

立法會
Legislative Council

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Paper for the House Committee meeting on 13 February 2004

**Report of the Panel on Home Affairs on its proposal for
a select committee to be appointed to inquire into the incidents
which have affected the credibility of the
Equal Opportunities Commission and related issues**

Purpose

This paper seeks the House Committee's support for the proposal of the Panel on Home Affairs that a select committee be appointed by the Legislative Council (LegCo) to inquire into the incidents which have affected the credibility of the Equal Opportunities Commission (EOC) and related issues.

Background

2. Following a press conference held by Mr Patrick YU regarding the termination of his employment by EOC on 23 October 2003, the Panel on Home Affairs held three special meetings on 7 and 14 November and 9 December 2003 to discuss the issues relating to the appointment and termination of the employment of Mr Patrick YU as Director (Operations) by EOC, and the subsequent resignation of Mr Michael WONG from the office of the Chairperson of EOC.

3. Ms Anna WU, the predecessor of Mr Michael WONG, and a number of EOC members attended the special meeting on 14 November 2003. The Panel had invited Mr Michael WONG to attend the three special meetings and on each occasion he had declined the invitation. Most Panel members considered that although the Panel had already held three meetings, many important questions remained unanswered, including -

- (a) whether the processes of appointment and termination of employment of Mr Patrick YU as Director (Operations) followed the established procedures of EOC;

- (b) what exactly happened at the meetings attended by Mr Michael WONG and other parties on the nights of 4 and 5 November 2003 before he tendered his resignation on 6 November 2003; and
- (c) what was the background to the article on the "six allegations" against EOC published by the East Week on 12 November 2003.

Deliberations and proposal of the Panel

4. Members considered that the recent series of incidents had adversely affected the credibility of EOC and if these important questions were left unanswered, the credibility of EOC would continue to be in doubt. At the special meeting of the Panel on 9 December 2003, members unanimously agreed that the Chief Executive (CE) should be requested to appoint a commission of inquiry to investigate the incidents. The Administration undertook to convey the Panel's request to CE for his consideration.

5. At the meeting of the Panel on 9 January 2004, the Administration reported to the Panel its decision not to set up an independent commission of inquiry to investigate the recent incidents concerning EOC. The Administration's main considerations are -

- (a) the Government should respect the independence of EOC;
- (b) the termination of the employment contract of the Director (Operations) designate by EOC is an employer/employee dispute and the Government should not intervene; and
- (c) there is no evidence showing that any person has breached the law in the incidents.

6. In view of the Administration's decision, Hon Emily LAU proposed that a select committee should be appointed by LegCo to inquire into the incidents. Ms LAU suggested that the proposed select committee could be on a smaller scale in view of the narrow scope of the inquiry. Ms LAU's proposal was passed by the Panel with six members voting in support of the proposal and three members voting against it.

7. The Panel discussed the draft terms of reference of the proposed select committee at its special meeting on 14 January 2004. Some members considered that the proposed scope of inquiry should be expanded to -

- (a) cover the "six allegations" published in the East Week on 12 November 2003 and related issues which had affected the credibility of EOC;

- (b) examine the accountability of those persons concerned; and
- (c) make recommendations on how to restore EOC's credibility.

8. Members agreed that a further meeting be held on 29 January 2004 to discuss the revised terms of reference of the proposed select committee.

Proposed terms of reference of the proposed select committee

9. At the special meeting of the Panel on 29 January 2004, members agreed to the following draft terms of reference for the proposed select committee -

"To inquire into the incidents which have affected the credibility of the Equal Opportunities Commission and related issues, to examine the accountability of the persons concerned in that regard and to make recommendations on the restoration of credibility of the Equal Opportunities Commission."

Recommendations of the Panel

10. The Panel seeks the support of the House Committee for -

- (a) the motion in **Appendix I** to be moved at a Council meeting by the Chairman of the House Committee; and
- (b) the President to waive the 12 clear days' notice for moving the motion at the Council meeting on 25 February 2004 for the appointment of the proposed select committee.

11. The Panel recommends that -

- (a) the proposed select committee should comprise not more than 15 members;
- (b) the same procedure for the nomination of Members to previous select committees in **Appendix II** should be adopted; and
- (c) nomination of Members for appointment to the select committee to be made at the House Committee meeting on 27 February 2004, if the motion is passed at the Council meeting on 25 February 2004, in order that the select committee could start work as early as possible.

Advice sought

12. The House Committee's support is sought for the recommendations of the Panel in paragraphs 10 and 11 above.

Council Business Division 2
Legislative Council Secretariat
2 February 2004

Appendix I

Draft motion on the appointment of the proposed select committee

"That a select committee be appointed to inquire into the incidents which have affected the credibility of the Equal Opportunities Commission and related issues, to examine the accountability of the persons concerned in that regard and to make recommendations on the restoration of credibility of the Equal Opportunities Commission; and that in the performance of its duties the 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."

Appendix II

Procedure for the nomination of Members for appointment to a select committee

The following procedure was adopted for the nomination of Members for appointment to previous select committees -

- (a) nomination shall be made at a House Committee meeting. A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member nominated. A Member who nominates a Member who is absent from the meeting shall state that the absent Member's acceptance of the nomination has been secured;
- (b) if the number of nominations exceeds that required for appointment, a vote will be taken by a show of hands. Members may vote as many times as the agreed number of members on the select committee;
- (c) if two or more nominees receive the same number of votes such that the House Committee cannot determine as to which nominees should be recommended for appointment to the select committee, the House Committee Chairman shall first announce that the nominees who have received the highest number of votes be recommended for appointment. As regards the remaining nominees who have received the same number of votes in the next highest order, lots will be drawn by the House Committee Chairman to decide which of them should be recommended to make up the full complement of the select committee;
- (d) after the nomination and election of Members to the select committee, the House Committee should be suspended for 10 minutes to enable the nominated Members to decide amongst themselves as to who should be nominated as the Chairman and the Deputy Chairman of the select committee. The House Committee will then resume and be asked to endorse the proposed composition of the select committee; and
- (e) the House Committee's recommendation on the membership, the chairmanship and the deputy chairmanship of the select committee will be submitted to the President.