

立法會 *Legislative Council*

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Paper for the House Committee meeting on 7 July 2006

Committee on Rules of Procedure

Proposed amendments to Rules of Procedure regarding determination of the time and place of a committee meeting

Purpose

This paper invites the House Committee (HC) to endorse the amendments to the Rules of Procedure (RoP) proposed by the Committee on Rules of Procedure (CRoP) regarding the determination of the time and place of a committee meeting.

Background

2. According to RoP, the time and place of meetings of the Finance Committee, the Public Accounts Committee (PAC), the Committee on Members' Interests (CMI), CRoP, HC, a Bills Committee, a Panel and a Select Committee (SC) are determined by the chairmen of the committees. RoP have no such provisions for an Investigation Committee (IC) (Rule 73A).

3. A Member suggested that CRoP should review the above provisions because a committee would not be able to function if the chairman, for whatever reason (e.g. not in Hong Kong), could not be contacted to decide to convene an urgent meeting to discuss an important issue. A procedure should therefore be put in place to enable an urgent meeting to be held in such circumstances.

Current arrangements

Calling of meetings of committees

4. With the exception of PAC, CMI, CRoP, an IC and SC, the chairmen of which are appointed by the President, the first meeting of a committee in a term is called by the member of the committee¹ who has the highest precedence in the Council.
5. All subsequent meetings of a committee are called by the chairman in office. According to Rule 24(l) of the House Rules (HR), at the first meeting of a committee, the chairman of the committee will anticipate the number of subsequent meetings required and set tentative dates for them so that members of the committee may take note of the dates from the outset. For Panels, it is usual practice for the tentative dates for the regular meetings in the session to be drawn up at the first meetings.
6. In addition to the regular meetings, the chairman of a Panel may hold special meetings to discuss urgent issues as and when necessary. In doing so, the chairman very often takes into account the views of members of the Panel. This practice is also applicable to other committees and subcommittees of the Council.

Meeting place

7. The meetings of committees are normally held in Hong Kong. According to Rule 22(u) of HR, if a Panel considers it necessary to meet or undertake any activities outside Hong Kong, it should seek HC's permission to do so. This practice is applicable to other committees and subcommittees of the Council.

Practice and procedure in overseas legislatures

8. CRoP has studied the procedures in the legislatures of the United Kingdom (UK), Canada, New Zealand, Australia and the United States (US).
9. In general, the five legislatures adopt two different approaches for handling the situation. In the House of Commons of the UK Parliament and the House of Commons of the Parliament of Canada, in the absence of the chairman of a committee, no member of the committee is allowed to determine the time and place of a meeting of the committee.
10. The Houses of Representatives of the New Zealand Parliament, the Parliament of Australia and the US Congress each has a procedure for determining the time and place of a meeting of a committee in the absence of the chairman of the committee.

¹ In the case of a Bills Committee and a subcommittee of a committee, the Member who has the highest precedence on the preliminary membership list of the relevant committee/subcommittee (the list comprises those Members who indicate their intention to join the relevant committee/subcommittee at the meeting of HC which decides to form it), calls the first meeting of the relevant committee/subcommittee.

Proposed arrangements for dealing with a request for holding a meeting of a committee if the chairman of the committee cannot be contacted

11. Having regard to the procedure in the overseas legislatures, CRoP proposes that if the chairman of a committee cannot be contacted for considering a request made by a member of the committee for holding a meeting of the committee to discuss a specific issue of urgent importance, the deputy chairman of the committee should be given the authority to consider the request and determine the time and place of the meeting in such circumstances. The clerk to the committee should be given 48 hours to contact the chairman before approaching the deputy chairman who will then decide whether to convene the meeting and, if convened, the time and place of it. The arrangement should also be applicable to subcommittees of committees of the Council.

12. As the arrangement has impact on the power of the chairman and deputy chairman of a committee in determining the time and place of a meeting of the committee, CRoP proposes that the arrangement should be implemented from the next session.

13. To enable the clerk to a committee to convey a request for a meeting of the committee to discuss a specific issue of urgent importance, the chairman and deputy chairman of the committee should provide the clerk with adequate information on how they can be contacted.

Proposed amendments to RoP

14. The **Appendix** contains the proposed amendments to RoP. A general provision, i.e. Rule 79B, is proposed to be added so that in the circumstances mentioned in paragraph 11 above, the deputy chairman of a committee may consider the request for a meeting of the committee, and determine the time and place of the meeting.

15. The proposed Rule 79B should apply to any committee and its subcommittee, which includes a joint subcommittee appointed by two or more Panels under Rule 77(9A). As the current definition of “committee” in paragraph (e) of Rule 93 (Interpretation) does not include a joint subcommittee, it is recommended that the paragraph be revised to include such subcommittee. On the other hand, the definition of “committee” in Rule 79A(4) includes a joint subcommittee. As a result of the proposed inclusion of “joint subcommittee” in the definition of “committee” in Rule 93(e), the reference to “joint subcommittee” in Rule 79A(4) will become redundant. Consequential deletion of the reference in Rule 79A(4) is also proposed.

16. The opportunity is also taken to rectify a discrepancy between the Chinese and English versions of Rule 79(2). While the Chinese version stipulates that both the time and place of the meeting of a select committee are to be determined by the chairman, the English version stipulates that only the time is to be so determined. The English version is also inconsistent with the corresponding provisions of RoP in respect of other committees of the Council, for which both the time and place of a committee meeting are to be determined by the chairman. Amendment to the English version of Rule 79(2) is proposed to the effect that both the time and place of a meeting of a select

committee are to be determined by the chairman.

Advice sought

17. Members are invited to endorse CRoP's proposal in paragraphs 11 to 13 above and the proposed amendments to RoP in the **Appendix**. With HC's endorsement, the amendments will be presented to the Council for passage at the first regular Council meeting in the next session.

Legislative Council Secretariat
6 July 2006

**Proposed amendments to the Rules of Procedure regarding
determination of the time and the place of a committee meeting**

79B. Determining the time and the place of a meeting of a committee by the deputy chairman of the committee

Where a Rule of this Part provides that a committee shall meet at the time and the place determined by the chairman of the committee, if a member of the committee makes a request for a meeting to discuss a specific issue of urgent importance for consideration by the chairman and within 48 hours of the request being made, the chairman cannot be contacted for making any such determination, the determination may be made by the deputy chairman (if any), who may also direct that a shorter notice of the meeting be given as provided in that Rule.

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93. Interpretation

In these Rules of Procedure, unless the context otherwise requires —

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- (e) “committee” means a standing or select committee or any other committee of the Council, or a subcommittee of such committees, *including a joint subcommittee appointed under Rule 77(9A) (Panels)* ; and

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79A. Exercise of Voting Rights of Chairmen of Committees

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(4) Notwithstanding the definition of “committee” in Rule 93(e) (Interpretation), in this Rule, “committee” includes ~~a joint subcommittee appointed under Rule 77(9A) (Panels)~~ and a joint meeting referred to in Rule 77(10) (Panels).

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79. Procedure of Select Committees

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(2) A select committee shall meet at the time *and the place* determined by the chairman. The meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

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Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.