

立法會
Legislative Council

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**Paper for the House Committee meeting
on 15 June 2001**

Committee on Rules of Procedure

**Report on the progress of the implementation of measures
to improve the working mechanism of Panels and Bills Committees
for the scrutiny of legislative and financial proposals**

Purpose

This paper reports on the progress of the implementation of the measures recommended by the Committee on Rules of Procedure (the Committee) for improving the working mechanism of Panels and Bills Committees. The improvement measures aim at enhancing the effectiveness of committees of the Council in scrutinizing legislative and financial proposals. The paper also outlines the Committee's observations on the progress and seeks Members' views on its further recommendations.

Background

2. Following consultation with the House Committee on 12 January 2001 on the Committee's recommendations in respect of the working mechanism of Panels and Bills Committees for the scrutiny of legislative and financial proposals (LC Paper No. CB(1)442/00-01), the Chairman, on behalf of the Committee, wrote to the Director of Administration on 23 January 2001 putting forward a series of improvement measures (**Appendix I**). The Director's reply dated 3 April 2001 is in **Appendix II**.

3. To facilitate the monitoring of the effectiveness of these measures, the Committee considered it appropriate to conduct a review in three months' time. For this purpose, all Panel Clerks were invited to provide in May 2001 information on the way legislative and financial proposals were considered by Panels from February to April 2001. The relevant statistics are in **Appendix III(a) and (b)**.

Committee's views on the findings of the review

Updating of Legislative Programme

4. In relation to the Committee's request for periodic updates of the Legislative Programme, the Administration provided an updated Programme for the current session, which was circulated to Members on 23 March 2001. As regards the Committee's request for the inclusion of the expected time of presentation of the bills in the Legislative Programme, the Administration advises that the Programme is at best an indication of the Administration's legislative intention for the session. The Administration is not in a position to include such dates as the presentation of bills is, among other things, subject to the Executive Council's approval.

5. The Committee notices that as at 22 May 2001, of the 35 bills listed on the updated Legislative Programme issued in March, only eight bills have been presented to LegCo or given notice of presentation. Another update of the Legislative Programme appears to be necessary.

Lead time for consultation

6. The Committee has also requested the Administration to consult the relevant Panel(s) on major legislative and financial proposals as early as practicable, preferably before the Administration has finalized the proposals. For this purpose, a lead time of three to six months is considered appropriate in assessing whether the Administration is seeking LegCo's view at the earliest opportunity.

7. As the review period is from February to April 2001, the Committee notes that many of the proposals already put to Panels during this period have not yet been presented to the Council or the Finance Committee. It cannot be ascertained at this stage if the proposals discussed by the Panels are the final version or not, and whether the requested lead time has been followed. During the review period, out of the 33 legislative proposals, at least 13 (39%) had been put forward to the relevant Panels at least three months before the relevant bills were presented to LegCo. Of the 50 financial proposals put to the Finance Committee (FC) and Public Works Subcommittee (PWSC)/Establishment Subcommittee (ESC), 47 (94%) had been discussed by or circulated to the relevant Panels prior to inclusion on the agenda of FC and PWSC/ESC. Only three of the 50 financial proposals had been referred back to the relevant Panels for more detailed discussion before they were further considered by FC and PWSC/ESC. Of the three proposals, one had been discussed by the Education Panel, one discussed by the Planning, Lands and Works (PLW) Panel, and one circulated to the Housing Panel before submission to FC and PWSC/ESC.

Timing for provision of discussion papers

8. The Committee has also requested the Administration to provide papers well in advance of the relevant Panel meeting, preferably at least one week in advance of the meeting. As revealed from the statistics in **Appendix III(b)**, the Administration has provided a total of 182 discussion papers for the 179 items discussed at Panel meetings from February to April 2001. About 53% (25.3% + 28%) of these discussion papers were provided by the Administration four working days or more before the relevant Panel meetings; and about 10% of the papers were provided one working day or less before the relevant Panel meetings. Of the 19 corresponding bureaux/body under review, over 50% of the discussion papers from the following Bureaux could not reach the respective Panels four working days or more before meeting:

Education and Manpower Bureau
Housing Bureau
Environment and Food Bureau
(papers for Food Safety and Environmental Hygiene Panel)
Commerce and Industry Bureau
Health and Welfare Bureau
Information Technology and Broadcasting Bureau
Economic Services Bureau

9. The Committee finds the situation highly unsatisfactory as the late provision of papers will practically deprive Members of the opportunity to study the papers and consult their political groups before the meeting. This will in turn hinder the effective exchange of views between Members and the Administration during the meeting. To improve the situation, the Committee invites Members to consider the following arrangements:

- (a) The Administration should be requested to strictly observe the requirement that discussion papers should be provided at least one week before the relevant Panel meeting. To make the request more specific, the period should be described in working days, i.e. ***at least six working days**** before the relevant Panel meeting. If the deadline falls on a day before a public holiday, the Administration should provide the papers by 11:00 am so that the papers could be dispatched to Members on the same day; and

* Under existing ordinances (e.g. Cap. 124, Cap. 127, Cap. 130), "working day" means any day other than a public holiday, or a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1). For the purpose of determining the deadline for provision of discussion papers in the context of paragraph 9 of this paper, "working day" means any day other than a public holiday.

- (b) if the Clerk to Panel does not receive the discussion paper for a particular agenda item by the deadline mentioned in item (a) above, he/she should draw this to the attention of the Panel Chairman who will decide whether or not the relevant item be deleted from the agenda. Only under very exceptional circumstances would the Panel Chairman allow the item to be discussed.

Participation of Members at Panel meetings

10. The Committee notes from the Director's reply that the Administration would expect Members, representatives of all parties, alliances and groups of different political affiliation, to attend and participate actively in Panel meetings. While the Committee appreciates the importance of Members' participation at Panel meetings, it considers that the timely provision of detailed discussion papers by the Administration will certainly facilitate Members' participation. The Committee observes that some discussion papers on financial proposals for Panel meetings lack sufficient details for thorough discussion, such as the background leading to the need for the funding proposals. It is therefore difficult for Panel members to come to a view on whether to support the proposals or otherwise.

11. The Committee recommends that the Administration be requested to consider providing more information in its papers on financial proposals when consulting Panels.

Information to be provided in LegCo Brief

12. One of the suggestions put to the Administration is to provide in LegCo Briefs any changes in the Administration's position after consultation with the relevant Panel and any differences between its position and the general views of Members. In view of the lead time required for such information to be included in LegCo Briefs, the Secretariat has reviewed the 19 LegCo Briefs provided by the Administration from April to mid-May 2001. In six of these LegCo Briefs, consultation with the relevant Panel was mentioned with some brief remarks, such as -

"At its special meeting on 12 April 2001, the LegCo Panel on Commerce and Industry unanimously supported the proposed suspension and a fast-track legislative process to implement the suspension";

"We consulted the LegCo Panel on Security at its meeting on 3 April 2001. Members did not object in principle to the proposed legislative amendments. Some Members commented on the definition of full-body massage, and the potential law enforcement difficulties. We explained the various matters to Members at the meeting and considered their advice as appropriate".

It may take a longer period of time to assess how far the Administration has provided the required information in LegCo Briefs.

13. The Committee notes the Administration's point that the inclusion of information on changes would only be possible if the relevant Panel has come to a definitive view at the conclusion of the discussion and that view is set out clearly in the minutes of the relevant Panel meeting. It is however not always possible to have a definitive view on a subject after a brief discussion by the Panel.

Allocation of sufficient time for discussion of major proposals at Panel meetings

14. The Administration welcomes the Committee's suggestion that Panels should allocate sufficient time for the discussion of major legislative or financial proposals. There is however a concern that it may have implications on the number of items that can be dealt with at each Panel meeting. The Administration therefore requests that government business, especially proposals which are time critical, be given priority by Panels, as is the arrangement for business at Council meetings.

15. The Committee considers that the concern of the Administration in fact does not arise under the present arrangement for determining the agenda of a meeting. While agenda items are agreed by members of a Panel more than one month before a Panel meeting, the corresponding Bureau is often consulted and may suggest priority for the items proposed by the Bureau. In the event that there is a lot of business to be dealt with by a Panel at its regular meeting, special meetings are often held. For example, eight financial proposals were put to the Transport Panel for consultation by circulation during the review period, including one to be submitted to PWSC in April, four to PWSC/ESC in May and one to PWSC in June. As only two discussion items are scheduled for each regular meeting of the Transport Panel, one special meeting was held in March and two in May for discussion of the financial proposals. As regards the PLW Panel, 13 financial proposals were discussed at PLW Panel meetings from February to April, and five special meetings were conducted by the Panel for the purpose, as compared to five financial proposals discussed and two special meetings conducted by the Panel for the purpose from November 2000 to January 2001.

16. As regards the time apportionment at Panel meetings, during the period from February to April 2001, the time allocated for discussion of a legislative or financial proposal normally ranged from 20 to 45 minutes. Some items which were more controversial in nature were allocated more time for discussion. For example, the discussion of the policy aspect of the legislative proposal in respect of school-based management at the Education Panel meeting on 19 February lasted about 90 minutes. The financial proposal in respect of compensation arrangements for land resumption for urban renewal projects was discussed at three special meetings of the PLW Panel in February/March. The draft Copyright (Suspension of Amendments) Bill 2001 was discussed at two special meetings of the Commerce and Industry Panel in April.

Committee Stage amendments to bills

17. The Committee notes that the Administration agrees to submit any proposed CSAs to the relevant Bills Committee for discussion as far as practicable. So far, no adverse feedback has been received from Bills Committees.

Feedback from Members

18. The Committee notes that Members generally appreciate the early consultation on legislative and financial proposals and the opportunity to consider the policy aspect of the proposals. However, it also notes that the PLW Panel and some other Members have expressed concern about the increase in the number of financial proposals discussed at Panel meetings in recent months. They have pointed out that this has not only resulted in more special meetings of Panels, but also the repetition of discussion of the proposals at Panel and PWSC/ESC meetings. They are of the view that only major financial proposals should be put forward to Panels for consultation, and that other financial proposals should be submitted to PWSC/ESC direct.

19. In this respect, the Committee considers it difficult to define what constitutes a "major" financial proposal. It is for individual Panels to decide whether a financial proposal proposed by the Administration should be placed on the agenda for a Panel meeting.

Advice sought

20. The Committee invites Members to give views on the Committee's recommendations in paragraphs 9 and 11. Subject to any views Members may have, the Committee recommends that the Chairman and Deputy Chairman of the House Committee should convey to the Chief Secretary for Administration the concern of Members about late provision of discussion papers for meetings.

Council Business Division 1
Legislative Council Secretariat
12 June 2001

CB1/R/5
2869 9244
2869 6794

By Hand

23 January 2001

Mr Andrew H Y WONG, JP
Director of Administration
Chief Secretary for Administration's Office
Administration Wing
12th Floor, West Wing
Central Government Offices
Hong Kong

Dear Mr WONG,

Committee on Rules of Procedure

**Review of the working mechanism of Panels and Bills Committees
for the scrutiny of legislative and financial proposals**

Thank you for attending the meeting of the Committee on Rules of Procedure on 12 December 2000, and sharing with us your views on the above subject.

Having regard to the views of the Administration and those of Panel Chairmen, the Committee has put forward a report together with its recommendations to the House Committee. The recommendations which aim to improve the current working mechanism were endorsed by the House Committee. A copy of the report is attached for your reference.

As you are aware, some of the recommendations of the Committee require support from the Administration and all bureaux of the Government. The actions required of the Administration are as follows:

Updating of Legislative Programme

- (a) To provide the House Committee with an updated Legislative Programme around March 2001;
- (b) To consider issuing periodic updates of the Legislative Programme;
- (c) To consider providing in the Legislative Programme the expected time for the introduction of the bills into the Legislative Council (LegCo);

Early consultation and early provision of discussion papers

- (d) To consult the relevant Panels on major legislative and financial proposals as early as practicable, preferably before the Administration has finalized the proposals;
- (e) To provide the relevant papers well in advance of the Panel meeting, preferably at least one week in advance of the meeting to allow members of different political groups to have the chance to consult their respective groups before attending the meeting;
- (f) To explain in the LegCo Brief any changes in the Administration's position after consultation with the relevant Panel and any differences between its position and the general views of Members;

Improving the effectiveness of Bills Committees

- (g) Any proposed Committee Stage amendments should preferably be submitted to the relevant Bills Committee for consideration.

To monitor the effectiveness of the above arrangements, the Committee has invited Panel Clerks to keep track of the developments in the coming three months, and will review the situation in May 2001.

On behalf of the Committee, may I thank you once again for your views given on the above subject.

With best regards,

Yours sincerely,

(Jasper TSANG Yok-sing)
Chairman of the Committee on Rules of Procedure

Encl.

Appendix II

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3 April 2001

The Honourable Jasper Tsang Yok-sing, JP
Chairman of the Committee on Rules of Procedure
Legislative Council Building
No. 8, Jackson Road
Central
Hong Kong

Dear Mr Tsang,

Committee on Rules of Procedure

Review of the working mechanism of Panels and Bills Committees for the scrutiny of legislative and financial proposals

Further to my interim reply of 24 February, I have consulted my senior colleagues on the recommendations of the Committee enclosed in your letter of 23 January.

Consultation with LegCo Panels

The Panel system is, in our view, an invaluable vehicle for soliciting views of Members, and a forum for the Administration to explain government policies and exchange ideas with Members. We have been consulting Panels on major policy, legislative and financial initiatives as early as practicable and will continue to do so in the future. To enable Members of different political affiliation to consult their respective groups before attending the meeting, we will, as suggested, endeavour to provide papers on our proposals as soon as possible. And also as suggested, we will, where appropriate, draw attention to and account for in the relevant LegCo brief variations, if any, in our final position and that we put to Members and/or the general view of Members. On this latter point, Members would appreciate that we could only do so if the relevant Panel has come to a definitive view at the conclusion of the discussion and that view is set out clearly in the notes of the relevant Panel meetings. We therefore request that this point be drawn to the attention of Members.

To enhance the effectiveness of such early exchanges, we welcome the Committee's suggestion to allocate sufficient time for discussion of major proposals at the meetings of relevant Panels. However, the suggestion might have implications for the number of items that could be dealt with at each Panel meeting. Our experience is that Panels generally have very heavy agenda. We therefore request that government business, especially proposals (including financial proposals) which are time critical, be given priority in the Panels' consideration, as is the arrangement for business at full Council meetings. We also request that meeting agenda be handled more flexibly to allow for the consideration of more urgent business. And, to achieve the purpose of such exchanges, i.e. to enable the Administration to have an early feel and better understanding of the views and stances of Members, we would expect Members, representatives of all parties, alliances and groups of different political affiliation, to attend and participate actively in Panel meetings.

Updating the Legislative Programme

For better planning purposes, we will provide periodic updates of the Legislative Programme we draw up for each legislative session. In this connection, we have, on 20 March 2001, provided Members with an updated Programme for the current legislative session. But, as explained at the meeting on 12 December 2000, we are not in a position to specify the timing for introduction of the bills because the Programme is at best an indication of the Administration's legislative intention for the session and the introduction of bills is, among other things, subject to the Executive Council's approval.

CSAs to Bills Committees

We will continue to work with Members to improve the effectiveness of Bills Committees and ensure that our proposed amendments to bills would as far as practicable be submitted in advance to the relevant Bills Committees. In this connection, we trust that Members would also ensure that their proposed amendments would likewise be submitted in advance to the relevant Bills Committee for consideration.

We look forward to closer co-operation with Members.

Yours sincerely,

(Andrew H Y Wong)
Director of Administration

**Timing for consultation of Panels
(Panel meetings from February to April 2001)**

Panel	No. of legislative /financial proposals and other items discussed at Panel meetings			No. of legislative /financial proposals put forward to the Panel by circulation		No. of legislative proposals put forward to the Panel	
						3 months or more before the relevant bills are presented to LegCo	less than 3 months before the relevant bills are presented to LegCo
Manpower	4		7			?	?
Public Service	1	1	6			1	
Administration of Justice and Legal Services	5	3	4			3	2
Home Affairs		1	10				
Transport		7	5	1 [☺]	8 [△]		
Housing		2	7		1		
Security	2	1	6		3	2	
Constitutional Affairs	1		4			1	
Food Safety and Environmental Hygiene	1		7			1	
Financial Affairs	5		5			?	?
Education	1	5	4			?	?
Commerce and Industry	5	1	7			?	?
Planning, Lands and Works	1	13	3		3	1	
Welfare Services	1	1	8			1	
Information Technology & Broadcasting	2	1	5				2
Economic Services		3	9				
Health Services	4		3			3	1
Environmental Affairs		3	4				
Subtotal	33	42	104	1[☺]	15[△]	13	5
Total	179						

The figures in green refer to items relating to legislative proposals.

The figures in red refer to items relating to financial proposals.

The figures in blue refer to other discussion items.

? The dates of presentation of the relevant bills have yet to be finalized.

△ Two of the financial proposals were subsequently discussed at a special Panel meeting in March, and five discussed at two special meetings in May 2001.

☺ The legislative proposal was subsequently discussed at a special Panel meeting in May 2001.

**Timing for provision of discussion papers by the Administration
(Panel meetings from February to April 2001)**

Panel	No. of legislative /financial proposals and other items discussed at Panel meetings			No. of discussion papers provided by Administration											
				6 working days or more before the Panel meeting			4 or 5 working days before the Panel meeting			2 or 3 working days before the Panel meeting			1 working day or less before the Panel meeting		
Manpower	4		7 [#]			1	1		2	2		2	1		1
Public Service	1	1	6 ^{*#}			3	1	1				3			
Administration of Justice and Legal Services	5	3	4	5	3	3			1						
Home Affairs		1	10 [#]		1	4			1			2			2 [@]
Transport		7	5		4	1		1	1			3			
Housing		2	7 [#]					2				6			
Security	2	1*	6			3	2		1		2	2		2	
Constitutional Affairs	1*		4	2		4									
Food Safety and Environmental Hygiene	1		7						2	1		5			
Financial Affairs	5		5*			3	2		4	2			1		4
Education	1	5	4 [#]					1		1	4	1			
Commerce and Industry	5 [#]	1	7				1		2		1	5	3		
Planning, Lands and Works	1	13*	3		4	1		8	2	1	2			1	
Welfare Services	1	1	8				1		1		1	7			
Information Technology & Broadcasting	2	1	5*			1		1	3	1		3	1		1
Economic Services		3	9 [#]			1		1	1		2	5			
Health Services	4		3	1		1	1			2		1			1
Environmental Affairs		3	4 [#]					3	3						
Subtotal	33	42	104	8	12	26	9	18	24	10	12	45	6	3	9
Total no. of discussion items	179			—			—			—			—		
Total no. of discussion papers	182			46 (25.3%)			51 (28%)			67 (36.8%)			18 (9.9%)		

The figures in green refer to items relating to legislative proposals.

The figures in red refer to items relating to financial proposals.

The figures in blue refer to other discussion items.

No paper has been provided by the Administration for some of the discussion items.

* More than one paper have been provided for the discussion item(s).

@ One of the items was proposed for discussion at very short notice.