

立法會
Legislative Council

LC Paper No. CB(2)1600/03-04

Ref : CB2/PL/HA

Panel on Home Affairs

**Minutes of special meeting
held on Thursday, 29 January 2004 at 10:45 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 Cyd HO Sau-lan
Hon NG Leung-sing, JP
Hon James TO Kun-sun
Hon CHOY So-yuk
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
Dr Hon LO Wing-lok, JP
Hon WONG Sing-chi

Members absent : Hon Albert HO Chun-yan
Hon Andrew WONG Wang-fat, JP
Hon WONG Yung-kan
Hon Emily LAU Wai-hing, JP
Hon Andrew CHENG Kar-foo

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 incidents which have affected the credibility of the Equal Opportunities Commission and related issues
[LC Paper No. CB(2)1082/03-04(01)]

The Chairman said that at the last meeting on 14 January 2004, there was general consensus that the scope of the inquiry should be expanded, and that the draft terms of reference of the proposed select committee (as set out in LC Paper No. CB(2)961/03-04(01)) should be revised accordingly. The Chairman further said that the Legislative Council (LegCo) Secretariat had now prepared another version of the draft terms of reference, taking into account the comments expressed by members at the last meeting.

2. Dr TANG Siu-tong said that he had heard that the Equal Opportunities Commission (EOC) would conduct an inquiry into the incidents which had affected EOC's credibility. Dr TANG suggested that the Panel should consider its proposal for a select committee to be appointed after EOC had completed its own inquiry to avoid duplication of efforts. The Chairman responded that EOC had already decided not to conduct any inquiry into incidents which had affected EOC's credibility. EOC was currently only conducting an internal review on its role and future direction.

3. Mr Albert CHAN said that as the Panel had already taken a decision on the proposal for a select committee to be appointed, members should not reopen discussion on the decision. Referring to the draft terms of reference, Mr CHAN commented that the scope of the proposed inquiry was very wide. He asked whether it was the intention that examining the accountability of the persons concerned and making recommendations on the restoration of the credibility of EOC would be the focus of the proposed inquiry.

4. Mr NG Leung-sing said that the draft terms of reference were an accurate reflection of the comments expressed by members at the last meeting. Mr NG further said that most members held the view that if LegCo was to conduct an inquiry, it should be a comprehensive one to meet public expectations. The focus of the proposed select committee's work should be the

Action

incidents which had affected EOC's credibility, given that it was the damage done to EOC's credibility that had aroused public concern. Mr NG added that it was not for the Panel to pre-determine on what the proposed select committee should focus. It would be for the select committee, if appointed, to decide on its specific areas of study.

5. Mr NG leung-sing further said that members should carefully assess whether the select committee, if appointed, would be able to complete its inquiry before 7 July 2004 in view of its wide scope. Mr NG expressed concern that the credibility of LegCo would be at stake if the proposed select committee was to conduct its inquiry and draw conclusions in haste because of time constraint. Mr NG added that he remained opposed to the proposal of appointing a select committee, because he had strong doubts as to whether the proposed select committee would be able to complete its work before the end of the current term.

6. Mr James TO said that although the proposed terms of reference were very broad, they should not pose a serious problem because the select committee, if appointed, would further determine its specific areas of study, taking into account the time available and other factors.

7. Mr NG leung-sing said that members should realistically assess the timeframe for the inquiry, taking into consideration the work practices and procedures of a select committee and the wide scope of inquiry as proposed. Mr NG further said that he was worried that due to time constraint, the proposed select committee would fail to conduct a thorough inquiry. Mr NG added that it would be better to appoint the proposed select committee in the next legislative term, if by that time the public was still concerned about the incidents in question, so that there would be more time to conduct the inquiry.

8. Mr James TO said that similar to previous select committees, the findings and recommendations of the proposed select committee would be subject to the scrutiny of the Council. If the proposed select committee failed to do a good job, it would be criticised by Members during the motion debate on the report of the select committee.

9. Dr LO Wing-lok said that the draft terms of reference were acceptable as he was in favour of conducting a comprehensive inquiry, if a select committee was to be appointed.

10. Mr Henry WU said that he was all along of the view that the appointment and termination of employment of Mr Patrick YU was a labour dispute. He therefore opposed the proposal for a select committee to be appointed. Mr WU further said that the wording of the proposed terms of reference suggested that a conclusion had already been drawn, as it was stated "the restoration of credibility of the Equal Opportunities Commission".

Action

11. Ms Cyd HO said that the wording of the proposed terms of reference was appropriate since it was clear that the credibility of EOC had been affected. Ms HO recalled that even Mrs Patricia CHU, the current EOC Chairperson, had also said at a recent meeting of the Panel that the restoration of EOC's credibility would be her prime task during her tenure.

12. The Chairman concluded that the Panel would recommend to the House Committee (HC) the following terms of reference which represented the majority view of members -

"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."

II. Proposed size of and procedure for nomination of Members for appointment to the select committee, if appointed by the Legislative Council

[LC Paper No. CB(2)1082/03-04(01)]

Size of the proposed select committee

13. The Chairman invited members to give views on the membership size of the proposed select committee.

14. Members noted the respective size of the five select committees appointed since 1994, which was in odd number ranging from seven to 15 members, as set out in the paper.

15. Mr Tommy CHEUNG said that he was in favour of a small membership of about nine members, as this would allow each member more time to put questions to witnesses. Mr CHEUNG added that only one Member belonging to the Liberal Party would put his name forward for nomination, if the select committee was appointed.

16. Mr NG Leung-sing said that he was in favour of a larger committee of, say, 15 members, given the wide scope of the proposed inquiry. Mr NG requested the Secretariat to provide supplementary information on the time taken by the four previous select committees to complete their work.

(Post-meeting note : the information was issued to the Panel and copied to other Members vide LC Paper No. CB(2) 1169/03-04(01) dated 2 February 2004.)

Action

17. Mr James TO said that the Democratic Party (DP) had an open mind about the matter. Mr TO further said that there was no need to limit the membership size to a small number because he hoped that all interested Members would be able to participate in the proposed inquiry. He added that one to two Members belonging to DP would put their names forward for nomination, if the select committee was appointed.

18. Dr LO Wing-lok and Mr Albert CHAN were of the view that there was no need to limit the membership size to a single digit.

19. Members agreed that the Panel should recommend to HC that the number of members to be appointed to the proposed select committee should not exceed 15.

Nomination procedure

20. Members endorsed the procedure for the nomination of Members for appointment to the proposed select committee as set out in paragraph 11 of the paper.

III. Any other business

Date of reporting to HC

21. The Chairman proposed that a report on the recommendations of the Panel would be submitted to HC for consideration at its meeting to be held on the following day. Mr Tommy CHEUNG said that the matter should be deferred to the HC meeting to be held in the following week, as many Members were still out of town after the Chinese New Year holidays, and Members had not yet been notified of the discussion of this item at the HC meeting on 30 January 2004.

22. The Chairman pointed out that if the Panel did not submit its report to HC on 30 January 2004, the matter would have to be deferred until the HC meeting on 13 February 2004, as no HC meeting had been scheduled for 6 February 2004.

23. Dr LO Wing-lok supported submitting the report of the Panel to HC on 13 February 2004 to allow more time for Members to consider the matter.

24. Mr James TO, however, said that the deferment would delay the appointment of the proposed select committee and there would be even less time available for conducting the inquiry. Mr TO further said that the Panel had already held several special meetings to discuss the matter, and these

Action

meetings were open to all non-Panel Members. Mr TO added that he did not see why Members needed more time to consider the Panel's proposal.

25. Mr NG Leung-sing said that Members should be given more time to consider the technical problems, such as time constraint, that the proposed select committee would face before they discussed the matter at an HC meeting. Mr NG further said that as the item had not yet been put on the agenda for the HC meeting on 30 January 2004, many Members were not aware that it would be discussed at that meeting.

26. Mr Albert CHAN said that there was no reason why the Panel should not make a request for the matter to be discussed at the HC meeting to be held on the following day. It would be for the HC Chairman to decide whether to accede to the request, taking into account whether the matter in question was urgent and whether adequate notice could be given to Members. Ms Cyd HO and Mr James TO concurred with Mr CHAN.

27. Mr WONG Sing-chi said that since the schedule of the regular meetings of HC for the whole session had already been issued at the beginning of the session, Members should be aware that there would be an HC meeting on 30 January 2004. Mr WONG further said that discussion of the matter by HC should not be deferred, in order that the select committee, if appointed, could commence its inquiry as soon as possible.

28. Mr Tommy CHEUNG said that the terms of reference and membership size of the proposed select committee were important issues. They should be discussed at the HC meeting on 13 February 2004, in order that Members would have more time to prepare for the discussion.

29. Dr TANG Siu-tong said that since the proposed terms of reference were only agreed to by the Panel at this meeting, Members would need time to discuss the proposal within their political party/grouping. Dr TANG considered that giving very short notice to Members for discussion of such an important matter at an HC meeting was inappropriate.

30. The Chairman put the question of submitting the Panel's proposal to the HC meeting on 30 January 2004 to vote. Ms Cyd HO, Mr James TO, Mr Albert CHAN and Mr WONG Sing-chi voted in favour of the question. Mr NG Leung-sing, Mr Timothy FOK, Dr TANG Siu-tong, Mr Henry WU, Mr Tommy CHEUNG, Dr LO Wing-lok and Mr MA Fung-kwok voted against it. The Chairman said that the Panel would submit its report to HC on 13 February 2004.

Action

Date for moving the motion on the appointment of proposed select committee

31. Members agreed that the Panel would also seek the HC's support to request the President to waive the 12 clear days' notice for moving the motion on the appointment of the select committee at the Council meeting on 25 February 2004, and to nominate Members for appointment to the select committee at the HC meeting on 27 February 2004, if the motion was passed.

32. There being no other business, the meeting ended at 11:50 am.

Council Business Division 2
Legislative Council Secretariat
5 March 2004