

立法會

Legislative Council

LC Paper No. CB(4)730/12-13(01)

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Subcommittee to Prepare for the Operation of the Select Committee on the Petition Presented at the Council Meeting of 8 May 2013

Meeting on 4 June 2013

Proposed terms of reference of the Select Committee

Purpose

This paper invites members to consider the proposed terms of reference ("TOR") of the Select Committee on the Petition Presented at the Council Meeting of 8 May 2013 ("the Select Committee").

Background

2. At the Council meeting of 8 May 2013, Hon Dennis KWOK presented a petition jointly signed by Hon Cyd HO and himself (**Appendix I**). The request of Hon Cyd HO for the petition to be referred to a select committee was supported by 25 Members. The petition has thus been referred to a select committee under Rule 20(6) of the Rules of Procedure ("RoP").

3. At the House Committee meeting on 24 May 2013, Members agreed to appoint a subcommittee to undertake preparatory work for the operation of the Select Committee, including drawing up the TOR to reflect the substance of the petition, the membership size and the nomination procedure in respect of the Select Committee.

Proposed terms of reference

4. For all the previous select committees formed since the First LegCo, the appointment of the select committees was made by resolution of the Council. The TOR of the select committees (**Appendix II**) were set out in the relevant resolution¹. The practice has been that where the House Committee agrees to set up a select committee to inquire into or study certain matters, the House Committee considers the TOR of the select committee on the recommendation of the relevant preparatory subcommittee. The TOR as endorsed by the House Committee would then be incorporated into the relevant motion to be moved in the Council. It is also an established practice that upon commencement of operation, a select committee would determine its major areas of study, work plan and practice and procedure.

5. In the present case, the Select Committee is formed pursuant to the referral by the Council of the petition presented at the Council meeting on 8 May 2013. The scope of work of the Select Committee is thus defined by the substance of the petition. In order to facilitate the Select Committee to determine its major areas of study and work plan, the following proposed TOR for the Select Committee are drawn up for members' consideration -

"To inquire into the handling of duty visits, official entertainment and gifts by Mr Timothy TONG while he was serving as Commissioner of the Independent Commission Against Corruption."

Advice sought

6. Members are invited to consider the proposed TOR in paragraph 5 above.

Council Business Division 4
Legislative Council Secretariat
3 June 2013

¹ Apart from providing for the appointment of a select committee to inquire into or study the relevant matters, the relevant resolution also provided that in the performance of its duties, the select 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.

呈
香港特別行政區
立法會主席及全體議員

呈請書

(根據議事規則第 20 條提交)

廉政公署成立至今三十九年，一直戮力肅貪倡廉的工作，令香港成為一個足以自豪及備受世界讚賞的廉潔城市。

今年四月，本會議員在審議財政預算案期間，披露前任廉政專員湯顯明在任期間多次境外訪問並花費大量公帑宴請及送禮予境外及駐港官員，令公眾質疑湯顯明先生的做法著實違背了廉署一直以來提倡的廉潔奉公的社會核心價值，對廉署的威信及形象造成極大的破壞。以及，廉署在回應本會議員在財務委員會的跟進質詢，所提供的資料不盡不實，有誤導立法會之嫌，故立法會實在有必要跟進事件。

儘管立法會政府帳目委員會將會跟進審計署有關廉署的衡工量值報告，以及行政長官梁振英成立了「廉政公署公務酬酢、餽贈及外訪規管制度和程序獨立檢討委員會」，惟均無法全面跟進湯顯明先生的外訪、宴請及送禮事宜。因此，我們懇請各位議員支持此呈請書，以挽回廉署的威信及形象，重彰香港廉潔奉公的核心價值。

呈請人：
郭榮鏗
何秀蘭

2013 年 5 月 8 日

Terms of reference of the select committees appointed since the First Legislative Council

Name of select committee	Time of formation	Terms of reference
Select Committee to inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues	1998-1999	To inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues
Select Committee on Building Problems of Public Housing Units	2000-2001	To inquire into the building problems in the production of public housing units having regard to the circumstances surrounding the incidents in Tin Chung Court, Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2, and based on this to identify positive recommendations for a complete overhaul of the overall policies and system of public housing, which should include examining whether the Housing Authority should be reorganized, split or abolished, so as to raise the quality of public housing
Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	2003-2004	To inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority in order to examine the performance and accountability of the Government and the Hospital Authority and their officers at policy-making and management levels in that regard

Name of select committee	Time of formation	Terms of reference
Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man	2008-2009	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
Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues	2011-2012	To study Mr LEUNG Chun-ying's involvement as a member of the Jury in the West Kowloon Reclamation Concept Plan Competition, and related issues