

2003.5.21

**Speech by the Hon Mrs Selina Chow Liang Shuk-ye, GBS,
JP**
**Motion Debate on Independence of Statutory Organizations
Handling Public Complaints, 21 May 2003**



Selina Chow:

Madam President, the Liberal Party has made in-depth consideration after reading the original motion and amendment. Of course, if we merely consider the wordings of the original motion, we will find that there is really no cause for criticism because the Government is urged to ensure the independent operation of the four statutory organizations. However, after we have heard the remarks just made by Ms Cyd HO, it seems that it has been proven that the worries of some colleagues about her motion are right. Though she has used the word "ensure", what she actually means is that the organizations are not fully independent or there is a crisis that they may not be able to maintain independence. We definitely cannot agree with that because the four statutory organizations have perfectly been able to meet the public's expectations of them and every person-in-charge of each of the organizations is recognized and respected by the community.

Some examples cited by Ms Cyd HO earlier, such as the one related to the Equal Opportunities Commission (EOC), are somewhat strange. Actually, we all think that Ms Anna WU of the EOC has done a very good job and is highly independent, and the Government also affirms her independence.

Ms HO has also referred to the Privacy Commissioner for Personal Data. The preceding Privacy Commissioner for Personal Data is a professional who left the Government and became the Privacy Commissioner for Personal Data at that time, and I do not think there is any conflict for him to subsequently take up a post in the profession again. Let me take the incumbent Privacy Commissioner for Personal Data as an example. We all know that he is a lawyer by profession and he has left the legal profession and taken up the post of the Privacy Commissioner for Personal Data. Will there be any conflicts or contradictions if he leaves the post of the Privacy Commissioner for Personal Data and rejoins the legal profession in the future? I fail to see any conflicts or contradictions. The duties of the Privacy Commissioner for Personal Data involve the public's privacy as protected by law, and I fail to see any contradictions between that and his role as a professional.

I believe I do not have to talk too much about the achievements of the Independent Commission Against Corruption (ICAC) for more than two decades in the past because other colleagues have just made that very

clear. Actually, the ICAC has always upheld its convention of independence and it has managed to demonstrate that. The public and Members of this Council have very highly appraised the ICAC and they extremely support defending its independence and catering for its needs for resources. This undeniably reflects the support and commendation of the ICAC by the community.

Ms HO has just cited another example about The Ombudsman and said that the contract of a certain Ombudsman was not renewed because of something that he had done. I am not sure if that is the best way to handle the case. Nevertheless, can the fact that the contract of the said Ombudsman was not renewed prove that The Ombudsman lacks independence? I fail to see that. Besides, up to this very moment, the Legislative Council has unceasingly conducted monitoring in this respect. As we all know, the independence of The Ombudsman has recently been further enhanced, both in respect of the appointment of The Ombudsman and his employment of staff, which has further affirmed his independence.

I think that the four organizations are largely able to bring their independence into play at present. Moreover, this Council and some Members of this Council can also give play to their monitoring functions and hold these organizations accountable on various occasions and in various organizations and institutions. Since the Liberal Party is of the view that the current operation of these organizations is worth maintaining, we will support Miss CHOY So-yuk's amendment but we will not support Ms Cyd HO's original motion.