

立法會
Legislative Council

LC Paper No. AS 258/00-01

Ref: AM 12/01/20

**Paper for the House Committee meeting
on 9 March 2001**

**Second Report of the Subcommittee on Overseas Duty Visits
undertaken by Panels and other Committees**

Purpose

This paper reports on the deliberations and recommendations of the Subcommittee on Overseas Duty Visits undertaken by Panels and other Committees (the “Subcommittee”) on the allocation of funds for overseas duty visits to Members who do not serve a full Legislative Council term.

Background

2. At the meeting on 9 February 2001, the House Committee endorsed the arrangement of opening an account of \$61,000 for each Member of the Legislative Council (except the President) for overseas duty visits organized by Committees (including Panels) of the Legislative Council. The fund in each account is for use by a Member in a 4-year term. Any expenditure incurred in one term in excess of \$61,000 will have to be paid by the Member personally. However, if by the end of a term there are unused balances in Members' accounts, the funds available will be used to pay those Members who have expended more than their allocation, in proportion to their excess qualifying expenditure. The above arrangement was approved by The Legislative Council Commission on 20 February 2001.

3. At the same meeting on 9 February 2001, the House Committee also asked the Subcommittee to consider whether Members who do not serve a full Legislative Council term might be entitled to the full allocation.

Deliberations of the Subcommittee

4. Members of the Subcommittee generally consider that a duty visit is part and parcel of a Members' official duties, not a benefit. So long as one is a Member of the Legislative Council, one should not be barred from carrying out one's duty, either by administrative means or otherwise.

5. The majority of the Subcommittee members consider it inappropriate to scale down the allocation in a Member's account for overseas duty visits retrospectively when he/she vacates his/her seat before the end of a Legislative Council term. The reason is that when the funds are expended on a visit, they are for a legitimate purpose. Such a purpose is served at the time the trip takes place. It is unaffected by whether a delegate remains a Member of the Legislative Council or not afterwards. However, there is a minority view that funds expended should be beneficial to the Council in its deliberation of public policies or issues. Early departure of a Member may mean that resources spent by him/her on a visit will not serve the intended purpose.

6. The Subcommittee considers it appropriate for a Member returned by a by-election to be provided with a full term's allocation, rather than a time-apportioned one, because he/she should not be deprived of the chance to go on a more costly trip as a result of joining the Council later than other Members.

7. Further to the recommendation in the first report that membership of an overseas visit delegation should be restricted to members of the relevant Committee of the Council, the Subcommittee holds the view that if a non-Committee Member is interested in a particular issue covered by the Committee's overseas visit, he/she may join the visit with the consent of the Committee. The non-Committee Member's trip should not be funded with the provision of \$61,000 in the Members' account. However, if the approved budget of a visit is not exceeded, the additional expenses incurred due to the addition of the self-financing Member, other than those that can be attributed to him/her individually (e.g. air passage, airport tax, hotel accommodation, travel insurance and visa application fee), will be funded by the Commission.

Recommendations of the Subcommittee

8. The Subcommittee recommends that:
- (a) a Member should be entitled to the 4-year allocation of \$61,000 for overseas duty visits even if he/she does not serve out a full term; however, he/she should not be entitled to any possible end-of-term payment in case his/her expenses exceed \$61,000 (*paragraph 5*);
 - (b) a Member returned by a by-election should be provided with a full-term allocation (*paragraph 6*);

- (c) a non-Committee Member may join an overseas visit on a self-financing basis with the consent of the Committee concerned (*paragraph 7*); and
- (d) extra funds spent on overseas duty visits resulting from the situation mentioned in (b) above should come from unused allocations at the end of term before they are used to pay Members who have exceeded their 4-year allocation; and any shortfall should be covered by the Commission's savings.

Advice Sought

9. Members are invited to endorse the recommendations of the Subcommittee in paragraph 8 and submit them to The Legislative Council Commission for approval.

Administration Division
Legislative Council Secretariat
March 2001