

立法會
Legislative Council

LC Paper No. CB(2)956/07-08

(These minutes have been seen
by the Administration)

Ref : CB2/PL/CA

Panel on Constitutional Affairs

**Minutes of special meeting
held on Saturday, 26 May 2007, at 9:00 am
in the Chamber of the Legislative Council Building**

- Members present** :
- Dr Hon LUI Ming-wah, SBS, JP (Chairman)
 - Hon TAM Yiu-chung, GBS, JP (Deputy Chairman)
 - Hon James TIEN Pei-chun, GBS, JP
 - Ir Dr Hon Raymond HO Chung-tai, SBS, S.B.St.J., JP
 - Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
 - Hon CHEUNG Man-kwong
 - Hon CHAN Yuen-han, JP
 - Hon WONG Yung-kan, JP
 - Hon Jasper TSANG Yok-sing, GBS, JP
 - Hon Howard YOUNG, SBS, JP
 - Dr Hon YEUNG Sum
 - Hon LAU Kong-wah, JP
 - Hon Emily LAU Wai-hing, JP
 - Hon CHOY So-yuk, JP
 - Hon Abraham SHEK Lai-him, JP
 - Hon LI Fung-ying, BBS, JP
 - Hon Audrey EU Yuet-mee, SC, JP
 - Hon WONG Kwok-hing, MH
 - Hon Alan LEONG Kah-kit, SC
 - Hon CHEUNG Hok-ming, SBS, JP
 - Hon WONG Ting-kwong, BBS
 - Hon Ronny TONG Ka-wah, SC
 - Prof Hon Patrick LAU Sau-shing, SBS, JP
 - Hon KWONG Chi-kin
- Member attending** :
- Hon SIN Chung-kai, JP
 - Dr Hon Fernando CHEUNG Chiu-hung
- Members absent** :
- Hon Albert HO Chun-yan
 - Hon LEE Cheuk-yan
 - Hon Martin LEE Chu-ming, SC, JP

Hon Margaret NG
Hon Bernard CHAN, GBS, JP
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon LEUNG Yiu-chung
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Wong-fat, GBM, GBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEE Wing-tat
Hon Daniel LAM Wai-keung, SBS, JP
Hon MA Lik, GBS, JP
Hon LEUNG Kwok-hung
Dr Hon KWOK Ka-ki
Hon CHIM Pui-chung

**Public Officers
attending :**

Item I

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Miss Denise YUE Chung-yee
Secretary for the Civil Service

Miss Jennifer MAK Yee-ming
Permanent Secretary for the Civil Service (Acting)

Ms CHANG King-yiu
Permanent Secretary, Chief Executive's Office

Ms Fanny IP Fung-king
Deputy Law Draftsman
(Bilingual Drafting & Adm) (Acting)

Ms Vicki LEE Yuet-ming
Senior Government Counsel

Mr Bobby CHENG Kam-wing
Principal Assistant Secretary for Financial Services & the
Treasury (Treasury)

Mr Gary POON Wai-wing
Principal Assistant Secretary for Constitutional Affairs

**Attendance by
invitation :**

Hong Kong Association for the Survivors of Women
Abuse (Kwan Fook)

Ms LIU Ngan-fung
Chairperson

Concerning CSSA Review Alliance

Miss LEE Choi-kwan
Member

Christian Action

Mr KWONG Fu-sam
Assistant Director

Power for Democracy

Mr Richard TSOI
Convenor

Hong Kong Alley Cat Watch

Ms Helena CHUNG
Representative

Animal Earth

Mr David WONG
Exco Member

Miss CHEUNG Yuen-man

Coalition on Technology Innovation

Ph. D Samson TAM
Convenor

Hong Kong People's Council on Housing Policy

Miss IP Chiu-ping
Chief Secretary

The Hong Kong Institute of Architects

Mr WONG Kau-sing
Chairman, Board of Local Affairs

H.K.S.K.H. Lady Macle hose Centre

Miss WONG Fuk-nga, Nora
Unit-in-charge, Group & Community Work Unit

The Frontier

Mr Li Wing-shing
Secretary General

Concern Alliance on Training and Re-training

Mr Clarence TSANG
Secretary

Member, Wan Chai District Council

Mr CHAN Yiu-fai, Steve

Association of Engineering Professionals in Society

Mr YIM Kin-ping
Senior Vice Chairman

Mr CHIK Wing-keung

Community Development Alliance

Mr WONG Yun-tat
Executive Committee

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

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Proposed re-organisation of policy bureaux of the Government Secretariat and related issues

(LC Paper Nos. CB(2)1973/06-07(01)-(12) – submissions from deputations

LC Paper No. CB(2)1962/06-07(01) - Administration's paper on "Re-organisation of Policy Bureaux of the Government Secretariat : Changes to the 2007-08 Estimates of Expenditure")

Meeting with deputations

The Chairman welcomed the deputations to the meeting. He said that the purpose of this meeting was to receive views from the public on the proposed re-organisation of policy bureaux of the Government Secretariat and related issues. He invited the deputations to give views.

Action

Presentation of views by deputations

2. The representative of Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) gave the following views -

- (a) the portfolios of "labour" and "welfare" should not be placed under the same policy bureau;
- (b) the legal aid portfolio should remain under the Administration Wing of the Chief Secretary for Administration's Office in order to maintain the independence of the Legal Aid Department;
- (c) it was inappropriate to transfer the portfolio of international conventions relating to human rights from the Home Affairs Bureau (HAB) to the proposed Constitutional and Mainland Affairs Bureau (CMAB); and
- (d) women affairs should be placed under the Administration Wing of the Chief Secretary for Administration's Office.

Details of the Association's views were set out in LC Paper No. CB(2)2062/06-07(11).

3. The representative of Concerning CSSA Review Alliance (CCRA) expressed concern whether the proposed merging of the "labour" and "welfare" portfolios sought to tighten the eligibility criteria for Comprehensive Social Security Assistance (CSSA) Scheme and hence affect the welfare of the poor.

4. The representative of Christian Action (CA) informed members that the CA provided assistance to ethnic minorities, low income families, new migrants from the Mainland and cross-border students. He hoped that with the retitling of the Constitutional Affairs Bureau (CAB) as the CMAB, the Hong Kong Special Administrative Region (HKSAR) Government Office in Beijing and the three Economic and Trade Offices in Guangdong, Shanghai and Chengdu, which were currently managed by the Mainland Affairs Liaison Office (MALO), would step up assistance to Hong Kong residents in distress in the Mainland.

5. The representative of Power for Democracy (PD) advocated a review of the Accountability System for Principal Officials (POs) (the Accountability System) implemented in July 2002 prior to the implementation of the proposed re-organisation. Details of the PD's views were set out in LC Paper No. CB(2)2062/06-07(12).

6. The representative of Hong Kong Alley Cat Watch (HKACW) and the representative of Animal Earth (AE) expressed concern that the Agriculture, Fisheries and Conservation Department, which was in charge of animal welfare,

Action

would be placed under the proposed Food and Health Bureau instead of the proposed Environment Bureau. They suggested that a special animal welfare unit be created under the proposed Environmental Bureau to oversee issues pertaining to animal welfare. Details of the HKACW and AE's views were set out in LC Paper Nos. CB(2)2062/06-07(13) and 1973/06-07(01) respectively.

7. Miss CHEUNG Yuen-man expressed concern about the annihilation of wild animals due to urban and infrastructure developments. She urged that the proposed Development Bureau should attach importance to the conservation of wild animals and plants. Details of her views were set out in LC Paper No. CB(2)2062/06-07(14).

8. The representative of Coalition on Technology Innovation (CTI) expressed concern about the downgrading of the importance of technology as reflected by the title of the proposed Commerce and Economic Development Bureau. The Coalition proposed that the title of the bureau should be changed to "Commerce, Industry, Technology and Economy Bureau". It also made a number of suggestions to promote technological development. Details of the Coalition's views were set out in LC Paper No. CB(2)1973/06-07(02).

9. The representative of Hong Kong People's Council on Housing Policy (HKPCHP) urged that the proposed Development Bureau and the Transport and Housing Bureau should attach importance to the conservation of nature in developing infrastructure and housing projects. She doubted whether placing the portfolios of "labour" and "welfare" under one policy bureau was appropriate, as welfare covered more than just promotion of self-reliance through employment.

10. The representative of Hong Kong Institute of Architects (HKIA) considered that the proposed re-organisation provided an opportunity for the Government to improve the outlook and environment of the city. The Institute advocated multi-dimensional design in town planning. Details of the Institute's views were set out in LC Paper No. CB(2)2062/06-07(15).

11. The representative of H.K.S.K.H. Lady MacLehose Centre (HLMC) said that the Centre was a sub-vented organisation providing assistance to women, the elderly, children and ethnic minorities. She expressed concern whether the resources for helping ethnic minorities would be affected, as a result of the CMAB taking over issues relating to race from the HAB.

12. The representative of the Frontier gave the following views -

- (a) the effectiveness of the Accountability System should be reviewed;
- (b) it was inappropriate for human rights issues to be transferred to the CMAB; and

Action

- (c) it was more appropriate to place the legal aid portfolio under the Administration Wing of the Chief Secretary for Administration's Office rather than the HAB.

Details of the Frontier's views were set out in LC Paper No. CB(2)2062/06-07(16).

13. The representative of Concern Alliance on Training and Re-training (CATR) expressed concern whether the Government had attached sufficient importance to manpower development and retraining, given that the officer in charge of the issue was only a Principal Assistant Secretary. He pointed out that in future, the Education Bureau would be in charge of the qualification and accreditation framework while the proposed Labour and Welfare Bureau would be in charge of vocational training and retraining. It was important for the two policy bureaux to establish effective co-operation so as to ensure smooth implementation of manpower development policies.

14. The representative of Association of Engineering Professionals in Society (AEPS) gave the following views -

- (a) this was an appropriate time to re-organise the Government Secretariat;
- (b) it expressed support for the establishment of the proposed Development Bureau and the Environment Bureau;
- (c) the title of the proposed Commerce and Economic Development Bureau should be amended by deleting the word "Development" and inserting the word "Technology"; and
- (d) the promotion prospect of the Environmental Protection Officer (EPO) grade in the Environmental Protection Department (EPD) would be diminished, following the deletion of the post of the Director of Environment Protection (DEP) at D6 level. The post of the DEP at D6 level should be reinstated in order not to affect staff morale.

Details of the Society's views were set out in LC Paper No. CB(2)1973/06-07(03).

15. Mr CHIK Wing-keung said that policy relating to animal welfare and wild animal conservation should be placed under the proposed Environment Bureau. Details of Mr CHIK's views were set out in LC Paper No. CB(2)2062/06-07(18).

16. The representative of Community Development Alliance (CDA) said that the Alliance comprised social workers who were concerned about community development. The Alliance's concerns on the proposed re-organisation were as follows -

Action

- (a) whether the portfolio of community development would be transferred from the HAB to the proposed Development Bureau, and if so, whether the policy direction and resources allocated for community development would be affected as a result;
- (b) whether the team of social workers working under the Urban Renewal Authority (URA) to deal with problems arising from urban renewal projects would be transferred to the relevant policy bureau so as to better implement people-oriented community redevelopment projects; and
- (c) under the proposed re-organisation, the Urban Renewal and Buildings Division under the Housing, Planning and Lands Bureau would be transferred to the proposed Development Bureau. The Alliance expressed concern whether placing housing and urban renewal matters under different policy bureaux would affect the compensation and entitlement of tenants and landlords who were affected by URA projects.

17. Mr CHAN Yiu-fai agreed that there was a need for re-organisation. On large-scale development projects, he expressed concern about the co-ordination of policy issues straddling different policy bureaux and made some suggestions on how the proposed Development Bureau should carry out its work. He said that the Development Bureau should also enhance the implementation efficiency of small-to-medium scale projects. Mr CHAN held the view that the CAB should focus its work on constitutional development rather than Mainland affairs as the latter could be handled by the proposed Commerce and Economic Development Bureau and the Security Bureau. He proposed that the title of the Constitutional Affairs Bureau should be changed to "Constitutional Development Bureau" to reflect the focus of its work. Details of his views were set out in LC Paper No. CB(2)2062/06-07(17).

Discussion with the deputations

18. Mr SIN Chung-kai reiterated his view that the exclusion of "Industry" and "Technology" from the name of the proposed Commerce and Economic Development Bureau could reflect that the Government did not attach importance to industries and technological innovations. He had received support from hundreds of people by email in response to his request that the title of the Commerce and Economic Development Bureau should be amended as "Commerce, Industry, Technology and Economy Bureau". If the Administration did not accede to his request, he would move an amendment to that effect. Ms Audrey EU supported his proposal.

Action

19. Ms Audrey EU sought views from the AEPS and HKIA on her proposal to retitle the proposed Development Bureau as "Sustainable Development Bureau", in order not to give the impression that the Bureau would focus on the implementation of large-scale infrastructure projects rather than sustainable development of Hong Kong as a whole. She also asked whether the HKIA considered the splitting of the Environment, Transport and Works Bureau into three bureaux, namely the Environment Bureau, Transport and Housing Bureau, and the Development Bureau, was conducive to creating a better living environment for Hong Kong.

20. The representative of AEPS said that sustainable development should be pursued by all policy bureaux. He considered it not necessary to change the name of the Development Bureau.

21. The representative of HKIA held the view that putting sustainable development, which cut across all policy portfolios, under the proposed Environment Bureau would undermine its importance. He also expressed concern about the co-ordination of policy issues straddling different policy bureaux and suggested that a post similar to that of a deputy mayor should be created to coordinate and strengthen development-related projects.

22. Ms Emily LAU said that the Administration had not consulted the public on the proposed re-organisation before implementation. She sought views from the deputations as to whether they considered that the re-organisation could address the pressing issues of social harmony such as heritage conservation and wild animal conservation.

23. The representative of AE said that putting matters relating to animal welfare under the proposed Food and Health Bureau could not address the problem of animal conservation.

24. Dr Fernando CHEUNG held the view that the Administration attached more importance to commercial and economic interests than social interest. The word "welfare", defined in broad terms, encompassed the overall development of the society, and not just alleviating poverty. He sought views from the deputations as to whether the merging of the portfolios of "labour" and "welfare" under one policy bureau was conducive to developing social harmony.

25. The representative of Kwan Fook said that social development was about people development. To this end, people should be given more chances for continuous learning. She also expressed concern that the contribution of housewives to the society had not been recognised and some of their rights, e.g. voting right, had been ignored. The Administration should improve welfare services on a number of fronts including the funding for front-line social workers to carry out their work.

Action

Response of the Administration

26. Secretary for Constitutional Affairs (SCA) thanked the deputations and members for their views. He responded to some of the specific comments made at the meeting.

27. In response to Kwan Fook and the CCRA, SCA said that after the re-organisation, the Social Welfare Department (SWD) would continue to take care of the vulnerable groups including, among others, the CSSA recipients and the elderly. The policy to provide funding and welfare services for those in need would remain unchanged.

28. In response to the CA, SCA said that the Administration appreciated the effort of non-government organisations (NGOs) in handling distress cases in the Mainland. The Economic and Trade Office in Guangdong had been co-operating with NGOs on these cases as and when necessary. In the past year, immigration officers had been deployed to the Economic and Trade Office in Guangdong with a view to stepping up assistance to Hong Kong residents in distress in the Mainland.

29. Addressing the concerns of the HKPCHP on housing and comprehensive welfare policies, SCA said that the proposed re-organisation would not change the existing policies. A wide range of services provided to young people, family and the elderly by the SWD would be maintained. The SWD would also strive to develop services to cope with prevailing changes.

30. In response to the HLMC, SCA said that the Administration had introduced the Race Discrimination Bill and would ensure its enforcement after enactment. Irrespective of whether the HAB or the CMAB was in charge of the future polices for ethnic minorities, the bureau concerned would continue to liaise with other relevant bureaux and departments to maintain the level of assistance provided to ethnic minorities.

31. In response to the CATR, SCA said that training and retraining services would be provided by the Labour and Welfare Bureau in future.

32. In response to the CDA, SCA said that the functions of the URA were regulated by the Urban Renewal Authority Ordinance (Cap. 563). The proposed re-organisation would not affect the compensation and entitlement of tenants and landlords who were affected by URA projects.

33. On animal welfare, SCA explained that the Agriculture, Fisheries and Conservation Department would continue to be responsible for matters relating to animal welfare such as the keeping, regulation and control of dogs and cats. Given that more and more people had become pet owners, the Administration had already stepped up promotion of animal protection and law enforcement against animal violence.

Action

34. On the adoption of multi-dimensional planning and design to improve the cityscape and environment of the city, SCA said that he would reflect the views of the HKIA to the relevant departments.

35. Responding to the concern of the AEPS about the promotion prospect of EPO and reinstating the post of DEP at D6 level, SCA said that the Secretary for the Civil Service had undertaken to discuss with the management and departmental grade staff of the EPD with a view to addressing the situation in the latter half of 2007.

36. SCA said that he would reflect the suggestions of the CTI on promoting technological development to the relevant departments. He added that the Innovation and Technology Commission and the Office of Telecommunications Authority would continue their work on technology development after the re-organisation.

37. Addressing the concerns of the HKIA and Mr CHAN Yiu-fai about co-ordination of policy issues straddling different policy bureaux, SCA said that all Directors of Bureau would report on the day-to-day business of their bureaux to either the Chief Secretary for Administration (CS) or the Financial Secretary (FS). In addition, the Policy Committee, led by either the CS or FS, would meet every Thursday to discuss important issues, legislative and financial proposals for onward consideration by the Executive Council.

38. In response to Mr CHAN Yiu-fai, SCA said that the proposed Development Bureau and the works departments would enhance planning and implementation efficiency of large-scale as well as small-to-medium scale development projects, with a view to promoting economic development. The Administration also attached importance to sustainable development and environmental conservation. Each and every policy bureau was required to include in its policy proposals an assessment of the sustainable development implications. On the appropriateness of the CAB to handle Mainland affairs, SCA explained that with the establishment of the MALO in April 2006, the Bureau was responsible for coordination of the HKSAR's relationship with the Mainland. In fact, the CAB had all along been liaising with the various authorities in the Mainland (e.g. the Ministry of Foreign Affairs, the Hong Kong and Macau Affairs Office of the State Council, etc.), assisting in building regional co-operation in areas of trade and economic development through the Mainland and Hong Kong Closer Economic Partnership Arrangement, and rendering assistance to Hong Kong residents in distress in the Mainland.

39. On the review of the Accountability System raised by the Frontier and PD, SCA said that the Consultation Document entitled "Further Development of the Political Appointment System" had proposed to provide a more comprehensive career path for political talents by creating two additional layers of political appointees, i.e. Deputy Directors of Bureau and Assistants to Directors of Bureau.

Action

The proposal could complement the progressive development of a more democratic political system. By the time universal suffrage was implemented to return the CE, the three political layers created under the Political Appointment System would provide room for the CE to form his political team. The Administration would analyse the views collected during the consultation period and announce the way forward on the proposals contained in the Consultation Document in the latter half of 2007. The Administration would address issues relating to the Accountability System in the light of the views received.

40. The Chairman thanked the deputations for their views.

Meeting with the Administration

41. SCA briefed members on the paper which set out the changes to the 2007-2008 Estimates of Expenditure consequential to the proposed re-organisation (LC Paper No. CB(2)1962/06-07(01)). Subject to Members' views, the Administration would submit the proposal to the Finance Committee for approval with a view to implementing the re-organisation with effect from 1 July 2007. The net increase of the additional staff cost of a new Director of Bureau and his private office was \$4,885,000 for the period between July 2007 and March 2008.

42. Dr Fernando CHEUNG pointed out that of the 12 bureaux after the re-organisation, with the exception of the Labour and Welfare Bureau, those with portfolios in two policy areas were provided with two Permanent Secretaries. He considered that the proposal to provide a Commissioner for Labour post at D6 level to lead and steer the Labour Department (LD) would downgrade the importance of labour issues, and requested that two posts of Permanent Secretary be provided to the Labour and Welfare Bureau, with one post each dedicated to the labour and welfare portfolios respectively. Mr WONG Kwok-hing shared his view and pointed out that important labour issues such as the review of the Wage Protection Movement and the introduction of a minimum wage for certain services sectors would have to be tackled by the proposed Labour and Welfare Bureau. He expressed concern about the manpower provided for the re-organised bureau.

43. Secretary for the Civil Service (SCS) said that the number of Permanent Secretaries required by a bureau was determined by the workload of the relevant bureau and not the number of policy portfolios placed under it. In considering the manpower for a bureau, one should take into account not only the number of Permanent Secretary, but also the staff underpinning him. SCS assured members that the Administration attached great importance to labour and welfare issues. It had proposed to transfer these two portfolios from the two existing policy bureaux (i.e. Health, Welfare and Food Bureau, and Economic Development and Labour Bureau) to the new Labour and Welfare Bureau and the new Director of Bureau would focus on labour and welfare policy portfolios. The proposed merger was an improvement over the existing arrangement under which the Secretary for Economic Development and Labour (responsible for labour, tourism, and port,

Action

marine and logistics development) and the Secretary for Health, Welfare and Food were each responsible for at least three policy portfolios.

44. SCS further said that since the existing Permanent Secretary for Health, Welfare and Food (Health and Welfare) pitched at D8 level was in charge of two portfolios, it was reasonable for the proposed post of Permanent Secretary for Labour and Welfare, also pitched at D8 level, to be in charge of two policy portfolios. She added that as the existing Permanent Secretary for Economic Development and Labour (Labour) pitched at D8 level performed executive functions as well by serving as the head of the LD, the Administration had therefore proposed to reinstate a D6 post as the head of the LD under the re-organisation proposal, thus relieving the operational duties of Permanent Secretary for Labour and Welfare. SCS stressed that manpower at the senior level would in fact be strengthened for handling the labour policy portfolio under the proposal.

45. There being no other business, the meeting ended at 10:49 am.

Council Business Division 2
Legislative Council Secretariat
28 January 2008