

立法會

Legislative Council

LC Paper No. CB(2) 422/06-07

Ref : CB2/T/16

Paper for the House Committee meeting on 24 November 2006

Appointment, Operation and Servicing of Subcommittees

Purpose

This paper reports on the Legislative Council Secretariat (the Secretariat)'s review of the appointment, operation and servicing of subcommittees and sets out recommendations on the broad principles, mode of operation and maximum number of subcommittees.

Background

2. At the House Committee meeting on 6 October 2006, when considering the quota of active Bills Committees, Members expressed concern regarding the appointment, operation and servicing of subcommittees. Issues included the maximum number of subcommittees which could be formed by Members and serviced by the Secretariat, the length of time for which some subcommittees had continued to operate, and the broad terms of reference of some subcommittees. Some Members considered it necessary to devise a mechanism to govern the appointment and operation of subcommittees. Members requested the Secretariat to conduct a review on the appointment, operation and servicing of subcommittees.

The review

3. The Secretariat has conducted a review on:
- (a) types of subcommittees;
 - (b) mode and duration of operation of subcommittees; and
 - (c) nature of work involved in the servicing of the subcommittees and the resources required.

The outcome of the review and the recommendations are set out in the following paragraphs.

Types of subcommittees

4. The Rules of Procedure (RoP) and House Rules (HR) of the Legislative Council (LegCo) provide for the appointment of the following types of subcommittees:

- (a) subcommittees under the House Committee for assisting the House Committee in the performance of its functions (RoP 75(10), (11) and (12), and HR 20(j) and 34), including those for considering (i) subsidiary legislation, other instruments and senior judicial appointments; (ii) policy issues; and (iii) other types of Council business, such as parliamentary liaison and Members' remuneration and operating expenses reimbursement;
- (b) subcommittees under Panels to study specific issues (RoP 77(9) and (9A), and HR 22(s) and (t)), a number of which have been appointed to assist Panels in their work;
- (c) subcommittees under the Finance Committee for assisting the Finance Committee in the performance of such functions as the Finance Committee may determine (RoP 71(5)), i.e. the Public Works Subcommittee and the Establishment Subcommittee; and
- (d) subcommittees under Bills Committees for assisting the Bills Committees in the performance of their functions (RoP 76(4)), none of which has been appointed in recent years.

An extract of the relevant rules is in **Appendix I**.

Mode and duration of operation of subcommittees

5. The mode of operation of subcommittees is similar to that of Panels and Bills Committees. In general, a subcommittee holds meetings and invites deputations to present views, considers background briefs, examines research studies and discussion papers, prepares reports and causes motions to be moved at Council meetings. A subcommittee may also organise local or overseas visits if deemed necessary. The activities are multifarious, and the statistics in **Appendix II** provide an indication of the range and scale of such activities undertaken by subcommittees appointed in the past five years since 2001-2002.

6. As regards the duration of operation of subcommittees, those appointed to consider subsidiary legislation, other instruments and senior judicial appointments normally last for a short duration of about two to six weeks. On

the other hand, subcommittees appointed to study policy issues or other Council business last much longer, ranging from one to 69 months. Some subcommittees appointed in the Second LegCo are still in operation in the Third LegCo. As the long duration may be attributed to the wide scope of the work of the subcommittees concerned, the terms of reference and the duration of such subcommittees appointed in the past five years are set out in **Appendix III** for Members' reference.

Servicing of subcommittees

7. In providing support for subcommittees to undertake the range of activities set out in paragraph 5 above, substantial manpower resources are incurred. The input is no less onerous than that for servicing meetings of Panels and Bills Committees. Indeed, the work involved may at times measure up to that of a select committee.

8. At **Appendix IV** are statistics on the number of subcommittees appointed in the past five years. It shows that the number of subcommittees for studying subsidiary legislation, other instruments and senior judicial appointments ranges between 15 and 30 in a legislative session. In servicing such subcommittees, staff have to work against a very tight schedule so as to meet the statutory time table for completion of scrutiny. At the same time, the statistics indicate a growing tendency for subcommittees formed under the House Committee and Panels to examine policy issues or other Council business, the number in operation having risen from 10 in 2001-2002 to 14 in 2005-2006.

9. In fact, the pressure which the servicing of these subcommittees has imposed on staff has been a subject of concern of both the House Committee and The Legislative Council Commission (the Commission). Pursuant to the meeting of the House Committee on 18 November 2005, the Secretary General informed Members on 12 January 2006 that the number of subcommittees which could be serviced by the Secretariat at any one time was: (a) two for those formed to consider subsidiary legislation, other instruments and senior judicial appointments; and (b) eight for those formed to study policy issues or other Council business. Members were also informed that the number of two in (a) was for planning purpose only, as the necessary support would have to be given even if the number of such subcommittees exceeded two. In respect of (b), 11 subcommittees had then been formed, but the Secretariat was able to cope mainly because there were only 12 Bills Committees in action. Separately, the Commission approved at its meeting on 3 April 2006 a proposal for expanding the ambit of the funds earmarked in its budget for servicing select committees to include servicing subcommittees formed to study policy issues, to enable additional staff to be employed if necessary.

Recommendations

Broad principles for appointment and mode of operation of subcommittees

10. In the light of past experience and in order to address the concern of Members, the Secretariat proposes that the following broad principles be adopted for the appointment and mode of operation of subcommittees on policy issues or Council business other than subsidiary legislation, other instruments and senior judicial appointments -

- (a) The terms of reference of subcommittees should be issue-specific or project-specific, to enable completion of tasks within an assessable and reasonable time frame. If the subject matter for study is ongoing in nature, it may more appropriately be taken up by the relevant Panel as a standing agenda item of the Panel's regular meetings or through the convening of special meetings. This will ensure that such subcommittees will not take up subcommittee slots, the recommendations on which are set out in paragraphs 12 and 13 below.
- (b) Information on the proposed terms of reference, time frame, work plan, research work, background brief, collation of public views, visits, reports, etc, of the proposed subcommittee should be provided to the relevant committee when approval is sought for appointment.
- (c) The normal time frame for the completion of a specific task by a subcommittee should be set at, say, six months. If a subcommittee finds it necessary to operate beyond six months, it should provide explanation to the House Committee, after obtaining the endorsement of the relevant Panel if appropriate, for the work of the subcommittee to continue.
- (d) A subcommittee should submit a report to the committee under which it has been appointed. The minutes of its meetings may therefore be in condensed form, as in the case of a Bills Committee.

Maximum number of subcommittees

11. The latest review conducted by the Secretariat has re-affirmed the conclusion of the review undertaken earlier this year on the manpower resources for servicing subcommittees referred to in paragraph 9 above. Having regard to the staff complement and the arrangement for deploying staff flexibly in servicing the various types of committees, the Secretariat maintains that the maximum number of committees serviced by the 12 core teams in

Council Business Divisions 1 and 2 should be 48. The number of 48 includes the House Committee, the Finance Committee and its two subcommittees, 18 Panels, 16 Bills Committees and 10 subcommittees.

12. Of the 10 subcommittees, **two** is earmarked for the study of subsidiary legislation, and **eight** for subcommittees formed under the House Committee or Panels to study policy issues or other Council business. Where more than two subcommittees are required to be formed to study subsidiary legislation, redeployment of staff would take place to ensure that there is no delay in undertaking this legislative function of LegCo. The Secretariat is of the view that this arrangement should be maintained.

13. In respect of subcommittees for the study of policy issues or other Council business, there is at present no queuing system. It is proposed that in the event that the number of such subcommittees exceeds eight, a waiting list be formed. As in the case of Bills Committees, a subcommittee on the waiting list will only be activated upon completion of work of a subcommittee already in operation. The House Committee will be responsible for monitoring the waiting list, and act as the "clearing house" for the activation of subcommittees on the list. If Members consider it necessary to activate a subcommittee to study an urgent issue even though eight subcommittees are already in operation, the agreement of the House Committee would have to be sought, and the Secretariat would examine the need for additional manpower resources for the servicing of the subcommittee.

14. The broad principles and maximum number of subcommittees in paragraphs 10, 12 and 13 above, however, will not apply to the servicing of the Public Works Subcommittee, the Establishment Subcommittee, the Parliamentary Liaison Subcommittee, and the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement, which are virtually "standing" in nature and for which manpower resources are deployed separately for their servicing.

15. Currently, five subcommittees under the House Committee and five under Panels listed in **Appendix V** are in operation to study policy issues. Subject to Members' endorsement of the broad principles in paragraph 10 above, these subcommittees may be requested to provide their work plan and the time frame for completion of work to the House Committee for information. With a maximum number of eight subcommittees in operation at any one time, a new subcommittee can be activated when three of the existing subcommittees have been dissolved upon completion of their work.

16. Subject to Members' approval, provisions would be made in the HR on the new arrangements on the appointment and mode of operation of subcommittees.

Advice sought

17. Members are invited to approve the following -

- (a) The broad principles outlined in paragraph 10 should apply to the future mode of operation of subcommittees appointed to study policy issues or Council business other than subsidiary legislation, other instruments and senior judicial appointments;
- (b) A waiting list should be formed if the number of such subcommittees exceeds eight, and the House Committee would act as the "clearing house" for the activation of subcommittees on the list, as proposed in paragraph 13;
- (c) Such subcommittees now in operation should be invited to provide their work plan and time frame to the House Committee for information as proposed in paragraph 15; and
- (d) Provisions on the appointment and operation of such subcommittees should be made in the HR as proposed in paragraph 16.

Legislative Council Secretariat

22 November 2006

Extract of relevant rules on the appointment of subcommittees

(a) Extract from the Rules of Procedure

X X X X X X X X

71. Finance Committee

(5) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of such functions of the committee as the committee may determine.

X X X X X X X X

75. House Committee

(10) The committee shall decide the manner of consideration of the following matters –

- (a) any subsidiary legislation, whether or not such subsidiary legislation is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1);
- (b) any other instrument made under any Ordinance; or
- (c) any draft of subsidiary legislation or instrument referred to in paragraph (a) or (b).

(L.N. 214 of 2005)

(11) The committee may consider, in such manner as it thinks fit, any other item relating to the business of the Council.

(12) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions under subrules (10) and (11).

X X X X X X X X

76. Bills Committees

(4) A Bills Committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions.

X X X X X X X X

77. Panels

(9) A Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel.

(9A) Two or more Panels may, if they consider appropriate, appoint joint subcommittees to study any matter of common interest to the relevant Panels and to report to the Panels. (L.N. 176 of 2005)

X X X X X X X X

(b) Extract from the House Rules

X X X X X X X X

20. House Committee

(j) The House Committee may appoint subcommittees to assist in the consideration of specific subsidiary legislation and issues of public concern which fall outside the purview of Panels.

X X X X X X X X

22. Panels

(s) A Panel may form subcommittees to study specific issues and report to the Panel. Members of the subcommittees shall consist of members of that Panel.

(t) Two or more Panels may form joint subcommittees to study any matter of common interest to the relevant Panels and report to the Panels. Only members of the relevant Panels may join the subcommittees. The quorum of a subcommittee so formed will be one-third of the membership of the subcommittee including the chairman (a fraction of the whole number being disregarded).

X X X X X X X X

34. Parliamentary Liaison Subcommittee

The Parliamentary Liaison Subcommittee of the House Committee coordinates all parliamentary liaison activities between the Council and other parliamentary organisations outside Hong Kong, considers proposals for setting up friendship groups with such organisations, and makes recommendations to the House Committee.

X X X X X X X X

Statistics on the mode of operation of subcommittees in the past five years

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
a) No. of meetings serviced	136 #(8)	106 #(6)	104 #(8)	134 #(26)	143 #(35)
b) Background briefs	5	10	11	15	13
c) Research papers and reports	3	-	1	23	6
d) Discussion papers	22	8	8	37	29
e) Visits conducted	1 *(1)	1	2 *(1)	5 *(2)	3
f) Reports	26	34	30	19	22
g) Motions moved in LegCo	-	-	-	-	5 [@]

#() No. of meetings with deputations

*() Visit outside Hong Kong

[@] One of the debates was moved by the Chairman of a subcommittee in his individual capacity

**Terms of reference and duration of subcommittees on policy issues /
Council business other than subsidiary legislation, other instruments
and senior judicial appointments appointed in the past five years**

(a) Subcommittees under House Committee

Name of subcommittee	Terms of reference	Duration (months)
1. Subcommittee to follow up the outstanding capital works projects of the former municipal councils	To follow up on the outstanding capital works projects of the two Provisional Municipal Councils for inclusion into the Government's Public Works Programme.	33
2. Subcommittee to study issues relating to the Fugitive Offenders (Sri Lanka) Order	To study issues relating to the Fugitive Offenders (Sri Lanka) Order.	12
3. Subcommittee on draft subsidiary legislation to be made under the Securities and Futures Ordinance	To study the draft subsidiary legislation to be made under the Securities and Futures Ordinance for its commencement.	11
4. Subcommittee to study the proposed accountability system for principal officials and related issues	To examine the proposed accountability system for principal officials and related issues.	3
5. Subcommittee to study the draft Ocean Park Bylaw	To study the Ocean Park Bylaw to be gazetted.	4
6. Subcommittee to prepare for the appointment of the Select Committee to inquire into matters relating to the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	To formulate the terms of reference and the methodology of the proposed select committee to inquire into the handling of the SARS outbreak by the Government and the Hospital Authority and other related matters	1
7. Subcommittee on juvenile justice system	To follow up the policy issues arising from the review on juvenile justice system.	8

Name of subcommittee	Terms of reference	Duration (months)
8. Subcommittee to consider a mechanism for handling complaints and allegations concerning Members' Operating Expenses Reimbursement claims	To study the establishment of a mechanism for dealing with complaints and allegations relating to Members' operating expenses reimbursement.	16
9. Subcommittee to examine the implementation in Hong Kong of resolutions of the United Nations Security Council in relation to sanctions	To examine the legal and constitutional issues arising from the current arrangements for implementing in Hong Kong resolutions of the United Nations Security Council in relation to sanctions as provided under the United Nations Sanctions Ordinance (Cap. 537) with reference to Regulations made under section 3 of the Ordinance.	25*
10. Subcommittee to study the subject of combating poverty	To study the subject of combating poverty.	24*
11. Subcommittee to study issues relating to the provision of boarding places, senior secondary education and employment opportunities for children with special educational needs	To study issues relating to the provision of boarding places, senior secondary education and employment opportunities for children with special educational needs.	22*
12. Subcommittee on West Kowloon Cultural District Development	To study and follow up issues relating to the development of West Kowloon Cultural District including its interface with arts and cultural development, land use and planning, environmental considerations, financing implications and arrangements, and other related matters.	22*
13. Subcommittee to Study the Administration's Proposals for the Methods for Selecting the Chief Executive in 2007 and for Forming the Legislative Council in 2008	To study the Administration's proposals for the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008.	3

Name of subcommittee	Terms of reference	Duration (months)
14. Subcommittee to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities	To study the transport needs and provision of concessionary public transport fares for persons with disabilities.	12*

Remark : * Still in operation

Note : The Parliamentary Liaison Subcommittee and the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement are not included having regard to the "standing" nature of their operation.

(b) Subcommittees of Panels

	Name of subcommittee	Panel	Terms of reference	Duration (months)
1.	Subcommittee to study discrimination on the ground of sexual orientation	Home Affairs	To study discrimination on the ground of sexual orientation.	39
2.	Subcommittee on Matters Relating to Railway	Transport	To follow up various issues relating to the planning and implementation of new railway projects, and the operation of existing railways.	69*
3.	Subcommittee on review of the Building Management Ordinance	Home Affairs	To discuss with the Administration review of the Building Management Ordinance.	41
4.	Subcommittee on improvements to the medical complaints mechanism	Health Services	To discuss with the Administration on how to improve the mechanism for handling medical complaints, taking into consideration the views of the Medical Council of Hong Kong, patients and other organisations and the public.	12
5.	Subcommittee on the Management-Initiated Retirement Scheme of the Hong Kong Institute of Education	Education	To follow up the issue of the Management-Initiated Retirement Scheme of the Hong Kong Institute of Education.	15
6.	Subcommittee to study the letting and rent policies of non-domestic premises of the Housing Authority and the Housing Society	Housing	To study the existing letting and rent policies of non-domestic premises of the Housing Authority and the Housing Society and to make recommendations where appropriate.	13

	Name of subcommittee	Panel	Terms of reference	Duration (months)
7.	Subcommittee to monitor the implementation of the recommendations of the SARS Expert Committee and the Hospital Authority Review Panel on the SARS Outbreak	Health Services	To deliberate, monitor and review the work of the Government and the Hospital Authority in implementing the recommendations of the SARS Expert Committee and the Hospital Authority Review Panel on the SARS Outbreak.	10
8.	Subcommittee on Review of the Comprehensive Social Security Assistance Scheme	Welfare Services	To review the existing arrangements for the Comprehensive Social Security Assistance and the Social Security Allowance Schemes, taking into consideration the views of the public, service users and non-governmental organisations providing welfare services.	32*
9.	Subcommittee on Strategy and Measures to Tackle Family Violence	Welfare Services	To discuss with the Administration on how to improve the existing strategy and measures to tackle family violence, taking into consideration the views of the non-governmental organisations providing welfare services, other concerned groups and the public.	27*
10.	Subcommittee to Study the Streamlining of Food Business Licensing	Food Safety and Environmental Hygiene	To study the streamlining of licensing procedures for all types of food business licences including liquor licences.	14

Name of subcommittee	Panel	Terms of reference	Duration (months)
11. Subcommittee on Review of Existing Statutory Provisions on Search and Seizure of Journalistic Material	Security	To review the existing statutory provisions on search and seizure of journalistic material and to make recommendations to the Panel where necessary.	23
12. Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils	Home Affairs	To monitor the Government in following up the outstanding leisure and cultural services projects of the former municipal councils and implementing other relevant projects.	20*
13. Subcommittee on Application of Certain Provisions of the Prevention of Bribery Ordinance to the Chief Executive	Constitutional Affairs	To monitor and examine the issue of devising an appropriate statutory framework of bribery prevention applicable to the Chief Executive, including in particular the Government's review of the Prevention of Bribery Ordinance.	10
14. Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site)	Planning, Lands and Works	To review the planning for the Central waterfront (including the Tamar site).	11*

Remark : * Still in operation

Statistics on the number of subcommittees appointed in the past five years

	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006
a) Subcommittees on subsidiary legislation/ other instruments/senior judicial appointments	13 *(17)	27 *(30)	14 *(17)	15 *(15)	15 *(18)
b) Subcommittees under House Committee on policy issues/other Council business	3 *(4)	1 *(4)	2 *(2)	4 *(4)	2 *(6)
c) Subcommittees under Panels	2 *(6)	- *(4)	3 *(5)	7 *(7)	1 *(8)
d) Subcommittees under Finance Committee	- *(2)	- *(2)	- *(2)	2 *(2)	- *(2)
e) Parliamentary Liaison Subcommittee	- *(1)	- *(1)	- *(1)	1 *(1)	- *(1)
f) Subcommittee on Members' Remuneration and Operating Expenses Reimbursement	- *(1)	- *(1)	- *(1)	1 *(1)	- *(1)
g) Subcommittees to Consider a Mechanism for Handling Complaints and Allegations concerning Members' Operating Expenses Reimbursement Claims	-	-	1 *(1)	1 *(1)	-
Total	18 *(31)	28 *(42)	20 *(29)	31 *(31)	18 *(36)

*() Subcommittees in operation

Subcommittees on policy issues in operation in the 2006-2007 session

(a) Subcommittees under the House Committee

Name of subcommittee	Terms of reference	Duration (months)
1. Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions	To examine the legal and constitutional issues arising from the current arrangements for implementing in Hong Kong resolutions of the United Nations Security Council in relation to sanctions as provided under the United Nations Sanctions Ordinance (Cap. 537) with reference to Regulations made under section 3 of the Ordinance.	25
2. Subcommittee to Study the Subject of Combating Poverty	To study the subject of combating poverty.	24
3. Subcommittee to Study Issues Relating to the Provision of Boarding Places, Senior Secondary Education and Employment Opportunities for Children with Special Educational Needs	To study issues relating to the provision of boarding places, senior secondary education and employment opportunities for children with special educational needs.	22
4. Subcommittee on West Kowloon Cultural District Development	To study and follow up issues relating to the development of West Kowloon Cultural District including its interface with arts and cultural development, land use and planning, environmental considerations, financing implications and arrangements, and other related matters.	22
5. Subcommittee to Study the Transport Needs of and Provision of Concessionary Public Transport Fares for Persons with Disabilities	To study the transport needs and provision of concessionary public transport fares for persons with disabilities.	12

(b) Subcommittees under Panels

Name of subcommittee/Panel	Terms of reference	Duration (months)
1. Subcommittee on Matters Relating to Railways -- Panel on Transport	To follow up various issues relating to the planning and implementation of new railway projects, and the operation of existing railways.	69
2. Subcommittee on Review of the Comprehensive Social Security Assistance Scheme -- Panel on Welfare Services	To review the existing arrangements for the Comprehensive Social Security Assistance and the Social Security Allowance Schemes, taking into consideration the views of the public, service users and non-governmental organisations providing welfare services.	32
3. Subcommittee on Strategy and Measures to Tackle Family Violence -- Panel on Welfare Services	To discuss with the Administration on how to improve the existing strategy and measures to tackle family violence, taking into consideration the views of the non-governmental organisations providing welfare services, other concerned groups and the public.	27
4. Subcommittee to Follow Up the Outstanding Leisure and Cultural Services Projects of the Former Municipal Councils -- Panel on Home Affairs	To monitor the Government in following up the outstanding leisure and cultural services projects of the former municipal councils and implementing other relevant projects.	20
5. Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site) -- Panel on Planning, Lands and Works	To review the planning for the Central waterfront (including the Tamar site).	11