

立法會
Legislative Council

LC Paper No. CB(2)1242/03-04

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Wednesday, 14 January 2004 at 8:30 am
in Conference Room A of the Legislative Council Building**

Members present : Hon IP Kwok-him, JP (Chairman)
Hon MA Fung-kwok, JP (Deputy Chairman)
Hon NG Leung-sing, JP
Hon James TO Kun-sun
Hon WONG Yung-kan
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
Dr Hon LO Wing-lok, JP

Members absent : Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
Hon Albert CHAN Wai-yip
Hon WONG Sing-chi

Clerk in attendance : Ms Doris CHAN
Chief Council Secretary (2)2

Staff in attendance : Mr Jimmy MA
Legal Adviser

Mrs Justina LAM
Assistant Secretary General 2

Mr Stephen LAM
Assistant Legal Adviser 4

Ms Joanne MAK
Senior Council Secretary (2) 2

Action

- I. **Proposed terms of reference of the proposed select committee to inquire into the circumstances surrounding the appointment and termination of employment of Mr Patrick YU Chung-yin as Director (Operations) by the Equal Opportunities Commission and the resignation of Mr Michael WONG Kin-chow from the office of Chairperson of the Equal Opportunities Commission**
[LC Paper No. CB(2)961/03-04(01)]

The Chairman said that at the meeting of the Panel on 9 January 2004, members had agreed to the proposal that a select committee be appointed by the Legislative Council (LegCo) to inquire into the circumstances surrounding the appointment and termination of employment of Mr Patrick YU as Director (Operations) by the Equal Opportunities Commission (EOC), and the resignation of Mr Michael WONG from the office of the Chairperson of EOC. He added that this meeting was held to discuss the draft terms of reference of the proposed select committee.

2. The Chairman invited members to consider the draft motion for the appointment of the proposed select committee to be moved at a Council meeting as set out in the Appendix to the paper. Ms Emily LAU asked whether it was necessary to make it clear in the draft motion that the proposed select committee should also examine the responsibility of the persons concerned and make recommendations, in order to ensure that the proposed select committee had the authority to do so.

3. The Legal Adviser (LA) pointed out that even if it was not specified in the draft motion that the proposed select committee was to make recommendations, it would not preclude the proposed select committee from doing so after conducting its inquiry. LA said that in the motion for the appointment of the select committee to inquire into matters relating to the problems surrounding the airport opening, it was not specified in its terms of reference that the select committee was to make recommendations. However, that select committee did make detailed recommendations in its report.

Action

4. LA further pointed out that in the case of the select committee appointed to inquire into the outbreak of Severe Acute Respiratory Syndrome (SARS), it was stated in the terms of reference of the select committee that it would examine the performance and accountability of the officers at policy-making and management levels in the handling of the SARS outbreak.

5. The Chairman suggested that the draft motion should be revised to the effect that the appointment of the select committee was for inquiring into the incidents which had affected EOC's credibility. The Chairman added that the motion as presently drafted gave the impression that the proposed select committee was appointed for the purpose of inquiring into a labour dispute and details relating to the two private meetings attended by the former EOC Chairperson on 4 and 5 November 2003. LA advised that there was no problem in making reference to the background and purpose of the intended inquiry in the draft motion as this would facilitate the proposed select committee, if appointed, to define its areas of study. LA further advised that the issue was whether the terms of the motion for the appointment of a select committee were clear enough to reflect the matter in respect of which the Council was to make the appointment.

6. Ms Emily LAU proposed that the draft motion should be revised to specify that the proposed select committee was appointed against the background that the credibility of EOC had been damaged by the recent series of incidents relating to EOC, and that the proposed select committee was to conduct an inquiry into the incidents, to examine who should be held responsible, and to make recommendations.

7. Mr MA Fung-kwok said that the proposed scope of inquiry should be expanded to cover other relevant incidents which had affected the credibility of EOC. He said that as pointed out by Dr Raymond WU, an EOC member, at a previous meeting, there had been many problems with the operation of EOC as reported by the media over the years. Mr MA further said that the scope of inquiry should also cover these incidents since they had adversely affected the credibility of EOC.

8. Mr NG Leung-sing said that in order to do justice to all parties concerned and to meet public expectations, if LegCo was to launch an inquiry, it should be a full-scale and comprehensive inquiry. The scope of the inquiry should cover the "six allegations" published by a weekly magazine and related issues which had affected the credibility of EOC. Mr NG, however, pointed out that a lot more issues would need to be studied, and a lot more witnesses would need to be summonsed to give evidence. Mr NG added that he would support the appointment of the proposed select committee only if the inquiry to be conducted was a comprehensive one.

Action

9. Dr LO Wing-lok said that the recent series of incidents had affected the credibility of EOC. Dr LO agreed with the Chairman that the purpose of the inquiry should be to inquire into incidents which had affected the credibility of EOC and make recommendations on how to restore EOC's credibility. Dr LO suggested that the proposed scope of inquiry should include the following four areas -

- (a) the appointment of Mr Michael WONG as the Chairperson of EOC and issues relating to his continuation to receive pension during his term of office as the Chairperson of EOC;
- (b) the appointment and termination of employment of Mr Patrick YU as Director (Operations) by EOC and whether the processes had complied with the established procedures of EOC;
- (c) details of the private meetings attended by the former EOC Chairperson on 4 and 5 November 2003 and whether there was a "smear campaign"; and
- (d) the truthfulness of the "six allegations" published by a weekly magazine.

10. Dr LO Wing-lok further said that LegCo had the responsibility to conduct a full-scale and comprehensive inquiry not only for the purpose of restoring EOC's credibility, but also for upholding public confidence in the Council.

11. Ms Emily LAU said she agreed that the appointment of Mr Michael WONG as EOC Chairperson and his resignation as well as the "six allegations" should also be inquired into. Ms LAU believed that even if the scope of inquiry of the proposed select committee was expanded to cover these areas, it would still be able to table its report at the last Council meeting on 7 July 2004.

12. Mr Tommy CHEUNG agreed that the proposed scope of inquiry should cover the allegations made against EOC which were reported by the press, as they had also affected the credibility of EOC. Mr CHEUNG added that the public would not want the proposed select committee to only focus on one or two incidents.

13. Mr NG Leung-sing said that Members should carefully assess whether there would be adequate time in the few months left in the current session to conduct the proposed inquiry, given the complexity of issues involved and the large number of witnesses that needed to be summonsed to give evidence. Mr NG expressed strong doubts as to whether the inquiry could be completed before July 2004, and urged Members not to make a decision in haste.

Action

14. Mr James TO said that taking into account the good progress made by the Select Committee to inquire into the handling of the SARS outbreak by the Government and the Hospital Authority, he was confident that the proposed select committee, if appointed, would be able to complete its inquiry before 7 July 2004.

15. Mr Andrew CHENG concurred with Mr James TO. Mr CHENG said that as a member of the Select Committee to inquire into the handling of the SARS outbreak by the Government and the Hospital Authority, he found the support services provided by the LegCo Secretariat highly efficient. Mr CHENG further said that the proposed terms of reference as set out in the paper were appropriate, and he was confident that the proposed select committee would be able to complete its inquiry before the end of the current session.

16. Mr Henry WU said that he was all along of the view that the incident was, in nature, a labour dispute, but he respected the decision of the Panel on the matter. Mr WU agreed that the proposed scope of inquiry should cover other allegations against EOC which had affected the credibility of EOC. Ms CHOY So-yuk said that as the proposed select committee was intended to restore EOC's credibility, it should inquire into any other allegations against EOC.

17. In concluding the discussion, the Chairman said that the majority view was in support of expanding the proposed scope of inquiry to cover other incidents which had affected the credibility of EOC. The Chairman reminded members not to lose sight of the problem of time constraint.

18. LA said that having considered members' comments, he proposed that the draft motion be revised along the line that "In view of the fact that EOC's credibility had been adversely affected by its appointment and termination of employment of Mr Patrick YU as Director (Operations), a select committee is appointed to inquire into the circumstances surrounding these incidents and the resignation of Mr Michael WONG from the office of EOC Chairperson and related issues, and to make an assessment of the responsibility of the persons concerned and to make recommendations on how to restore EOC's credibility". LA added that the proposed select committee, if appointed, could further decide whether it should inquire into the four specific areas as suggested by Dr LO Wing-lok, taking into account the availability of time and other relevant factors.

19. Ms CHOY So-yuk and Mr NG Leung-sing both considered that the names of persons should not be mentioned in the draft motion in order not to restrict the scope of inquiry to only those incidents which concerned the named persons. They pointed out that apart from Mr Michael WONG, other former EOC Chairpersons might be involved in certain incidents which had also affected EOC's credibility.

Action

20. The Chairman said that the paper on the proposed select committee would be revised taking into account members' comments on the proposed terms of reference and the draft motion. The Chairman further said that another meeting should be held to discuss the revised terms of reference and revised draft motion before making a proposal to the House Committee. Members agreed that a further meeting be held at 10:45 am on Thursday, 29 January 2004.

21. The meeting ended at 9:30 am.

Council Business Division 2
Legislative Council Secretariat
5 February 2004