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Paper for the House Committee meeting on 18 January 2002

Committee on Rules of Procedure

**Follow-up on measures to improve the mechanism
for the scrutiny of legislative and financial proposals**

Purpose

This paper invites the House Committee to endorse the recommendations of the Committee on Rules of Procedure (the Committee) regarding the provision of papers by the Administration for discussion at Panel meetings and meetings of Bills Committees, as some of the measures to improve the mechanism for the scrutiny of legislative and financial proposals.

Background

2. The Committee reported to the House Committee in June 2001 on the progress of the implementation of measures to improve the mechanism for the scrutiny of legislative and financial proposals (LC Paper No. CB(1)1520/00-01). The House Committee noted that about half of the Administration's papers issued for discussion at Panel meetings from February to April 2001 were provided four clear days or more before the relevant meetings; and about 10% were provided one clear day or less before the meetings. To improve the situation, the Committee proposed the following arrangements:

- (a) The Administration should be requested to provide discussion papers at least six clear days before the relevant Panel meeting;
- (b) 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

- (c) The Panel Chairman would decide whether or not the relevant item should be deleted from the agenda if the papers are not received by the deadline.

3. After consulting the Chief Secretary for Administration (CS), the Chairman of the House Committee informed Members on 10 July 2001 that Policy Bureaux were being consulted on the proposed deadline and that CS considered that in fixing a deadline for providing papers, sufficient lead time should be allowed and that a degree of flexibility was necessary. The House Committee agreed that the Committee should meet the Director of Administration (the Director) to further discuss the issue.

4. The Committee was also invited to consider some Members' concern expressed at an earlier House Committee meeting held on 15 June 2001 that sometimes draft Committee Stage amendments (CSAs) for discussion at bills committee meetings were provided by the Administration at the last minute.

The Committee's deliberations and recommendations

Deadline for provision of discussion papers for Panel meetings

5. At the Committee's meeting with the Director of Administration on 5 November 2001, members shared the Administration's view that different deadlines for the provision of discussion papers for Panel meetings might be justified to cater for different scenarios. Members noted that most of the items for discussion were proposed by the Administration and decided by Panels one month before the relevant meetings, and all along bureaux were required to provide discussion papers at least one week before the relevant meetings. In other words, the Administration should have at least three weeks to prepare the discussion papers. Whilst appreciating that the Administration needed time to prepare the papers, including time for internal discussion, research, drafting and translating the papers, the Committee considered it essential for them to have at least one week to study the papers, gather background information, and consult their constituents, political parties and other relevant parties on the issues raised in the papers before the relevant meetings for more thorough discussions with the Administration. They considered four clear days, as proposed by the Administration, insufficient for the purpose and strongly requested the Administration to provide discussion papers at least six clear days before the relevant meetings. Members also considered that if the bureaux were unable to meet the deadline, the public officers concerned should not have proposed the items for discussion or should have alerted the Panel when consulted on the items to be placed on the agenda.

6. Following the discussion on 5 November 2001 and further consultation by the Director with Policy Bureaux, the Committee and the Director have now agreed on the following proposed arrangements to provide different deadlines for different scenarios:

- (a) The Administration is required to provide papers *at least five clear days before the relevant Panel meeting* for items with at least 3 weeks' notice;
- (b) The Administration is required to provide papers *at least two clear days before the relevant Panel meeting* for items involving time critical proposals, e.g. financial proposals, or where the need to consult Panels does not arise until a very late stage;
- (c) The Administration is required to provide papers *as soon as practicable* for items with less than 3 weeks' notice; certain policy initiatives requiring the approval of the Executive Council; and matters involving commercially sensitive information; and
- (d) Panel Chairmen will decide whether or not the relevant item should be deleted from the agenda if the papers are not received by the deadline.

7. On paragraph 6(a) above, the Committee notes that under Rule 93 of the Rules of Procedure, the expression "clear days" excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays. As such, the Administration's proposal of shortening the Committee's earlier suggestion of six clear days to "5 clear days before the relevant Panel meeting" is in line with the existing practice which requires the Administration to provide papers at least one week before the relevant Panel meetings. It is also in line with the deadline set for submissions of papers to the Finance Committee and its two subcommittees.

Provision of discussion papers or draft CSAs for bills committee meetings

8. At its meeting on 5 November 2001, the Committee also considered the need to impose a deadline for providing discussion papers or draft CSAs for bills committee meetings. Members found it difficult to set a deadline across the board, because the frequency of meetings of Bills Committees vary from case to case. Since a bills committee invariably consults the Administration's representatives in fixing the date of its next meeting, the Administration should have assessed its ability to provide discussion papers or any draft CSAs at a reasonable time before the meeting. The Committee proposes that, in line with the arrangement for late provision of discussion papers for Panels, the

Chairman of the relevant bills committee may decide not to discuss draft CSAs that arrive too late before a meeting, if the situation warrants.

Advice sought

9. Members are invited to endorse the Committee's recommendations in paragraphs 6 and 8 above. If these are agreed, Members will please further advise:

- (a) whether, in view of the Administration's request that sufficient notice (e.g. one month's notice) be given before the new arrangements are to take effect, the new arrangements should be implemented with effect from 1 March 2002; and
- (b) whether the Administration should be further asked to arrange, as far as possible, for papers to be provided by 11:00 am if a deadline falls on a day before a public holiday, so that they may be despatched to Members on the same day.

Legislative Council Secretariat
16 January 2002