

立法會
Legislative Council

LC Paper No. CB(1)2507/11-12
(These minutes have been seen
by the Administration)

Ref : CB1/SS/11/11/1

**Subcommittee on Amendments to Subsidiary Legislation on Discipline
Made under Disciplined Services Ordinances**

**Minutes of meeting
held on Monday, 4 June 2012, at 2:30 pm
in Conference Room 2B of the Legislative Council Complex**

Members present : Hon LAU Kong-wah, JP (Chairman)
Hon James TO Kun-sun
Hon LI Fung-ying, SBS, JP
Hon Cyd HO Sau-lan

Members absent : Dr Hon Margaret NG
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon PAN Pey-chyou

Public officers attending : **Agenda item I**

Ms Shirley LAM
Deputy Secretary for the Civil Service 3
Civil Service Bureau

Ms Ivy LAW
Principal Assistant Secretary (Conduct and
Discipline) Civil Service Bureau

Clerk in attendance : Miss Polly YEUNG
Principal Council Secretary (Subcommittee)1

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Mr Fred PANG
Council Secretary (Subcommittee)

Ms Sharon CHAN
Senior Legislative Assistant (Subcommittee)1

Action

I Meeting with the Administration

(a) Matters arising from previous meetings

(LC Paper No. CB(1)2081/11-12(01) -- List of follow-up actions arising from the discussion at the meeting on 26 May 2012

LC Paper No. CB(1)2081/11-12(03) -- List of follow-up actions arising from the discussion at the meeting on 30 May 2012)

(b) The way forward for L.N.58 to L.N.63

Papers previously issued

(LC Paper No. CB(1)1989/11-12(05) -- Marked-up copy provided by the Administration in response to item 2 of the list of follow-up actions arising from the discussion at the meeting on 16 May 2012

LC Paper No. CB(1)1859/11-12(07) -- Letter dated 10 May 2012 from Assistant Legal Adviser to the Civil Service Bureau

LC Paper No. CB(1)1859/11-12(08) -- Civil Service Bureau's response to Assistant Legal Adviser's letter dated 10 May 2012

LC Paper No. CB(1)1989/11-12(03) -- List of follow-up actions arising from the discussion at the meeting on 16 May 2012

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| LC Paper No. CB(1)1989/11-12(04) | -- The Administration's response to the list of follow-up actions arising from the discussion at the meeting on 16 May 2012 (except the response to items 5 and 6) |
| LC Paper No. CB(1)2052/11-12(01) | -- The Administration's response to the list of follow-up actions (items 5 and 6) arising from the discussion at the meeting on 16 May 2012 |
| LC Paper No. CB(1)1859/11-12(01) to (06) | -- Marked-up copy of the Rules and Regulation prepared by Legal Service Division |
| L.N. 58 of 2012 | -- Fire Services Ordinance (Amendment of Second Schedule) Regulation 2012 |
| L.N. 59 of 2012 | -- Police (Discipline) (Amendment) Regulation 2012 |
| L.N. 60 of 2012 | -- Prison (Amendment) Rules 2012 |
| L.N. 61 of 2012 | -- Government Flying Service (Discipline) (Amendment) Regulation 2012 |
| L.N. 62 of 2012 | -- Traffic Wardens (Discipline) (Amendment) Regulation 2012 |
| L.N. 63 of 2012 | -- Customs and Excise Service (Discipline) (Amendment) Rules 2012 |
| CSBCR/DP/1-010-005/6 | -- The Legislative Council Brief |
| LC Paper No. LS56/11-12 | -- Legal Service Division Report |

LC Paper No. CB(1)1854/11-12 -- Background brief prepared by
the Legislative Council
Secretariat)

The Subcommittee deliberated (Index of proceedings attached at
Appendix).

II Any other business

2. The Chairman remarked that the scrutiny period of the six items of subsidiary legislation had expired on 30 May 2012 without being extended. The Subcommittee would submit its report to the House Committee in due course.

(Post-meeting note: The Subcommittee had submitted its report to the House Committee on 15 June 2012.)

3. There being no other business, the meeting ended at 2:50 pm.

Council Business Division 1
Legislative Council Secretariat
28 August 2012

**Proceedings of the Subcommittee on Amendments to Subsidiary Legislation on
Discipline Made under Disciplined Services Ordinances**

**Fourth Meeting on Monday, 4 June 2012, at 2:30 pm,
in Conference Room 2B of the Legislative Council Complex**

Time Marker	Speaker	Subject(s)	Action Required
000138 – 001447	Chairman Ms LI Fung-ying Mr James TO Ms Cyd HO ALA8 Civil Service Bureau	Opening remarks by the Chairman Briefing by the Administration on LC Paper No. CB(1)2088/11-12(01) Members noted the Administration's advice that: (a) it would not bring the amendment regulations/rules (L.N. 58 to L.N. 63 of 2012) into commencement; and (b) disciplined services departments (DSDs) would continue to process applications for legal and other forms of representation at disciplinary hearings administratively in accordance with the fairness requirement.	
001448 – 002038	Chairman Civil Service Bureau Ms LI Fung-ying Ms Cyd HO	The Administration undertook that it would: (a) where necessary, keep the guidelines currently adopted by DSDs for considering applications for legal and other forms of representation at disciplinary hearings under review; (b) consult the management and staff sides of DSDs again on how to further refine the amendment regulations/rules by taking into account, among other things, the comments made by members; and (c) arrange to introduce the revised amendment regulations/rules into the Legislative Council when such were ready for the purpose of replacing the current ones at L.N. 58 to L.N. 63 of 2012.	

Time Marker	Speaker	Subject(s)	Action Required
		<p>Members' views –</p> <p>(a) the Subcommittee would recommend that the Panel on Public Service would follow up in due course the Administration's responses to issues raised by members at past meetings of the Subcommittee;</p> <p>(b) to allow sufficient time for scrutiny of the amendments regulations/rules under the negative vetting procedure, the Administration should consult the Panel on Public Service early on the draft version of the amendment regulations/rules, so that Members' views and suggestions could be taken into account before the amendment regulations/rules were made and gazetted; and</p> <p>(c) the Panel on Public Service should be invited to consider setting up a subcommittee in the next legislative term for the purpose of taking up the matter.</p>	