

立法會
Legislative Council

LC Paper No. CB(2)2552/04-05
(These minutes have been seen
by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

Minutes of meeting
held on Monday, 20 June 2005 at 2:30 pm
in the Chamber of the Legislative Council Building

Members present : Dr Hon LUI Ming-wah, JP (Chairman)
Hon Jasper TSANG Yok-sing, GBS, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Albert HO Chun-yan
Ir Dr Hon Raymond HO Chung-tai, S.B.St.J., JP
Hon LEE Cheuk-yan
Hon Fred LI Wah-ming, JP
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon Bernard CHAN, JP
Hon CHAN Kam-lam, JP
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, JP
Dr Hon YEUNG Sum
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Frederick FUNG Kin-kee, JP
Hon Audrey EU Yuet-mee, SC, JP

Hon WONG Kwok-hing, MH
Hon LEE Wing-tat
Hon LI Kwok-ying, MH
Dr Hon Joseph LEE Kok-long
Hon Jeffrey LAM Kin-fung, SBS, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon TONG Ka-wah, SC
Hon CHIM Pui-chung
Hon Patrick LAU Sau-shing, SBS, JP
Hon Albert Jinghan CHENG
Hon KWONG Chi-kin
Hon TAM Heung-man

**Members
absent**

: Hon Martin LEE Chu-ming, SC, JP
Dr Hon David LI Kwok-po, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Howard YOUNG, SBS, JP
Hon LAU Chin-shek, JP
Hon LAU Wong-fat, GBS, JP
Hon Albert CHAN Wai-yip
Hon Vincent FANG Kang, JP
Hon Daniel LAM Wai-keung, BBS, JP
Hon MA Lik, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon CHEUNG Hok-ming, SBS, JP
Hon WONG Ting-kwong, BBS

**Public officers
attending**

: Item IV

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Joseph LAI Yee-tak
Acting Permanent Secretary for Constitutional Affairs

Mr Robin IP Man-fai
Private Secretary to Chief Executive

Ms Doris HO Pui-ling
Principal Assistant Secretary for Constitutional Affairs

Item V

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Joseph LAI Yee-tak
Acting Permanent Secretary for Constitutional Affairs

Mr Raymond TAM Chi-yuen
Principal Assistant Secretary for Constitutional Affairs

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mrs Eleanor CHOW
Senior Council Secretary (2)4

Ms Fonny LO
Legislative Assistant (2)3

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I. Confirmation of minutes of meeting
(LC Paper No. CB(2)1955/04-05 – Minutes of meeting on 18 April 2005)

The minutes of the meeting held on 18 April 2005 were confirmed.

II. Information papers issued since the last meeting

2. Members noted that the following papers had been issued since the last meeting –

- (a) LC Paper No. CB(2)1703/04-05 – Guidelines on Election-related Activities in respect of the Chief Executive Elections;
- (b) LC Paper No. CB(2)1826/04-05 – A set of loose-leaf amendment sheets for the Guidelines on Election-related Activities in respect of the Chief Executive Elections;
- (c) LC Paper No. CB(2)1952/04-05(01) – Administration's response to

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the question raised by Hon Emily LAU regarding post-office services provided to Mr TUNG Chee-hwa; and

- (d) LC Paper No. CB(2)1960/04-05(01) – Administration's response to the question raised by members regarding prisoners' right to vote.

III. Items for discussion at the next meeting

(LC Paper No. CB(2)1958/04-05(01) – List of outstanding items for discussion

LC Paper No. CB(2)1958/04-05(02) – List of follow-up actions)

Review of constitutional development

3. Secretary for Constitutional Affairs (SCA) informed members that the consultation on the Fourth Report of the Task Force on Constitutional Development had just ended, and the Administration would compile the Fifth Report during the summer. Dr KWOK Ka-ki requested the Task Force to provide a summary of the views received on the Fourth Report, before publication of the Fifth Report, to facilitate the Panel's discussion at the next meeting in July. SCA said that in line with the past practice for handling reports published by the Task Force, the Fifth Report would be submitted to the Chief Executive (CE) before release, which was expected to be in the fourth quarter of the year. Thereafter, a briefing on the Fifth Report would be given to the Panel.

Mechanism for amending the Basic Law

4. Mr LEUNG Yiu-chung requested the Administration to provide an update on the number and dates of meetings held with the Central Authorities to discuss the mechanism for amending the Basic Law. SCA said that by convention, the Administration would not make public details of its discussions with the Central Authorities. At this stage, the Administration was not in a position to update members on the item. Mr LEUNG pointed out that the Administration had previously advised the Panel of the number of meetings held with the Central Authorities.

New items proposed by Hon Audrey EU

5. Ms Audrey EU said that the CE-elect, Mr Donald TSANG Yam-kuen, had proposed in his election platform that the Executive Council (ExCo) should be restructured and junior political positions should be created for the purpose of grooming political talents. It was necessary for the Panel to discuss the two issues before they were put into implementation.

6. SCA said that it was expected that the new CE would elaborate on his ideas

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about the two issues in the Policy Address in October 2005. On creation of junior political positions, SCA assured members that they would be consulted on the proposal, if it was put into implementation. As regards the restructuring of ExCo, SCA pointed out that it was for CE to decide on the appointment of ExCo Members under the Basic Law.

7. Ms EU said that the two proposals, if implemented, would affect the operation of the accountability system for principal officials, the civil service system and executive-legislature relationship. She also pointed out that members had no intention to intervene in the appointments to ExCo which were CE's prerogative. However, issues such as the principles of confidentiality and collective responsibility of ExCo could be discussed in the context of the restructuring of ExCo. Ms EU suggested that the two issues should be discussed by the Panel before the CE's Policy Address in October 2005. SCA said that the Administration was not in a position to provide discussion papers because decisions would not be made on the two issues before the Policy Address. The Administration, however, would listen to members' views should the Panel decide to have an internal discussion on the two issues at the next meeting.

RLSD

8. The Deputy Chairman suggested that the Research and Library Services Division of the Secretariat be requested to prepare a summary of the relevant newspaper reports relating to the two issues to facilitate members' discussion at the next meeting. Members agreed.

(Post-meeting note : Fact sheets on newspaper reports prepared by the Research and Library Services Division (FS 16/04-05 and 17/04-05) were issued to members vide LC Paper No. CB(2)2255/04-05 on 13 July 2005.)

Items for discussion at the meeting on 18 July 2005

9. Members agreed to discuss the following items at the next meeting to be held on 18 July 2005 –

- (a) The term “important bill” referred to in Article 50 of the Basic Law (proposed by the Administration);
- (b) Constitutional issues relating to prorogation of the Council (proposed by the Administration);
- (c) Restructuring of the Executive Council; and
- (d) Creation of junior political positions in the Administration.

IV. Remuneration and post-office arrangements for Chief Executive

(LC Paper No. CB(2)1869/04-05 – Report of the Independent Commission on Remuneration Package and Post-office Arrangements for the Chief Executive of the HKSAR)

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LC Paper No. CB(2)1958/04-05(03) – Background brief prepared by LegCo Secretariat on “Remuneration package and post-office arrangements for the Chief Executive”

LC Paper No. CB(2)1958/04-05(04) – Paper provided by the Administration on “Report by the Independent Commission on the Remuneration Package and Post-office Arrangements for the Chief Executive of the HKSAR”

LC Paper No. CB(2)1958/04-05(05) – Press release issued by the Administration regarding the Government's response to the Report by the Independent Commission on Remuneration Package and Post-office Arrangements for the Chief Executive of the HKSAR)

10. SCA thanked political parties and Members for giving their views to the Independent Commission on the Remuneration Package and Post-office Arrangements for the Chief Executive of the Hong Kong Special Administrative Region (HKSAR) (the Independent Commission). He said that after consulting ExCo, the recommendations of the Independent Commission had been accepted by the Administration as the basis for determining the arrangements relating to the office of CE. SCA briefed the Panel on the Report of the Independent Commission and sought members' views on the recommendations.

11. The Private Secretary to Chief Executive (PS/CE) informed members that the Government House, which would be used as the new CE's official residence and office, was undergoing maintenance works.

Services provided to former CEs

Security protection

12. Mr Albert CHENG asked whether security protection would be provided to a former CE before or after a security assessment was made by the Police. He also asked whether security protection would continue to be provided to a former CE who took up gainful employment in the private sector which provided such service. Dr KWOK Ka-ki questioned the need for security protection for a former CE given that Hong Kong was not a target for terrorists attack.

13. SCA explained that former Governors were not provided with security protection because they left Hong Kong after completing their tenure of office. Former CEs, on the other hand, would likely stay in Hong Kong after leaving office. SCA said that the Police would first make an assessment before providing security protection to a former CE. The Police would also review the provision and continuation of security protection from time to time, regardless of whether a former CE had taken up gainful employment in the private sector or had

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re-engaged in commercial activities.

Car with driver, office accommodation and administrative support

14. Dr KWOK Ka-ki and Ms Emily LAU said that former CEs should be entitled to enjoy benefits such as medical and dental care and protocol arrangements. However, other services such as car with driver, office accommodation and administrative support should only be provided to them on a need basis, for example, to facilitate former CEs' participation in public services. Mr James TIEN and Mr Patrick LAU enquired whether each former CE would be provided with a personal assistant and a car with driver. Mr TIEN also enquired whether the post-office services would be provided on a life-long basis. Mr SIN Chung-kai pointed out that in some countries, the scope of post-office services provided to former heads of government would reduce in scale as time went by.

15. Dr KWOK Ka-ki pointed out that it was difficult to ascertain whether a former CE would make use of the office and administrative support provided in discharging promotional and protocol-related functions only, as he could engage in both personal and commercial activities at the same time. Mr TAM Yiu-chung expressed similar concern.

16. SCA said that the provision of post-office services was a new arrangement. The Administration would keep under review the appropriateness of the package, in the light of the practical experience gained over the coming years. He said that the office, secretarial and administrative support, and car and chauffeur service would not be established to serve one particular former CE, but should be available for any CE who was prepared to play an "ambassadorial" role for Hong Kong.

17. SCA further said that car and chauffeur services for a former CE would be withdrawn if he had taken up gainful employment in the private sector or had engaged in commercial activities which provided such services. A former CE should not use the post-office services provided by the Government in the pursuit of commercial activities.

18. Miss TAM Heung-man asked and SCA confirmed that the Administration had made reference to the post-office services provided for former heads of government in overseas countries. SCA said that research had been conducted on some ten countries which had similar post-office arrangements for former heads of government as those proposed by the Independent Commission. Many of these services were provided on a life-long basis. In further response to Miss TAM, SCA undertook to provide a comparison on the scope and duration of the package of post-office services recommended for former CEs and those provided to former heads of government in overseas countries.

(Post-meeting note : The Administration's response was issued to members vide LC Paper No. CB(2)2318/04-05(02) on 18 July 2005.)

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Services provided to Mr TUNG Chee-hwa

Adm 19. Ms Emily LAU requested and the Administration undertook to provide information on the need to provide post-office services to Mr TUNG Chee-hwa, i.e. the nature of official business undertaken by Mr TUNG after he vacated the office of CE, and the Police assessment of the need for security protection for Mr TUNG.

Role of former CEs

20. Mr James TIEN said that the Liberal Party (LP) had no strong view on the remuneration package for the third term CE and the post-office restrictions recommended by the Independent Commission. LP, however, was concerned about the role conflict between former CEs and the incumbent CE in performing “ambassadorial” functions. He pointed out if a former CE and an incumbent CE held different beliefs on policy issues, they would deliver different messages while discharging “ambassadorial” duties. Ms Margaret NG echoed the view of Mr TIEN and expressed concern that the creation of a new political class of “former CEs” might give rise to “old-man politics”. She said that to be fair to the incumbent CE, it was inappropriate for former CEs to continue to maintain a public profile after leaving office. Dr YEUNG Sum echoed the views of Mr TIEN and Ms NG and said that it was inappropriate for former CEs to continue to serve the country and Hong Kong after leaving office in the three aspects as set out in paragraph 20 of LC Paper No. CB(2)1958/04-05(04).

21. SCA said that paragraph 20 of the paper had taken into account the views of political parties and Members, as well as Mr TUNG’s views on how a former CE could continue to make a contribution to the community and the range of activities that he might find himself involved in after leaving office in his capacity as a former CE. Former CEs could make use of the international connections acquired while in office to play an “ambassadorial” role for the country and Hong Kong. SCA believed that notwithstanding the possible differences in political beliefs between a former CE and an incumbent CE, they had a common goal of serving Hong Kong and promoting the interests of the community. SCA disagreed with the view about creation of a new political class to exert pressure on the incumbent CE. In his view, it was the duty of the incumbent CE to promote the interests of Hong Kong in the international arena and secure support from the Mainland authorities, and former CEs could play an “ambassadorial” role to complement the promotional efforts of the incumbent CE in these aspects. He pointed out that former heads of government of many overseas countries played a similar role.

Restrictions on a former CE’s commercial/professional activities

22. Mr CHEUNG Man-kwong said that while the Democratic Party (DP) generally supported the post-office arrangements recommended for CEs, it had

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reservation on the restrictions imposed on the commercial/professional activities of former CEs. He pointed out that former CEs had access to official information relating to finance, land development, tender, commercial dealings, etc. According to the proposal of the Independent Commission, a former CE would be barred from employment during the first year after leaving office. In the following two years, a former CE was required to seek advice from an advisory committee on his plans to take up employment. Mr CHEUNG pointed out the advisory committee was a “toothless tiger” without power as its advice was not binding on former CEs. He questioned why the advisory committee was not given substantive power.

23. Mr CHEUNG Man-kwong further said that DP agreed that former CEs should lead a comfortable and dignified life after leaving office. In the view of DP, the best option was for a former CE to receive a 25% gratuity in exchange for his disengagement from commercial activities within three years after leaving office. The second best option was for a former CE to seek advice from an advisory committee which had the power to veto his application for taking up employment. The third option was the one recommended by the Independent Commission, i.e. the advice of the advisory committee would be published when a former CE decided to go ahead with his plan against the advice of the advisory committee. Mr CHEUNG said that the third option was the worst one because the former CE’s integrity could be at stake if he was reprimanded by the public for not following the advice of the advisory committee. He urged the Administration to reconsider DP’s views.

24. Mr TAM Yiu-chung said that the Democratic Alliance for the Betterment and Progress of Hong Kong generally supported the recommendations of the Independent Commission. He asked whether the advice to be given by the advisory committee would be made public.

25. SCA said that there had not been any restriction on a former Governor’s post-office activities. The recommendations of the Independent Commission to regulate a former CE’s post-office commercial/professional activities by imposing restrictions on the use of official information and employment rules were a big step forward. In terms of the duration and stringency of controls, the proposed three-year employment rule surpassed the arrangements in those countries which had adopted similar post-office employment restrictions for its former heads of government. SCA further said that the post-office employment rules would regulate the commercial/professional activities of former CEs within three years after leaving office, and at the same time provide flexibility for them to take up employment in the private sector during the second and third years after leaving office provided that it would not constitute a conflict of interest.

26. SCA explained that in vetting the post-office employment plans of a former CE, the advisory committee would have regard to two broad principles: to prevent conflict of interest and to avoid negative public perception. The Independent

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Commission also recommended to the advisory committee that a former CE shall not, for example, enter into employment with or become a director of companies with land or property development being part of their business or companies awarded with franchises approved by the ExCo during the former CE's tenure. In addition, a former CE should not represent any person in connection with any proceedings or negotiation against or with the Government, or engage in any lobbying activities on matters relating to the Government.

27. SCA said that the advice of the advisory committee would not be published if a former CE decided not to go ahead with his plan after hearing the views of the advisory committee. In the circumstances, there should be no question of subjecting the former CE to possible public censure. SCA further said that there were different views on whether CE's remuneration package should include a 25% gratuity upon completion of a five-year term of office. The Independent Commission had recommended altering the remuneration structure of CE to an all-inclusive cash remuneration package, and CE would no longer be entitled to gratuity.

28. Ms Emily LAU said that the Independent Commission had recommended that a written undertaking in the form of an agreement under seal signed by each CE signifying agreement to abide by the restrictions would be adequate to protect public interest. She found it inconceivable that the Independent Commission had assumed that a former CE would not breach his undertaking. She asked whether a mechanism was in place to deal with cases of non-compliance.

29. SCA explained that it was the view of the Independent Commission that a person who had been elected to the highest public office in Hong Kong was unlikely to breach his undertaking. In case of non-compliance, the real and more effective sanction rested with the revelation of the wrongdoing, which would be swiftly followed by public censure through the news media and LegCo. Notwithstanding this, the agreement signed by CE would be legally enforceable.

30. Ms Margaret NG queried whether public censure on any wrongdoing of a former CE was adequate to protect the interest of Hong Kong. She also asked whether the post-office restrictions recommended would apply to Mr TUNG Chee-hwa.

31. SCA said that apart from public censure, the undertaking signed between CE and the Government could be enforced by civil proceedings in courts. For instance, the Government could institute legal proceedings against a former CE for disclosure of confidential information. SCA further said that Mr TUNG already had sight of the Report of the Independent Commission and he would be consulted on whether he was prepared to sign such an undertaking.

32. Mr LEUNG Kwok-hung held the view that any breach of the undertaking should constitute a criminal offence.

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33. Members requested the Administration to provide the following information –

- (a) to provide the main provisions of the written undertaking signed by each CE to signify agreement to abide by the post-office restrictions;
- (b) to explain how the undertaking was legally enforceable and whether a breach of the undertaking would constitute a criminal offence;
- (c) to explain the mechanism for handling cases of non-compliance, including the body responsible for conducting the investigation, and the sanctions to be imposed against a former CE in case of any wrongdoing; and
- (d) to provide information on the sanctions imposed on former heads of government in overseas countries for failure to comply with post-office restrictions, and whether the sanctions were comparable to those recommended by the Independent Commission.

(Post-meeting note : The Administration's response was issued to members vide LC Paper No. CB(2)2318/04-05(02) on 18 July 2005.)

Remuneration package for CE

34. Mr LEUNG Kwok-hung asked whether the Administration had conducted a horizontal and vertical comparison study between the remuneration package for CE and that of heads of government in overseas countries. He considered that the remuneration package of CE was far too high and suggested that it should be reduced.

35. SCA said that Chapter 2 of the Report of the Independent Commission had set out in detail the recommended remuneration package for the third term CE. The new remuneration package was an all-inclusive cash package, with its total cost to the taxpayer capped at the existing level, which was about 12.5% over the existing annual pay of the Chief Secretary for Administration. The new package would not entail any extra financial burden to the taxpayer.

36. SCA explained that the pay level of Hong Kong's public and private sectors was higher than that of many overseas countries. In this connection, a horizontal comparison would likely reveal that the remuneration package of CE was higher than that of the heads of government of the Mainland and western countries such as the United Kingdom and United States. A vertical comparison with the private sector might, however, indicate that the remuneration package of a CE or a principal official (PO) was lower than that of a Chief Executive Officer, President or Managing Director of a major corporation.

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Government House

37. Ms Emily LAU and Mr Patrick LAU asked about the works and budget involved in renovating the Government House as an official residence for the new CE. As the details had yet to be finalized, PS/CE undertook to provide a written response after the meeting.

(Post-meeting note : The Administration's response was issued to members vide LC Paper No. CB(2)2429/04-05 on 10 August 2005.)

38. Mr Patrick LAU asked whether the Government House would be renamed and whether it would continue to serve as a venue for protocol-related functions. PS/CE said that the Government had no plans to rename the Government House. As regards the usage of the Government House for other purposes, it would be decided after the CE had moved in. In further response to the member on whether any fungshi master had been engaged to advise on how the Government House should be renovated, SCA replied in the negative.

Implementation timetable

39. Dr KWOK Ka-ki enquired about the implementation timetable of the recommendations of the Independent Commission. Ms Emily LAU asked whether the Administration would seek funding approval from the Finance Committee.

40. SCA said that the recommendations of the Independent Commission covered three issues, namely, the remuneration package for CE, post-office restrictions on former CEs, and post-office services for former CEs. The new remuneration package would be implemented in July 2007. The restrictions on post-office employment should be applicable to subsequent CEs including the CE to be returned through by-election following Mr TUNG's resignation. The package of post-office services should be made available to a former CE upon departure from office. The Administration would consider the views of members on the recommendations of the Independent Commission, and would make a submission to the Finance Committee in the end of July or early October 2005. The submission would seek Members' approval on the new cash remuneration for CE to be effected in July 2007, and invite Members to note the financial implications of setting up an office for former CEs.

V. Accountability of Government officials in answering Members' questions at meetings of the Legislative Council

(LC Paper No. CB(2)1958/04-05(06) – Background brief prepared by LegCo Secretariat on “Accountability of Government officials in answering Members' questions at meetings of the Legislative Council and its committees”

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LC Paper No. CB(2)1958/04-05(07) – Paper provided by the Administration on “Accountability of Government officials in answering Members’ questions at meetings of the Legislative Council”)

41. SCA introduced the paper which set out the views of the Administration on accountability of Government officials in answering Members’ questions at Council meetings.

42. Mr TONG Ka-wah said that there was no legal and constitutional basis for Government officials refusing to answer Members’ questions. Apart from information which, if disclosed, would endanger national security, affect public interest, or infringe privacy or personal right, Government officials had no other excuse not to answer Members’ questions. Mr TONG said that he was specifically referring to the answers given by the Secretary for Security, who, on different occasions, had refused to give concrete answers to Members’ questions on the ground that the Security Bureau, by convention, would not comment on individual cases. He asked the Administration to set out the principles and guidelines for Government officials to follow in answering Members’ questions as required under the Basic Law.

43. SCA said that the Government was committed to fulfilling its responsibilities under the Basic Law. It always made its best endeavour to answer Members’ questions. The issues highlighted by Mr TONG were among the factors which would be considered by Government officials when responding to Members’ questions. As to how a question should be answered, SCA said that it was for the responsible PO to consider, having regard to the relevant policies and the scope of the question raised. As far as the Security Bureau was concerned, it had been its established practice for not giving comments on individual cases, for example, the reasons for the Director of Immigration to reject a particular entry application.

44. Mr TONG Ka-wah and Mr LEUNG Kwok-hung said that policy considerations, established practices or internal guidelines could not override the Basic Law which provided that the Government must be accountable to LegCo and must, among other things, answer questions raised by Members.

45. SCA said that every PO, when appointed, had pledged support for the Basic Law and was committed to fulfilling his duties under the Basic Law. When answering Members’ questions, a PO would provide answers based on his best knowledge in his policy areas. Members might not agree to the answers given because the Administration and Members held different viewpoints. In exceptional cases where it was not possible to provide all or some of the information sought, Members concerned would usually be advised of the reason in the Government’s reply. As far as immigration matters were concerned, SCA said that it was a worldwide practice that immigration authorities would not provide

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reason for rejecting an entry application.

46. Ms Margaret NG said that the crux of the matter was whether an answer given by the Administration could be regarded as an answer if it was void of substance or specifics. Ms NG further said that a PO had the constitutional responsibility to give accurate and truthful information to LegCo. If a PO gave an evaded answer, the answer was not truthful. If he did not give a specific answer, the answer was inaccurate. The way the PO had handled the questions reflected that he had not fulfilled his responsibilities under the Basic Law. Ms NG added that POs should give specific answers to honour their constitutional responsibilities. She considered that Members and the Administration should reach a consensus on how a question would be regarded as fully answered, and the circumstances under which a Government official could be exempted from answering certain questions.

47. SCA said that POs had acted in accordance with the requirements under the Basic Law, the Code for POs and the Rules of Procedure relating to Government officials answering Members' questions at Council meetings. POs attending Council meetings always made their best endeavour to answer Members' questions. He said that one could not look at the issue in the abstract. The fact was that a large number of questions were handled in Council meetings over the years. On average, more than 1500 replies to LegCo questions were made each year. It was also important to note that all answers provided by the Government were a matter of public record. The arrangement was highly transparent and facilitated public monitoring of the Government. All this helped to ensure that the Government was accountable to the people of Hong Kong.

48. The meeting ended at 4:42 pm.

Council Business Division 2
Legislative Council Secretariat
8 September 2005