

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

**Information provided by the Administration
in response to the Appendix to the Clerk to Select Committee's letter
of 29 May 2009**

*Document No.
(Only English
available unless
otherwise specified)*

1. Appointment of Mr CHUNG Kwok-cheong as a member of
the Commercial Properties Committee of the Hong Kong
Housing Authority ("HA")

At the hearing of the Select Committee held on 26 May 2009, Mr Marco WU gave evidence on the normal process for nomination and appointment of members of HA and its committees. He also referred to the nomination process taken in early 2003 when the Housing Department ("HD") was undergoing reorganization and mentioned that there might have been meetings to discuss proposed membership for HA and its committees during the period before he left HD in early March 2003. Please advise/provide:

- (a) the normal process for nomination and appointment of members of HA and its committees before the reorganization of HD in early 2003 and a summary of the nomination and appointment exercise in 2003, including changes, if any, in the nomination procedures and the divisions in HD responsible for the nomination and appointment exercise; and

Transport and Housing Bureau ("THB")'s response :
Before the reorganisation of the Housing Department ("HD"), in nominating members of the Housing Authority ("HA") and its committees, inputs were obtained from the Home Affairs Bureau ("HAB") and the senior directorates of HD. The nominations would be submitted to the Chairman of Housing Authority and the Bureau Secretary responsible for housing matter for agreement. For HA's membership, the Bureau Secretary responsible for housing matter would minute to the Chief Executive for approval. For HA's committees, a presumption paper would be issued to seek the approval of the members of HA.

With the reorganisation of HD in 2003, the procedures were basically the same except that –

- 1. the nomination would also need to take into account the reorganisation of the HA committee structure to take effect from 1 April 2003; and*
- 2. the incumbent Chairman of HA was no longer consulted upon his exit on 1 April 2003.*

For the nomination of HA members, senior directorates of HD were involved. For the nomination of HA's committees members, the heads (i.e. senior directorates) of divisions in HD were involved according to the scopes of business of the committees under their respective purviews.

Since the HA was undergoing restructuring, the nomination for the 2-year term from 2003/04 to 2004/05 was coordinated by the Strategy Division, which oversaw the reorganization of the HA/Committee structure. For the logistic support, the Committees' Section, which is under the Corporate Services Division of the HD, was responsible.

- (b) documents relating to the nomination and appointment exercise in 2003 from January to April 2003 including correspondence on nominations made, records of discussion and decisions on the nominations, the list of proposed nominees and the list of appointed members.

THB's response : The following documents are relevant :

~~THB-292~~^{T187} – *Memo dated 18 November 2002 from HD to Secretary for Home Affairs ("SHA") which was copied to Director of Home Affairs and District Officers. Response from SHA could not be found from the file records;*

~~THB-292~~^{T187}

~~THB-293~~^{T130((} – *Extract of file ref : L/M in HD(CR) 2/179XXI(A1) which includes –*

~~THB-293~~^{T130((}

- *Minute 1 : File Note on 11 January 2003*

from the then Committee Secretary ("Comm Secy") of HD. The "encl.(1)" in paragraph 1 of the minute is provided as ~~THB-294~~; T131(C)

T131(C)
~~THB-294~~

- *Minute 2 : File Note on 13 January 2003 from the then Comm Secy of HD;*
- *Minute 3 : Minute of 13 January 2003 from the then Comm Secy to the then Deputy Director (Strategy) ("DD(S)") of HD;*
- *Minute 4 : Minute of 14 January 2003 from the then Comm Secy to the then Assistant Director (Policy Support) of HD;*
- *Minute 5 : Minute of 29 January 2003 from the then Comm Secy to the then Assistant Director (Institutional Reform) ("AD(IR)") of HD. The "Float A" in item (a) of the first paragraph of the minute is provided as T132(C) ~~THB-295~~. While we are unable to provide the names of the personalities who may or may not be appointed at the material time, it could be confirmed that Mr CHUNG Kwok-cheong was not on the lists in "Float A";*
- *Minute 6 : Minute of 3 March 2003 from the then AD(IR) to the then Comm Secy of HD;*
- *Minute 7 : Minute of 4 March 2003 from the then Comm Secy to the then Deputy Director (Corporate Services) ("DD(CS)") and the then Assistant Director (Information and Community Relations) ("AD(ICR)") of HD with a note written by the then Comm Secy recording that the then DD(CS) discussed with the then Comm Secy and the then AD(IR) on 4 March 2003;*

T132(C)
~~THB-295~~

T133(C)
~~THB-296~~ – Extract of file ref : L/M in HD(CR)
2/179XXI(A2), which includes –

~~THB-296~~
T133(C)

- Loose Minute dated 17 January 2003 from the then Secretary for Housing, Planning and Lands (“SHPL”) to the then Chief Executive via the then Chief Secretary. Annexes I, II and III of the minute are provided at ~~THB-297~~^{T188}, ~~THB-298~~^{T189} and ~~THB-299~~^{T190} respectively;
- Minute 2 : Minute dated 6 February 2003 from the then DD(S) of HD to Mr LEUNG Chin-man (“Mr LEUNG”) as the then PSH;
- Minute 3 : Minute dated 6 February 2003 from the then DD(S) to the then AD(IR) of HD;
- Minute 4 : Minute dated 15 February 2003 from the then Comm Secy to the then AD(IR) of HD;
- Minute 5 : Minute dated 1 March 2003 from the then AD(IR) to the then AD(ICR) of HD;

~~THB-297~~ T188
~~THB-298~~ T189
~~THB-299~~ T190

T134(C)
~~THB-300~~ – Email dated 7 March 2003 (09:02 a.m.) from the then DD(S) to the then Comm Secy of HD forwarding an e-mail dated 7 March 2003 (08:29 a.m.) from the then SHPL to the then DD(S) of HD copied to Mr LEUNG and the then Administrative Assistant to Secretary for Housing, Planning and Lands (“AA/SHPL”); e-mail dated 6 March 2003 (06:53 p.m.) from the then DD(S) of HD to the then SHPL copied to Mr LEUNG and the then AA/SHPL. Since the attachments to the said email dated 6 March 2003 (06:53 p.m.) could not be found from the file records, it could not be confirmed if Mr CHUNG Kwok-cheong was on one of those lists or otherwise;

T134(C)
~~THB-300~~

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T135(c)
~~THB-301~~ – Loose minute dated 17 March 2003 from the then Comm Secy to the then DD(S) of HD;

T135(c)
~~THB-301~~

T136(c)
~~THB-302~~ – Minute 1 dated 18 March 2003 from the then Comm Secy to the then AA/SHPL;

T136(c)
~~THB-302~~

T137(c)
~~THB-303~~ – Loose minute dated 25 March 2003 from the then DD(S) of HD to the then SHPL via Mr LEUNG as the then PSH;

T137(c)
~~THB-303~~

T179
~~THB-283~~ – The presumption paper issued on 1 April 2003 to seek the approval of the members of the HA; and

T179
~~THB-283~~

T138(c)
~~THB-304~~ – Minute 1 dated 3 April 2003 from the then Comm Secy to the then AA/SHPL.

T138(c)
~~THB-304~~

The reasons for the obliteration of information and why some information has not been provided in some of the above documents are summarized at ~~THB-305~~.

T191
~~THB-305~~

T191

Note:

Document Nos. which are shaded and bold are graded as “Confidential”.

Document Nos. which are underlined are those provided in previous submissions.

Transport and Housing Bureau
June 2009