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**Paper for the House Committee meeting
on 2 March 2007**

Committee on Rules of Procedure

**Recommendations on the
Appointment, Operation and Servicing of Subcommittees**

Purpose

This paper reports on the recommendations of the Committee on Rules of Procedure (CRoP) on the appointment of subcommittees under the House Committee (HC) and Panels on policy issues or Council business other than subsidiary legislation, other instruments and senior judicial appointments (all "subcommittees" referred to below are such subcommittees unless otherwise stated).

Background

2. At the HC meeting on 24 November 2006, Members considered the paper entitled "Appointment, Operation and Servicing of Subcommittees" prepared by the Legislative Council Secretariat (the Secretariat) and decided to refer the matter to CRoP for further study. At the meeting, a view was expressed for extending the normal time frame of a subcommittee from the proposed six months to one year. The Secretariat was also asked to explore the feasibility of providing service to 10 subcommittees instead of eight at any one time through flexible redeployment of resources.

3. The subject matter was discussed at the CRoP meetings on 4 December 2006 and 5 February 2007. Apart from following up on the views raised at the HC meeting, CRoP members also discussed:

- (a) whether HC should act as the "clearing house" for the activation of subcommittees of Panels in addition to those formed under HC; and

- (b) how resources in the Secretariat could be optimized for the servicing of subcommittees, in particular, if the 16 slots for Bills Committees are not used up fully.

Deliberations and recommendations

4. The deliberations and recommendations of CRoP on areas of concern raised by Members are set out in paragraphs 5 to 9, and other related recommendations made by the Secretariat are outlined in paragraph 10.

House Committee as the clearing house

5. On the proposal for HC to act as the "clearing house", CRoP members note that the Rules of Procedure and the House Rules already provide for HC to assume a co-ordinating role for the operation of Panels. For example, the number of Panels and their terms of reference are recommended by HC for approval by the Legislative Council; HC decides on procedural rules on the signification of membership for Panels and acts as the arbitrator for unsuccessful applications for late membership; HC refers policy matters to Panels for monitoring and examination; and HC approves the activities of Panels undertaken outside Hong Kong.

6. As such, CRoP members concur with the proposal that HC should act as the "clearing house" for the activation of subcommittees of Panels in addition to those formed under HC.

Maximum number of subcommittees

7. As regards the feasibility for redeploying resources in the Secretariat for servicing more than eight subcommittees if there are vacant slots for Bills Committees, CRoP has considered the further proposal of the Secretariat to provide for such flexibility. CRoP is mindful that the manpower resources available in Council Business Divisions 1 and 2 of the Secretariat only enable the two divisions to service up to a total of 48 committees at any one time. These include HC, the Finance Committee and its two subcommittees, 18 Panels, 16 Bills Committee and 10 subcommittees. The 10 subcommittees include two earmarked for the study of subsidiary legislation, but the setting up of such subcommittees is not subject to any quota. To facilitate the servicing of more than eight subcommittees and at the same time ensure that the servicing of additional subcommittees would not unduly affect the service provided to Bills Committees and subcommittees on subsidiary legislation, CRoP recommends the following arrangements –

- (a) Any subcommittee formed will go into operation as long as the total number does not exceed eight. When the number reaches eight, any new subcommittee formed will be put into a waiting list, and HC will act as the clearing house for the activation of subcommittees on the list.
- (b) When eight subcommittees are already in operation and the total number of Bills Committees is less than 16, HC may activate any subcommittee(s) on the waiting list. HC will take into account the following:
 - (i) the Administration's legislative timetable;
 - (ii) the number of subcommittees on subsidiary legislation in operation;
 - (iii) the legislative proposals (bills and subsidiary legislation) which have been considered by Panels and the likelihood of formation of Bills Committees/subcommittees on subsidiary legislation for these legislative proposals; and
 - (iv) the availability of resources in the Secretariat.
- (c) In the event that the number of subcommittees activated exceeds eight and the number of Bills Committees has subsequently reached 16, the Secretariat will continue to provide service to the subcommittees concerned, but no more subcommittee should be activated until the number of subcommittees in operation falls below eight.

Duration of subcommittees

8. As for the duration of subcommittees, CRoP notes that subcommittees appointed in the past five years lasted between one to 71 months. While the long duration of some of these subcommittees might have been attributed to the wide scope of their work and could be reduced if the terms of reference of future subcommittees were to be issue-specific or project-specific, CRoP has also considered Members' view for a target for completion of work of longer than six months as originally proposed by the Secretariat.

9. After deliberation, CRoP recommends a time frame of 12 months for the completion of a subcommittee's task. Where it is necessary for a subcommittee to operate beyond this time frame, the subcommittee should report to HC, after obtaining the endorsement of the relevant Panel if appropriate, and give justifications for its work to continue.

Related recommendations

10. CRoP also recommends the following related proposals made earlier on by the Secretariat to be adopted:

- (a) The terms of reference of a subcommittee should be issue-specific or project-specific. Information on the proposed terms of reference, time frame, work plan, research work, background brief, collation of public views, visits, reports and any other relevant material should be provided to HC or the relevant Panel for seeking approval for the appointment of a subcommittee;
- (b) A subcommittee should submit a report to the committee under which it has been appointed. The minutes of its meetings will therefore be in condensed form, as in the case of a Bills Committee; and
- (c) Subcommittees currently in operation should be requested to provide their work plan and the time frame for completion of work to HC for information.

11. CRoP notes that the above recommendations will not apply to subcommittees appointed under HC for dealing with other matters such as Members' remuneration and parliamentary liaison, as manpower resources are deployed separately for their servicing.

Advice sought

12. Members are invited to consider the recommendations of CRoP detailed in paragraphs 7 to 10 above. Subject to Members' approval, CRoP will be invited to draw up provisions in the House Rules to implement the new arrangements.

Legislative Council Secretariat

28 February 2007