

Legislative Council

LC Paper No. CP 636/98-99

Ref : CP/G01/12

Subcommittee on Review of the Operation of the LegCo Redress System

Minutes of meeting held on Thursday, 19 November 1998 at 8:30 am in Conference Room B of the Legislative Council Building

Members Present : Dr Hon LEONG Che-hung, JP (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon LEE Kai-ming, JP
Hon Jasper TSANG Yok-sing, JP
Hon Andrew CHENG Kar-foo

Members Absent : Hon Cyd HO Sau-lan
Hon Mrs Sophie LEUNG LAU Yau-fun, JP
Hon CHOY So-yuk

Clerk in Attendance : Mrs Anna LO
Chief Assistant Secretary (Complaints)

Staff in Attendance : Mr Ricky C C FUNG, JP
Secretary General

Mr LEE Yu-sung
Senior Assistant Legal Adviser

Mr Charles FOO
Senior Assistant Secretary (Complaints)⁵

I. Confirmation of minutes of last meeting (LC Paper No. CP 572/98-99)

The minutes of last meeting were confirmed without amendment.

II. Matters Arising

(a) Draft report of the Subcommittee to the House Committee (LC Paper No. CP 573/98-99(01))

2. The meeting went through the draft report and agreed on the following :

(i) Extension of the Legislative Council (Powers & Privileges) Ordinance to cover meetings conducted under the System
(para 6-16 of the draft report)

3. SG reported that he had passed the background information on the Subcommittee's proposal to extend the coverage of the Legislative Council (Powers & Privileges) Ordinance (the Ordinance) to the Director of Administration. The Director maintained the same view as contained in her letter dated 15.10.98 (LC Paper No. CP 467/98-99(01)); i.e. the existing arrangement for receiving and handling complaints from the public was well-established and had been operating smoothly. The meeting then enquired on the time frame for the preparation and introduction of a Member's bill. SALA envisaged that it would take about two months to have the bill drafted (by the Legal Service Division), have the format of the bill approved (by the Law Draftsman) and finish the procedures required by the Rules of Procedure for introduction to the Council. The meeting agreed that this time frame should be included in the report to the House Committee. Members reiterated that amending the Ordinance was a better alternative than amending the Rules of Procedure as the latter would inevitably result in more formalities.

(ii) Jurisdiction of the System
(para 17-22 of the draft report)

(1) The word "jurisdiction" should be replaced by the word "scope" in the heading and other paragraphs of this section where the jurisdiction of the System was mentioned. For the Chinese version, " " should be amended as " ".

(2) In para 22, the following item should be added to the list of matters normally outside the scope of the Redress System :

"Complaints against individual members of the three-tier system of representative government (i.e. Legislative Council, Municipal Councils and District Boards)."

(iii) The revised report should be presented to the House Committee on 27 November 1998.

(b) General reminder to complainants

(LC Paper No. CP 573/98-99(02))

5. SALA explained that the draft reminder was for Members' consideration on whether and how it should be brought to the attention of the complainants. The meeting agreed with the wording of the draft reminder. Three possible ways to convey the advice to the complainants were considered :

- (a) to send the reminder to the complainants together with the letter inviting them to the interview;
- (b) to hand out the reminder to the complainants before the interview; and/or
- (c) to verbally convey the advice to the complainants before or during the interview by the chairman of the interview.

Members generally preferred (a).

6. The meeting agreed that the draft reminder should be included in the report to the House Committee for its consideration on whether and how the advice should be delivered to the complainants.

III. Date of next meeting

7. As the Subcommittee had finished its review of the System, no further meeting was necessary unless the House Committee directed otherwise after considering the report on 27 November 1998.

8. The Chairman thanked Members for their contributions in the deliberations of the Subcommittee.

9. There being no further business, the meeting was closed at 9:15 am.