

立法會
Legislative Council

LC Paper No. CB(2) 1724/11-12

Ref : CB2/H/5/11

House Committee of the Legislative Council

**Minutes of the 18th meeting
held in Conference Room 1 of the Legislative Council Complex
at 2:30 pm on Friday, 13 April 2012**

Members present:

Hon Miriam LAU Kin-yee, GBS, JP (Chairman)
Hon Fred LI Wah-ming, SBS, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
Hon LEE Cheuk-yan
Dr Hon David LI Kwok-po, GBM, GBS, JP
Dr Hon Margaret NG
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, SBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LEUNG Yiu-chung
Hon LAU Kong-wah, JP
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo
Hon TAM Yiu-chung, GBS, JP
Hon LI Fung-ying, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Frederick FUNG Kin-kee, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Vincent FANG Kang, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Starry LEE Wai-king, JP

Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon Paul CHAN Mo-po, MH, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Dr Hon LEUNG Ka-lau
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Kwok-kin, BBS
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
Hon Paul TSE Wai-chun, JP
Dr Hon Samson TAM Wai-ho, JP
Hon LEUNG Kwok-hung
Hon Tanya CHAN
Hon Albert CHAN Wai-yip
Hon WONG Yuk-man

Members absent:

Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Dr Hon Joseph LEE Kok-long, SBS, JP
Hon WONG Ting-kwong, BBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Alan LEONG Kah-kit, SC

Clerk in attendance :

Miss Odelia LEUNG Clerk to the House Committee

Staff in attendance :

Ms Pauline NG Secretary General
Mr Jimmy MA, JP Legal Adviser

Mrs Constance LI	Assistant Secretary General 1
Mrs Justina LAM	Assistant Secretary General 3
Mrs Percy MA	Assistant Secretary General 4
Ms Connie FUNG	Senior Assistant Legal Adviser 1
Mr Arthur CHEUNG	Senior Assistant Legal Adviser 2
Mr Stephen LAM	Acting Senior Assistant Legal Adviser 4
Miss Erin TSANG	Acting Principal Council Secretary (Complaints)
Mr Jimmy YUEN	Acting Chief Public Information Officer
Miss Flora TAI	Chief Council Secretary (2)3
Ms Amy YU	Chief Council Secretary (2)6
Mr Bonny LOO	Assistant Legal Adviser 3
Miss Josephine SO	Senior Council Secretary (2)7
Ms Judy TING	Council Secretary (2)6
Ms Anna CHEUNG	Senior Legislative Assistant (2)3
Mr Arthur KAN	Legislative Assistant (2)8

Action

I. Confirmation of the minutes of the 17th meeting held on 23 March 2012

(LC Paper No. CB(2) 1632/11-12)

The minutes were confirmed.

II. Matters arising

Report by the Chairman on her meeting with the Chief Secretary for Administration ("CS")

Legislative Programme

2. The Chairman said that CS had indicated that only one bill in the updated 2011-2012 Legislative Programme had yet to be introduced into the Legislative Council ("LegCo"), i.e. the Statute Law (Miscellaneous Provisions) Bill. The Administration would strive to introduce the Bill, which involved mainly technical amendments, as soon as possible.

III. Business arising from previous Council meetings

Legal Service Division report on subsidiary legislation gazetted on 23 March 2012 and tabled in Council on 28 March 2012

(LC Paper No. LS 51/11-12)

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3. The Chairman said that a total of four items of subsidiary legislation (L.N. 45 to L.N. 48) were gazetted on 23 March 2012 and tabled in the Council on 28 March 2012.

4. Regarding the Higher Rights of Audience Rules (L.N. 47) ("the Rules"), the Chairman said that they sought to provide, among others, for the form, fees and procedures for applications for higher rights of audience by solicitors. The Administration intended to bring the Rules into operation in late June or early July 2012.

5. Dr Margaret NG said that the Panel on Administration of Justice and Legal Services ("the AJLS Panel") had thoroughly discussed the Rules. Members of the Panel noted that the Rules were technical in nature and raised no query on them.

6. The Chairman said that the AJLS Panel had recommended that it was not necessary to form a subcommittee to study the Rules so that applications for higher rights could be invited and processed as soon as possible.

7. Members did not raise queries on the four items of subsidiary legislation.

8. The Chairman reminded Members that the deadline for amending these items of subsidiary legislation was 25 April 2012.

IV. Legal Service Division report on subsidiary legislation gazetted on 30 March 2012

(LC Paper No. LS 52/11-12)

9. The Chairman said that a total of three items of subsidiary legislation, including one Commencement Notice, were gazetted on 30 March 2012.

10. Regarding the United Nations Sanctions (Democratic Republic of the Congo) Regulation 2012 (L.N. 51) which was not required to be tabled in the Council and was not subject to amendment by LegCo, the Chairman proposed to refer it to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions as it came within the terms of reference of the Subcommittee. Members agreed.

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11. Members did not raise any queries on the other two items of subsidiary legislation (L.N. 49 and L.N. 50).

12. The Chairman reminded Members that the deadline for amending the subsidiary legislation (except the subsidiary legislation not required to be tabled in the Council) was 16 May 2012.

V. Business for the Council meeting of 18 April 2012

(a) **Tabling of papers**

Report No. 16/11-12 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

(LC Paper No. CB(2) 1634/11-12 issued vide LC Paper No. CB(3) 628/11-12 dated 11 April 2012)

13. The Chairman said that the Report covered four items of subsidiary legislation, the period for amendment of which would expire on 18 April 2012. No Member had indicated intention to speak on the subsidiary legislation.

14. Members noted the Report.

(b) **Questions**

(LC Paper No. CB(3) 625/11-12)

15. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

(c) **Bills - First Reading and moving of Second Reading**

16. The Chairman said that no notice had been received yet.

(d) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

(i) **Lifts and Escalators Bill**

(ii) **Protection of Wages on Insolvency (Amendment) Bill 2011**

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17. The Chairman said that the Bills Committees on the above two Bills had reported to the House Committee on 24 February and 2 March 2012 respectively, and Members did not raise objection to the resumption of the Second Reading debates on these Bills.

(e) **Government motion**

18. The Chairman said that no notice had been received yet.

(f) **Members' motions**

(i) **Proposed resolution to be moved by Hon CHAN Kam-lam under section 34(4) of the Interpretation and General Clauses Ordinance relating to the Prevention of Bribery Ordinance (Amendment of Schedules 1 and 2) Order 2012**

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 630/11-12 dated 11 April 2012.)

19. The Chairman said that Mr CHAN Kam-lam, Chairman of the relevant Subcommittee, would move a motion at the Council meeting to extend the scrutiny period of the above Order to 9 May 2012.

(ii) **Resumption of debate on the motion moved by Hon Miriam LAU under Rule 49B(1A) of the Rules of Procedure**

(Wording of the motion issued vide LC Paper No. CB(3) 616/11-12 dated 3 April 2012.)

20. The Chairman said that the Report of the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure ("RoP") in respect of the motion to censure Mr KAM Nai-wai was laid on the table of the Council on 28 March 2012. In accordance with RoP 40(6A), the debate on the censure motion should be resumed at the Council meeting of 18 April 2012.

21. Ms Audrey EU enquired about the reason for resuming the debate on the censure motion, given the Investigation Committee's conclusion that the facts as established did not constitute sufficient grounds for the censure of Mr KAM Nai-wai under Article 79(7) of the Basic Law ("BL"). She considered that some Members might mistake the debate on 18 April 2012 was for the purpose of endorsing the Investigation Committee's report and pointed out that it would be necessary to make it clear to Members that the passage of the motion would result in the disqualification of Mr KAM from office as a LegCo Member.

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22. At the invitation of the Chairman, Secretary General ("SG") said that pursuant to RoP 40(6A), a debate adjourned under RoP 49B(2A) (Disqualification of Member from Office) should be resumed at the earliest meeting of the Council at which normal business was transacted after the report of the Investigation Committee had been laid on the table of the Council. The Investigation Committee was responsible for giving its views on whether or not the facts as established constituted grounds for censure. She confirmed that the motion to be debated on 18 April 2012 was not to endorse the Investigation Committee's report but for the disqualification of Mr KAM Nai-wai from Office.

23. The Chairman said that the wording of the censure motion followed that laid down in RoP 49B(1A).

24. Dr Margaret NG said that according to BL 79(7), where a Member was censured for misbehaviour by a vote of two-thirds of the LegCo Members present, the President of LegCo should declare that the Member concerned was no longer qualified for office as a LegCo Member.

25. The Deputy Chairman sought clarification on whether Mr KAM Nai-wai could speak at the debate and vote on the motion.

26. At the invitation of the Chairman, SG said that Mr KAM Nai-wai could speak at the debate. However, since the motion might result in the disqualification of Mr KAM from office, he should not vote on it as a direct pecuniary interest was involved.

27. Members noted the arrangement.

(iii) Motion to be moved by Hon Paul TSE under Rule 49B(1) of the Rules of Procedure

(Wording of the motion issued vide LC Paper No. CB(3) 615/11-12 dated 3 April 2012.)

28. The Chairman said that Mr Paul TSE would move the above motion to relieve Mr LEUNG Kwok-hung of his duties as a LegCo Member under BL 79(6).

(iv) Proposed resolution to be moved by Hon LEE Cheuk-yan under the Legislative Council (Powers and Privileges) Ordinance

(Wording of the proposed resolution issued vide LC Paper No. CB(3) 611/11-12 dated 2 April 2012.)

29. The Chairman said that Mr LEE Cheuk-yan would move the above proposed resolution to appoint a select committee to inquire into the allegations concerning the renewal of the licence of the Hong Kong Commercial Broadcasting Company Limited and the use of anti-riot squad against protesters in relation to the National Security (Legislative Provisions) Bill.

30. The Chairman said that the speaking time limit for each Member at the motion debates in items (ii) to (iv) above was 15 minutes each.

(v) **Motion on "Perfecting Hong Kong's housing policy"**
(Wording of the motion issued vide LC Paper No. CB(3) 612/11-12 dated 2 April 2012.)

(vi) **Motion on "Vote of no confidence in the Chief Executive"**
(Wording of the motion issued vide LC Paper No. CB(3) 610/11-12 dated 2 April 2012.)

31. The Chairman said that the above two motions would be moved by Mr WONG Kwok-kin and Miss Tanya CHAN respectively, and the wording of the motions had been issued to Members. The normal speaking time limits for motions without legislative effect would apply.

32. The Chairman further said that given the long agenda for the Council meeting of 18 April 2012, it would likely continue on the following day.

VI. Business for the Council meeting of 25 April 2012

(a) **Questions**
(LC Paper No. CB(3) 624/11-12)

33. The Chairman said that 20 questions (six oral and 14 written) had been scheduled for the meeting.

(b) **Bills - First Reading and moving of Second Reading**

34. The Chairman said that no notice had been received yet.

(c) **Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

Securities and Futures (Amendment) Bill 2011

35. The Chairman said that the Bills Committee on the above Bill had reported to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(d) **Government motion**

36. The Chairman said that no notice had been received yet.

(e) **Members' Bills - resumption of debate on Second Reading, Committee Stage and Third Reading**

The Hong Kong Polytechnic University (Amendment) Bill 2011

37. The Chairman said that the Bills Committee on the above Bill had reported to the House Committee at the last meeting, and Members did not raise objection to the resumption of the Second Reading debate on the Bill.

(f) **Members' motions**

(i) **Motion to be moved by Hon CHIM Pui-chung**

38. The Chairman said that the subject of the motion to be moved by Mr CHIM Pui-chung was "Making recommendations to the fourth term Chief Executive".

(ii) **Motion to be moved by Hon CHEUNG Man-kwong**

39. The Chairman said that the subject of the motion to be moved by Mr CHEUNG Man-kwong was "Defending academic freedom and institutional autonomy".

40. The Chairman reminded Members that the deadline for giving notice of amendments, if any, to the motions was Wednesday, 18 April 2012.

Report on study of subsidiary legislation

41. The Chairman invited Members to note the list containing four items of subsidiary legislation tabled at the meeting, the scrutiny period of which would expire on 25 April 2012. Members who wished to speak on the subsidiary legislation should indicate their intention by 5:00 pm on Tuesday, 17 April 2012.

VII. Report of Bills Committees and subcommittees

Report of the Bills Committee on Legislative Council (Amendment) Bill 2012

(LC Paper No. CB(2) 1647/11-12)

42. Mr TAM Yiu-chung, Chairman of the Bills Committee, reported that the Bills Committee had held five meetings and had received views from members of the public. The discussion of the Bills Committee was mainly focused on the constitutionality of the Administration's proposal for filling vacancies in LegCo. The Bills Committee had thoroughly considered the legal viewpoints raised by the Administration and the opinions of the Hong Kong Bar Association. While members held different views on the Administration's proposal, the Bills Committee supported the resumption of the Second Reading debate on the Bill.

43. Mr TAM Yiu-chung further said that at the suggestion of the Bills Committee, the Administration would introduce a Committee Stage amendment ("CSA") to enhance the clarity of the Chinese version of a provision. Mr Albert CHAN had indicated that he would consider moving CSAs to the Bill. He referred Members to the Bills Committee's report for details of its deliberations.

44. Mr Albert CHAN said that he was preparing some 800 CSAs to the Bill with a view to proposing a total number of some 1 000 CSAs.

45. The Chairman said that the Administration intended to resume the Second Reading debate on the Bill at the Council meeting of 2 May 2012. The deadline for giving notice of CSAs, if any, was Friday, 20 April 2012.

VIII. Senior judicial appointments

(Director of Administration's letter dated 28 March 2012 to the Chairman of the House Committee issued to Members on 28 March 2012)

46. The Chairman said that the Chief Executive ("CE") had announced on 28 March 2012 his acceptance of the recommendations of the Judicial Officers Recommendation Commission to appoint:

- (a) the Honourable Mr Justice Robert TANG Ching as a Permanent Judge of the Court of Final Appeal ("CFA");
- (b) the Honourable Mr Justice Syed Kemal Shah Bokhary as a non-permanent Hong Kong judge of CFA; and
- (c) the Right Honourable the Lord Phillips of Worth Matravers as a non-permanent judge from another common law jurisdiction of CFA.

47. Dr Margaret NG said that a subcommittee was normally formed to consider recommended senior judicial appointments in the past. She proposed that a subcommittee be formed to consider the recommended appointments. Members agreed. Dr Margaret NG and Ms Emily LAU agreed to join the subcommittee.

48. The Chairman said that the Secretariat would issue a circular to invite Members to join the proposed subcommittee. Should less than three Members join the subcommittee by the deadline for signification of membership, the subcommittee would not be formed in accordance with the House Rules. Members noted the arrangements.

49. The Chairman said that the Administration would give notices of the motions to seek LegCo's endorsement of the recommended appointments after the subcommittee had reported its deliberation to the House Committee.

IX. Position on Bills Committees and subcommittees

(LC Paper No. CB(2) 1633/11-12)

50. The Chairman said that there were 15 Bills Committees, seven subcommittees under House Committee (i.e. two subcommittees on subsidiary legislation, two subcommittees on policy issues and three subcommittees on other Council business) and eight subcommittees under Panels in action.

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X. Proposal of Hon Paul TSE for discussing ways to follow up issues relating to the involvement of the Chief Executive in the case of suspected acceptance of advantages from Sun Hung Kai Properties Limited by a former Chief Secretary for Administration

(Letter dated 2 April 2012 from Hon Paul TSE to the Chairman of the House Committee (LC Paper No. CB(2) 1627/11-12(01) issued vide LC Paper No. CB(2) 1627/11-12 dated 5 April 2012))

51. Mr Paul TSE said that he wished to seek Members' views on how LegCo should follow up on issues relating to the involvement of CE in the suspected acceptance of advantages from Sun Hung Kai Properties Limited by Mr Rafael HUI, former Chief Secretary for Administration, given the wide public concern on the matter. Even Premier WEN Jia-bao had, at his recent meeting with the Chief Executive-elect, highlighted the importance for the latter to run a clean government in the Hong Kong Special Administrative Region. As the matter involved a former senior principal official, the public had raised doubts as to whether CE had harboured the persons concerned. He referred Members to a number of specific issues relating to CE's involvement as set out in his letter to the Chairman. In his view, it was necessary for Members to find out what had happened to facilitate their consideration of the need for further actions, such as initiating the procedure for the impeachment of CE under contemplation by him and some other Members separately.

52. The Chairman reminded Members to focus their discussion on ways to follow up on the issues raised by Mr Paul TSE.

53. Mr LEUNG Kwok-hung said that it was ironical and disheartening that Premier WEN Jia-bao had to urge the Chief Executive-elect to uphold a clean government. He considered it necessary for LegCo to investigate the matter.

54. The Deputy Chairman said that as the information sought by Mr Paul TSE could only be provided by CE himself, the most appropriate arrangement was for CE to attend a Question and Answer ("Q&A") Session as soon as possible to answer Members' questions on the matter. Since CE had undertaken to attend at least four Q&A Sessions in each legislative session, two Q&A Sessions had yet to be held in the remainder of the current session. He suggested that Members could request the holding of the next Q&A Session as early as possible. He added that the relevant policy issues such as the mechanism for declaration of interests by Government officials could be followed up by the Panels concerned.

55. In response to the Chairman, SG said that in the past few years, CE normally attended a Q&A Session in early May. The Secretariat had already enquired with the Director of Administration on the feasibility of arranging a Q&A Session in early May.

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56. Mr James TO considered it odd that Mr Paul TSE had not made any specific proposal on ways to follow up the matter for Members' discussion at the House Committee meeting. As Chairman of the Panel on Security ("SE Panel"), he found two issues raised by Mr TSE falling within the purview of the Panel. These were pre-appointment integrity checking of senior public officers; and the statutory responsibility of the Commissioner, Independent Commission Against Corruption to make reports to CE on investigations of bribery offences, including the relevant procedures as well as the frequency and contents of such reports. Should there be a request from members of the SE Panel to discuss these issues, the Panel would consider the request.

57. Mr Albert CHAN considered initiating the procedure for the impeachment of CE the best way to follow up on the matter. He appealed to Members to support the setting off of the impeachment procedure which required the joint initiation of a motion by one-fourth of all LegCo Members charging CE for dereliction of duty. Noting that the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests under the chairmanship of the Honourable Mr Andrew LI was inviting public views on the regulatory frameworks and procedures for the prevention and handling of potential conflicts of interests concerning CE, members of the Executive Council and officials under the Political Appointment System, he suggested that the House Committee should arrange a meeting with the Honourable Mr Andrew LI for Members to express their views on the matter. He shared the view that pre-appointment integrity checking of public officers was an important issue worth discussion. He was concerned whether the mechanism for integrity checking had been relaxed after the Reunification in 1997, particularly during the terms of office of the incumbent CE, hence resulting in the appointment of senior public officers with questionable integrity. He suggested that the SE Panel should convene a special meeting to discuss the matter.

58. Mr TAM Yiu-chung, Chairman of the Panel on Constitutional Affairs, said that the Panel would discuss the declaration of interests and avoidance of potential conflict of interest by CE at its meeting on 16 April 2012. The Secretary for Constitutional and Mainland Affairs would attend the meeting to explain the current arrangements. All Members were invited to attend the meeting.

59. Mr James TO recalled that the SE Panel had discussed issues relating to the integrity checking mechanism on two occasions over the past 10 years. He concurred with the view that the Panel could discuss whether any changes had been made to the mechanism during the terms

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of office of the incumbent CE and how improvements could be made. He would consult members of the SE Panel on how the Panel should follow up on the matter, including the need for convening a special meeting.

60. Mr IP Kwok-him said that he was a member of the SE Panel. While he would not object to discussing the subject of integrity checking at a regular Panel meeting, he did not consider it necessary to hold a special meeting. He echoed the view that CE's Q&A Session was an appropriate forum to follow up on the matter.

61. The Chairman said that the SE Panel could only follow up on the relevant policy issues but not the specific issues relating to the matter raised in Mr Paul TSE's letter. She invited Members' views on the suggestion of following up those specific issues at a CE's Q&A Session.

62. Mr Paul TSE thanked Members for their suggestions on ways to follow up on the matter. He clarified that he had considered possible options which included requesting CE to provide a written reply to the questions he had raised; holding a CE's Q&A Session; and invoking the powers under the Legislative Council (Powers and Privileges) Ordinance ("P&P Ordinance"). Given the limited duration of a Q&A Session and different topics could be raised by Members, he was concerned whether a Q&A Session could address the issues he had raised in a focused manner. While invoking the powers under the P&P Ordinance was a feasible option, he appreciated Members' possible reservation about it when the current term was drawing to a close and two inquiries conducted under the P&P Ordinance were still underway. Nevertheless, he considered it necessary for LegCo to inquire into the intricate relationship between the Administration and Sun Hung Kai Properties Limited, as revealed in some large-scale development/property projects. Given the wide public concern, he stressed that Members should not slack off due to the impending end of the current term, and urgent measures including the invocation of the powers under the P&P Ordinance should not be ruled out. He added that he agreed with the proposal that the policy issues mentioned by Mr James TO be followed up by the SE Panel as appropriate.

63. In response to the Chairman's enquiry on whether he had any specific proposal for following up on the matter, Mr Paul TSE proposed the holding of a Special CE's Q&A Session on the matter.

64. At the invitation of the Chairman, SG said that if the House Committee so decided, a request for holding a Special Q&A Session could be put forward to CE for his consideration. While a Q&A Session normally lasted for one and a half hour, the Special Q&A Session held on 1 March 2012 lasted for only an hour.

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65. The Chairman said that Members might also consider raising a request with CE to cover only the subject raised by Mr Paul TSE at the next regular Q&A Session.

66. Mr WONG Yuk-man said that the recent spate of incidents involving two former CSs and the former Convenor of the Executive Council as well as the alleged acceptance of advantages by CE had brought the Hong Kong Government into disrepute. In his view, CE should accept responsibility by resigning.

67. Mr Albert CHAN said that CE should come to LegCo to explain the series of scandals involving himself and officials from the highest level of the Government and apologise to the public.

68. Mr James TO said that he had to make a stern rebuttal to the remarks made by Mr Paul TSE. He stressed that he had not adopted a lax attitude, due to the imminent expiry of the current term, towards matters of public interest and would continue to fulfil his duties as a LegCo Member with unrelenting efforts in the remaining months of the current term. He considered it unfair for Mr TSE to have said that Members might not go for the option of invoking the powers under the P&P Ordinance as they had slacked off. Mr TO further said that as ICAC had already commenced an investigation into the case and arrested a few persons for suspected corruption, LegCo should not inquire into the same case in parallel. He reiterated that he would discuss with members of the SE Panel on ways to follow up on the relevant policy issues.

69. Mr WONG Yuk-man opined that it might not be necessary for LegCo to investigate the case per se. In his view, Members should focus on systemic issues to ascertain what had gone wrong with the governing team of the incumbent CE.

70. Dr Priscilla LEUNG considered that LegCo should follow up on issues relating to pre-appointment integrity checking of principal officials. The recent incidents involving CE and two former CSs had dealt a severe blow to public confidence in the Government and had raised doubt as to whether there were problems with the existing integrity checking system for principal officials. Notwithstanding the impending end of the current term, she would continue to follow up on matters of public interest such as the selection of the winner in the West Kowloon Reclamation Concept Plan Competition. She supported the proposal for holding a Special CE's Q&A Session dedicated to systemic issues relating to the matter raised by Mr Paul TSE.

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71. The Chairman reiterated that Mr James TO had indicated that the SE Panel would discuss ways to follow up on the relevant systemic issues.

72. Dr PAN Pey-chyou said that Hong Kong people were deeply dismayed by the recent spate of incidents in which CE and two former CSs were suspected of breaching the law or involved in conflict of interests. He shared the view on the need for LegCo to follow up on the integrity checking system and the mechanism for monitoring the conduct of principal officials. Nevertheless, as not much time was left before the end of the current LegCo term and taking into consideration the already heavy workload of Members and the Secretariat, he questioned the appropriateness of invoking the powers under the P&P Ordinance to inquire into the matter in haste. He was also concerned that LegCo's inquiry might affect ICAC's investigation into the case. In the light of these considerations, he considered that Members should await the outcome of ICAC's investigation before considering the need for further actions by LegCo.

73. Mr Paul TSE reiterated that the gravity of the matter warranted a LegCo inquiry. Noting Members' view that it was not appropriate to invoke the powers under the P&P Ordinance when the current term was drawing to a close, he proposed that CE be invited to attend a Special Q&A Session to answer Members' questions on the matter. Should a Special Q&A Session not be held, he hoped that the next regular Q&A Session could be held as soon as practicable so that Members could ask questions on the matter.

74. Summing up the discussions, the Chairman said that the policy issue concerning the pre-appointment integrity checking system would be followed up by the SE Panel. CE would be requested to attend a Special Q&A Session as soon as possible to answer Members' questions on the matter. Should this arrangement be found not feasible, the next Q&A Session should be held as soon as practicable so that Members could ask questions on this subject in addition to others. Members agreed to the proposed arrangements.

75. There being no other business, the meeting ended at 3:40 pm.