

立法會
Legislative Council

LC Paper No. CB(2)1050/03-04

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Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Friday, 7 November 2003 at 8:30 am
in the Chamber of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon MA Fung-kwok, JP (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon NG Leung-sing, JP
Hon James TO Kun-sun
Hon Andrew WONG Wang-fat, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, SBS, JP
Dr Hon TANG Siu-tong, JP
Hon Henry WU King-cheong, BBS, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

Members attending : Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Miriam LAU Kin-ye, JP
Hon Abraham SHEK Lai-him, JP
Hon Michael MAK Kwok-fung
Hon Audrey EU Yuet-mee, SC, JP

Members absent	: Hon WONG Yung-kan Hon LAU Wong-fat, GBS, JP Dr Hon LO Wing-lok, JP
Public Officers: attending	Mr Stephen FISHER Deputy Secretary for Home Affairs (2) Mrs Hedy CHU Principal Assistant Secretary for Home Affairs (3) Mr LEE Sheung-yuen Assistant Secretary for Home Affairs (3)2
Clerk in attendance	: Ms Doris CHAN Chief Assistant Secretary (2)2
Staff in attendance	: Mr Stephen LAM Assistant Legal Adviser 4 Ms Joanne MAK Senior Assistant Secretary (2)2

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I. Issues relating to the appointment and termination of contract of Mr Patrick YU Chung-yin as Director (Operations) by the Equal Opportunities Commission (EOC), how the Government safeguards the credibility of EOC and the EOC Chairperson, and proposed legislation against racial discrimination

The Chairman said that the Panel had invited both Mr Michael WONG and Ms Anna WU, the former Chairpersons of the Equal Opportunities Commission (EOC), to attend this meeting. He said that Mr WONG, who had resigned from the office of EOC Chairperson the day before, had indicated that he would not attend this meeting. At about 6 pm the previous day, Ms Anna WU had also informed the Secretariat that she would not attend this meeting after learning that neither Mr WONG nor any EOC representative would attend it.

2. The Chairman said that in the afternoon of the previous day Mr James TO had requested him to invite the Secretary for Home Affairs (SHA) to attend this meeting. The request had been conveyed to SHA via the Deputy Secretary

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for Home Affairs (2) (DS(HA)(2)). However, SHA had replied that he would not be able to attend.

3. DS(HA)(2) said that SHA actually wanted to attend the meeting but was unable to do so because he had an important engagement that morning. He explained that as it was only in the late afternoon that the Administration had received the Panel's request, SHA was unable to re-schedule his other engagement.

4. Ms Cyd HO said that she understood that Mr Patrick YU was not in Hong Kong at present. Therefore, Mr YU's representative, Mr MAU Chi-wang, had requested to attend this meeting to answer questions relating to the appointment and termination of appointment of Mr YU by EOC. Ms HO asked whether the Panel had received such a request from Mr MAU.

5. The Chairman responded that the Panel should discuss policy issues. For this reason, the Panel had only invited representatives from the Administration and the EOC Chairpersons concerned to the meeting. He said that the Panel had not invited Mr Patrick YU since it did not intend to go into detail the case of the termination of Mr YU's employment contract. The Chairman confirmed that Mr MAU Chi-wang had called the Secretariat requesting to attend this meeting but he had not acceded to his request. The Chairman explained that in the first place, the Panel had not invited Mr Patrick YU to attend this meeting and, even if Mr YU had been invited, Mr YU himself should attend instead of sending a representative.

6. The Chairman further said that Mr MAU Chi-wang had also requested to talk to him. The Chairman said that he would like to explain to Mr MAU but had not been able to contact him and Mr MAU had not returned his telephone call. Ms Cyd HO said that if the Panel decided to convene further meetings for discussions, it should consider inviting Mr Patrick YU to attend the meetings.

7. The Chairman invited the Administration to speak first on the termination of Mr Patrick YU's contract by EOC. DS(HA)(2) said that the Administration had forwarded to the Panel a report from EOC on its decision to terminate the employment contract of Mr YU. He said that EOC was an independent statutory body and, in accordance with the law, it could, on its own, deal with any matters relating to its staff members, including their appointment and termination of appointment. He said that it was the Administration's established policy not to intervene in the internal affairs of EOC. He said that while the Administration was still in the course of studying the EOC report, it was initially of the view that the matter was an employment contract dispute between EOC and Mr YU and it was not appropriate for the Administration to intervene.

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8. Mr James TO said that without any EOC representatives attending this meeting, it was difficult for members to conduct discussions on issues relating to the appointment and termination of the employment contract of Mr Patrick YU by EOC. He asked what arrangements the Administration would make in relation to the attendance of EOC representatives at future meetings convened by the Panel to follow up the matter.

9. DS(HA)(2) said that the resignation of Mr Michael WONG took effect on the present day. Therefore, EOC had no Chairperson for the time being until the Chief Executive (CE) appointed a new one. He said that the Administration would try to appoint a new Chairperson as soon as possible. He said that EOC still had 16 members and it was still in normal operation. He said that if the Panel wished to invite EOC representatives to attend a further meeting, it could approach EOC direct or extend the invitation to EOC through the Administration.

10. Mr James TO further asked when Mr Michael WONG had made known his intention to resign from the office of EOC Chairperson to the Administration. He also asked why the Administration had not given thought to the attendance of EOC representatives at this meeting when it knew that Mr WONG would resign, as the Administration had a responsibility to ensure that there were EOC representatives to attend this meeting to answer members' questions. He said that Mr Michael WONG seemed to have held a meeting with the EOC members on the previous day before he read out his resignation statement. He asked why it had not been discussed at that meeting which EOC members should represent EOC to attend this meeting.

11. DS(HA)(2) said that SHA had met with Mr Michael WONG on 5 November (Wednesday). At the meeting, Mr WONG had indicated his intention to resign. In the morning on 6 November (Thursday), SHA had reported to CE about Mr WONG's intention to resign. That afternoon, Mr WONG had held a press conference to announce his decision to resign. Mr WONG had then tendered a formal letter of resignation to CE who had, on the same day, stated that he respected Mr WONG's decision and accepted his resignation. DS(HA)(2) said that it was almost afternoon when the Administration came to know that Mr WONG wished to meet with the EOC members at 4 pm to give them a briefing before he would make an announcement. DS(HA)(2) said that strictly speaking, that was not a formal EOC meeting, and no EOC member at that time had thought about the attendance of EOC representatives at this Panel meeting. He said that after the press conference, some one had enquired whether the three EOC members, who had originally agreed to accompany Mr WONG to attend this Panel meeting, would still attend it. However, since LegCo had only invited Mr Michael WONG to attend this Panel meeting, the three EOC members considered it inappropriate for them to attend when Mr WONG would not be attending the meeting. They considered it necessary for the EOC members to

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convene a meeting first to decide among themselves who should be representing EOC to attend meetings of the Panel.

12. Ms Emily LAU regretted that SHA did not attend this meeting. She considered that the Panel should convene a further meeting as soon as possible and invite SHA again to attend. She requested DS(HA)(2) to give an account of the meeting between SHA and Mr Michael WONG on 5 November. She also asked what course of action the Home Affairs Bureau (HAB) would take to follow up the recent spate of incidents concerning EOC.

13. Regarding the attendance of the Administration's representatives at this meeting, DS(HA)(2) said that right from the start the Administration had informed the Secretariat that it was he who would attend this meeting. After sending its attendance list to the Secretariat, the Administration had not received any comments from the Secretariat on the attendance list. He said that he had received a request from the Secretariat in the previous afternoon that SHA should also attend this meeting. He had then called SHA to see whether he could attend this meeting. However, SHA had replied that he had important business to attend to in the same morning and was therefore unable to attend this meeting.

14. DS(HA)(2) said that EOC was a statutory body. Its power as well as that of the Chairperson and EOC members was all clearly stipulated in the law. He said that since the establishment of EOC, its chairpersons had occasionally been out of town but this had not affected the operation of EOC. He said that EOC would not cease operation simply because of the resignation of the Chairperson. He said that the EOC members had undertaken that they would work hand in hand to ensure that EOC continued to enjoy a high level of credibility and to maintain its just and fair image in the eyes of the public. He added that the best course of action was to be forward looking and the Government would appoint a new Chairperson as soon as possible.

15. Ms Emily LAU felt that SHA was lacking in judgement in deciding that there was other more important business to attend to and not to attend this meeting. She pointed out that the recent spate of incidents concerning EOC had aroused wide public concern and, with the sudden resignation of the EOC Chairperson, SHA should have taken the initiative to give an account of what had happened. She said that some members of the public had queried what had been discussed at the meeting between SHA, Mr Michael WONG, Dr Raymond WU and Mr Andrew LIAO on 5 November as reported by the press and whether it was appropriate for them to meet prior to this meeting. Ms LAU also asked whether the Administration would review its mechanism of selection and appointment of the EOC Chairperson in the light of the experience gained from the recent incidents relating to EOC.

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16. DS(HA)(2) said that he was not present at the meeting on 5 November. He said that SHA had subsequently told him that he had met with Mr Michael WONG on 5 November because he wanted to know Mr WONG's intention, and at that meeting Mr WONG had told SHA that he intended to resign. DS(HA)(2) said that as he was not present at the meeting, he did not know what had been discussed.

17. Mr Fred LI asked who were present at the meeting on 5 November and whether SHA had suggested to Mr Michael WONG that he should resign. DS(HA)(2) said that the meeting was a private gathering and he was not sure who were present. He said that he could relay the question to SHA. He said that Mr WONG's resignation was his own decision.

18. Mr Fred LI asked why SHA had tried to understand whether Mr Michael WONG had the intention to resign by arranging a private gathering to meet with him and not by convening a formal meeting at his office. DS(HA)(2) said that it was inappropriate for SHA to hold a formal meeting to discuss the matter with Mr WONG as such a move might give rise to concern as to whether the Government intervened in the operation of EOC.

19. Mr LEE Cheuk-yan said that other than Mr Michael WONG, SHA should also be held responsible for the recent spate of incidents relating to EOC. He criticised SHA for being incompetent and lacking in judgement in handling the disputes over the termination of Mr Patrick YU's employment contract. He said that right from the start it was wrong for the Administration to have dismissed the incident as a labour dispute. He opined that Mr WONG's handling of the termination of appointment of Mr YU was a case of discrimination against an employee by an employer and Mr YU had been subject to "political persecution". Referring to the letter from Ms Anna WU to Mr Michael WONG dated 18 July, Mr LEE said that Mr WONG from the outset had considered that the appointment of Mr YU was a move to "pre-empt" him. Mr LEE said that it was very unfair to Mr YU that his appointment had been terminated just because he had expressed views on the anti-racial discrimination legislation when he was asked by reporters to comment during an interview with the South China Morning Post (SCMP). Mr LEE said that it was irresponsible for Mr WONG not to attend this meeting to explain why he considered Mr YU not suitable for the post of the Director (Operations). Mr LEE considered that Mr WONG's handling of the termination of appointment of Mr YU had discredited EOC, which was, ironically, an organisation charged with the responsibility for handling discrimination matters. He said that the Administration's failure to intervene in the incident at the early stage had demonstrated its incompetence. He said that that as a principal official under the accountability system, SHA should have attended this meeting. He asked what HAB had done to minimise the damage done to EOC.

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20. Referring to the letter from the legal adviser of EOC to the Administration dated 3 November, Mr LEE Cheuk-yan also asked whether the review of the role of EOC initiated by Mr Michael WONG had been discussed by EOC members. Mr LEE said that when the appointment of Mr Michael WONG was announced, he had already queried the suitability of Mr WONG for the post since he had little experience in the work of promoting equal opportunities. He requested that when the Administration selected a new person for the post of EOC Chairperson, it should first arrange for the selected person to meet with the Panel before making the appointment.

21. DS(HA)(2) said that SHA attached great importance to the recent incidents relating to EOC. DS(HA)(2) said that he had been reporting to SHA each day developments of the incidents and any new information received. DS(HA)(2) said that in the past few days, SHA had been fully occupied as he had many other duties to attend to, such as the visit of astronaut YANG Li-wei and Hong Kong's bid for the 2009 East Asian Games. DS(HA)(2) said that the fact that SHA had taken the initiative to meet with Mr Michael WONG on 5 November to understand his intention had demonstrated that SHA was very concerned about the matter. DS(HA)(2) stressed that the Administration had been closely monitoring every new development of issues relating to EOC. It had also raised its concern in matters such as the allegation that Mr Michael WONG had accepted free airline tickets and had asked Mr WONG to provide information. Mr WONG had denied the allegation and had pointed out that the media had distorted what he said. In addition, Mr WONG had also made clarifications in regard to other allegations against him. DS(HA)(2) said that at the request of the media, the Administration had given a response regarding these allegations. He said that the Administration had tried to obtain as much information as possible and made clear its position on each matter.

22. DS(HA)(2) further said that it was the intention of both the Administration and LegCo in enacting the law to allow EOC to work independently without interference from the Government. He said that in the incident of termination of Mr Patrick YU's appointment, as it was an internal affair of EOC, the Government should not intervene. Moreover, given the fact that one of the parties concerned had initiated legal action and that both sides had handed the matter to their respective lawyers, it was inappropriate for the Government to intervene. He added that if the Government had intervened, this would have been a very dangerous precedent. He pointed out that unless there was evidence showing that it was a criminal case, the Administration would not intervene. He added that there were many channels, such as the Ombudsman, the Independent Commission Against Corruption, etc. available for members of the public to lodge a complaint concerning the incident if they had sufficient grounds or any evidence.

23. DS(HA)(2) said that under the law, the appointment of the EOC Chairperson was made by CE. There was no requirement that the selected

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person had to first obtain the endorsement of LegCo Members before CE could make the appointment. He said that it might involve introducing amendments to the relevant legislation if this additional requirement was to be imposed.

24. Mr Albert HO said that in the letter from the legal adviser of EOC to the Administration dated 3 November, it was mentioned that Mr Michael WONG had initiated a review of the role of EOC and based on the outcome of the review, there might be recommendations on the restructuring of certain posts and how to best allocate resources within EOC to save money. Mr HO said that Mr Michael WONG had also said in a magazine article that there was a great need for EOC to save money to cope with a tight budget. Mr HO asked the Administration whether Mr WONG had been given any indication that the budget for EOC would be largely cut the following year. He also asked whether SHA had ever told Mr WONG that he had missions, like streamlining the establishment of EOC and saving money by reducing expenditures, to fulfil in assuming the post of EOC Chairperson.

25. DS(HA)(2) said that given the financial constraint of the Government, bureaux/departments were all facing reductions in the allocation of resources. He said that the rate of funding reduction that would be applied to all the organisations under the purview of HAB, including EOC, would be the same as that faced by the Bureau. He said that other than across-the-board funding reductions, EOC would not be subject to further reductions. In response to Mr Albert HO, DS(HA)(2) confirmed that EOC would not get a larger cut in budget than any other statutory bodies.

26. Referring to a magazine article, Mr Albert HO said that Mr Michael WONG had said that one of the Administration's purposes of appointing him as EOC Chairperson was that he needed to streamline the ever-expanding establishment of EOC to achieve savings. DS(HA)(2) said that he did not know that any person had ever given any suggestions to the former EOC Chairperson regarding the direction of EOC. He pointed out that the power of the EOC Chairperson was conferred by the law. Though appointed by CE, the Chairperson, once appointed, would handle independently the affairs of EOC according to the law and the Government would not and should not intervene.

27. Mr Albert HO sought the Administration's comments on what Mr Michael WONG had said earlier i.e. the legislative work in relation to anti-racial discrimination did not concern EOC and it was inappropriate for Mr Patrick YU to have told the press that his experience could help the work. Mr HO also asked whether DS(HA)(2) considered that the remarks made by Mr YU in the SCMP interview published on July 18 were unbecoming.

28. Referring to an information note on the proposed legislation against racial discrimination provided to the Panel, DS(HA)(2) said that the Government agreed in principle to the need for such legislation. He said that a

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consultation paper on the legislative proposals for the anti-racial discrimination law would be published for comments in early 2004. The Administration intended to introduce the Bill into LegCo in the following legislative session. DS(HA)(2) said that based on the experience of other jurisdictions, the Administration could consider appointing EOC or an independent commission responsible for implementing the anti-racial discrimination law. The Administration would take a decision on this in the light of the views received in the public consultation exercise. DS(HA)(2) further said that in the legislation process, the Administration would consult non-governmental organisations and stakeholders concerned. While EOC would be one of the organisations to be consulted, it did not have a direct role to play in the legislative process. DS(HA)(2) said that he did not wish to comment on the remarks made by Mr YU in the SCMP interview under reference.

29. Mr Albert HO further asked whether there was such protocol specifying that an outgoing chairperson of a statutory organisation should refrain from offering any employment contracts and that such matters should be handled by the incoming chairperson. DS(HA)(2) said that the power of EOC and the EOC Chairperson was conferred by the law. As long as the EOC Chairperson was in office, he/she was empowered by the law to carry out his/her duties and responsibilities

30. Ms Cyd HO asked whether CE had ever discussed with Mr Michael WONG about the direction of EOC as well as Mr WONG's belief in equal opportunities prior to appointing Mr WONG to be the Chairperson. She queried why Mr WONG had got the "wrong impression" that he had a mission to streamline the establishment of EOC and to save money. Ms HO also requested DS(HA)(2) to let members know what SHA was doing that morning that had rendered him unable to attend the meeting.

31. DS(HA)(2) said that he did not know whether any person had made any suggestion to Mr Michael WONG regarding his mission. He stressed that while the EOC Chairperson was obliged to listen to different views, the Chairperson had full power to operate independently, free from any Government intervention. The EOC Chairperson could reject comments and advice that he disagreed with. DS(HA)(2) reiterated that EOC was an independent statutory body with its power conferred by the law. The Government should not and would not intervene in the internal affairs of EOC.

32. DS(HA)(2) said that when SHA told him that he could not attend the meeting, he had not asked SHA what business he had to attend to that morning.

33. Ms Cyd HO asked again whether CE had ever discussed with Mr Michael WONG about his belief in equal opportunities prior to appointing Mr WONG as the EOC Chairperson. DS(HA)(2) said that he would convey the question to the CE's Office.

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34. Mr Andrew CHENG said that as the former Chairman of the Panel on Home Affairs, he found that SHA had only attended meetings of the Panel on rare occasions in the past. He considered that SHA should give an explanation in writing as to why he could not attend this important meeting. Mr CHENG said that the Administration should learn from the experience this time and take measures to enhance the transparency and openness of the appointment process of chairpersons of advisory and statutory bodies. He suggested that consideration should be given to selecting the chairpersons of these bodies by way of open recruitment or requiring that the selected person had to first obtain the endorsement of LegCo Members before CE could make the appointment. He considered that if necessary, the Administration should introduce legislative amendments to impose the requirement.

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35. DS(HA)(2) said that the Administration was conducting an overall review of the advisory and statutory bodies. He undertook that the Administration would give thought to Mr Andrew CHENG's suggestions and would seek to enhance the transparency of the appointment system.

36. Mr Andrew CHENG proposed that a call should be made to SHA's Office to see whether SHA had finished the business that he had to attend to and was available to join the meeting. On the instruction of the Chairman, Senior Assistant Secretary (2)2 (SAS(2)2) of the Secretariat made a telephone call to SHA's Office.

37. On the return of SAS(2)2, the Chairman informed the meeting that the staff of the Secretariat had called SHA's office by telephone but could not get through the line. The staff had then called the Administrative Assistant (AA) to SHA. According to AA to SHA, SHA was at an important meeting and it was not known when the meeting would end.

38. Ms Cyd HO said that she had managed to reach the secretary of SHA by telephone. SHA's secretary had told her that SHA had attended a meeting at 8:40 am, followed by another meeting with CE.

39. Mr Fred LI said that he was one of the Duty Roster Members who had handled a complaint case on 3 November lodged by the Women Coalition for Equal Opportunity on the termination of the appointment of Mr Patrick YU by EOC. He asked whether the Administration considered that the recent incidents relating to EOC had done damage to the credibility of EOC and, if so, what measures would be taken to restore the credibility of EOC.

40. DS(HA)(2) said that the recent incidents might have some impact on how people perceived EOC. He hoped that people would judge on the basis of facts instead of unfounded allegations. He said that the recent incidents relating to EOC involved a number of issues, such as whether judicial officers

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should be allowed to continue to receive their monthly pension after they were re-appointed to the public service. In regard to this issue, SHA had already given a detailed response at a LegCo meeting. DS(HA)(2) said that in addressing concerns raised about the termination of the appointment of Mr Patrick YU by EOC, the Administration had written to EOC on 29 October requesting it to submit a report on the matter. The report was received on 3 November and had already been forwarded to the Panel. Members had since written to seek clarification on some parts of the report. The Administration had forwarded their letters to EOC for clarifications. DS(HA)(2) said that at the present stage, the case was considered as an internal affair of EOC and it was inappropriate for the Administration to intervene. However, it had written to EOC to seek more information.

41. DS(HA)(2) said that following the publication of a press report on 30 October alleging that Mr Michael WONG had accepted free airline tickets, the Administration was very concerned about the matter and had sought a response from Mr WONG. Mr WONG denied that he had accepted any such free gift from a local businessman and referred to a statement made by his daughter regarding the allegation. DS(HA)(2) said that up till the present moment, other than this allegation made in the press report, the Administration had not received any further information or any evidence. The Administration considered that before any evidence was made available, it should accept Mr WONG's explanation. If there was any evidence in support of the allegation, people could always report it to the law enforcement authorities concerned. DS(HA)(2) said that concerning other allegations against Mr WONG, the Administration considered that there was no further information the Administration could obtain that would enable it to take follow-up actions. DS(HA)(2) stressed that all the allegations made so far were made in press reports and no one had formally raised any allegation against Mr WONG to HAB and requested HAB to follow it up.

42. Ms Audrey EU expressed concern about the allegation that Mr Michael WONG had been involved in disclosing to the media EOC's confidential internal documents, including the personal particulars of the candidates for the post of Director (Operations). She asked whether the Administration would investigate the matter and what actions would be taken to prevent the recurrence of similar incidents.

43. DS(HA)(2) said that regarding the allegation, the Administration had checked and confirmed that the documents concerned were not official documents and were therefore not subject to the Official Secrets Ordinance. He said that since the documents concerned were EOC's internal documents, the matter should be handled by EOC in accordance with its established procedures and it was inappropriate for the Administration to intervene. He added that the EOC Chairperson was obliged to observe the internal procedures laid down by EOC.

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44. However, Ms Audrey EU considered that the alleged disclosure was a serious matter as it could deter people who wished to join the public service from applying as they might fear that their personal data would be disclosed in the same way. DS(HA)(2) said that he agreed that such a disclosure was a serious matter. He explained that if confidential internal documents had been disclosed and if such documents were related to personal data as alleged, whether follow-up actions could be taken would depend on whether the incident was in breach of the Personal Data (Privacy) Ordinance. However, it was the Privacy Commissioner, not HAB, who was responsible for conducting investigations into cases suspected to be in contravention of that Ordinance.

45. Ms Audrey EU said that she had received complaints saying that before the appointment of Mr Michael WONG as the EOC Chairperson was announced, SHA had met with Mr WONG and some EOC members at a meal. She queried whether such an arrangement of inviting only some, instead of all, of the EOC members to a gathering with SHA, was appropriate and whether SHA in so doing was provoking a split in EOC. DS(HA)(2) said that he had to understand the details from SHA as he was not present at the gathering being referred to. However, he pointed out that it was common for HAB officials to attend dinner gatherings for liaison purpose.

46. Ms Audrey EU then sought the Administration's views on the serious allegation made by Mr Michael WONG the previous day that he had suffered from "political persecution". DS(HA)(2) said that he did not understand what Mr WONG meant. However, the Administration would try to understand the matter by gathering more information.

47. Ms Margaret NG said that SHA should have attended this meeting to answer members' questions relating to the appointment and the resignation of the former EOC Chairperson. She considered that a clear explanation on these issues was important to safeguard the credibility of EOC. She requested the Administration to explain the administrative arrangements that had been agreed upon between HAB and EOC and provide information on its review on the appointment systems of the advisory and statutory bodies.

48. DS(HA)(2) said that there was a set of administrative arrangements on the day-to-day operations of EOC which had been agreed to and signed by the first EOC Chairperson and the then SHA in 1998. He stressed that the working relationship between EOC and HAB had been good all along and, where necessary, HAB would write to EOC to seek information. For matters which the Bureau considered it inappropriate for it to intervene, it would not enquire with EOC. However, on this occasion HAB had asked EOC to provide a report on its decision to terminate the employment contract of Mr Patrick YU because the issue had aroused wide public concern and because representatives of HAB were required to attend this meeting to answer questions relating to the

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issue. HAB therefore considered it necessary to seek a report from EOC and provide it to the Panel for members' information. Ms Margaret NG requested the Administration to provide details of the administrative arrangements signed between EOC and HAB in writing. DS(HA)(2) agreed to follow up the request.

49. DS(HA)(2) said that although SHA could not attend this meeting, he had already given an account of the resignation of Mr Michael WONG in answering members' questions at this meeting. He reiterated that EOC was in normal operation and CE would appoint a new EOC Chairperson as soon as possible. Ms Margaret NG considered that the Administration should have made better arrangements for the announcement of the former EOC Chairperson's resignation to avoid giving the impression that the resignation had been tendered in haste and without any co-ordination on the part of the Administration.

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50. DS(HA)(2) said that the Administration would consider extending the scope of the present review of the appointment systems of the advisory and statutory bodies in the light of recent developments. Ms Margaret NG requested the Administration to provide a written progress report on the review. DS(HA)(2) agreed to follow up the request.

51. Mr Tommy CHEUNG considered that the recent spate of incidents had adverse impact on the credibility of EOC and the Administration should take actions to restore it. In this connection, he asked whether SHA would attend meetings of the Panel to give a detailed account of the incidents involved. DS(HA)(2) said that if the Panel decided to invite SHA to attend a further meeting to discuss the subject, he would convey the request to SHA. He added that the Government would appoint a new EOC Chairperson as soon as possible and the new Chairperson, in collaboration with the EOC members, would strive to ensure that EOC continued to enjoy a high level of credibility.

52. Mr Albert CHAN considered it unacceptable that SHA, as a principal official under the accountability system, did not attend this meeting in person to answer members' questions. He said that the recent incidents relating to EOC had given the impression that the Government had intended to "purge" EOC in its appointment of Mr Michael WONG as the EOC Chairperson. He asked how the Government would demonstrate that it had no hidden agenda in its appointment of the new EOC Chairperson. DS(HA)(2) said that the Administration would try to appoint a person who was credible and steadfast in his belief of equal opportunities.

53. In response to Mr Albert CHAN, DS(HA)(2) said that it had been approved that Mr Michael WONG was not required to pay to the Government salary in lieu of notice of his resignation.

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54. Mr Michael MAK considered that SHA should attend a meeting of the Panel to give a detailed account of the private gathering on 5 November as members wished to know whether the discussions had anything to do with Mr Michael WONG's allegation that he had been subject to "political persecution". He also asked whether the Administration would investigate into Mr WONG's allegation. Mr Andrew WONG also considered that SHA should give more details of his meeting with Mr Michael WONG on 5 November such as whether SHA had persuaded Mr WONG to attend this meeting even after the latter had indicated his intention to resign or whether SHA had advised Mr WONG to resign the following day so that he would not need to attend this meeting.

55. Mr Abraham SHEK suggested that the Panel should find out whether or not the former EOC Chairperson had been authorised by EOC members to terminate the appointment of Mr Patrick YU. In this connection, he suggested that the Panel should request EOC to provide the minutes of its meeting on September 18 which had discussed the termination of Mr YU's appointment. The Chairman said that the Panel had already requested EOC to provide the minutes of the said meeting. He also requested the Administration to follow this up with EOC.

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56. Members agreed that the Panel should convene a meeting at 8:30 am on 14 November to further discuss issues relating to the appointment and termination of contract of Mr Patrick YU as Director (Operations) by EOC and how the Government safeguarded the credibility of EOC and the EOC Chairperson. Members also agreed that SHA and EOC representatives should be invited to attend the meeting.

57. The meeting ended at 10:50 am.

Council Business Division 2
Legislative Council Secretariat
19 January 2004