iii) Mr LEUNG's involvement in the negotiation with the developer of Hunghom Peninsula (a consortium comprising NWS Holdings Limited which is a subsidiary of NWD) in the disposal of PSPS flats through lease modifications with payment of a premium by the developer, and his involvement in making the decision to sell the flats to the developer; and
 - (iv) Mr LEUNG's involvement in the developer's plan to demolish Hunghom Peninsula (which was not taken forward ultimately).
- (b) Exercise of discretionary power by Mr LEUNG Chin-man, acting in the capacity of the Building Authority, in respect of land and planning matters in the development of Grand Promenade, including but not limited to the following -
- (i) exemption of areas (e.g. public transport terminus and public passage) from gross floor area ("GFA") calculation granted in accordance with the Building (Planning) Regulations (Cap. 123, sub. leg. F); and
 - (ii) GFA exemption of "green features" (e.g. balconies and utility platforms) granted in accordance with section 42 of the Buildings Ordinance (Cap. 123).
- (c) Other major housing or land policies which Mr LEUNG had taken part in their formulation or execution and decisions made pursuant to such policies-

Other policies or decisions made pursuant to the policies that are relevant for the purposes of the inquiry to be identified for study, based on information to be obtained from the Administration.

III. Conflict of interest issues

In the course of conducting the study in **I** and **II** above, to consider whether there was any connection between them which had given rise to any potential or actual conflict of interest, and to consider related matters.

IV. Recommendations

Based on the study in **I**, **II** and **III** above, to make recommendations on the policies and arrangements governing post-service work of directorate civil servants, and on other related matters.

Advice Sought

3. Members are invited to endorse the proposed major areas of study of the Select Committee listed in paragraph 2 above.

Council Business Division 2
Legislative Council Secretariat
16 December 2008

調查有關梁展文先生
離職後從事工作的事宜專責委員會

職權範圍

調查審批前房屋及規劃地政局常任秘書長(房屋)及房屋署署長梁展文先生在離職後於新世界中國地產有限公司和其他房地產機構從事工作，以及該等工作是否與梁先生任職屋宇署署長、房屋及規劃地政局常任秘書長(房屋)及房屋署署長期間曾參與制訂或執行的重大房屋或土地政策及根據該等政策作出的決定有任何關連，從而產生任何潛在或實際利益衝突，以及有關事宜，並根據上述調查的結果，就規管首長級公務員離職後從事工作的政策及安排，以及其他有關事宜作出建議。

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

Terms of reference

(English translation)

To inquire into the vetting and approval for Mr LEUNG Chin-man, former Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, to take up post-service work with New World China Land Limited and other real estate organizations, and whether there was any connection between such work and the major housing or land policies which Mr LEUNG had taken part in their formulation or execution and decisions which he had made pursuant to such policies while serving as Director of Buildings, Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, that had given rise to any potential or actual conflict of interest, as well as related matters, and based on the results of the above inquiry, to make recommendations on the policies and arrangements governing post-service work of directorate civil servants and other related matters.