

立法會 *Legislative Council*

LC Paper No. CB(3) 731/13-14

Paper for the House Committee meeting of 20 June 2014

Questions scheduled for the Legislative Council meeting of 25 June 2014

Questions by:

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|------|------------------------|------------------|
| (1) | Hon TAM Yiu-chung | (Oral reply) |
| (2) | Hon KWOK Wai-keung | (Oral reply) |
| (3) | Dr Hon Helena WONG | (Oral reply*) |
| (4) | Hon CHAN Chi-chuen | (Oral reply) |
| (5) | Hon Tommy CHEUNG | (Oral reply) |
| (6) | Hon WONG Kwok-kin | (Oral reply) |
| (7) | Hon Christopher CHEUNG | (Written reply) |
| (8) | Hon CHUNG Kwok-pan | (Written reply) |
| (9) | Hon Jeffrey LAM | (Written reply) |
| (10) | Hon Abraham SHEK | (Written reply) |
| (11) | Hon James TIEN | (Written reply) |
| (12) | Hon Tony TSE | (Written reply) |
| (13) | Hon Christopher CHUNG | (Written reply) |
| (14) | Hon CHAN Kin-por | (Written reply) |
| (15) | Hon Dennis KWOK | (Written reply) |
| (16) | Dr Hon CHIANG Lai-wan | (Written reply) |
| (17) | Hon TANG Ka-piu | (Written reply) |
| (18) | Hon WU Chi-wai | (Written reply) |
| (19) | Hon Paul TSE | (Written reply*) |
| (20) | Hon Frederick FUNG | (Written reply) |
| (21) | Dr Hon LAM Tai-fai | (Written reply*) |
| (22) | Dr Hon KWOK Ka-ki | (Written reply) |

* Replacing his/her previous question with a new question

註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

White Paper on “The Practice of the ‘One Country, Two Systems’ Policy in the Hong Kong Special Administrative Region”

(3) Dr Hon Helena WONG (Oral Reply)

The State Council points out in the White Paper on “The Practice of the ‘One Country, Two Systems’ Policy in the Hong Kong Special Administrative Region” (“the White Paper”) released on the 10th of this month that “the central government exercises overall jurisdiction over the HKSAR [Hong Kong Special Administrative Region]”, and states the following clearly for the first time: “[s]upporting and guiding the administration of the chief executive and government of the HKSAR in accordance with the law. The chief executive reports his/her work to the central government on an annual basis, on the implementation of the Basic Law and other items for which he/she is accountable to the central government; and the state leaders give guidance to the chief executive on major matters related to the implementation of the Basic Law”. The White Paper also points out that “[u]nder the policy of ‘one country, two systems’, all those who administrate Hong Kong, including the chief executive, principal officials, members of the Executive Council and Legislative Council, judges of the courts at different levels and other judicial personnel, have on their shoulders the responsibility of correctly understanding and implementing the Basic Law, of safeguarding the country’s sovereignty, security and development interests, and of ensuring the long-term prosperity and stability of Hong Kong. In a word, loving the country is the basic political requirement for Hong Kong’s administrators”. In this connection, will the Government inform this Council:

- (1) if it has approached the Central Government to gain an understanding on whether the statement that the Central Government exercises overall jurisdiction over the Hong Kong Special Administrative Region (“HKSAR”) implies that it can interfere with matters within the ambit of HKSAR’s high degree of autonomy; if so, whether the Central Government has so interfered in the past and how it plans to interfere in the future;
- (2) whether it has studied if the Basic Law contains any provision which provides a basis for the Central Government to give guidance on the administration of the HKSAR Government; if the study outcome is in the affirmative, of the details and the major matters in respect of which the Central Government guided the administration of the HKSAR Government in the past; and
- (3) as some members of the legal profession have pointed out that, in variance with the Mainland, HKSAR implements a tripartite political system under which there is separation of executive, legislative and judicial powers with checks and balances among one another, and judicial independence is also one of the core values vital to HKSAR’s success, whether the HKSAR Government has relayed to the Central

Government that the implementation of the existing political system in HKSAR must be respected and the characteristics of such a system must be safeguarded; if it has, of the details; if not, the reasons for that?

Appointments of board members and transfers of senior staff members of the Airport Authority Hong Kong and the Hong Kong Trade Development Council

(19) Hon Paul TSE (Written Reply)

The Government announced in October last year that the Chairman of the Airport Authority Hong Kong (“AA”) had agreed to extend his service for one year from 1 June 2014. However, the Government announced on the 30th of last month that (i) for personal reasons, the Chairman concerned would not extend his service (“the former Chairman”), (ii) the incumbent Chairman of the Hong Kong Trade Development Council (“TDC”) would take up appointment as Chairman of AA from 1 June 2015 (“the Chairman-designate”), (iii) during the one-year interim period, an incumbent AA board member (who had just resigned from the office of Chairman of the Infrastructural Planning Committee of AA) would take up appointment as Chairman of AA (“the interim Chairman”), and (iv) a person who had resigned from his office of Member of the Executive Council (“ExCo”) as well as three other persons were appointed as new AA board members. In addition, the incumbent Executive Director of TDC, who has served TDC for a decade, has tendered his resignation from TDC and will take up the post of Chief Executive Officer of AA. On the other hand, it has been reported that the aforesaid personnel changes stemmed from the disputes which happened earlier between the former Chairman and the interim Chairman over the planning of the North Commercial District (“NCD”) of the Hong Kong International Airport (“HKIA”), including whether or not to convert the underground Automatic People Mover depot (“the underground depot”) concerned into a commercial centre to tie in with the development of the third runway at HKIA, etc. Regarding the appointments of board members and transfers of senior staff members of AA and TDC, will the Government inform this Council:

- (1) whether it knows if the interim Chairman has any plan to overturn the decision made by the AA Board that there is no need to relocate the underground depot; as there are comments that the proposed third runway at HKIA will be the airport runway with the highest construction costs in the world, whether it has assessed if the relocation of the underground depot to tie in with the NCD development will further increase such construction costs, and whether the relocation is the option which best serves the public interest; if it has assessed, of the outcome; if the outcome is that the proposal will increase the construction costs, of the estimated increase in the construction costs of the third runway;
- (2) as there are comments that the Chairman-designate does not have any experience in airport management, why the Government would rather make such a complicated arrangement of appointing an interim Chairman in order to facilitate the Chairman-designate to head AA one year later, and whether it had, from the perspective of public interest, considered

other candidates with experience in airport management; if it had, of the details; if not, the reasons for that;

- (3) as there are views that given AA is in charge of the important aviation infrastructure projects and the development of the aviation industry of Hong Kong, while TDC is responsible for promotion of Hong Kong's external trade, and yet the appointments of the board chairmen/ members of AA and TDC as well as transfers of their senior staff members are akin to "political appointments of a private-club-style", of the measures that the Government will take to convince the public that the appointments of AA board members (including the appointments of the interim Chairman and the Chairman-designate, as well as the appointment of a person who had resigned from the office of ExCo Member as an AA board member), as well as the coming transfers of TDC's Chairman and Executive Director to AA, are based on public interest and objective appointment criteria, instead of mere political considerations; and
- (4) as the Government has indicated that it has appointed the interim Chairman as the Chairman of AA because of its trust in his ability, why he was appointed to the position only on a temporary basis for one year and he was not allowed to continue to assume the position one year after; as the Government trusts that the Chairman-designate is a capable person and is willing to make a complicated arrangement to facilitate him to head AA one year later, why it had not retained him to continue to serve TDC to promote Hong Kong's external trade; given that the incumbent Executive Director of TDC will also change his job to serve as the Chief Executive Officer of AA following the Chairman-designate's upcoming change of his appointment to AA, whether the Government has assessed, from the viewpoints of the two institutions' operations and public interests, if the complicated arrangements that the top two persons-in-charge of TDC will leave TDC one after another to take up appointments with AA while the term of office of the current interim Chairman of AA only lasts for one year will give rise to confusion and waste of manpower; how the Government explains to the public that the aforesaid series of personnel arrangements were made out of practical needs and not political consideration, and such arrangements will not obstruct the operations of AA and TDC?

Conduct of the “Popvote” on 22 June 2014

(21) Dr Hon LAM Tai-fai (Written Reply)

On the 10th of this month, the State Council published the White Paper on “The Practice of the ‘One Country, Two Systems’ Policy in the Hong Kong Special Administrative Region” (“White Paper”). It is clearly stated in the White Paper that “the central government is sincerely in favour of moving Hong Kong’s democratic governance forward” and this is the “solemn commitment of the central government”, but “the system of universal suffrage for selecting the chief executive and forming the Legislative Council must serve the country’s sovereignty, security and development interests” and “the chief executive to be elected by universal suffrage must be a person who loves the country and Hong Kong”. On the other hand, initiators of the action to occupy the Central District (“Occupy Central”) scheduled the “Popvote” to be conducted on the 22nd of this month (“622 Popvote”), through which members of the public would choose a proposal for selecting the Chief Executive by universal suffrage in 2017, and Occupy Central will strive for the implementation of that proposal. Some members from the pan-democratic camp and initiators of Occupy Central have indicated that the White Paper was published to target at the 622 Popvote and the 1 July march this year. In this connection, will the Government inform this Council:

- (1) whether it has assessed the respective impacts of the entire event of the 622 Popvote and its voting results on advancing constitutional development; if it has, of the details; if not, the reasons for that;
- (2) whether it has assessed the impact of the White Paper on the 622 Popvote; if it has, of the details; if not, the reasons for that;
- (3) whether it has assessed how the Central Government look at the 622 Popvote; if it has, of the details; if not, the reasons for that;
- (4) whether it has identified any foreign forces participating in the organization of the 622 Popvote;
- (5) whether it will make reference to the proposal scoring the highest number of votes in the 622 Popvote when consolidating the views collected from the public consultation exercise on constitutional development and drawing up constitutional development proposals;
- (6) whether it has assessed if the results of the 622 Popvote will stimulate more people to participate in Occupy Central; if the assessment outcome is in the affirmative, of the details and the deployment to be made; if the assessment outcome is in the negative, the justifications for that;

- (7) whether it has conducted any assessment on the accuracy of the 622 Popvote's voter turnout figures announced; if it has, of the details; if not, the reasons for that;
- (8) whether it has received any complaint lodged by members of the public about the 622 Popvote; if it has, of the details;
- (9) of the police manpower deployed for maintaining public order on the day the 622 Popvote was conducted;
- (10) whether it has assessed if the organization of the 622 Popvote has breached the law; if the assessment outcome is in the affirmative, of the legal provisions breached;
- (11) whether the Government called on the public not to participate in the 622 Popvote; if it did, of the details; if not, the reasons for that;
- (12) whether it will formulate policies or measures to prevent activities similar to the 622 Popvote from being conducted again in order to avoid any impact on the constitutional development; if it will, of the details;
- (13) whether it will publicize the contents of the White Paper comprehensively to enable the public to judge if the White Paper is published to target at the 622 Popvote; if it will, of the details; if not, the reasons for that; and
- (14) whether it has assessed the impacts of the entire event of the 622 Popvote and its voting results on the 1 July march this year; if it has, of the details; if not, the reasons for that?