

立法會

Legislative Council

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Paper for the House Committee meeting on 24 May 2013

Appointment of a subcommittee to prepare for the operation of the select committee to which the petition presented at the Council meeting of 8 May 2013 has been referred

Purpose

This paper invites Members to consider the appointment of a subcommittee to prepare for the operation of the select committee to which the petition presented at the Council meeting of 8 May 2013 has been referred.

Background

2. At the Council meeting of 8 May 2013, Hon Dennis KWOK presented a petition jointly signed by Hon Cyd HO and himself (**Appendix I**). The request of Hon Cyd HO for the petition to be referred to a select committee was supported by 25 Members. The petition has thus been referred to a select committee under Rule 20(6) of the Rules of Procedure ("RoP").

Relevant rule and practices

3. Under Rule 78(2) of RoP, the President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee. Since the First Legislative Council ("LegCo"), the Council has appointed by resolution¹ a total of five select committees. In

¹ Apart from providing for the appointment of a select committee to inquire into or study the relevant matters, the respective resolution also provided that in the performance of its duties, the select committee be authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) to exercise the powers conferred by section 9(1) of that Ordinance.

respect of three of these select committees, the House Committee appointed respective preparatory subcommittees to undertake preparatory work for the setting up of the select committees. The preparatory work mainly included drawing up the wording of the motion to be moved in the Council on the appointment of a select committee to inquire into or study the relevant matters, the membership size of, and the procedure for nomination and election of Members for appointment to the select committees. Details of the select committees and preparatory subcommittees are set out in **Appendix II** and **Appendix III** respectively.

4. In the case of the Select Committee on Building Problems of Public Housing Units for which no preparatory subcommittee was set up by the House Committee, the proposal to set up the select committee was made by the Panel on Housing. Before the proposal was submitted to the House Committee for consideration, the Panel had set up a working group to draw up the terms of reference ("TOR") of the proposed select committee. The House Committee discussed the Panel's proposal at two meetings, and agreed on the setting up and scope of inquiry of the select committee at the second meeting. The House Committee considered and agreed on the membership size of and nomination of Members for appointment to the select committee at two subsequent meetings.

5. As regards the Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues, the House Committee agreed to set up the select committee at its special meeting on 24 February 2012. As the House Committee considered it necessary to expedite the formation of the select committee in order that the inquiry could be completed within the very tight timeframe, the House Committee did not appoint a preparatory subcommittee on that occasion. Instead, the House Committee decided the TOR of the select committee at the special meeting on 24 February 2012, and agreed on the membership size of and the nomination of Members for appointment to the select committee at the following meeting on 2 March 2012.

6. It is an established practice that upon commencement of operation, a select committee would determine the major areas of study, the work plan and the practice and procedure of the select committee.

Recommendation

7. Having regard to the arrangements for setting up select committees in the past and the fact that it is the first time that a select

committee is formed pursuant to Rule 20(6) of RoP, it is recommended that a subcommittee be appointed by the House Committee to undertake preparatory work for the operation of the select committee, including drawing up the TOR to reflect the substance of the petition, the membership size and the nomination procedure in respect of the select committee.

Advice sought

8. Members are invited to endorse the recommendation set out in paragraph 7 above.

Council Business Division 4
Legislative Council Secretariat
22 May 2013

(只備中文本)
(in Chinese only)

呈
香港特別行政區
立法會主席及全體議員

呈請書

(根據議事規則第 20 條提交)

廉政公署成立至今三十九年，一直戮力肅貪倡廉的工作，令香港成為一個足以自豪及備受世界讚賞的廉潔城市。

今年四月，本會議員在審議財政預算案期間，披露前任廉政專員湯顯明在任期間多次境外訪問並花費大量公帑宴請及送禮予境外及駐港官員，令公眾質疑湯顯明先生的做法著實違背了廉署一直以來提倡的廉潔奉公的社會核心價值，對廉署的威信及形象造成極大的破壞。以及，廉署在回應本會議員在財務委員會的跟進質詢，所提供的資料不盡不實，有誤導立法會之嫌，故立法會實在有必要跟進事件。

儘管立法會政府帳目委員會將會跟進審計署有關廉署的衡工量值報告，以及行政長官梁振英成立了「廉政公署公務酬酢、餽贈及外訪規管制度和程序獨立檢討委員會」，惟均無法全面跟進湯顯明先生的外訪、宴請及送禮事宜。因此，我們懇請各位議員支持此呈請書，以挽回廉署的威信及形象，重彰香港廉潔奉公的核心價值。

呈請人：
郭榮鏗
何秀蘭

2013 年 5 月 8 日

Select committees appointed since the First Legislative Council

Name of select committee	Time of formation	Membership size	Preparatory subcommittee	Terms of reference
Select Committee to inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues	1998-1999	13	Yes	To inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues
Select Committee on Building Problems of Public Housing Units	2000-2001	15	No	To inquire into the building problems in the production of public housing units having regard to the circumstances surrounding the incidents in Tin Chung Court, Shatin Area 14B Phase 2, Tung Chung Area 30 Phase 3 and Shek Yam Estate Phase 2, and based on this to identify positive recommendations for a complete overhaul of the overall policies and system of public housing, which should include examining whether the Housing Authority should be reorganized, split or abolished, so as to raise the quality of public housing

Name of select committee	Time of formation	Membership size	Preparatory subcommittee	Terms of reference
Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	2003-2004	11	Yes	To inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority in order to examine the performance and accountability of the Government and the Hospital Authority and their officers at policy-making and management levels in that regard
Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man	2008-2009	12	Yes	To inquire into the vetting and approval for Mr LEUNG Chin-man, former Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, to take up post-service work with New World China Land Limited and other real estate organizations, and whether there was any connection between such work and the major housing or land policies which Mr LEUNG had taken part in their formulation or execution and decisions which he had made pursuant to such policies while serving as Director of Buildings, Permanent Secretary for Housing, Planning and Lands (Housing) and Director of Housing, that had given rise to any potential or actual conflict of interest, as well as related matters, and based on the results of the above inquiry, to make recommendations on the policies and arrangements governing post-service work of directorate civil servants and other related matters

Name of select committee	Time of formation	Membership size	Preparatory subcommittee	Terms of reference
Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues	2011-2012	12	No	To study Mr LEUNG Chun-ying's involvement as a member of the Jury in the West Kowloon Reclamation Concept Plan Competition, and related issues

Appendix III

Subcommittees appointed by the House Committee to prepare for the setting up of select committees since the First Legislative Council

Name of subcommittee	Time of formation	Membership size	No. of meeting(s) held	Date of reporting to House Committee	Scope of work
Subcommittee to prepare for the setting up of the Select Committee to inquire into matters relating to the opening of the new airport at Chek Lap Kok	10.7.1998	24	1	17.7.1998	To undertake preparatory work for the setting up of the select committee
Subcommittee to prepare for the appointment of the Select Committee to inquire into matters relating to the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	10.10.2003	11	1	17.10.2003	To formulate the terms of reference and the methodology of the proposed select committee and other related matters

Name of subcommittee	Time of formation	Membership size	No. of meeting(s) held	Date of reporting to House Committee	Scope of work
Subcommittee on Preparatory Work for the Appointment of the Select Committee to Inquire into Matters Relating to the Post-service Employment of Mr LEUNG Chin-man	17.10.2008	23	3	21.11.2008	To undertake the necessary preparatory work, including the drawing up of the terms of reference of the Select Committee and proposals on its membership