

立法會
Legislative Council

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LC Paper No. CB(2)2619/11-12
(These minutes have been seen
by the Administration)

**Subcommittee to Study the Proposed Legislative Amendments Relating to
the Re-organisation of the Government Secretariat**

**Minutes of the third meeting
held on Monday, 28 May 2012, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon Jeffrey LAM Kin-fung, GBS, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Dr Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Kong-wah, JP
Hon LAU Wong-fat, GBM, GBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon WONG Ting-kwong, BBS, JP
Hon CHAN Kin-por, JP
Hon WONG Kwok-kin, BBS
Hon IP Wai-ming, MH
Hon Paul TSE Wai-chun, JP
Dr Hon Samson TAM Wai-ho, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Member attending** : Hon CHIM Pui-chung

Members absent : Hon Albert HO Chun-yan
Hon WONG Yung-kan, SBS, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon WONG Kwok-hing, MH
Hon CHEUNG Hok-ming, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon IP Kwok-him, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon PAN Pey-chyou
Hon Tanya CHAN

Public Officers attending : Office of the Chief Executive-elect

Mrs Fanny LAW FAN Chiu-fun
Head of the Chief Executive-elect's Office

Ms Alice LAU Yim
Secretary-General of the Chief Executive-elect's Office

Constitutional and Mainland Affairs Bureau

Mr Raymond TAM Chi-yuen
Secretary for Constitutional and Mainland Affairs

Mr Gordon LEUNG Chung-tai
Deputy Secretary for Constitutional and Mainland Affairs

Mr Freely CHENG Kei
Principal Assistant Secretary
(Constitutional and Mainland Affairs)

Department of Justice

Mr Gilbert MO Sik-keung
Deputy Law Draftsman
(Bilingual Drafting & Administration)

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)3

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

Mr Kelvin LEE
Assistant Legal Adviser 1

Miss Cindy HO
Senior Council Secretary (2)3

Ms Wendy LO
Council Secretary (2)3

Mrs Fanny TSANG
Legislative Assistant (2)3

Action

I. Meeting with the Administration

[LC Paper Nos. CB(3)735/11-12, CB(2)1908/11-12(01), CB(2)2105/11-12(01), CB(2)2106/11-12(01) to (03) and CB(2)2158/11-12(01) to (03)]

The Subcommittee deliberated (index of proceedings attached at **Annex**).

Follow-up actions required of the Administration

- Admin**
2. The Administration/the Chief Executive-elect's Office were requested to –
- (a) provide information on the division of work under the current and the next term Governments in taking forward cooperation with the Mainland; and
 - (b) consider providing supplementary information as appropriate on how the proposed new structure would effectively address the issues of population policy and the division of work among the various layers of administration to deal with the relevant coordination work.

II. Any other business

Date of next meeting

3. The Chairman reminded members that the Subcommittee would hold its next meeting on 30 May 2012 at 8:30 am.
4. There being no other business, the meeting ended at 12:46 pm.

Council Business Division 2
Legislative Council Secretariat
18 July 2012

**Proceedings of the third meeting of the
Subcommittee to Study the Proposed Legislative Amendments Relating to the
Re-organisation of the Government Secretariat
on Monday, 28 May 2012, at 10:45 am
in Conference Room 3 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000719 - 001339	Chairman Dr Margaret NG	Discussion on the approach to conduct the scrutiny work.	
001340 - 001444	Administration	Briefing by the Administration on its responses to the issues raised at the meeting on 23 May 2012 [LC Paper No. CB(2)2158/11-12(01)].	
001445 - 002000	Chairman Mr CHEUNG Man-kwong Head of the Chief Executive-elect's Office ("H/CEEO")	<p>Mr CHEUNG Man-kwong's enquiries on media reports about alleged intervention of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("the Liaison Office") on the appointment of the Principal Officials ("POs") of the fourth-term government.</p> <p>H/CEEO's remark that the question was outside the scope of work of the Subcommittee.</p> <p>Mr CHEUNG's view that the issue would have significant bearing on the policy of "one country, two systems" and the appointment of unsuitable persons as POs would compromise the performance of the new governing team.</p> <p>Mr CHEUNG's expression of dissatisfaction at H/CEEO's refusal to respond.</p>	
002001 - 002402	Chairman Mr LAU Kong-wah H/CEEO	<p>Mr LAU Kong-wah's suggestion that –</p> <p>(a) priority areas relating to population policy and poverty alleviation should be included as the first policy responsibility of Deputy Chief Secretary for Administration ("DCS") at Annex A to LC Paper CB(2)2158/11-12(01); and</p> <p>(b) fostering a closer cooperation with mainland authorities at municipal level should also be included as the second policy responsibility of Deputy Financial Secretary ("DFS") at Annex B to the same paper.</p>	

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		<p>Mr LAU's expression of concern that the inclusion of the new Deputy Secretaries of Department ("DSoDs") and Directors of Bureaux ("DoBs") in the Executive Council would make its composition too large and affect the efficiency of its operation.</p> <p>H/CEEO's response that the wording of the policy responsibilities of DSoDs as set out in Annexes A and B to the Administration's paper would be refined where appropriate in the light of Mr LAU's suggestions.</p>	
002403 - 003139	Chairman Ms Emily LAU Administration H/CEEO	<p>Ms Emily LAU's enquiry on –</p> <p>(a) how the new DSoDs would coordinate the work of different bureaux involving cross-cutting policies under the proposed organisation chart of the fourth-term government and the relevant decision-making process in handling the relations between the Hong Kong Special Administrative Region Government ("HKSARG") and the Mainland; and</p> <p>(b) the specific "relevant statutory functions delegated" or "vested in him/her by law" to be carried out by the new DCS and DFS, as referred to under the sixth point of their respective policy responsibilities in Annexes A and B to LC Paper CB(2)2158/11-12(01).</p> <p>The Administration's explanation of the functions of the Constitutional and Mainland Affairs Bureau ("CMAB") for forging cooperation between the HKSARG and the Mainland by coordinating amongst bureaux horizontally and providing strategic support on the macro-level.</p> <p>Ms Emily LAU's further enquiry on how the decision-making process would be expedited and improved in respect of leveraging on the Mainland for Hong Kong's economic development.</p> <p>H/CEEO's response that there were views from the concerned sectors that the government should take the lead in discussions with the Mainland authorities on facilitating effective implementation of Mainland/Hong Kong Closer Economic Partnership Arrangement ("CEPA") measures and to follow up more actively on problems encountered by Hong Kong enterprises when using the CEPA measures on the Mainland.</p>	

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		<p>H/CEEO's further response that in response to the public expectation on enhancing coordination work amongst policy bureaux on cross-cutting policy issues, the coordination work of DSoDs would be mission-driven and not necessarily limited to the policy bureaux directly under their purview.</p>	
003140 - 003600	<p>Chairman Mr LEE Cheuk-yan H/CEEO</p>	<p>Mr LEE Cheuk-yan's expression of concern about the alleged political intervention on the appointment of POs of the fourth-term government eroding the concept of "one country, two systems". His enquiry about the source of candidates to be appointed to the new governing team.</p> <p>H/CEEO's reiteration that the issue was outside the scope of the re-organisation.</p> <p>Mr LEE Cheuk-yan's views that the process and procedures of forming the new governing team should be regarded as part of the proposed re-organisation of the Government Secretariat.</p> <p>His disagreement that the issue fell outside the scope of the re-organisation.</p> <p>The Chairman's advice that the Subcommittee was tasked by the House Committee to study the proposed legislative amendments relating to the re-organisation, hence the appointment of candidates as POs was outside the scope of its work.</p>	
003601 - 004305	<p>Chairman Dr Margaret NG Administration H/CEEO</p>	<p>Dr Margaret NG's views that the Subcommittee should only proceed with its scrutiny work after the relevant Panels had considered the relevant issues relating to re-distribution of work of policy bureaux; scrutiny work of the Subcommittee should be deferred until issues of concerns raised by members had been fully addressed; and the question relating to the appointment of POs was of relevance to the objective of the proposed re-organisation of the Government Secretariat.</p> <p>The Administration's explanation that according to Article 48(5) of the Basic Law ("BL"), the Chief Executive ("CE") of HKSAR shall exercise powers and functions to nominate and to report to the Central People's Government ("CPG") for appointment of POs and the power of appointment would be exercised by the State Council of the</p>	

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		<p>People's Republic of China, hence no other agency would have any role to play in the discharge of this constitutional function under BL.</p> <p>Dr Margaret NG's further enquiry about the candidates to be considered for appointment.</p> <p>H/CEEO's confirmation that the nomination was made by CE-elect who shall communicate with CPG in accordance with the requirement under BL.</p> <p>Dr Margaret NG's enquiry about the inadequacies of the existing government structure and why the current structure would not be able to cater for the need of the new-term government to fulfill the policy objectives and priorities pledged by the CE-elect.</p> <p>Her observation about the overlapping roles of coordination with the Mainland at the various layers of the administration and request for the Administration's written explanation on the relevant division of work under the current and the next term Governments in taking forward cooperation with the Mainland. Secretary for Constitutional and Mainland Affairs ("SCMA") and H/CEEO undertook to provide the requisite information.</p>	<p>Admin (para 2(a) of the minutes)</p>
004306 - 004729	Chairman Mrs Sophie LEUNG	<p>Mrs Sophie LEUNG's remark that the media report on the involvement of Liaison Office was just hearsay.</p> <p>Mrs LEUNG welcomed the CE-elect's undertaking to conduct an interim review of the Politically Appointment System ("PAS") and to introduce the improvement measures to the system as set out in LC Paper CB(2)2164/11-12(01).</p>	
004730 - 005241	Chairman Mr Alan LEONG H/CEEO	<p>Mr Alan LEONG's views that the Accountability System (also referred to as PAS) was introduced in 2002 and expanded in 2007 but it fell short of public expectation on the objective of enhancing the effectiveness of governance and social harmony; the Administration should consolidate its experience and identify ways for improvement to address the inadequacies of the system, and any re-distribution of policy responsibilities should serve to rectify any such problems identified.</p>	

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		<p>With reference to the duty of DCS to oversee three departments (namely Education Bureau, Culture Bureau and Labour and Welfare Bureau) which were to deal with ideological matters, Mr LEONG's remark that there were speculations that the post of DCS was created to monitor the work of the Chief Secretary for Administration ("CS") and to create an impression of social harmony.</p> <p>With reference to the duty of DFS to oversee the Commerce and Industries Bureau and the Technology and Communications Bureau, Mr LEONG's remark that there were speculations that the intention was to monitor expression of views on the Internet and to by-pass the Financial Secretary ("FS") in respect of those policy portfolios.</p> <p>H/CEEO clarification that the speculations were unfounded.</p> <p>Her explanation that the proposed creation of the DCS and DFS posts was to share the workload of CS and FS, and to address concerns on inadequate coordination in the formulation and implementation of government policies in support of the industries, including the six industries which Hong Kong had enjoyed clear advantages.</p>	
005242 - 010036	Chairman Mr LEUNG Kwok-hung Administration	<p>Mr LEUNG Kwok-hung's view that Legislative Council ("LegCo") had the constitutional duty to monitor the work of the current-term government according to BL and the refusal of the current government to review the Accountability System was an irresponsible act.</p> <p>Mr LEUNG's request for the explanation of SCMA on how the proposed government structure would improve the efficiency of governance.</p> <p>SCMA's explanations on the objectives of the CE-elect's proposal of re-organisation of the Government Secretariat which was for the initiatives as pledged in his manifesto to materialise at an early date; the duties and responsibilities of the new DSoDs and two new policies bureaux.</p>	
010037 - 010527	Chairman Mr LEE Wing-tat	Mr LEE Wing-tat's expression of views that the CE-elect should elaborate on the improvements to Accountability System including performance	

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		<p>appraisal, reward and punishment etc; and how the politically appointed officials ("PAOs") were accountable to their performance and mistakes and bore their political responsibility at varying degrees.</p> <p>Mr LEE's remark that the proposed re-organisation did not gain much public support as the opinion poll conducted by Dr Robert CHUNG recorded that only 24% of the interviewees had indicated support.</p> <p>Mr LEE's request that all the improvement measures should be introduced before the appointment of PAOs of the fourth-term government so that they would be incorporated in their contracts of employment.</p>	
010528 – 010831	Chairman Ms Miriam LAU	<p>Ms Miriam LAU's views that the implementation of the Accountability System should be value-for-money. However, it was disappointing to note that despite the huge expenditure spent on the implementation, it did not bring significant improvement to the efficiency of the Administration, and now that the taxpayers were again asked to foot another \$70 million per annum for the expansion of the system.</p> <p>Ms LAU's suggestion that any proposal to increase the remuneration of PAOs should be withheld until it could be justified by the performance of the new governing team.</p>	
010832 – 011252	Chairman Mr CHEUNG Man-kwong H/CEEO	<p>Mr CHEUNG Man-kwong's enquiries on the arrangement relating to the communication with the CPG on the nomination of POs for appointment and the involvement of the Liaison Office to give sanction on the nominations made or to sift out candidates it considered unacceptable.</p> <p>H/CEEO's reiteration of the appointment process which involved nomination by CE-elect to CPG for appointment.</p> <p>H/CEEO's explanation that the CE-elect had put forward the proposed re-organisation of the Government Secretariat after having taken account of the views received in the past including the views expressed by some Members.</p>	

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011253 - 011956	Chairman Mr LEE Cheuk-yan H/CEEEO	<p>Mr LEE Cheuk-yan's enquiries on –</p> <p>(a) whether the Administration had considered that its inefficiency of the current government in dealing with long-term planning work was not due to the structural problem, but the personal efficiency problem of relevant POs; and</p> <p>(b) whether Hong Kong should focus more on developing its trade and key service industries which it had enjoyed clear advantages, instead of identification of further business opportunities with the Mainland which would clearly be done by Hong Kong enterprises.</p> <p>H/CEEEO's replies that –</p> <p>(a) POs had been working exceptionally hard but longer term planning might be compromised due to other work priorities; and</p> <p>(b) Hong Kong enterprises had encountered problems when using the CEPA measures on the Mainland which required close government-to-government liaison with the Mainland authorities; and the Administration had implemented various measures to assist Hong Kong enterprises in capturing the opportunities to explore and develop the Mainland market. Hence, the new Commerce and Industries Bureau would still have a heavy schedule after the re-organisation.</p>	
011957 - 012315	Chairman Mr LAU Kong-wah H/CEEEO	<p>Mr LAU Kong-wah's remark that as transpired at the two special meetings held by the Panel on Constitutional Affairs on 19 and 26 May 2012 to receive views from the public on the proposed re-organisation of the Government Secretariat, there were two major concerns, namely, the pace of development of Hong Kong was dragged or even desisted; and work was scattered amongst different government departments and there was a lack of coordination on cross-cutting policies.</p> <p>Mr LAU's views that the public had high expectations on the new governing team to bring about changes to the current situation; the Administration should work along with the concerned sectors whilst devising its policies; and the new DSoDs should reach out to the public and concerned sectors.</p>	

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012316 - 012659	Chairman Ms Emily LAU	Ms Emily LAU's view that the development of party politics was essential to the formation of a governing team sharing common values.	
012700 - 013536	Chairman Dr Margaret NG Administration	<p>Dr Margaret NG's view that the Administration should explain in writing as to how the proposed new structure would effectively address the issues of population policy as stated under paragraph 10 of Annex I to LC Paper No. CB(2)2158/11-12(01).</p> <p>Dr NG's remark that that there were speculations on those policy bureaux to be put under the purview of DCS was to deal with ideological cultivation, and putting the Radio Television Hong Kong under the purview of DFS, which was irrelevant to the remit of FS, meant to serve political purpose.</p> <p>The Administration's explanation on the functions of DCS and DFS respectively as set out in Annex I to the paper.</p> <p>Dr NG's reiteration of her request for a written response and the Chairman's suggestion that SCMA to consider the provision of supplementary information as appropriate.</p>	Admin (para 2(b) of the minutes)
013537 - 013927	Chairman Mr LEUNG Kwok-hung	<p>Mr LEUNG Kwok-hung's views about the roadmap of political development of Hong Kong and the use of deputyship as a feature of the communist government.</p> <p>His remark that the rapid expansion of the governing team under the proposed re-organisation of the Government Secretariat was to cover up the intention of building a second governing team in Hong Kong.</p>	
013928 - 014646	Chairman Mr LEE Wing-tat H/CEEEO	<p>Mr LEE Wing-tat's query on H/CEEEO's saying that the work schedule would still be heavy even if the work of Secretary for Commerce and Economic Development was to be shared by DFS, Secretary for Commerce and Industries and Secretary for Technology and Communications.</p> <p>H/CEEEO's explanation that the re-structuring of the Commerce and Economic Development Bureau was to address the various needs and views of the concerned sectors; and the idea was originated from the New People's Party with a view to boosting the</p>	

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		<p>competitiveness of industries and enhancing human qualities.</p> <p>Mr LEE Wing-tat's remark that the views of the New People's Party were not representative of the general public; and his dissatisfaction that the suggestion of Democratic Party on a reduction of the number of policy bureaux was not heeded by the CE-elect's Office.</p> <p>Responding to H/CEEO, Mr LEE's clarification that the election platform of Mr Albert HO during his campaign to run for the CE post did not include creation of an additional layer of the politically appointed officials.</p>	
014647 - 015115	Chairman Mrs Sophie LEUNG	Mrs Sophie LEUNG's views that a variety of industries was needed to help create more employment opportunities for young people; the qualities of the young people should be further enhanced through education; and the Accountability System should be given room for further development.	
015116 - 015438	Chairman Mr CHEUNG Man-kwong Administration H/CEEO	<p>Mr CHEUNG Man-kwong's expression of strong view that the CE-elect's Office should have clarified in response to the media reports about the alleged involvement of the Liaison Office in the appointment of the new governing team and his grave concern over the existence of a "second governing team" in Hong Kong under the auspice of mainland officials.</p> <p>The Administration's response that it had advised on the constitutional arrangement on the appointment of the new governing team and no further comment could be made.</p> <p>H/CEEO's response that the media reports were not based on facts and had no credibility.</p>	
015439 - 015832	Chairman Mr LEE Wing-tat H/CEEO	<p>Mr LEE Wing-tat's comment that the CE-elect's Office had selectively responded to issues reported by the media.</p> <p>H/CEEO's responses that the CE-elect's Office could not possibly respond to all media reports; and the appointment of PAOs would be announced at the appropriate juncture.</p>	

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015833 - 020159	Chairman Mr LEUNG Kwok-hung	Mr LEUNG Kwok-hung's comment that interference of Mainland officials in the CE election would no doubt lead to similar interference to subsequent appointments to the governing team of the CE-elect.	
020200 - 020210	Chairman	Date of next meeting	

Council Business Division 2
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18 July 2012