

立法會
Legislative Council

Ref : CB2/PL/HA

Panel on Home Affairs

**Proposed select committee to inquire into
the circumstances surrounding the appointment and
termination of employment of Mr Patrick YU Chung-yin
as Director (Operations) by the Equal Opportunities Commission,
and the resignation of Mr Michael WONG Kin-chow from
the office of Chairperson of the Equal Opportunities Commission**

Purpose

This paper invites members to consider the proposed terms of reference and size of the proposed select committee, and the procedure for the nomination of Members for appointment to the select committee, if appointed by the Legislative Council (LegCo).

Background

2. At the meeting of the Panel on Home Affairs on 9 January 2004, the Administration reported to the Panel its decision not to set up an independent commission of inquiry to inquire into the recent incidents concerning the Equal Opportunities Commission (EOC). Most Panel members were of the view that many questions relating to the appointment and termination of employment of Mr Patrick YU and the resignation of Mr Michael WONG remained unanswered, and the public was concerned about what actually happened. Hon Emily LAU proposed that a select committee should be appointed by LegCo to -

- (a) examine the process of selecting Mr Patrick YU for appointment as Director (Operations) of EOC with a view to ascertaining whether the appointment had complied with the established procedures of EOC;
- (b) examine the process of terminating the employment of Mr Patrick YU as Director (Operations) by EOC with a view to ascertaining whether the termination of employment had complied with the established procedures of EOC; and

- (c) inquire into the circumstances surrounding the resignation of Mr Michael WONG Kin-chow from the office of Chairperson of EOC and in particular, the details relating to his meetings with other parties on the nights of 4 and 5 November 2003.

3. Dr Hon TANG Siu-tong and Hon Henry WU King-cheong considered that it would be a duplication of efforts for LegCo to conduct such an inquiry when EOC was considering the setting up of a working group to conduct a review of the relevant matters. Other members, however, pointed out that the review being considered by EOC was restricted only to matters relating to its staff appointment and dismissal policies. Moreover, EOC had no power to summon the key parties, such as Mr Michael WONG, to provide information. These members also considered that there would be a conflict of roles for EOC to investigate itself.

4. Hon Emily LAU's proposal was put to vote. It was passed by the Panel with six members voting in support of and three members voting against it. Members agreed that a further meeting should be held as soon as possible to discuss the proposed terms of reference of the proposed select committee and other relevant matters.

Proposed terms of reference

5. Members in general considered that the scope of inquiry to be conducted by the proposed select committee should be narrow as it was intended to cover only the issues in paragraphs 2(a) to (c) above. Members are invited to consider the proposed terms of reference as set out below which have been drafted based on the proposed scope of inquiry suggested by Hon Emily LAU at the Panel meeting on 9 January 2004 -

"To inquire into the circumstances surrounding the appointment of Mr Patrick YU Chung-yin as Director (Operations) by the Equal Opportunities Commission, the termination of employment of Mr Patrick YU Chung-yin as Director (Operations) by the Equal Opportunities Commission, and the resignation of Mr Michael WONG Kin-chow from the office of Chairperson of the Equal Opportunities Commission and in particular, the details relating to his meetings with other parties on the nights of 4 and 5 November 2003."

6. Subject to members' views on the proposed terms of reference, the motion to be moved at a Council meeting for the appointment of the proposed select committee is in the **Appendix**.

Size of the select committee

7. In accordance with Rule 78(2) of the Rules of Procedure, 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.

8. For members' information, the size of the five Select Committees set up since 1994 is as follows -

- (a) Select Committee to inquire into the Kwun Lung Lau Landslip and related issues set up in 1994 -- seven Members;
- (b) Select Committee to inquire into the circumstances surrounding the departure of Mr LEUNG Ming-yin from the Government and related issues set up in 1996 -- 11 Members;
- (c) Select Committee to inquire into matters relating to the opening of the new airport at Chek Lap Kok set up in 1998 -- 13 Members;
- (d) Select Committee on building problems of public housing units set up in 2001 -- 15 Members; and
- (e) Select Committee to inquire into matters relating to the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority set up in 2003 -- 11 Members.

9. Although the size of a select committee may vary, it is invariably in odd numbers. Members may also wish to take note of the view generally expressed by members at the Panel meeting on 9 January 2004 that the size of the proposed select committee should be small in view of the narrow scope of the inquiry.

Procedure for the nomination of Members for appointment to a select committee

10. The following procedure was adopted for the nomination of Members for appointment to previous select committees -

- (a) nomination shall be made at a House Committee meeting. A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member nominated. A Member who nominates a Member who is absent from the meeting shall state that the absent Member's

acceptance of the nomination has been secured;

- (b) if the number of nominations exceeds that required for appointment, a vote will be taken by a show of hands. Members may vote as many times as the agreed number of members on the select committee;
- (c) if two or more nominees receive the same number of votes such that the House Committee cannot determine as to which nominees should be recommended for appointment to the select committee, the House Committee Chairman shall first announce that the nominees who have received the highest number of votes be recommended for appointment. As regards the remaining nominees who have received the same number of votes in the next highest order, lots will be drawn by the House Committee Chairman to decide which of them should be recommended to make up the full complement of the select committee;
- (d) after the nomination and election of Members to the select committee, the House Committee should be suspended for 10 minutes to enable the nominated Members to decide amongst themselves as to who should be nominated as the Chairman and the Deputy Chairman of the select committee. The House Committee will then resume and be asked to endorse the proposed composition of the select committee; and
- (e) the House Committee's recommendation on the membership, the chairmanship and the deputy chairmanship of the select committee will be submitted to the President.

Timetable for the appointment of the proposed select committee

11. If the proposal for a select committee to be appointed is supported by the House Committee, a motion to appoint the select committee would be moved by the Chairman of the House Committee at the Council meeting on 11 February 2004. Notice of the motion has to be given by 27 January 2004.

12. Subject to the motion being passed at the Council meeting on 11 February 2004, nomination of Members for appointment to the select committee could be made at the House Committee meeting on 13 February 2004.

Advice sought and report to the House Committee

13. Subject to members' views, a report will be made to the House Committee on 16 January 2004 to -

- (a) seek the House Committee's support for the motion in the **Appendix** to be moved at a Council meeting for the appointment of the proposed select committee; and
- (b) recommend to the House Committee the size of and procedure for nomination of Members for appointment to the proposed select committee.

Council Business Division 2
Legislative Council Secretariat
13 January 2004

Draft motion on the appointment of the proposed select committee

"That a select committee be appointed to inquire into the circumstances surrounding the appointment of Mr Patrick YU Chung-yin as Director (Operations) by the Equal Opportunities Commission, the termination of employment of Mr Patrick YU Chung-yin as Director (Operations) of the Equal Opportunities Commission, and the resignation of Mr Michael WONG Kin-chow from the office of Chairperson of the Equal Opportunities Commission and in particular, the details relating to his meetings with other parties on the nights of 4 and 5 November 2003; and that in the performance of its duties the 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."