

立法會
Legislative Council

Ref : CB2/HS/1/08

Paper for the House Committee meeting on 21 November 2008

**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**

Purpose

This paper reports on the deliberations 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 (the Subcommittee) and invites the House Committee to endorse the Subcommittee's recommendations.

Background

2. At the House Committee meeting on 17 October 2008, members agreed that a select committee be appointed by the Legislative Council to inquire into matters relating to the post-service work of Mr LEUNG Chin-man (the Select Committee). Members further agreed that a subcommittee be set up to undertake the necessary preparatory work, including the drawing up of the terms of reference (TOR) of the Select Committee and proposals on its membership.

The Subcommittee

3. The Subcommittee comprises 23 members, with Hon LI Fung-ying elected as Chairman and Hon LEE Wing-tat as Deputy Chairman. The membership list of the Subcommittee is in **Appendix I**.

Deliberations and recommendations of the Subcommittee

4. The Subcommittee held three meetings and its major deliberations and recommendations are in paragraphs 5 to 13 below.

Terms of Reference of the Select Committee

5. To facilitate deliberation by the Subcommittee, the Legislative Council Secretariat has prepared a draft TOR of the Select Committee with reference to Hon LEE Wing-tat's proposal submitted to the House Committee on 17 October 2008. The *draft TOR* is as follows -

"To inquire into matters relating to the post-service employment of Mr LEUNG Chin-man, former Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, with New World China Land Limited."

"調查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離職後加入新世界中國地產有限公司工作的相關事宜。"

6. Members deliberated on the draft TOR at the meeting on 4 November 2008 and agreed to revise the draft in the light of discussion at the meeting. The *revised proposed TOR* is as follows -

"To inquire into the major housing or land policies which Mr LEUNG Chin-man, former Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, had taken part in their formulation or implementation during his service with the Government, and matters relating to his post-service work with New World China Land Limited as well as other real estate organizations, 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."

"調查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政府任職期間曾參與制訂或推行的重大房屋或土地政策，以及梁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的相關事宜，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，以及其他相關事宜作出建議。"

7. As Hon Abraham SHEK, Hon IP Kwok-him and Dr Hon Margaret NG had proposed amendments to the revised proposed TOR, the Subcommittee held another meeting on 7 November 2008 to discuss the matter. At the meeting, members agreed to fine-tune the *proposed TOR* put forward by Hon IP Kwok-him to incorporate into the scope of the inquiry the granting of

approval for Mr LEUNG Chin-man to take up post-service work with New World China Land Limited and other real estate organizations, and whether there were conflict of interests issues between the taking up of such work by Mr LEUNG and his previous work in the positions of Director of Buildings, and Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing in the Government.

8. The second revised proposed TOR was circulated for members' comments. Since Hon Abraham SHEK had proposed an amendment to the second revised draft and Hon James TO had also expressed other views on the draft, the Subcommittee held another meeting on 17 November 2008 to discuss the proposed TOR. At the meeting, members deliberated on a proposal from Dr Hon Margaret NG and a joint proposal from Hon Abraham SHEK, Hon James TO and Hon IP Kwok-him (in Chinese version only) (the joint proposal). After discussion, a vote was taken on the Chinese versions of the two proposals with two members in support of Dr NG's proposal and 14 members in support of the joint proposal. Accordingly, the Subcommittee proposes that the TOR as agreed by members of the Subcommittee be adopted for the Select Committee. The bilingual version of the TOR which is set out in **Appendix II** is recommended for endorsement by the House Committee.

9. On the areas of study of the Select Committee, members of the Subcommittee are generally of the view that incidents including the disposal of Private Sector Participation Scheme flats in the Hunghom Peninsula and the exercise of discretionary powers by Mr LEUNG in respect of land matters in the development of the Grand Promenade should be covered.

Proposed motion

10. The Legislative Council Secretariat has drawn up the wording of the proposed motion to set out the TOR of the Select Committee and to seek authorization of the Council for the Select Committee to exercise the powers conferred by section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382). The proposed motion is in **Appendix III**.

11. The Subcommittee recommends the endorsement of the proposed motion by the House Committee and the moving of the motion by the Subcommittee Chairman at the Council meeting on 10 December 2008. The deadline for giving notice of the motion is 25 November 2008.

Membership size of the Select Committee and the procedure for nominating its Chairman, Deputy Chairman and members

12. In accordance with Rule 78(2) of the Rules of Procedure, the President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee.

13. The Subcommittee has discussed the membership size of the Select Committee at the meeting on 4 November 2008. Some members suggest a membership size of 12. Some other members consider that the number of members should be odd in number, and they consider a membership size of 13 appropriate. A vote was taken at the meeting with eight members in support of a membership size of 12, and six members in support of a membership size of 13. Accordingly, the Subcommittee proposes that the number of members to be appointed to the Select Committee should be 12 including the Chairman and Deputy Chairman, and that the following procedure be adopted for their nomination:

- (a) Nomination of members to the Select Committee should be made at the House Committee meeting on 12 December 2008, should the motion on the Select Committee be passed by the Council on 10 December 2008.
- (b) A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member being nominated. A Member who nominates a Member who is absent from the meeting shall state that the absent Member's acceptance of the nomination has been secured. If the number of nominations exceeds that required for appointment, a vote will be taken by a show of hands. Members may vote as many times as the agreed number of members on the Select Committee.
- (c) If two or more nominees receive the same number of votes such that the House Committee cannot determine as to which nominees should be recommended for appointment to the Select Committee, the House Committee Chairman shall first announce that the nominees who have received the highest number of votes be recommended for appointment. As regards the remaining nominees who have received the same number of votes in the next highest order, lots will be drawn by the House Committee Chairman to decide which of them should be recommended to make up the full complement of the Select Committee.
- (d) After the nomination and election of Members to the Select Committee, the House Committee meeting should be suspended for 10 minutes to enable the nominated members to decide amongst themselves as to who should be nominated as the Chairman and the Deputy Chairman of the Select Committee. The House Committee will then resume its meeting and be asked to endorse the proposed composition of the Select Committee.

- (e) The Chairman of the House Committee will make a recommendation to the President on the membership, the chairmanship and the deputy chairmanship of the Select Committee.

Advice sought

14. Members are invited to endorse the Subcommittee's recommendations in paragraphs 8, 10, 11 and 13 above.

Council Business Division 2
Legislative Council Secretariat
20 November 2008

**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**

Membership List

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| Chairman | Hon LI Fung-ying, BBS, JP |
| Deputy Chairman | Hon LEE Wing-tat |
| Members | Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP 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 Emily LAU Wai-hing, 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 WONG Yuk-man Hon IP Wai-ming, MH Hon IP Kwok-him, GBS, JP Hon Mrs Regina IP LAU Suk-ye, GBS, JP Dr Hon PAN Pey-chyou Dr Hon Samson TAM Wai-ho, JP (Total: 23 members) |
| Clerk | Ms Connie SZETO |
| Legal Adviser | Ms Connie FUNG |

**擬議委任的調查有關梁展文先生
離職後從事工作的事宜專責委員會**

擬議職權範圍

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。

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

Proposed 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.

擬議委任的調查有關梁展文先生
離職後從事工作的事宜專責委員會

擬議議案措辭

"本會委任一個專責委員會，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；而該委員會在執行其職務時獲授權根據《立法會(權力及特權)條例》(第 382 章)第 9(2)條行使該條例第 9(1)條所賦予的權力。"

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

Proposed wording of motion

"That this Council appoints a select committee 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; and that in the performance of its duties the committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance."