

立法會  
*Legislative Council*

LC Paper No. CB(3) 125/03-04

**Paper for the House Committee meeting  
on 7 November 2003**

**Questions scheduled for the  
Legislative Council meeting on 12 November 2003**

Questions by:

- |      |  |                 |                |
|------|--|-----------------|----------------|
| (1)  | Hon James TIEN   | (Oral reply)    |                |
| (2)  | Dr Hon TANG Siu-tong   | (Oral reply)    |                |
| (3)  | Dr Hon David LI  | (Oral reply)    |                |
| (4)  | Dr Hon LAW Chi-kwong<br><i>(Replacing his previous question)</i>                     | (Oral reply)    | (New question) |
| (5)  | Hon Ambrose LAU  | (Oral reply)    |                |
| (6)  | Hon Abraham SHEK   | (Oral reply)    |                |
| (7)  | Hon Miriam LAU   | (Written reply) |                |
| (8)  | Hon Kenneth TING   | (Written reply) |                |
| (9)  | Hon Mrs Sophie LEUNG   | (Written reply) |                |
| (10) | Hon CHAN Yuen-han  | (Written reply) |                |
| (11) | Hon Emily LAU<br><i>(Replacing the question previously placed under this number)</i> | (Written reply) | (New question) |
| (12) | Hon Michael MAK  | (Written reply) |                |
| (13) | Hon NG Leung-sing  | (Written reply) |                |
| (14) | Hon Fred LI  | (Written reply) |                |
| (15) | Hon Howard YOUNG   | (Written reply) |                |
| (16) | Hon SIN Chung-kai  | (Written reply) |                |
| (17) | Hon CHOY So-yuk  | (Written reply) |                |
| (18) | Hon LAU Kong-wah   | (Written reply) |                |
| (19) | Ir Dr Hon HO Chung-tai   | (Written reply) |                |
| (20) | Hon Albert CHAN  | (Written reply) |                |

註 :

NOTE :

# 議員將採用這種語言提出質詢

# Member will ask the question in this language

#(4) 羅致光議員 (口頭答覆)

據報，平等機會委員會(簡稱“平機會”)現任主席的委任程序和聘用條件，以至最近解僱原定於本月履新的候任行動科總監的事件，已引起社會輿論及公眾人士質疑平機會的獨立性和公信力。此外，根據聯合國認可的《關於保護和促進人權的國家機構的地位和職責的原則》(簡稱“《巴黎原則》”)，處理有關人權事務的機構應獨立自主，不受政府干預，擁有盡可能廣泛的職權和足夠的資金履行其職責，以及成員應多元化。就此，政府可否告知本會：

- (一) 有否評估當局在委任平機會的主席及成員時，有否依照和貫徹《巴黎原則》的規定；若有評估，結果是甚麼；
- (二) 會否效法其他國家訂立守則，規定處理人權事務的法定機構在運作時須具有足夠的透明度、公正性及問責性；及
- (三) 有否計劃採取措施，保障平機會的聲譽及挽回公眾對平機會的信心？

(4) Dr Hon LAW Chi-kwong (Oral Reply)

It has been reported that the appointment procedures and employment terms of the present chairperson of the Equal Opportunities Commission ("EOC") as well as the recent dismissal of the Director of Operations designate, who was to report for duty this month, has aroused controversy among the public and called into question the independence and credibility of EOC. Moreover, according to the principles relating to the status and functioning of national institutions for the protection and promotion of human rights ("the Paris Principles") endorsed by the United Nations, an institution responsible for human rights affairs should be independent, not be subject to government interventions, given as broad a mandate as possible and adequate funding for performing its functions and have pluralism of membership. In this connection, will the Government inform this Council whether:

- (a) it has assessed if the authorities have acted in accordance with and adhered to the Paris Principles in the appointment of the chairperson and members of EOC; if it has, of the assessment results;
- (b) it will follow other countries' practice of formulating codes requiring statutory organizations responsible for human rights affairs to have adequate transparency, impartiality and accountability in their operations; and
- (c) it has plans to take measures to safeguard the reputation of EOC and restore public confidence in EOC?

#(11) 劉慧卿議員 (書面答覆)

已獲批予退休金的公務員或司法人員如再度受聘擔任公職，或受聘於補助機構服務，當局通常在其擔任有關職務期間暫停發放他們每月的退休金。然而，行政長官可行使酌情權，容許他們在有關期間繼續領取退休金。就此，行政機關可否告知本會：

- (一) 行政長官在決定是否行使酌情權前通常會考慮的因素；
- (二) 過去 3 年，行政長官行使酌情權的個案數目、每宗個案涉及的退休人員姓名、其擔任的公職／職位及獲批准繼續領取退休金的原因；及
- (三) 鑒於有評論指有關人員在擔任有關職務期間繼續領取退休金屬於收取雙重福利及濫用公帑，當局會否考慮修訂法例，以取消或收緊關於行政長官行使酌情權的條文；若會，提出修訂的時間表；若否，原因為何？

(11) Hon Emily LAU (Written Reply)

If civil servants or judicial officers to whom pensions have been granted are re-appointed to the public service, or appointed to service in any subvented organization, the authorities usually suspend the payment of the monthly pension to them during the period of their service. However, the Chief Executive ("CE") may exercise his discretionary power to allow them to continue to receive their pensions during the period concerned. In this connection, will the Executive Authorities inform this Council:

- (a) of the factors the CE normally takes into account before deciding whether to exercise the discretionary power;
- (b) of the number of cases in which the CE exercised the discretionary power in the past three years and, in respect of each case, the name of the retired officer, the public service taken up by him and the reasons for his being allowed to continue to receive his pension; and
- (c) as there have been comments that the continued receipt of pensions by the officers concerned during the periods of their service amounts to double benefits and abuse of public funds, whether the authorities will consider amending the legislation to abolish or tighten up the provisions on the CE's exercise of the discretionary power; if so, of the timeframe for introducing such

amendments; if not, the reasons for that?