

立法會
Legislative Council

Ref : CB2/SS/5/11

LC Paper No. CB(2)2871/11-12
(These minutes have been seen
by the Administration)

**Subcommittee to Study the Proposed Legislative Amendments Relating to
the Re-organisation of the Government Secretariat**

**Minutes of the sixth meeting
held on Monday, 4 June 2012, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

Members present : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHEUNG Hok-ming, GBS, JP
Hon WONG Ting-kwong, BBS, JP
Hon CHAN Kin-por, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Tanya CHAN

Members absent : Hon Albert HO Chun-yan
Dr Hon Margaret NG
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Miriam LAU Kin-yeet, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon LEE Wing-tat

Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Dr Hon PAN Pey-chyou
Hon Paul TSE Wai-chun, JP

Public Officers : Office of the Chief Executive-elect
attending

Mrs Fanny LAW FAN Chiu-fun
Head of the Chief Executive-elect's Office

Ms Alice LAU Yim
Secretary-General of the Chief Executive-elect's Office

Constitutional and Mainland Affairs Bureau

Mr Raymond TAM Chi-yuen
Secretary for Constitutional and Mainland Affairs

Mr Gordon LEUNG Chung-tai
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei
Principal Assistant Secretary for Constitutional and
Mainland Affairs

Department of Justice

Mr Gilbert MO Sik-keung
Deputy Law Draftsman
(Bilingual Drafting & Administration)

Clerk in : Miss Flora TAI
attendance : Chief Council Secretary (2)3

Staff in : Mr Arthur CHEUNG
attendance : Senior Assistant Legal Adviser 2

Mr Kelvin LEE
Assistant Legal Adviser 1

Miss Cindy HO
Senior Council Secretary (2)3

Ms Wendy LO
Council Secretary (2)3

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with the Administration

[CMAB F19/6/3/2, LC Paper Nos. CB(3)735/11-12, CB(2)1908/11-12(01), CB(2)2105/11-12(01), CB(2)2106/11-12(01) to (02), CB(2)2158/11-12(01) to (03), CB(2)2164/11-12(01), CB(2)2193/11-12(01) and CB(2)2228/11-12(01)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

- Admin** 2. The Administration was requested to coordinate attendance of the relevant policy bureaux for the next subcommittee meeting(s) to facilitate members' scrutiny of the detailed provisions of the proposed resolution.

II. Any other business

Date of next meeting

3. The Chairman informed members that the next meeting would be held on 5 June 2012 at 8:30 am.
4. There being no other business, the meeting ended at 4:35 pm.

Council Business Division 2
Legislative Council Secretariat
27 September 2012

**Proceedings of the sixth meeting of the
Subcommittee to Study the Proposed Legislative Amendments Relating to the
Re-organisation of the Government Secretariat
on Monday, 4 June 2012, at 2:30 pm
in Conference Room 1 of the Legislative Council Complex**

| Time Marker | Speaker(s) | Subject(s) | Action required |
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| 000701 - 001021 | Chairman SALA2 | Opening remarks Introduction of Marked-up copy of the draft Resolution and relevant indexes [LC Paper Nos. CB(2)2105/11-12(01) and CB(2)2228/11-12(01)] | |
| 001022 - 001257 | Chairman Administration | Approach to scrutinize the Resolution | |
| 001258 - 002330 | Chairman Mr CHEUNG Man-kwong Head of the Chief Executive-elect's Office ("H/CEEO") | Mr CHEUNG Man-kwong's expression of views on the Political Appointment System ("PAS") and a summary of expenditure on the implementation of PAS since 2002 which was tabled at the meeting [LC Paper No. CB(2)2319/11-12(01)]. To justify the further expansion of PAS, he queried how the governance had been improved due to the implementation of the PAS in the past 10 years. H/CEEO's response that the re-organisation proposals did not seek to bring a fundamental change to PAS. The re-organisation proposals would bring about improvements to PAS by strengthening policy planning and coordination which would be conducive to the long-term development of Hong Kong. | |
| 002331 - 003404 | Chairman Ms Emily LAU H/CEEO Administration | Ms Emily LAU relayed the concerns of a group of Senior Civil Servants who expressed strong views against the creation of two Deputy Secretaries of Department ("DSODs"), pointing out that the problem of the lack of coordination between housing supply and land planning was due to the inefficiency of the relevant politically-appointed officials ("PAOs") and not inadequacy of the existing administrative structure; and that the high level of remuneration offered to Under Secretaries did not commensurate with their duties and responsibilities. | |
| 003405 - 004056 | Chairman Ms Tanya CHAN H/CEEO | Ms Tanya CHAN's expression of public concerns to review the need for PAS instead of proposing measures to improve PAS. Ms CHAN's query as to | |

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| | | <p>why the existing PAOs were not accountable to the results of their mistakes and performance.</p> <p>H/CEEO's response that the new-term government would set overall and specific objectives so that both the political team and individual officials would know exactly what were expected and required of them in terms of the implementation of policy commitments.</p> | |
| 004057 - 004715 | <p>Chairman Mr LAU Kong-wah H/CEEO</p> | <p>Mr LAU Kong-wah's views that by putting land planning, land use and heritage under one roof, the Development Bureau would be in a better position to respond to public aspirations and strike a pragmatic balance between the varied objectives. He expressed doubt if the new Culture Bureau (reported to Chief Secretary for Administration ("CS")) would have sufficient power to perform the policy responsibility relating to heritage conservation given that land use and planning would be put under the purview of the new Housing, Planning and Lands Bureau (which reported to Financial Secretary ("FS")).</p> <p>H/CEEO's response that according to the Secretary for Development, relevant policies such as declaration of a monument had been established. The new Culture Bureau with the support of the Lands Department could work in accordance with the established policies.</p> | |
| 004716 - 005336 | <p>Chairman Mr CHEUNG Man-kwong H/CEEO</p> | <p>Mr CHEUNG Man-kwong's views that PAS which had been in operation for 10 years should be reviewed prior to seeking its further expansion. In his views, the CE-elect was putting the cart before the horse by creating an additional layer of PAOs without any critical review of the efficiency and effectiveness of the system and the work of the two proposed DSoDs would overlap to some degree with that of CS and FS.</p> <p>H/CEEO's response that the effect of PAS in improving effective governance had not been entirely satisfactory. There was a need to take stock of the operational experience gained and seek improvement in a pragmatic manner.</p> | |
| 005337 - 010105 | <p>Chairman Mr Alan LEONG H/CEEO</p> | <p>Mr Alan LEONG's queries on whether it would be proper to appoint Political Assistants not subject to an establishment ceiling applicable to the rest of the</p> | |

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| | | <p>civil service; and how work efficiency could be enhanced through creating an additional layer of management. He said that there were speculations that the creation of DSoDs was to entrust the deputies to monitor the work of CS and FS and to create an impression of social harmony and to monitor expression of views on the Internet; and that the Radio Television Hong Kong would turn into a propaganda agent of the government.</p> <p>H/CEEO clarification that the speculations were unfounded. The creation of two DSoDs would serve to provide dedicated efforts to boost economic development and manpower resources development as some of Hong Kong's critical issues had remained unresolved for years. The proposal also had the support of New People's Party and Mrs Regina IP, a former PAO, had made a similar proposal before.</p> | |
| 010106 - 010423 | Chairman Mrs Sophie LEUNG | Mrs Sophie LEUNG's views that the new-term government should be given the freedom to operate according to its proposed structure and its effectiveness should be reviewed in time. | |
| 010424 - 011003 | Chairman Dr Priscilla LEUNG | Dr Priscilla LEUNG supported the creation of new Culture Bureau and Technology and Communications Bureau ("TCB"). Her view that there was a genuine need to appoint PAOs at senior level to undertake political work by obtaining policy support and maintained a close liaison with Members. | |
| 011004 - 011405 | Chairman Ms Tanya CHAN H/CEEO | <p>Ms Tanya CHAN's views that there was an overlapping functions between the Antiquities and Monuments Office (under the Home Affairs Bureau) and the Commissioner of Heritage (under the Development Bureau) to some extent. Her enquiry on whether policy responsibility relating to natural conservation would be affected by the re-organisation proposal. In her view, cultural development should include monuments, intangible cultural heritage and nature conservation in a broader sense.</p> <p>H/CEEO's response that while policy responsibility relating to nature conservation had not been taken into account in drawing up the current proposal, the Culture Bureau might consider such need in future in the light of operational experience.</p> | |

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| 011406 - 012227 | Chairman Ms Emily LAU H/CEEEO Administration | Ms Emily LAU's views on the perceived overlap of the administrative structure and a lack of clarity in the delineation of responsibilities between the two DSoDs. H/CEEEO's explanation that the coordination work of DSoDs would be mission-driven and would not necessarily be limited to the policy bureaux directly under their respective purview. | |
| 012228 - 012459 | Chairman Dr Priscilla LEUNG | Dr Priscilla LEUNG's views on the harbourfront management which involved work of various policy bureaux and DSoDs should be entrusted to undertake such policy coordination functions. | |
| 012500 - 013147 | Chairman Administration Ms Emily LAU Mr CHEUNG Man-kwong | <u>Scrutiny of detailed provisions</u> [LC Paper No. CB(3)735/11-12 and LC Paper CB(2)2106/11-12(01)] <u>Paragraph (1)(a) of the Resolution</u> <u>Division 1 of Part 1 to Schedule 1</u> <u>Division 2 of Part 1 to Schedule 1</u> | |
| 013148 - 013710 | Administration Chairman Mr CHEUNG Man-kwong Ms Emily LAU | <u>Division 1 of Part 2 to Schedule 1</u> Mr CHEUNG Man-kwong's enquiry on the relevant considerations for those functions to be transferred to another policy bureau. Deputy Law Draftsman's views that he would explain the legal effect of the proposed change but would not be in a position to advise on the relevant policy considerations. | |
| 013711 - 014337 | Mr CHEUNG Man-kwong Chairman H/CEEEO | Mr CHEUNG Man-kwong's query why functions under the Control of Obscene and Indecent Articles Ordinance (Cap. 390) and Film Censorship Ordinance (Cap. 392) were transferred to the Secretary for Technology and Communications, instead of the new Culture Bureau which was supposed to take over the film and creative industries from the Commerce and Economic Development Bureau ("CEDB"); and why functions under the Entertainment Special Effects Ordinance (Cap. 560) were transferred to the Secretary for Culture. He asked that the relevant policy considerations should be explained by the policy bureaux concerned. | |

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| | | H/CEEEO's explanation that the proposed transfer of functions sought to rationalise the work of the respective permanent secretaries and deputy secretaries of the relevant bureaux so as to minimise disruption to the operational side. | |
| 014338 - 015008 | Chairman Administration Mr CHEUNG Man-kwong H/CEEEO | <p>The Administration's explanation that film industries were currently under the remit of the Office of the Communications Authority ("OFCA") reported to the Communications and Technology Branch of CEDB and hence would be taken up by the new TCB.</p> <p>Mr CHEUNG Man-kwong's views that the Administration should justify the need for creating the new Culture Bureau and rationalising the division of relevant work.</p> <p>H/CEEEO's views that while the role of promoting and developing the relevant business was taken up by a policy bureau, the regulatory role might be performed by another bureau to provide the necessary check and balance.</p> | |
| 015009 - 015205 | Chairman Administration Mr CHEUNG Man-kwong | Secretary for Constitutional and Mainland Affairs' ("SCMA") undertaking to liaise with the Permanent Secretaries/Deputy Secretaries of the policy bureaux concerned and coordinate their attendance for the next Subcommittee meeting(s) to facilitate members' scrutiny of the detailed provisions of the proposed resolution. | Admin (para. 2 of the minutes) |
| 015206 - 015846 | Chairman Ms Emily LAU Administration H/CEEEO | <p>Ms Emily LAU's view that the division of work proposed by the Administration was not based on a consistent policy objective but simply following the current scope of work taken up by individual permanent secretaries/deputy secretaries.</p> <p>Ms LAU's queries on –</p> <ul style="list-style-type: none"> (a) why promotion of creative industries (under Culture Bureau) and innovative technology (under the TCB) were not put under the same policy bureau; (b) why the Radio Television Hong Kong was not put under the Culture Bureau; and (c) why the Observatory Hong Kong was put under Economic Development Bureau, not the Environment Bureau. | |

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| | | <p>H/CEEEO's explanation that innovative technology and creative industries were separate developments. While innovative technology included development of bio-technology, electric car batteries etc; creative industries referred to designs, animation and comics which were more related to cultural development.</p> <p>SCMA's views that the relevant policy bureaux had been consulted in drawing up the proposed resolution having regard to policy considerations and in the light of operational experience. He also explained why the Observatory Hong Kong was put under CEDB (or the new Commerce and Industries Bureau).</p> | |
| 015847 - 020119 | Chairman Mrs Sophie LEUNG H/CEEEO | <p>Mrs Sophie LEUNG sought assurance that the re-distribution of policy responsibilities would be reviewed by the Administration in future in the light of operational experience.</p> <p>H/CEEEO's response that the relevant issues be reviewed in two years' time after the implementation of the re-organisation.</p> | |
| 020120 - 020559 | Chairman Mr CHEUNG Man-kwong Administration | At the suggestion of Mr CHEUNG Man-kwong, SCMA would coordinate attendance of the relevant policy bureaux for the next meeting scheduled for the next day. | |
| 020600 - 020612 | Chairman | <p>Closing remarks</p> <p>Next meeting</p> | |