

**立法會**  
**Legislative Council**

Ref : CB2/SS/5/11

LC Paper No. CB(2)2870/11-12  
(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 fifth meeting  
held on Thursday, 31 May 2012, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

- Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)  
Hon Jeffrey LAM Kin-fung, GBS, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Dr Hon Margaret NG  
Hon CHEUNG Man-kwong  
Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP  
Hon WONG Yung-kan, SBS, JP  
Hon LAU Kong-wah, JP  
Hon Miriam LAU Kin-ye, 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  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon IP Wai-ming, MH  
Hon IP Kwok-him, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Tanya CHAN
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS  
Hon LAU Wong-fat, GBM, GBS, JP  
Hon Timothy FOK Tsun-ting, GBS, JP  
Hon WONG Kwok-hing, MH  
Hon CHEUNG Hok-ming, GBS, JP

Hon WONG Kwok-kin, BBS  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon PAN Pey-chyou  
Dr Hon Samson TAM Wai-ho, JP

**Public Officers** : Office of the Chief Executive-elect  
**attending**

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 for Constitutional and  
Mainland Affairs

Department of Justice

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

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

**Staff in** : Mr Arthur CHEUNG  
**attendance** : 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

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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 (02),  
CB(2)2158/11-12(01) to (03), CB(2)2164/11-12(01) and  
CB(2)2193/11-12(01)]

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

**II. Any other business**

Date of next meeting

2. The Subcommittee agreed to hold the next meeting on 4 June 2012 at 2:30pm.
3. There being no other business, the meeting ended at 10:45am.

Council Business Division 2  
Legislative Council Secretariat  
27 September 2012

**Proceedings of the fifth meeting of the  
Subcommittee to Study the Proposed Legislative Amendments Relating to the  
Re-organisation of the Government Secretariat  
on Thursday, 31 May 2012, at 8:30 am  
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000838 - 001008	Chairman Head of the Chief Executive-elect's Office ("H/CEEO")	Opening remarks  LC Paper Nos. CB(2)2158/11-12(02)-(03) and CB(2)2164/11-12(01)	
001009 - 001732	Chairman Mr Albert HO H/CEEO Administration	<p>Mr Albert HO's views that the Administration should, before seeking the further expansion of the Political Appointment System ("PAS"), conduct a comprehensive review on the following issues –</p> <ul style="list-style-type: none"> <li>(a) the existing post-office employment control for politically appointed officials ("PAOs") which was considered far from adequate;</li> <li>(b) the "revolving door" arrangement under PAS; and</li> <li>(c) the declaration of interests arrangement for PAOs, particularly on the need to require PAOs to declare their personal debts and liabilities other than their assets.</li> </ul> <p>The Administration's replies that –</p> <ul style="list-style-type: none"> <li>(a) an interim review of PAS would be conducted to put forward proposals to further improve it, covering aspects including the process of appointment, post-service employment arrangements and the "revolving door" mechanism, as detailed in LC Paper No. CB(2)2164/11-12(01);</li> <li>(b) the Chief Elective-elect ("CE-elect") would discuss with members of his political team as to whether they would be subject to any additional requirements arising from the interim review, over and above those in the employment contracts they would have already signed;</li> <li>(c) similar to the arrangement for civil servants, PAOs were subject to the regime under section</li> </ul>	

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		<p>3 of the Prevention of Bribery Ordinance (Cap. 201) and they also had to observe the declaration and handling of investments/interests requirements stipulated in the Code for Officials under the Political Appointment System ("the PAO Code") and the respective internal guidelines issued by the Chief Executive ("CE") governing the declaration of interests and acceptance of advantages;</p> <p>(d) under the existing arrangement, PAOs were not required to declare their personal debts and liabilities except their properties on mortgage; and</p> <p>(e) the Administration would review the recommendations in the report of Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests ("the Independent Committee") and amend the PAO Code, if necessary, before the change of Government on 1 July 2012 to implement the recommendations accepted by the Administration.</p>	
001733 - 002414	Chairman Ms Emily LAU Administration H/CEEEO	<p>Ms Emily LAU's views that –</p> <p>(a) the Administration should adopt the recommendations made by the Independent Committee on the regulatory regime for the prevention and handling of conflicts of interests concerning CE, the non-official members of the Executive Council and PAOs to address the public concerns on prevention of conflicts of interests, such as the use of flight awards by CE recently reported by media; and</p> <p>(b) the Administration should review PAS expeditiously to respond to public aspirations instead of delaying the review until the mid-term of the next Government.</p> <p>The Administration's further explanation that –</p> <p>(a) at present, PAOs should report flight mileage awards to his bureau/department and the first call on the use of flight mileage awards earned from government passages should be for subsequent duty travel; and</p>	

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		<p>(b) CE had voluntarily observed the principles and spirit of the PAO Code which had clearly stipulated the above use of flight mileage awards earned from government passages.</p>	
002415 - 003158	<p>Chairman Mr LEE Wing-tat Administration</p>	<p>Mr LEE Wing-tat's expression of dissatisfaction that the existing one-year post-office employment control period for PAOs, who had far more influence on policy formulation than civil servants, was too short and far from adequate when compared with the control period for directorate civil servants. His view that the control over the post-office employment for PAOs should be further strengthened and made more stringent.</p> <p>The Administration's explanation that –</p> <p>(a) different post-office employment control for directorate civil servants and PAOs were imposed because the latter served a shorter term and did not enjoy any security of tenure or any gratuity/retirement benefits;</p> <p>(b) the current control regime for post-office employment control of PAOs sought to strike a balance between attracting political talents to join the governing team and imposing a suitable control period as they might need to seek another job after stepping down from office; and</p> <p>(c) according to the PAO Code, PAOs shall not engage in any lobbying activities on matters relating to the Government and represent any person in connection with any claim, action, demand, proceedings, transaction or negotiation against or with the Government.</p>	
003159 - 003946	<p>Chairman Mr CHEUNG Man-kwong H/CEEO Administration</p>	<p>Mr CHEUNG Man-kwong's views that PAS should be reviewed expeditiously and the PAO Code should be amended, along the line of the Civil Service Code, with a view to plugging the following loopholes –</p> <p>(a) the existing one-year post-office employment control period for PAOs was too short compared with that of directorate civil servants;</p>	

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		<p>(b) the Advisory Committee on Post-Office Employment for Former CEs and PAOs was only a toothless tiger as its advice was not binding on the Government;</p> <p>(c) there was no effective mechanism to prevent PAOs from gaining deferred advantage after stepping down from office; and</p> <p>(d) PAOs were not required to declare their personal debts and liabilities under the existing mechanism.</p> <p>The Administration's responses that –</p> <p>(a) the suggestion on the existing declaration arrangement for PAOs would be considered; but</p> <p>(b) while consideration could be given to tightening the vetting of applications by the Advisory Committee, there should be comprehensive public consultation on post-service employment arrangements and the "revolving door" mechanism, which would be covered in the interim review of PAS.</p>	
003947 - 004550	Chairman Mr Alan LEONG Administration H/CEEO	<p>Mr Alan LEONG's view that the Administration should conduct the review of PAS immediately based on the adequate experiences gained in over 10 years since its implementation. His enquiry on whether CE-elect would adopt the Nolan Principles in selecting his political team and appointing public officers.</p> <p>The Administration's responses that –</p> <p>(a) the PAO Code had already set out those requirements for appointing public officers covered in the Nolan Principles and the Code would be clearly made known to PAOs before they assume office; and</p> <p>(b) the review of PAS should be conducted after the new government had gained operational experience on its implementation.</p>	
004551 - 005121	Chairman Mr CHEUNG Man-kwong H/CEEO	Mr CHEUNG Man-kwong's reiteration of views on improving PAS to plug the existing loopholes.	

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005122 - 010020	Chairman Mr LEUNG Kwok-hung H/CEEO	Mr LEUNG Kwok-hung's query on the need for the proposed re-organisation of the Government Secretariat to be implemented on 1 July 2012.  H/CEEO's explanation on the need to have the a full governing team right from the start of the new term to enable vision alignment and formulation of policy initiatives for announcement in the 2012-2013 Policy Address.	
010021 - 010404	Chairman Mrs Sophie LEUNG	Mrs Sophie LEUNG's expression of support for –  (a) the creation of the two new Deputy Secretary of Department ("DSoD") posts to formulate comprehensive and long-term projects; and  (b) the proposed re-organisation in order to facilitate CE-elect to implement his polices in a timely and effective manner.	
010405 - 010927	Chairman Mr Jeffrey LAM H/CEEO	Mr Jeffrey LAM's view that the additional staff cost arising from the proposed re-organisation which was estimated to be around \$72 million per year was not a large sum and the proposed re-organisation was worth supporting. His enquiry on the adverse impact on the economy and the formulation of policies if the proposed re-organisation could not be implemented on 1 July 2012.  H/CEEO's explanation on the responsibilities of the Financial Secretary and the Deputy Financial Secretary ("DFS") with a view to further promoting the economic development of Hong Kong. This could not materialize without timely implementation of the reorganization proposals.	
010928 - 011911	Chairman Dr Margaret NG Administration H/CEEO	Referring to LC Paper No. CB(2)2193/11-12(01), Dr Margaret NG's query on the need to create the post of DFS to coordinate the initiatives relating to the implementation of economic cooperation agreements with the Mainland given that the Constitutional and Mainland Affairs Bureau ("CMAB") had already been tasked to discharge such duties at present.  The Administration's explanation that –  (a) as detailed in its paper, after the re-organisation, DFS would assist in deepening the economic	



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		<p>and trade, and financial cooperation between Hong Kong and the Mainland and the implementation of economic cooperation agreements signed with Mainland authorities, as well as leading such discussions with his/her Mainland counterparts; and</p> <p>(b) CMAB would continue to oversee the operation and internal administrative matters of the Mainland offices while other bureaux, in accordance with their respective policy areas, would continue to communicate and follow up with their relevant counterparts in the Mainland.</p>	
011912 - 012321	Chairman Mr IP Kwok-him H/CEEO	Mr IP Kwok-him's view that it was not practicable to request all the improvement measures of PAS be introduced before the change of Government and the new government should undertake to put forward proposals to improve PAS for comprehensive public consultation and consideration of the next term of the Legislative Council ("LegCo").	
012322 - 013300	Chairman Ms Audrey EU Administration	<p>Ms Audrey EU's view that there were many deficiencies of PAS and the Administration should plug the existing loopholes, such as there should be a clearer delineation of the role of political assistants, before seeking approval of LegCo on the re-organisation proposals.</p> <p>The Administration's explanation on the background of the implementation of PAS and the initial thinking of CE-elect on short term improvements to PAS and a mid-term review of the system as detailed in LC Paper No. CB(2)2164/11-12(01).</p>	
013301 - 013821	Chairman Mr WONG Yung-kan	Mr WONG Yung-kan's expression of support for the re-organisation proposals to implement policies to respond to public aspirations.	
013822 - 014608	Chairman Mr Paul TSE H/CEEO	<p>Mr Paul TSE's view that the Administration should review PAS expeditiously to respond to public aspirations instead of delaying the review until the mid-term of the next Government. His reservations about the willingness of PAOs to reach out and conduct visits to community from time to time to listen to public views.</p> <p>H/CEEO's explanation on the need for PAOs to listen to the public views and feel the pulse of the community.</p>	

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014609 - 015107	Chairman Ms Miriam LAU H/CEEO	Ms Miriam LAU's views that –  (a) given that PAS had already been implemented for nearly 10 years, the Administration should review PAS expeditiously taking account of overseas experience instead of delaying the review until the mid-term of the next Government; and  (b) the new Government should conduct a mid-term review on this re-organisation exercise of the Government Secretariat which involved creation of posts and additional staff costs.	
015108 - 015856	Chairman Mr LEE Cheuk-yan H/CEEO	Mr LEE Cheuk-yan's view that the Administration should propose immediate measures to improve PAS. His query as to whether the new team of PAOs would listen to the views of the public.  H/CEEO's reiteration that the new governing team would consolidate the policy priorities of the Administration within the initial three months of the new-term Government for vision alignment and an interim review of PAS would be conducted in future.	
015857 - 020249	Chairman Mr Albert HO H/CEEO	Extension of meeting.  Mr Albert HO's enquiries about –  (a) whether PAOs were required to declare their political affiliations with overseas political parties under the PAO Code; and  (b) the working relationship between PAOs and the Liaison Office of the Central People's Government in future.  H/CEEO's affirmation that –  (a) PAOs were required to declare all their political affiliations to CE under the existing practice and such declarations would be available for public inspection; and  (b) to meet practical needs, the Hong Kong Special Administration Region Government had all along maintained working relationship with the	

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		Central People's Government ("CPG"), other Mainland authorities as well as CPG organs stationed in Hong Kong (such as the Liaison Office).	
020250 - 020718	Chairman Mr LEE Wing-tat Administration	Mr LEE Wing tat's expression of disagreement with the Administration's explanation on the post-office employment control for PAOs.  His view that some PAOs had served for almost 10 years, during which they would have access to more important and confidential information as compared with senior civil servants.	
020719 - 021032	Chairman Mr LEUNG Kwok-hung	Mr LEUNG Kwok-hung's view that the creation of the two new DSoD posts would attenuate the role of the Chief Secretary for Administration in supervising the team of PAOs.	
021033 - 021340	Chairman Mr CHEUNG Man-kwong H/CEEEO Chairman Mr LEE Wing-tat	Mr CHEUNG Man-kwong sought a commitment of the Administration and H/CEEEO to revise the PAO Code with improvement measures.  Closing remarks  Date of next meeting	