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Panel on Constitutional Affairs

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 21 February 2011**

Relationship between the Executive and the Legislature and related issues

Purpose

This paper provides background information on the relationship between the Executive and the Legislature and related issues, and summarizes the past discussions held by the Panel on Constitutional Affairs ("the Panel") on the subject.

Background

Relevant provisions of the Basic Law

2. The executive authorities and the legislature have their respective functions and powers under the Basic Law ("BL"). According to Articles 59 and 60 of BL, the Government of the Hong Kong Special Administrative Region ("HKSAR") is the executive authorities of the Region, and the Chief Executive ("CE") is the head of the HKSAR Government. BL 62 stipulates that the HKSAR Government shall exercise the relevant powers and functions, including formulating and implementing policies, conducting administrative affairs, drawing up and introducing budgets, drafting and introducing bills, motions and subordinate legislation.

3. According to Article 66 of BL, the Legislative Council ("LegCo") of HKSAR is the legislature of the Region. The powers and functions of LegCo are stipulated in BL 73: to enact, amend or repeal laws in accordance with the provisions of BL and legal procedures, to examine and approve budgets introduced by the government, to approve taxation and public expenditure, to receive and debate the policy addresses of CE, to raise questions on the work of the government, to debate any issue concerning public interests, and to receive and handle complaints from Hong Kong residents, etc.

4. Article 64 of BL stipulates that the HKSAR Government must abide by the law and be accountable to LegCo of the Region: it shall implement laws passed by the Council and already in force; it shall present regular policy addresses to the Council; it shall answer questions raised by members of the Council; and it shall obtain approval from the Council for taxation and public expenditure.

Accountability System for Principal Officials ("POs")

5. The Accountability System for POs was implemented on 1 July 2002. A total of 14 POs, i.e. three Secretaries of Department and 11 Directors of Bureau, were appointed on contract. They were not civil servants and their contract did not exceed the term of CE who nominated them for appointment. They were accountable to CE for the success or failure of matters falling within their respective portfolios.

6. Following a re-organization of the policy bureaux of the Government Secretariat with effect from 1 July 2007, there are a total of 15 POs, i.e. three Secretaries of Department and 12 Directors of Bureau.

Further Development of the Political Appointment System ("PAS")

7. On 26 July 2006, the Administration issued the "Consultation Document on Further Development of the Political Appointment System" proposing the creation of two additional layers of political appointment positions, namely Deputy Directors of Bureau and Political Assistants, for the following reasons -

- (a) POs needed additional support to meet the demands of people-based governance;
- (b) additional political appointments would be conducive to maintaining the political neutrality of the civil service; and
- (c) political positions at different levels of the Government could provide a more comprehensive career path for political talents to pursue.

8. On 17 October 2007, the Administration published the "Report on Further Development of the Political Appointment System" which recommended that one position of Under Secretary at the rank of Deputy Director of Bureau and one position of Political Assistant should be created for each policy bureau (except the Civil Service Bureau), and one position of Political Assistant be created for the Chief Secretary for Administration and the Financial Secretary respectively.

9. According to the "Report on Further Development of the Political Appointment System", Under Secretaries are responsible principally for assisting Directors of Bureau in undertaking the full range of political work, including the handling of LegCo business, and deputizing for the Directors of Bureau during the latter's temporary absence. They are subordinates of Directors of Bureau and work under the latter's direction. For Political Assistants, their role is mainly in providing political support and input to the Directors of Bureau and Deputy Directors of Bureau, and conducting the necessary political liaison at the instruction of the latter, including liaison with the media and various stakeholders.

10. The proposal to create 24 non-civil service positions (11 Deputy Directors of Bureau and 13 Political Assistants) under PAS with effect from 1 April 2008 was endorsed by the Establishment Subcommittee on 28 November 2007 and approved by the Finance Committee on 14 December 2007. The Interpretation and General Clauses Ordinance (Amendment of Schedule 6) Order 2008 which included the Under Secretaries of the various bureaux in the list of public officers specified in Schedule 6 to Cap. 1 was tabled in LegCo on 12 March 2008. The Order came into force on 1 April 2008. There are currently nine Under Secretaries and nine Political Assistants appointed under PAS on non-civil service terms for the period ending 30 June 2012.

Past discussions of the Panel

Relationship between the Executive and the Legislature

11. The Panel discussed the relationship between the Executive and the Legislature at its meeting held on 23 January 2007. The relevant issues raised by members at the meeting are summarized in the following paragraphs.

12. Some members considered that an interface between the executive authorities and the legislature was the question time at Council meetings. Pointing out that Members of the Parliament in the United Kingdom ("UK") could put any questions to the Prime Minister without notice during question time, they suggested that the Administration should consider adopting the UK practice by allowing LegCo Members to raise questions without notice, provided that the questions raised did not involve details.

13. The Administration advised that the existing arrangements for written and oral questions at Council meetings had been working well. The questions raised by Members covered a broad range of issues and some questions raised were rather probing in nature. For oral questions, they were often followed up

by supplementary questions which were answered by officials on the spot. The interaction between the Administration and Members had been going well all these years. If there was a need for raising urgent issues, Members could also move a motion for adjournment debate subject to the approval of the President.

14. Some members doubted whether the executive authorities and the legislature had complemented and regulated each other under the existing constitutional framework. They held the view that the only way for the executive authorities and the legislature to discharge their functions effectively was to implement universal suffrage for the CE and LegCo elections.

15. The Administration advised that the executive authorities and the legislature were constituted through different routes under this framework. Owing to the lack of guaranteed majority support in LegCo, Government officials had to make the best endeavour to lobby Members' support for legislative and financial proposals put forth by the Administration. As the executive authorities and the legislature were constituted through two different routes, the election of CE by universal suffrage did not necessarily guarantee that CE would have the majority support of political parties in LegCo. Since election was first introduced to LegCo in 1985, many of the Administration's proposals had been implemented with the support of LegCo Members. The question of whether the executive authorities and the legislature could complement and regulate each other would depend on the concerted effort of both sides.

16. Some members opined that the relationship between the executive authorities and the legislature was crucial to effective governance. They said that a CE supported by Members belonging to his party in LegCo would ensure stable governance. They suggested that the Administration should provide opportunities for political parties to participate in public administration. Members may wish to note that the subject of "Role and development of political parties" is on the list of outstanding items for discussion of the Panel.

17. The Administration pointed out that it was making use of the room provided under BL to encourage political party participation, with a view to enhancing relationship between the executive authorities and the legislature. On the one hand, CE had appointed some LegCo Members with political background to serve on the Executive Council ("ExCo"). On the other hand, the Administration had proposed to introduce additional political layers to bring in political talents from political parties, civil service, professional or business sectors to participate in government work. By extending the system of political appointments, people from different backgrounds would have more

opportunities to pursue a broader political career. Given time, the proposal would provide room for CE to form a political team akin to a political coalition. In the longer term, the Administration aimed to achieve election of CE by universal suffrage.

18. Some members considered it illogical to require a CE to relinquish his political affiliation when elected while at the same time requiring him to form a governing team. The Administration advised that political party development and constitutional development were interrelated and complemented each other. The Administration had strived to introduce measures to encourage greater participation, including the proposal for further development of PAS, and proposals to increase the number of District Council ("DC") and LegCo seats in the 2007 DC elections and 2008 LegCo elections respectively, etc. While CE was required to relinquish his political affiliation, POs were allowed to retain their political membership. The proposal for further development of PAS sought to provide room for political talents to take up posts in the different layers of the Government and to strengthen the ties with the legislature.

19. Some members expressed concern that little progress had been made to improve the relationship between the executive authorities and the legislature since the reunification in 1997. They queried how the proposal of furthering PAS would promote political development when the deputy directors of bureau were not held accountable.

20. The Administration disagreed that no progress had been made in the political system of Hong Kong in the past 10 years. The Administration pointed out that the number of directly elected seats in LegCo had increased from 20 to 30. The implementation of PAS had allowed CE to form his own governing team with principal officials serving a term of five years. PAS had brought the political system of Hong Kong closer to that of the democratic jurisdictions overseas.

Implementation of the accountability system for POs

21. The Panel discussed the six-month and the 12-month reports on implementation of the accountability system for POs at its meetings held on 17 February and 21 July 2003 respectively. The relevant issues raised by members at these meetings are summarized in the ensuing paragraphs.

22. Some members considered that the accountability system for POs had failed to achieve its intended objectives to improve governance and enhance accountability. These members said that the 12-month report on implementation of the accountability system for POs had failed to address the

issue of political responsibility of CE in dealing with some major blunders committed by POs in the past year.

23. The Administration advised that the accountability system was consistent with the relevant provisions of BL under which CE led the HKSAR Government. In accordance with BL, POs were nominated by CE and appointed by the Central People's Government. They shared with CE a common goal to work in the best interests of people of Hong Kong and they were willing to come forth to shoulder political responsibility for the governance of the community. The design of the system not only enabled CE to take prompt action in major political incidents involving POs, but also enabled POs to bear full political responsibility consistent with their role as politically appointed officials. The developments of a number of political events recently demonstrated the force of public scrutiny and effectiveness of the monitoring role played by LegCo and the media.

24. Some members expressed concern that the Government had not done enough to improve communication with LegCo to secure support of the latter, which was indispensable for the successful implementation of Government policies. The Administration advised that the Government was firmly committed to enhancing its relationship and cooperation with LegCo. The appointment to the ExCo of LegCo Members had provided an effective means to help the Government in getting a better understanding of the views of LegCo and community sentiments in formulating policies. The Government was prepared to adjust or fine-tune certain policies in the light of public concerns and the views expressed by LegCo Members.

25. Some members considered that POs should attend more regularly meetings of LegCo Panels, which were effective channels for POs to exchange views with LegCo Members on important policy issues. It was also desirable for POs to attend the first few meetings of bills committees and subcommittees on subsidiary legislation to explain the policy intention of the relevant legislation.

26. The Administration advised that Directors of Bureau would attend meetings of LegCo Panels where necessary. For bills committees and subcommittees on important legislation, responsible Directors of Bureau had on occasions attended the first meetings of the committees to explain the relevant policy issues to members. When the committees proceeded to examination of the technical aspects and the specific provisions of the bill or subsidiary legislation, the Permanent Secretary or other senior officials would attend the meetings to respond to members' questions and speak on Government's established policy. The existing arrangements were consistent with the spirit and principle of the accountability system for POs.

Further Development of PAS

27. The Panel discussed the Administration's proposal for further development of PAS at its meetings held on 26 and 31 July 2006 and 16 June 2008. The report on further development of PAS and the appointment of Under Secretaries under PAS were discussed by the Panel on 23 October 2007 and 11 December 2009 respectively. The relevant issues raised by members at these meetings are summarized in the following paragraphs.

28. Some members were of the view that Hong Kong should develop a multi-party system in order to take forward constitutional development. While noting that further development of PAS sought to improve governance, provide better service to the people, provide a more comprehensive career path for political talents and enhance the relationship between the Executive and the Legislature, they queried whether the proposal could achieve these objectives.

29. The Administration advised that it was adopting a two-pronged approach in pursuing constitutional development. On the one hand, it was creating an environment that was conducive to the development of political parties and grooming of political talents; and on the other hand, it was exploring models of a universal suffrage system for CE and LegCo. The proposed additional political layers sought to provide more room for CE to bring in political talents from political parties, civil service, professional or business sectors to participate in government work, and provide opportunities for them to establish a network with various stakeholders while engaging in political work.

30. Some members expressed concern that the implementation of PAS had failed to enhance the accountability of POs and allow the civil service to maintain political neutrality through a clearer delineation of work between political appointees and civil servants.

31. The Administration advised that the interface between the political tier and the civil service was crucial to good governance. When the Administration put forward the proposal to create two additional layers of political positions, it had indicated that the Director of Bureau or the Deputy Director of Bureau would attend the main meetings of LegCo to respond to motion debates, respond to LegCo questions and handle legislative work. The civil service would remain as a permanent, professional and politically neutral institution contributing to the effective governance of Hong Kong.

32. Some members expressed support for the proposal from the perspective that it would contribute to effective governance of Hong Kong. They considered that irrespective of whether a CE was elected by the Election

Committee or by universal suffrage, he needed team members to deliver his election platform. Given that the civil servants were not required to take up political responsibility, PAS could be expanded with a view to further improving governance.

33. While noting that one of the main responsibilities of Under Secretaries was to maintain close liaison with LegCo Members with a view to improving the relationship between the executive authorities and the legislature, some members considered that the Under Secretaries had not taken much initiative in liaising with Members of the pro-democratic camp.

34. The Administration advised that the Directors of Bureau and Under Secretaries had been maintaining liaison with Members belonging to different political parties and groups to seek their support for Government proposals. Many key Government proposals were passed by LegCo with the support of pan-democratic Members. The Administration undertook to relay members' view to the politically appointed officials and encourage them to strengthen their liaison with LegCo Members.

Recent development

35. The SynergyNet has published a report on "Review of the Governance Performance of the Hong Kong Special Administrative Region Government 2010" in December 2010 (http://www.synergynet.org.hk/file/file/Governance_Report_2010_Eng.pdf). The scope of the report covers, among others, legislative success rate of the HKSAR Government, policy explanation work of different policy bureaux, and problems and prospects of Hong Kong's governance system. At its meeting on 17 January 2011, the Panel agreed that the Administration should provide a paper setting out its response to issues raised in the report for members' discussion at the Panel meeting to be held on 21 February 2011. The Administration has provided a paper entitled "Legislative programme of the Government of the Hong Kong Special Administrative Region and the Political Appointment System" to the Panel.

36. At the Council meeting on 19 January 2011, Hon LEUNG Yiu-chung raised an oral question asking whether the Government had drawn up any guideline to facilitate Under Secretaries to fulfill effectively their duty of maintaining regular liaison with LegCo Members as requests from LegCo Members to meet with Under Secretaries to discuss policy matters had sometimes been rejected. The question raised by Hon LEUNG and the reply of the Secretary for Constitutional and Mainland Affairs are in **Appendix I**.

Relevant papers

37. A list of relevant papers which are available on the LegCo website is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
18 February 2011

~~主席：本會就這項質詢已用了超過21分鐘。第五項質詢。~~

副局長的職責

Duties of Under Secretaries

5. 梁耀忠議員：主席，政府於設立副局長職位時曾指出，副局長的其中一項職責是定期與立法會議員保持聯繫；不過，本人與一些立法會議員於近期約晤部分副局長商議政策時都不時遭到拒絕。就此，政府可否告知本會：

- (一) 去年每位副局長曾接獲哪些立法會議員約晤討論相關政策的要求、約晤討論的事項為何、約晤要求是否獲接納、約晤要求被拒的分項數字，以及被拒絕的原因為何；及
- (二) 政府有否制訂任何指引，促使副局長有效履行定期與立法會議員保持聯繫的職責；若有，詳情為何；若否，原因為何？

政制及內地事務局局長：主席，

- (一) 各副局長日常處理的工作涵蓋不同範疇，因應需要和實際情況，他們經常以不同形式，包括透過電話、會面等途徑，以及出席會議、公眾論壇、研討會及諮詢會等活動，與立法會議員、相關界別的持份者，以及社會人士進行溝通和聯絡。

由於與立法會議員的會晤可能是透過函件、電郵、電話或於其他場合碰面時提出，而會面的形式也可能有所不同，我們不能就所有有關的會晤要求及會晤詳情保存資料。會晤最終若未能舉行，可能是基於未能安排雙方方便的時間，或有其他更合適場合進行溝通，也可能是由局方其他人士(例如局長)進行溝通。基於以上這些理由，我們不能保存每個會晤要求是否獲得接納等的有關資料和數字。

- (二) 特區政府在2007年10月發表的《政治委任制度官員守則》，載列了政治委任官員在履行職務時應當遵守的基本原則。

同年11月，特區政府在向立法會財務委員會人事編制小組委員會提交的討論文件中，亦載列了副局長的職責說明。

在處理與立法會相關的事務方面，副局長的工作包括：

- (i) 按局長的指示，出席立法會大會、委員會、小組委員會，以及事務委員會的會議；
- (ii) 與立法會議員保持聯繫；及
- (iii) 爭取法案、議案、附屬法例及公共開支建議獲得立法會通過等。

由於各局的副局長的職務範疇，以至其負責的議題、界別等均有所不同，各人的工作安排亦會有分別。各副局長會按其職責，並因應需要和實際情況，透過不同的形式與立法會議員、相關界別的持份者，以及社會人士保持溝通和聯繫。

梁耀忠議員：主席，很遺憾，局長沒有任何數據可以給我們，不知道是否因為沒有關於副局長與議員會面的具體數字，以致局長要交“白卷”。無論如何，局長也說得很清楚，副局長是要與議員保持聯繫。事實上，自從有了副局長後，局長就好像拿了免死金牌般，不會與議員會面。若要求會面，頂多是與副局長等官員會面。當我們想與這些副局長溝通時，卻又沒有機會。無疑，有些人確曾獲得會面，這點我也知道。但是，我們是透過甚麼途徑跟副局長溝通會面呢？就是透過大眾傳媒或大氣電波。所以，我想問一問局長，他剛才回答時表示會與議員保持聯繫，會否有些副局長是堅守特首曾蔭權的親疏有別說法，有些會晤是面對面的，有些是透過電話，有些則透過傳媒、大氣電波、大眾傳媒溝通。情況是否這樣呢？如果是，請局長讓我們知道；如果不是，那麼將會如何改善親疏有別的情況，怎樣與很疏離的議員保持聯繫或改善現在的聯繫情況呢？

政制及內地事務局局長：主席，我相信梁耀忠議員的理解是不正確的。我們的副局長同事自2008年年中上任以來，一直非常積極參與各

政策局在立法會大會及事務委員會的工作。翻查我們去年曾提供的資料，各位副局長由上任至2010年8月底為止，曾出席數次至十多次立法會會議。至於立法會各委員會的會議方面，大家也出席了數十次。這些是在議會以內的工作。在議會以外，他們當然也是很積極與立法會議員、不同黨派，以及各界人士聯繫。另一方面，對於梁耀忠議員在補充質詢中指現在因為有了副局長，局長與議會及議員的聯繫便減少了，我想表明，我不認為情況是如梁議員所說。我可以告訴大家，以我負責的政策局為例，我依然會盡量出席每一次的政制事務委員會會議，在會內與大家溝通，會外則爭取大家的支持。

主席：梁議員，你的補充質詢是否未獲答覆？

梁耀忠議員：主席，是的。我是問局長如何改善未來的情況，不是單問政制及內地事務局局長，而是問所有其他局長及副局長的做法。他只是回答了他自己的情況，那麼其他政策局的情況呢？再者，我所指的溝通不是指在議會開會，在議會以外的才算是溝通吧。

主席：請重複你認為局長沒有回答的部分。

梁耀忠議員：現時是否有親疏有別的情況，因而有些人可獲得直接會晤，有些人則要透過大眾傳媒、大氣電波溝通。如果不是，將會如何改善呢？

主席：局長，議員是問，跟議員的會面是否存在親疏有別的情況？如果不是，如何改善？

政制及內地事務局局長：主席，實際的情況是，不論任何黨派背景的議員，我們也要爭取他們的支持。二〇一二年政改方案能在2010年獲得通過，正是因為在建制派陣營中有黨派及議員支持，而泛民派陣營中也有黨派及議員支持。所以，在處理香港的公共事務上，不論議員的黨派背景為何，我們都會努力爭取與大家溝通解釋，以及爭取大家的支持。

葉劉淑儀議員：主席，局長剛才說，副局長的工作包括與立法會議員保持聯絡，即是不論在會內或會外也要吧。那麼政治助理(“政助”)又如何呢？有一、兩位政助連前廳也沒有進過，我看到他們在公眾議席出現也不下來前廳，不論會內、會外的溝通也很少。據說，他們只是做政策研究，當局長的參事，跟*staff officer*差不多。這樣是否發揮政助的功能呢？政制及內地事務局或有關局長會否向那些政助作出一些指示？

政制及內地事務局局長：確實如葉劉淑儀議員所指，我們的副局長與政助的職務是有所不同的。副局長的層次較高一些，可以署任局長，可以在這議事堂裏於立法會大會上代政府發言，解釋及解答各位議員的質詢。政助所處理的工作則有所不同，有一部分是政策研究，另外一些工作則是與不同的團體及政府以外的人士聯繫，就不同的建議和事件評估特區政府在總體的政治局面中如何做好這些建議，以爭取各方的支持。但是，據我理解，政助也有到立法會瞭解相關的總體情況。但是，這與副局長的層次是有所不同的。

劉慧卿議員：主席，梁議員的質詢是，最近他本人與一些立法會議員約見一些副局長討論政策，不時遭到拒絕。我覺得這是很“離譜”的。局長在回答為何要拒絕時指出，是因為未能安排雙方合適的時間，或是有更合適的場合進行溝通——即是透過傳媒及局方其他人，例如局長本人進行溝通。但是，如果能與局長溝通，梁議員便不會提出質詢了。我想問問局長，這些副局長的職責主要是跟議員溝通，而議員只有60位，也不會60位議員同一時間要求溝通的吧，因為有些是相同政黨的。然而，即使議員人數這麼少，也不可以把與議員溝通放於最高的層次，導致議員的會晤要求不時遭拒絕。這是甚麼原因呢？我覺得這是非常不合理，也很“離譜”的。此外，甚麼才是“在更合適的場合溝通”？是否直接會面便不可以，大家要透過電郵或透過記者溝通，把要說的話告訴記者，然後由記者轉達政府的回覆。是否這樣呢？

政制及內地事務局局長：主席，不是的。如果我們需要處理一宗事件或一個政策，不論是由特區政府提出，或是議員指出的，我們也會積極處理。處理這些事宜時，我們會按情況及需要，尋找最合適的場合處理。主席，我想透過你向劉慧卿議員和各位議員解釋，我並不是為

副局長沒有與梁議員或其他議員會晤而找一個託辭。我想告訴大家，不論是特區政府提出的政策或是議員指出的問題，我們都會積極處理，亦會因應情況尋找最合適的方法來處理。

我亦想向劉慧卿議員指出，她最近在政制事務委員會表示對某一個智庫的報告很感興趣，是SynergyNet，而這個團體過去兩年的報告都指出，自從設立副局長和政助這兩層政治委任架構以來，政治委任官員到立法會解釋政治、出席委員會會議的次數較以往多，而首長級公務員直接在議會上發言的時段，按比例而言反而沒有特別增長。

主席：你的補充質詢是否未獲答覆？

劉慧卿議員：主席，局長沒有回答我的質詢。我是問，為何跟十多名議員或數十名議員溝通並不是最優先，為何要拒絕議員的要求，為何他們會這麼忙碌，以及何謂“在更合適的場合溝通”？

政制及內地事務局局長：主席，我相信很難抽空地解說這個問題。但是，如果是說原則的話，我可以回答劉慧卿議員，對各個政策局不論是局長、副局長和其他同事而言，跟議員溝通、解釋政策、解答提問等，永遠都是要優先處理的工作。但是，如果梁耀忠議員有其他個案想提出來，或是他提出的要求未獲得合理的回應，我們當然是會再作進一步的回應。

何秀蘭議員：副局長是政治任命官員，在推出這個制度的時候都說他們是負責做政治工作。但是，在一些民情爆發已到了需要作危機處理的事件中，即使立法會議員協助斡旋而要求跟副局長會面，這些副局長都不出現。時間相距遠一點的例子，是梁耀忠議員在機場的士司機罷駛事件中約見邱誠武副局長；近一點的便是中西區大陸樓地鐵收樓事件，當時我也是要求約見邱誠武副局長；而現時正發生的，則是菜園村圍板事件。大家同樣都是要求邱誠武副局長到該處斡旋，但他每次都不出現。在這些最需要向市民問責、需要作政治處理、需要運用他的權力來特事特辦的時候，他便找公務員來做擋箭牌去“受靶”。主席，為何會這樣的呢？這批政治任命官員為何在最需要他們出現協助斡旋的時候，把一些公務員推出來當擋箭牌呢？

政制及內地事務局局長：主席，我相信情況並不是好像何秀蘭議員的揣測般。不論是機場的土事件、中西區收地的事宜，或是菜園村現在要進行清拆的個案，我們都是依法辦事，而相關的政策局及部門都很積極處理這些事宜。如果公眾有申訴或市民有意見，要由議員反映，我們一定會接受。

但是，至於在各個時段會由首長級公務員處理或是由政治委任的局長或副局長來處理，則要按情況而定。但是，我想指出，我剛才說過，由他們上任至2010年8月期間，各位副局長都出席了很多立法會大會及相關事務委員會的會議。就運輸及房屋局副局長而言，直至去年8月，他先後出席了立法會大會11次，相關委員會則有66次。如果以出席委員會的次數來計算，在9位副局長當中，他排行第二。所以，不可以說他不看重跟議會和議員的溝通。

何秀蘭議員：主席，首先，我要澄清，這不是揣測，這是很多人的親身經驗，是事實。我們真的多番找邱誠武副局長也找不到，電話都不回覆。還有我想跟進局長.....

主席：你只能夠重複你的補充質詢未獲答覆的部分。

何秀蘭議員：.....是的。

主席：如果你要跟進，請再排隊輪候。

何秀蘭議員：好的，我會重複。局長沒有回答的部分是，他說會按法例、按情況要求，但.....

主席：你只需重複你的補充質詢未獲答覆的部分。

何秀蘭議員：好的。即使是按法例、按情況而定，為何在這些需要疏導民情的火爆場面，政治任命官員都不出現，要找公務員來做擋箭牌？

主席：局長剛才已經作答。我且看看局長有否補充。

政制及內地事務局局長：主席，我唯一的補充是，政治責任是由政治委任官員來肩負。至於公務員，不論是首長級或專業職位的公務員，他們都是為市民大眾服務，按政府政策來協助這些政治委任官員做好政府部門的工作。

何俊仁議員：主席，據我所知，在殖民地時代有一個不成文的規矩，即所謂“protocol”，是當時港督都很清楚的，就是如果有立法會議員想與他會面，他是會接見的。當時的港督也會這樣做，我真的不知道為何回歸後有很多事情都好像倒退得很厲害，與官員會面原來這麼困難。剛才林大輝議員的主體質詢便是問，為何他想就業界的問題找財經事務及庫務局局長討論一下也不能，會面也不能，只能夠通電話。剛才甚至有議員問，是否害怕他有暴力傾向。

我的補充質詢很簡單，我想請問局長，可否訂定一些“protocol”、一些規矩，就是如果有議員希望與局長或副局長會面，他們有責任盡量安排，盡快會面。大家知道，我們在這些正式會議上的辯論很多時候是向公眾交代，未必是最有利於解決一些很實質的問題。一些面對面的會議，或是在議事廳外所作的討論，很多時候是會更為有效的。局長作為政制及內地事務局局長，可否協助訂立這些規矩，即使是不成文的也好，就是如果議員要約見的話，當局會盡力安排，盡快會面？

政制及內地事務局局長：主席，根據《基本法》，特區政府要向立法會負責。我們所提交的法例、不同的政策範疇、需要在議會內取得支持的預算案等，都一定要爭取議會的通過，以及不同黨派和獨立議員的理解才行。所以，按照《基本法》的規定和特區政府作為行政架構

的實質工作需要，我們根本一定會爭取與各位議員溝通。很多時候，大家星期三在這裏開會，而很多政策局的不同官員則會在前廳等待大家有空的時候，跟大家傾談一下。大家所說的會面和溝通等需要，是很實質的，而我們不同政策局的領導層和同事都很明白，亦會貫徹執行。雖然這是總體方向，但我當然明白，個別事情會有個別的不同處理手法。今天何俊仁議員和其他議員作出提醒，我回到政府總部後，會跟各政策局的同事溝通。

主席：本會就這項質詢已用了接近21分鐘。最後一項口頭質詢。

興建廢物焚化設施

Construction of Waste Incineration Facilities

6. **王國興議員：**主席，鑒於本港3個堆填區會於未來數年逐一飽和，當局為妥善處理本港每天數以千噸的廢物，去年已決定耗資超過51億元在屯門曾咀興建全港首個污泥處理廠，以處理淨化海港計劃所產生的污泥。近期環境局又打算在新界西的屯門及大嶼山以南的石鼓洲興建以先進焚化科技為核心的綜合廢物管理設施，以減輕堆填區的壓力。就此，政府可否告知本會：

- (一) 環境局於2009年就在屯門曾咀興建焚化設施處理污泥的撥款申請過程中，曾就屯門區議會提出的10項改善屯門形象及發展的建議補償措施，承諾積極跟進，現時的進度為何；有沒有改善進度的時間表；若有，詳情為何；若否，原因為何；
- (二) 於屯門曾咀或石鼓洲興建綜合廢物處理設施的計劃現階段的進度為何；是否已完成環境評估報告；若然，何時公布結果；若否，將於何時完成報告；政府就有關事宜諮詢相關區議會及當區居民所接獲的意見為何；會否在落實選址前先得到有關區議會的支持才作最後的決定；及
- (三) 政府決定焚化設施的選址有否一套公平、公正及公開的標準；若有，詳情為何；若否，原因為何；鑒於新界西特別是屯門已經率先為全港作出了社會承擔，不反對在當區興建全港第一個焚化污泥設施，政府還要在當區興建另一個

Relationship between the Executive and the Legislature and related issues

Relevant documents

Minutes

- (a) minutes of the meeting of the Panel on 17 February 2003
[LC Paper No. CB(2)1478/02-03];
- (b) minutes of the meeting of the Panel on 21 July 2003
[LC Paper No. CB(2)3105/02-03];
- (c) minutes of the meeting of the Panel on 26 July 2006
[LC Paper No. CB(2)242/06-07];
- (d) minutes of the meeting of the Panel on 31 July 2006
[LC Paper No. CB(2)87/06-07];
- (e) minutes of the meeting of the Panel on 23 January 2007
[LC Paper No. CB(2)1367/06-07];
- (f) minutes of the meeting of the Panel on 23 October 2007
[LC Paper No. CB(2)953/07-08];
- (g) minutes of the meeting of the Panel on 16 June 2008
[LC Paper No. CB(2)2806/07-08];
- (h) minutes of the meeting of the Panel on 11 December 2009
[LC Paper No. CB(2)1509/09-10];

Papers

- (i) Background brief on "Implementation of the Accountability System for Principal Officials" prepared by the Legislative Council ("LegCo") Secretariat
[LC Paper No. CB(2)930/02-03(01)];
- (j) Administration's paper entitled "Report on Implementation of the Accountability System for Principal Officials"
[LC Paper No. CB(2)930/02-03(02)];

- (k) Background brief on "Implementation of the Accountability System for Principal Officials" prepared by the LegCo Secretariat [LC Paper No. CB(2)2864/02-03(02)];
- (l) Administration's paper entitled "12-month Report on Implementation of the Accountability System for Principal Officials " [LC Paper No. CB(2) 2864/02-03(03)];
- (m) Administration's paper entitled "Further Development of the Political Appointment System" [LC Paper No. CB(2)2858/05-06(01)];
- (n) Administration's paper entitled "Relationship between the Executive Authorities and the Legislature" [LC Paper No. CB(2)900/06-07(01)];
- (o) Background brief on "Further Development of the Political Appointment System" prepared by the LegCo Secretariat [LC Paper No. CB(2)123/07-08(01)];
- (p) Administration's paper entitled "Appointment of Under Secretaries under the Political Appointment System" [LC Paper No. CB(2)476/09-10(03)];
- (q) Background brief on "Appointment of Under Secretaries under the Political Appointment System" prepared by the LegCo Secretariat [LC Paper No. CB(2) 476/09-10(04)];

Motion/Question

- (r) Oral question raised by Hon Emily LAU on "Appointment of Under Secretaries and Political Assistants to Directors of Bureaux" at the Council meeting on 9 July 2008;
- (s) Oral question raised by Hon Audrey EU on "Under Secretaries and Political Assistants" at the Council meeting on 20 May 2009;
- (t) Motion moved by Hon WONG Yuk-man on "Comprehensive review of the Accountability System" at the Council meeting on 3 June 2009; and
- (u) Oral question raised by Hon LEUNG Yiu-chung on "Duties of Under Secretaries" at the Council meeting on 19 January 2011.