

立法會

Legislative Council

LC Paper No. CB(2)2845/01-02

(These minutes have been
seen by the Administration)

Ref : CB2/PL/CA

Legislative Council Panel on Constitutional Affairs

Minutes of special meeting held on Tuesday, 9 July 2002 at 2:30 pm in Chamber of the Legislative Council Building

Members Present : Hon Andrew WONG Wang-fat, JP (Chairman)
Hon Emily LAU Wai-hing, JP (Deputy Chairman)
Hon James TIEN Pei-chun, GBS, JP
Hon Margaret NG
Hon CHEUNG Man-kwong
Hon Howard YOUNG, JP
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon SZETO Wah
Hon IP Kwok-him, JP

Members Attending : Hon Cyd Ho Sau-lan
Dr Hon LUI Ming-wah, JP

Member Absent : Hon HUI Cheung-ching, JP

Public Officers Attending : **Item I**

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Clement MAK Ching-hung
Acting Permanent Secretary for Constitutional Affairs

Mr Bassanio SO Chek-leung
Acting Deputy Secretary for Constitutional Affairs

Items II to IV

Mr Stephen LAM Sui-lung
Secretary for Constitutional Affairs

Mr Clement MAK Ching-hung
Acting Permanent Secretary for Constitutional Affairs

Ms Jennifer MAK Yee-ming
Deputy Secretary for the Civil Service

Clerk in Attendance : Mr Paul WOO
Chief Assistant Secretary (2)6

Staff in Attendance : Miss Lolita SHEK
Senior Assistant Secretary (2)7

Action
Column

I. Remarks by the Secretary for Constitutional Affairs

At the invitation of the Chairman, Secretary for Constitutional Affairs (SCA) briefed members on the major policy areas within the portfolio of the Constitutional Affairs Bureau (CAB). His remarks were summarised as follows -

Constitutional development of the Hong Kong Special Administrative Region (HKSAR)

- (a) The Administration would take the necessary steps to promote constitutional development in the next five years in accordance with the requirements laid down in the Basic Law (BL). The immediate priorities for the Government was the District Council (DC) elections in 2003 and the Legislative Council (LegCo) elections in 2004;
- (b) The Administration was in the process of consulting the 18 DCs on the composition of the second term DCs. The Electoral Affairs Commission (EAC) would make recommendations on constituency boundaries to be submitted to the Chief Executive (CE) in November 2002. Before finalising its recommendations, EAC would conduct a one-month consultation in September 2002 to solicit public views on its draft proposals. The relevant subsidiary legislation would be introduced into the Legislative Council (LegCo) for vetting in early 2003;

- (c) For the third term LegCo (2004 - 2008), as required by the BL, the number of LegCo Members returned by geographical constituencies would be increased from 24 to 30. The Administration was studying the arrangements to implement the requirements of BL and would report to the Panel on its proposals in due course;
- (d) BL set out the blueprint for constitutional development up to 2007. For the political system after 2007, the Administration would review the experience gained since the establishment of HKSAR and conduct wide consultation with the different sectors of the community before reaching any conclusion. The goal was to work out a structure best suited to the interests of Hong Kong and acceptable to the people of Hong Kong;

Implementation and promotion of better understanding of BL

- (e) CAB provided secretariat support to the Basic Law Promotion Steering Committee. CAB was embarking, among other things, on a two-year publicity campaign to increase public awareness of specific provisions of BL. It would also continue to update the Basic Law Homepage as a means to enhance understanding of BL;

Relationship with Mainland authorities and the Macau Special Administrative Region (MSAR)

- (f) CAB provided secretariat support to the Hong Kong/Guangdong Cooperation Joint Conference. It also maintained liaison with the MSAR Government. The aim was to ensure the continued development and strengthening of cooperation with the authorities in the Mainland and MSAR;

HKSAR's participation in the international arena

- (g) CAB advised bureaux and departments on the participation in international organisations and conferences. It maintained effective communication with the Office of the Commissioner of the Ministry of Foreign Affairs (MFA Office) in the HKSAR, and assisted the relevant bureaux and departments, where necessary, to obtain authorisations of the Central People's Government through the MFA Office for the negotiation and conclusion of international agreements. For example, Hong Kong had reached a visa abolition agreement with Hungary in early 2002, and concluded air service agreements with Greece, Czech Republic and Croatia in the first half of 2002;

Coordination of contacts with organisations of Taiwan in Hong Kong

- (h) Since 1 July 2002, CAB took up the responsibility for coordinating liaison between HKSAR and organisations of Taiwan established in Hong Kong. In handling the liaison, CAB would continue to follow the principle of "one China" and in accordance with the seven points announced by Vice Premier QIAN Qichen in 1995; and

Accountability of principal officials

- (i) With the implementation of the accountability system for principal officials on 1 July 2002, there would be stronger demand on the part of the community on the principal officials to take responsibility for their policies and to be responsive to public opinion. As stated by CE in his address at LegCo on 8 July 2002, the principal officials should make their best endeavour to strengthen communication with Members of LegCo on policy matters.

Issues raised by members

Development of the political structure of HKSAR

2. Ms Emily LAU said that two motions were debated and passed by LegCo in January and June 2000 respectively calling upon the Administration to review the development of the political structure of Hong Kong. During the past two years, the Panel had also held discussions with the Administration and urged the Administration to decide a timetable for the review, including the undertaking of a comprehensive public consultation exercise. She said that while BL had laid down the blueprint for Hong Kong's political development up to 2007, it was still necessary to decide how actual changes should be introduced within the framework of the BL requirements to serve the best interests of the people in Hong Kong. To that end, comprehensive consultation should be conducted as soon as possible. Ms LAU added that it was a majority view of LegCo Members and political parties and groups represented in LegCo that public consultation on future political reform should start no later than 2003, and that the Administration should decide at an early stage what forms of public consultation should take place so that there would be ample opportunities for members of the public to express views on the issues concerned.

3. Ms LAU further pointed out that the increase of geographical constituency seats from 24 to 30 for the third term LegCo required changes to the existing electoral arrangements. There were also views expressed that the size of the electorates for the functional constituencies should be enlarged. She called upon the Administration to study carefully how future changes to the electoral system should be implemented having regard to the views of different sectors of the community. She said that the Administration should make some concrete

proposals as soon as possible relating to the political reform of Hong Kong and discuss with the Panel when the new legislative session commenced.

4. SCA noted Ms Emily LAU's views. He said that CAB was currently heavily engaged in preparation for the DC elections in 2003 as well as the LegCo elections in 2004. As regards the political structure of Hong Kong after 2007, he advised that the Administration would conduct an internal study on the subject matter, including the appropriate timing for undertaking wide public consultation. He assured members that the Administration would report to the Panel as soon as preliminary proposals had been formulated.

5. Mr James TIEN said that the Administration had advised at a recent meeting on 4 June 2002 that status quo would be maintained for the composition of the second term DCs. However, some members had criticised that in view of the drastic increase in the population of some districts such as Yuen Long and Sai Kung vis-à-vis others, the Administration should re-examine the fair allocation of directly elected seats among the districts. He said that the Administration should learn from the experience and ensure that there should be proper prior consultation concerning the 2004 LegCo elections.

6. The Chairman and Ms Emily LAU added that population changes had also prompted the need for a re-consideration of the number of constituencies within a district. The Chairman said that as the Administration had ruled out the possibility of increasing the DC seats for districts with increased population, this resulted in confusion and inconsistencies and created problems for EAC in recommending delineation of constituency boundaries. The Chairman said that with the addition of six directly elected seats for the third term LegCo, the Administration might take the opportunity to review and adjust the boundaries of existing districts under the proportional representation system, having regard to various factors including population changes. He speculated that the size of certain districts, and hence the seats allocated to them, might be reduced relative to others. He opined this would be contrary to the spirit of proportional representation as the smaller the size of a district, the lesser the number of seats and the less proportional it would become.

7. SCA said that the Administration had explained the reasons for maintaining the status quo at the meeting on 4 June 2002 with regard to the second term DCs. He reiterated that the Administration was aware that the population of some of the DC constituencies had deviated from the population quota for each constituency by more than 25%, and the Administration would undertake a comprehensive review for the third and subsequent terms DCs after the second term DC elections in 2003. As regards the LegCo elections in 2004, he assured members that the Administration would consult the Panel on the proposed arrangements at the earliest opportunity.

Mechanism for amendment of BL

8. Ms Emily LAU pointed out that issues concerning how to put in place a formal mechanism for amending BL had been discussed a long time ago at meetings of the Panel and yet the Panel was still awaiting a progress report from the Administration. She said that she hoped the Administration could complete its study on the matter in the next few months and revert to the Panel on its thinking and initial proposals at the start of the new legislative session.

9. SCA responded that the Administration had reflected members' views expressed at previous discussions on the matter to the Central People's Government. He assured members that the Administration would report to the Panel on any new development as soon as possible.

Contacts between HKSAR and Taiwan

10. Mr YEUNG Yiu-chung noted that during the first term office of CE, a special personal adviser to CE was appointed who was tasked with the responsibility of handling liaison between HKSAR and Taiwan. The exercise of such function had been transferred to CAB since 1 July 2002. He enquired about the rationale for changing the modus operandi.

11. In reply, SCA advised that links between HKSAR and Taiwan were primarily concerned with the promotion of tourism and trade as well as the strengthening of economic ties and cultural exchanges. Since the reunification, the handling of Taiwan matters by the HKSAR had been conducted in accordance with the seven principles outlined by Vice Premier QIAN Qichen in 1995. The HKSAR Government placed importance on Hong Kong's economic relationship with Taiwan, which was Hong Kong's fourth largest trading partner. The HKSAR Government considered it desirable for CAB to act as the coordinating body within the Government to facilitate better handling of matters straddling different bureaux and departments. Contacts made through non-government channels would continue.

12. Ms Emily LAU enquired whether any personnel of Taiwan's representative offices or bodies in Hong Kong had approached CAB recently to discuss bilateral issues. SCA replied that CAB had received no such formal requests lately.

13. In further response to Ms Emily LAU, SCA advised that there had been a noticeable increase in the number of visitors from Taiwan to Hong Kong each year. The figures for the years from 1999 to 2001 stood at 1.98 million, 2.36 million and 2.41 million respectively. In addition to the traditional method of applying for entry visas, a new system of "i-permit" had been implemented. From 18 March 2002 to 8 July 2002, more than 38 000 of such i-permits had been issued. This new system applied to visitors from Taiwan.

14. SCA further advised that a new inter-airline agreement between the airlines of Hong Kong and Taiwan was signed at the end of June 2002. With the newly concluded agreement, it was expected that the number of flights and hence passengers travelling between the two places would increase substantially.

Entry into the Mainland of China

15. Mr SZETO Wah said that he had failed to obtain a renewal of his permit for entry into the Mainland after the expiry of the document. He said that he had sought assistance from the former SCA, Mr Michael M Y SUEN, who promised to raise the matter with the Hong Kong and Macau Affairs Office (HKMAO) of the State Council each time he visited the Mainland. But so far there was no progress on the matter. Mr SZETO requested SCA to continue to assist and notify him of the up-to-date position whenever an enquiry was made on his behalf.

16. SCA took note of Mr SZETO's request. He said that all along the CAB had taken a keen interest in promoting communications and exchanges between different sectors of the community of Hong Kong and the Mainland. He said that he would continue to follow development on the matter raised by Mr SZETO. He added that decisions on immigration and related matters finally rested with the Mainland authorities in exercise of their powers under the Mainland laws.

17. Mr James TIEN said that he was concerned that a number of members of the Democratic Party were refused entry into the Mainland. In his view, to allow them to visit the Mainland could increase communication and understanding on both sides. He said that the CAB might make a plea to the Mainland authorities to consider lifting the prohibition under appropriate circumstances.

18. In response to the views expressed by Mr James TIEN, Ms Emily LAU said that she did not agree that the HKSAR Government should "plead" the Mainland because it was a legitimate right of every lawful Chinese national to move freely in and out of China.

19. Mr SZETO Wah asked whether the matter had been raised with Mr LIAO Hui, Director of HKMAO, on the latter's recent visit to Hong Kong on the fifth anniversary of Hong Kong's reunification with the Mainland. SCA replied in the negative.

Money owed by United Nations High Commissioner for Refugees (UNHCR)

20. Mr YEUNG Yiu-chung asked what new efforts would be made in recovering the \$1 billion owed to the HKSAR Government by the UNHCR incurred for the Vietnamese boat people and refugees. He said that as a local deputy to the National People's Congress (NPC), he had previously sought the NPC's assistance but no progress had been made.

21. In reply, SCA said that the Security Bureau (SB) had been doing the best it could over the past years in negotiating with UNHCR with a view to resolving this long-standing historical issue. He undertook to convey Mr YEUNG's concern to SB. However, as the UNHCR had limited financial resources vis-à-vis its commitments, he did not see a good prospect for Hong Kong achieving significant progress in the foreseeable future.

Issues to be followed up by the Panel

22. The Chairman pointed out that apart from the above subject matters raised by members, the Administration should have reported progress to the Panel on the following issues, according to its previous undertaking -

- (a) application of certain provisions of the Prevention of Bribery Ordinance (Cap. 201) to the Chief Executive;
- (b) system of voting and voter registration for LegCo elections; and
- (c) law on political party.

The Chairman urged the Administration to accord priority to the issues and revert to the Panel as soon as possible.

23. SCA said that during the past few months, the Administration had been heavily engaged in matters relating to the implementation of the accountability system for principal officials upon the commencement of the second term office of CE. He added that regarding the above items referred to by the Chairman, there were matters which needed to be further studied in detail by the Administration. He assured members that the Administration would consult the Panel as soon as concrete proposals had been finalised.

Adm

II. Code for principal officials under the accountability system
(LC Paper Nos. CB(2)2462/01-02 and CB(2)2525/01-02)

24. At the invitation of the Chairman, Acting Permanent Secretary for Constitutional Affairs (PS/CA(Ag)) introduced the Code for Principal Officials under the Accountability System (the Code) published in the Gazette on 28 June 2002 as G.N. 3845 which set out the basic principles which principal officials should follow in the performance of their duties. He informed members that the Subcommittee to Study the Proposed Accountability System for Principal Officials and Related Issues (the Subcommittee) had been consulted on the draft Code earlier. After taking into consideration the comments and suggestions of the Subcommittee, the Administration had amended the draft Code. He highlighted the following major amendments which had been incorporated into the relevant chapters of the Code -

- (a) use of public resources for non-government purposes (chapter 1);
- (b) leave relief arrangement for principal officials (chapter 2);
- (c) declaration of affiliation with political parties (chapter 4);
- (d) engagement as directors in companies, acceptance of sponsored visits and restrictions on post-office activities (chapter 5); and
- (e) travel arrangements (chapter 6).

PS/CA(Ag) added that the other parts of the Code were similar to the original draft considered by the Subcommittee.

Issues raised by members

Leave relief arrangement for principal officials

25. Ms Emily LAU said that she was delighted that the Administration had taken into account the suggestions of the Subcommittee in drawing up the Code. However, she considered that the leave relief arrangement for principal officials as described in paragraph 2.4 of the Code under which another principal official had to stand in during the temporary absence of a principal official unsatisfactory, as different principal officials were responsible for different portfolios.

Responsibility in relation to the Legislative Council

26. In reply to Ms Emily LAU, SCA said that "meetings of the Legislative Council" mentioned in paragraph 2.10 of the Code referred to meetings of the whole Council. He further clarified that in accordance with paragraph 2.9 of the Code, principal officials would decide flexibly whether they themselves or other officers designated by them should attend other LegCo meetings such as those of the Panels and committees in discussing matters relating to their respective portfolios. He assured members that principal officials would continue to attend such meetings whenever necessary and so would the Permanent Secretaries and other Government officials.

27. Ms Emily LAU pointed out that members of the Subcommittee had expressed the view that principal officials, not Permanent Secretaries, should attend meetings of Panels and committees to explain Government policies. She said that in order to maintain political neutrality of civil servants, Permanent Secretaries should not attend meetings to explain and promote policies on behalf of principal officials.

28. SCA said that civil servants were required to assist principal officials in explaining Government policies to LegCo and the public. It was therefore appropriate for them to attend Panel and committee meetings of LegCo. He stressed that principal officials were mindful of the need to maintain good communication and relationship with LegCo and they would be prepared to attend the meetings of Panels and committees. He promised to convey to other principal officials Ms LAU's concern.

29. Miss Margaret NG sought clarification on the principles governing whether principal officials or civil servants should answer questions relating to Government policies at meetings of LegCo, its Panels and committees. She opined that with the implementation of the accountability system for principal officials, principal officials took personal responsibility for their policies and therefore should answer the questions themselves. She doubted whether PS/CA(Ag) and Deputy Secretary for the Civil Service (DS/CS) were in an appropriate position to answer questions relating to policy issues at this meeting.

30. In reply, SCA said that there were no hard and fast rules governing who should respond to the questions raised by members at LegCo Panel and committee meetings. It all depended on the nature and the context of the issues under discussion. He reiterated that Permanent Secretaries and other civil servants were required to assist principal officials in explaining Government policies to LegCo and the public.

31. In response to another question from Mr SZETO Wah, SCA said that if a civil servant provided incorrect information to LegCo or the public, the principal official concerned would be politically accountable for any adverse consequences, while the civil servant would take responsibility in administrative capacity. Mr SZETO, however, considered that principal officials should take both political and administrative responsibilities.

32. Ms Cyd HO expressed the view that SCA had not provided clear answers to members' questions. She said that SCA should take note of paragraph 2.11 of the Code, which required that principal officials should give accurate and truthful information to LegCo. SCA responded that what he said were entirely accurate and truthful.

Responsibility in relation to civil servants

33. Ms Emily LAU pointed out that paragraph 2.18 of the Code only required principal officials to note the independent role of the Public Service Commission in advising the Government on the appointment, promotion and discipline of civil servants. She sought clarification on the role of principal officials in the promotion of civil servants and their relationship with civil servants.

34. SCA advised that while principal officials would be consulted on deployment and posting of senior officials under his supervision, they would not be involved in the promotion of civil servants. Such matters were handled by the Civil Service Bureau (CSB) independently. DS/CS supplemented that the Secretary for the Civil Service (SCS), Permanent Secretaries and other senior civil servants would sit on the relevant promotion boards for senior civil servants. She further advised that the Chief Secretary for Administration and the Financial Secretary had also ceased to be involved in civil servants promotion matters after they became principal officials under the Accountability System with effect from 1 July 2002. The performance appraisals of Permanent Secretaries, nevertheless, would be conducted by the relevant principal officials.

Engagement of principal officials as directors of companies

35. Referring to paragraph 5.5 of the Code, Dr YEUNG Sum asked whether CE had given consent in writing to any principal officials to engage or be concerned as directors in commercial companies. The Chairman asked whether such consent of CE would likely be given where family businesses were concerned and whether the relevant information would be made available for public inspection.

36. SCA replied that CE would consider individual cases carefully before deciding whether or not to give his consent. He said that the principal officials' declaration of interests would be made available for public inspection upon request towards the end of July 2002, after all the principal officials had submitted their returns. PS/CA(Ag) added that approval would likely be given by CE where a principal official was appointed to the relevant board of directors in connection with his private family estate.

Declaration and handling of investments/interests

37. Ms Emily LAU said that she was disappointed that the principal officials' declaration of interests would only be made available for public inspection by the end of July, in view of the fact that the principal officials had already assumed duty on 1 July 2002. She sought clarification on whether it was a special arrangement that principal officials were allowed several weeks after commencement of their term of office to declare interests, and whether similar arrangements were adopted for civil servants and Members of the Executive Council (ExCo) before the implementation of the accountability system.

38. Ms LAU also referred to the letter dated 8 July 2002 from the Administration on declaration of investments/interests by the second term CE, ExCo Members and principal officials (LC Paper No. CB(2)2525/01-02(01)), her letter dated 27 June 2002 to CE on possible conflict of interest relating to Mr Henry TANG's appointment as the Secretary for Commerce, Industry and Technology and the response from CE's Office dated 29 June 2002 (circulated

vide LC Paper Nos. CB(2)2554/01-02(01) and CB(2)2554/01-02(02) respectively after the meeting). She said that it would cause embarrassment to the Government if it was discovered that a principal official's private investments/interests were in conflict with his official capacity only weeks after his assumption of duty. She considered that the Code should provide a mechanism for requiring principal officials to duly declare all related interests before taking up offices.

39. The Chairman pointed out that in accordance with Rule 83 of the Rules of Procedure of LegCo, every Member should, not later than the first meeting of each term, furnish to the Clerk, particulars of his registrable interests. Every new Member should also, within 14 days from the date of his becoming a new Member to fill a vacant seat, furnish to the Clerk particulars of his registrable interests. He commented that the requirements and procedure for declaration of interests for principal officials were looser than that for LegCo Members. Ms Emily LAU opined that with so much power vested in them under the new accountability system, principal officials should be required to comply with a set of stricter procedures for declaration of interests.

40. SCA assured members that declaration of interests by principal officials would be monitored closely by the Government to ensure that there would not be any conflict of interests, and all declarations made would be available for public inspection towards the end of July 2002. He also confirmed that all principal officials, in compliance with BL, had no right of abode in any foreign country.

41. PS/CA(Ag) supplemented that it was the responsibility of principal officials to avoid conflict of interest and report any possible conflicts to CE once they became aware of them. He drew members' attention to paragraph 5.7 of the Code, which stated that in the event of a possible conflict of interest between a principal official's investments or interests and his official duties, CE might require the principal official to divest himself of such investments or interests, or refrain from acquiring or disposing of the investments until he placed them in a "blind trust".

42. Regarding the arrangement for declaration of interests by civil servants, SCA advised that they were allowed several weeks to furnish particulars of their investments/interests after assuming duty. DS/CS supplemented that a notice to that effect was given in a letter addressed to the civil servants concerned.

43. At the request of the Chairman, the Administration provided a copy of the form on "Registration of Interests and Affiliation with Political Parties for Public Inspection" for principal officials for members' reference (circulated vide LC Paper No. CB(2)2554/01-02(03) after the meeting). The Administration was also asked to provide information on the period of time allowed for ExCo Members and Directors of Bureau to make declarations of interests in the past.

(Post-meeting note: CAB advised that Members of ExCo and Directors of Bureau were usually given several weeks to submit their declarations in the last few years.)

44. Ms Emily LAU opined that to increase transparency, the relevant records and information stipulated under paragraphs 5.5 and 5.7 of the Code respectively should be made available for public scrutiny. She said that as some principal officials might have already submitted their declarations of interests, such records should be made available for public inspection before the end of July. She asked the Administration to provide for LegCo Members' information the declarations of interests made by CE and all principal officials as well as ExCo Members as soon as such information was available. She also suggested that a special meeting might be held to discuss relevant issues arising from the declarations, if necessary.

45. In response, SCA said that as explained to the Subcommittee at its previous meetings, information on the decisions made by CE under paragraphs 5.5 and 5.7 of the Code would not be made available for public inspection. However, he assured members that the records of investments and interests declared by principal officials would be accessible to the public for inspection by the end of July. SCA undertook to consider providing the records for members' information and convey to the Secretariat of ExCo Ms LAU's request for records of the declaration of interests made by principal officials and ExCo Members.

(Post-meeting note : The declarations of interests made by CE, ExCo Members and principal officials as well as the curriculum vitae of the five new Directors of Bureau appointed from outside the civil service were circulated to members vide LC Paper Nos. CB(2)2679/01-02 and CB(2)2699/01-02 on 6 and 12 August 2002.)

Acceptance of advantages

46. Referring to paragraph 5.9 of the Code, Ms Emily LAU asked whether a value limit had been set for gifts or hospitality that a principal official could accept. She further pointed out that the guideline set under paragraph 5.10 of the Code for the acceptance of entertainment was very vague. It was not clear whether the value of or the person offering the entertainment should be the major factor of consideration.

47. SCA explained that paragraphs 5.8 to 5.14 served as reminders to principal officials that they had to be very cautious about matters relating to acceptance of advantages. As specified under paragraph 5.8, principal officials were subject to the relevant provisions in the Prevention of Bribery Ordinance and the Independent Commission Against Corruption Ordinance and should seek guidance from CE if necessary. He further advised that civil servants were not allowed to accept gifts for personal retention with value exceeding \$1,000 under

any circumstances. Ms Emily LAU opined that such requirement, if applicable to principal officials, should also be included in the Code.

Application of the Code

48. In reply to Dr YEUNG Sum, SCA confirmed that the Director of the CE's office had to abide by the Code for Principal Officials and that this had been spelt out clearly in the Director's appointment contract.

III. Circular setting out the working relationship between civil servants and principal officials under the accountability system (LC Paper No. CB(2)2467/01-02(01))

49. The Chairman informed members that this agenda item arose from the deliberations of the Subcommittee to study the Proposed Accountability System for Principal Officials and Related Issues. He said that the Chairman of the Panel on Public Service had no objection to the issue to be discussed under the auspices of the Panel on Constitutional Affairs. The Panel had invited all LegCo Members to attend the meeting for discussion of this item.

50. At the invitation of the Chairman, DS/CS introduced the circular issued by CSB on the working relationship between civil servants and principal officials. She advised that the Administration had consulted both the Subcommittee and members of the civil service on the draft circular, and made appropriate amendments in the light of the comments received. The circular was promulgated on 28 June 2002 and circulated to every civil servant. In addition, members of the civil service had also been notified of this circular through staff side representatives, a letter issued to all staff by SCS and the civil service newsletter. Representatives of CSB attending meetings of departmental consultative committees would also explain the circular to staff. In response to the Chairman, DS/CS advised that the circular, which was signed by SCS, had been issued under CSB Circular No. 8/2002 on 28 June 2002.

Political activities of principal officials and political neutrality of the civil service

51. Referring to paragraph 11 of the paper provided by the Administration (LC Paper No. CB(2)2467/01-02(01)) which stated that civil servants had a responsibility to give of their best in serving CE and the principal officials, Ms Emily LAU said that civil servants had been very concerned about the influence of the political inclinations of principal officials on the civil service. She considered that more should be elaborated in this area to allay civil servants' concern. Referring to paragraph 15 of the paper, Ms LAU said that she supported the request from some of the civil servants that more emphasis should be put on the importance of political neutrality of the civil service in the circular.

52. SCA said that the Administration considered it very important to maintain political neutrality of the civil service. The principles and rules governing participation in political activities by civil servants were provided in a CSB circular which stipulated that among others, members of the Administrative Officer and Information Officer grades, directorate officers and the Police were not allowed to participate in any political activities. The principles which governed participation in political activities by principal officers were set out in the Code for Principal Officials under the Accountability system.

53. DS/CS supplemented that the circular had referred to the Code for Principal Officials as well as other relevant Civil Service Regulations, circulars or circular memoranda for specific rules and guidelines that principal officials and civil servants were required to observe when performing their official duties. It was stipulated very clearly in the Code that principal officials' involvement in political activities should not affect their official duties. Moreover, repeated references to the Government's commitment to uphold political neutrality of the civil service had been made in the circular and the Code.

Staff working in the private offices of Directors of Bureau

54. Ms Emily LAU enquired about the number and status of staff working in the private offices of Directors of Bureau. DS/CS advised that most of the staff working in these offices were civil servants. She undertook to provide the relevant information after the meeting. She also clarified that non-civil servants working in these offices were also required to abide by the regulations and rules that governed the conduct of civil servants.

(Post-meeting note : Information on the filling of posts in the private offices of the Directors of Bureau provided by the Administration was circulated to members vide LC Paper No. CB(2)2684/01-02(01) on 9 August 2002.)

IV. Any other business

Permanent Secretaries in policy bureaux

55. Noting that some of the posts of Permanent Secretary had been filled by acting appointments by civil servants below D8 rank, Ms Emily LAU asked when civil servants at substantive D8 rank would be appointed to these posts or whether the posts should be down-graded. In response, SCA said that at present, temporary acting appointments had been arranged for civil servants to fill the posts of Permanent Secretary in the Security Bureau, CAB and CSB. He further advised that the staffing and structure of the policy bureaux, including the posts of Permanent Secretary, would be reviewed by the principal officials shortly. A report on the review of the accountability system for principal officials, including its financial arrangements, would be made to LegCo in due course.

Research project on "shadow cabinet"
(LC Paper No. CB(2)2523/01-02(01))

56. The Chairman drew members' attention to a letter dated 5 July 2002 from Ms Emily LAU to him (LC Paper No. CB(2)2523/01-02(01)) in which Ms LAU suggested that the Research and Library Services Division (RLSD) of LegCo Secretariat should undertake a research project to study the system of "shadow cabinet" in overseas countries and the possibility of operating a system of similar nature in Hong Kong.

57. The Chairman further informed members that Mr IP Kwok-him, who had left the meeting for other engagements, had asked him to reflect his view on the subject matter. According to Mr IP, he had reservation on the necessity for conducting such a research project since there was not a ruling party in Hong Kong.

58. As members present at the meeting supported Ms LAU's suggestion, the Chairman said that RLSD should be requested to undertake the proposed research study.

(Post-meeting note : A draft research outline on "The Relationship between the Government and the Opposition Party in Overseas Places" prepared by RLSD was circulated to members vide LC Paper No. CB(2)2700/01-02(01) on 14 August 2002.)

59. There being no other business, the meeting ended at 4:35 pm.