

立法會
Legislative Council

Ref : CB2/PL/HA

Panel on Home Affairs

**Proposed select committee to inquire into
the incidents which have affected the credibility of the
Equal Opportunities Commission and related issues**

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 special meeting of the Panel on Home Affairs on 14 January 2004, members discussed the proposed terms of reference of the proposed select committee as set out in paragraph 5 of LC Paper No. CB(2)961/03-04(01).
3. Some members considered that the proposed scope of inquiry was too narrow and should be expanded to -
 - (a) cover the "six allegations" and related issues which had affected the creditability of Equal Opportunities Commission (EOC);
 - (b) examine the accountability of those persons concerned; and
 - (c) make recommendations on how to restore EOC's credibility.
4. Following discussion, members agreed that the proposed terms of reference should be revised to enable a more comprehensive inquiry to be conducted and a further meeting should be held on 29 January 2004 to consider the revised proposed terms of reference and the size of the proposed select committee before a recommendation would be made to the House Committee.

Proposed terms of reference

5. Members are invited to consider the revised proposed terms of reference as set out below which have been drafted based on members' comments at the Panel meeting on 14 January 2004 -

"To inquire into the incidents which have affected the credibility of the Equal Opportunities Commission and related issues, to examine the accountability of the persons concerned in that regard and to make recommendations on the restoration of credibility of the Equal Opportunities Commission."

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 **Appendix I**.

7. The terms of reference of the four select committees appointed since 1996 are in **Appendix II** for members' reference.

Size of the select committee

8. 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.

9. For members' information, the sizes of the five Select Committees set up since 1994 are 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.

10. Although the size of a select committee may vary, it is invariably in odd numbers.

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

11. 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

12. If the proposed terms of reference could be agreed on at the meeting on 29 January 2004, a recommendation would be made to the meeting of the House Committee on 30 January 2004, subject to the agreement of the Chairman of the House Committee to waive the required notice for the item to be placed on the agenda of the meeting.

13. If the proposal for a select committee to be appointed is supported by the House Committee, a motion to appoint the select committee could be moved by the Chairman of the House Committee at the Council meeting on 11 February 2004, subject to the President's permission to waive the 12 clear days' notice for moving the motion on that day

14. If the motion is 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

15. Subject to members' views, a report will be made to the House Committee on 30 January 2004 to -

- (a) seek the House Committee's support for the motion in **Appendix I** to be moved at a Council meeting by the Chairman of the House Committee;
- (b) seek the House Committee's support to request the President to waive the 12 clear days' notice for moving the motion at the Council meeting on 11 February 2004 for the appointment of the proposed select committee; and
- (c) 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
26 January 2004

Draft motion on the appointment of the proposed select committee

"That a select committee be appointed to inquire into the incidents which have affected the credibility of the Equal Opportunities Commission and related issues, to examine the accountability of the persons concerned in that regard and to make recommendations on the restoration of credibility of the Equal Opportunities Commission; 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."

Terms of reference of four select committees appointed since 1996

Date of Appointment	Select Committee	Terms of reference
23 Oct 1996	Select Committee to inquire into the circumstances surrounding the departure of Mr LEUNG Ming-yin, former Director of Immigration, from the Government and related issues	To inquire into circumstances surrounding the departure of Mr LEUNG Ming-yin, former Director of Immigration, from the Government and related issues.
29 July 1998	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	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.
7 Feb 2001	Select Committee on Building Problems of Public Housing Units	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.

Date of Appointment	Select Committee	Terms of reference
29 Oct 2003	Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	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.

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