

INFORMATION NOTE

Mechanisms for adjusting individual Members' remuneration in selected legislatures

1. Introduction

1.1 At the request of the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement of the Legislative Council (LegCo), this information note provides information on mechanisms employed by overseas legislatures to adjust the level of remuneration for individual Members other than the Speaker and the Deputy Speaker.¹

1.2 This information note covers the following selected legislatures, which were taken as references in the *Report on the Review of Remuneration Package for LegCo Members in the Third Term* by the Independent Commission on Remuneration for Members of the Executive Council and the Legislature of the Hong Kong Special Administrative Region:

- (a) House of Commons of the United Kingdom (UK) Parliament;
- (b) House of Commons of the Parliament of Canada;
- (c) House of Representatives of the Parliament of Australia;
- (d) Parliament of New Zealand;
- (e) House of Representatives of the United States (US) Congress; and
- (f) Parliament of Singapore.

¹ For relevancy to the context of LegCo, this information note focuses on individual Members who are committee chairs only. It will not cover other parliamentary officeholders, such as the Leader of the Opposition, the majority and minority leaders, whips and caucus chairs, who, like the Speaker and the Deputy Speaker, are entitled to a higher rate of remuneration than ordinary Members in most of the selected legislatures.

Major findings

1.3 Most of the selected legislatures have certain mechanisms for adjusting individual Members' remuneration to reflect their responsibilities or workload. In particular:

- (a) the selected legislatures in the UK, Canada, Australia and New Zealand pay an additional salary to Members who are chairs or vice-chairs of major committees, including committees with functions similar to those of Panels, bills committees and standing committees of LegCo;
- (b) the selected legislatures in Canada, Australia and New Zealand pay a higher rate of expense allowances to Members representing larger constituencies or more voters; and
- (c) the selected legislatures in Canada, New Zealand and the US can impose a statutory salary deduction on Members for their unauthorized absence from the House for more than certain sitting days in a session.

1.4 In Hong Kong, only the President and the President's Deputy and House Committee Chairman are entitled to a higher rate of remuneration, which reflects their heavier responsibilities compared with other Members. All other Members are entitled to the same rate of remuneration, which is HK\$681,000 per annum. Unlike most of the selected legislatures, LegCo does not pay an additional salary to Members who are chairs of Panels or committees. Nor is there any statutory or non-statutory penalty, such as salary deduction, imposed on a Member for his or her unauthorized absence from Council meetings.

1.5 To facilitate Members' discussion, the **Appendix** compares the main features of the mechanisms for adjusting the remuneration of individual Members of the selected legislatures and LegCo.

2. House of Commons of the United Kingdom Parliament

Additional salary for chairs of permanent select committees

2.1 In the UK House of Commons, Members who are chairs of major permanent select committees are entitled to not only a basic salary of £60,675 (HK\$957,000) per annum² but also an additional salary of £13,459 (HK\$212,000) per annum. Such select committees include departmental select committees, which examine the spending, policies and administration of government departments, and "cross-departmental" select committees, which examine matters that straddle departmental boundaries (such as the Committee on Public Accounts). All chairs of these committees receive the same rate of additional salary, regardless of their length of service. According to the Review Body on Senior Salaries (SSRB), the work of the chairs of these committees are "broadly equivalent in job weight terms to at least the median of Parliamentary Under-secretary [a junior minister],³ mitigated by their time commitment".⁴

2.2 Introduced in the 2002-2003 session, the additional salary for the chairs of major permanent select committees stemmed from a 2000 report by the House's Liaison Committee, which comprises all select committee chairs.⁵ The Committee expressed concerns that select committee members were "easily tempted" away from select committees by government or opposition appointments. It hoped that Members would "see service on select committees as a career path which, in terms of status and influence, will be a proper reward for their hard work and commitment".⁶ In its 2002 report on select committees, the House's Modernization Committee recommended that "the value of a parliamentary career devoted to scrutiny [of bills or government policies and activities] should be recognized by an additional salary to the chairmen of the principal investigative committees [such as select committees]".

² According to the Review Body on Senior Salaries (SSRB), a non-statutory body appointed by the Prime Minister and responsible for reviewing Members' parliamentary salary and allowances, the basic parliamentary salary for Members reflects Members' "levels of responsibility rather than workload". According to a 2004 consultancy study commissioned by SSRB, in job weight terms, a Member was comparable to, in the private sector, the director of a subsidiary company with a turnover of around £100 million (HK\$1.58 billion) to £500 million (HK\$7.9 billion), and, in the public sector, a head teacher of a mid-sized secondary school, a pay band one senior civil servant, a one-star officer in the armed services and the chief superintendent in the police services. Review Board on Senior Salaries (2004a), pp. 6-7.

³ In the UK government structure, a Parliamentary Under-Secretary is a minister junior to a Minister of State, who is in turn junior to a Secretary of State (a Departmental Minister who is a Cabinet member and is in charge of a government department).

⁴ Review Body on Senior Salaries (2003), para 2.16.

⁵ Liaison Committee (2000).

⁶ Liaison Committee (2000), paras 29-34.

2.3 Since July 2005, the House has extended the additional salary to the chairs of other permanent select committees (such as the Procedure Committee and the Committee on Standards and Privileges). These chairs are considered "comparable in workload to those that are already paid", although their responsibilities vary.⁷ In May 2006, the House agreed to pay an additional salary to the chair of the Select Committee on the Crossrail Bill, which was an ad hoc committee. The House made this "exceptional" arrangement because it considered the Committee's workload to be higher than that of other ad hoc committees and many permanent select committees whose chairs were paid an additional salary.⁸

Additional salaries for chairs of committees on bills

2.4 Since the 2005-2006 session, the House has introduced additional salaries for the chairs of general committees (formerly known as standing committees), which mainly scrutinize public bills or debate matters in specific areas. This arrangement followed an SSRB review, which considered that "a good case can be made for additional payment for at least those Chairmen of Standing Committees undertaking more substantial duties", and such payment could support the Chairmen's Panel, which comprises senior Members eligible to be appointed by the Speaker to chair general committees on bills, as "a possible step in a career path leading ultimately to the role of Deputy Speaker, or possibly even Speaker".⁹

2.5 Unlike the single-level additional salary for the chairs of permanent select committees, the additional salaries for the chairs of general committees have four levels, depending on an individual chair's length of service, as shown in Table 1.

Table 1 – Levels of additional salaries for chairs of general committees

| Length of service | Additional salary (per annum) |
|--------------------------|--------------------------------------|
| Less than 1 year | £2,686 (HK\$42,000) |
| 1 – 3 years | £7,537 (HK\$119,000) |
| 3 – 5 years | £10,228 (HK\$161,000) |
| At least 5 years | £13,459 (HK\$212,000) |

⁷ Kelly R. (2007a), pp. 11-12.

⁸ Kelly R. (2007a), p. 12.

⁹ Review Body on Senior Salaries (2005), para 2.11.

2.6 The most experienced general committee chairs receive an additional salary equivalent to that of select committee chairs. A Member who is both the chair of a select committee and the chair of a standing committee is entitled to one additional salary only.

3. House of Commons of the Parliament of Canada

Additional salaries for chairs and vice-chairs of standing and special committees

3.1 In Canada, all Members of the House of Commons are entitled to the same basic sessional indemnity (the equivalent of a salary), which is currently CAN\$150,800 (HK\$1.2 million) per annum. Under the *Parliament of Canada Act*, additional salaries are payable to Members who are chairs or vice-chairs of standing committees (except the Liaison Committee) or special committees to "reflect the additional work" involved. According to the Parliament of Canada, standing and special committees cover virtually all committees in the House.¹⁰ Standing committees are mainly responsible for overseeing a government department or departments, reviewing particular areas of federal policy and examining bills. Special committees are established for a special purpose, for a limited time, with a specific mandate or order of reference. The chairs and vice-chairs of these two types of committees are paid an additional salary equal to 3.6% and 1.9%, respectively, of the Remuneration Reference Amount, i.e. the amount of the annual salary of the Chief Justice of the Supreme Court of Canada.¹¹ The current additional salary for the chairs and vice-chairs of such committees are CAN\$10,500 (HK\$82,000) per annum and CAN\$5,400 (HK\$42,000) per annum respectively. The additional salaries are not extended to the chairs and vice-chairs of the Liaison Committee because the Committee is a committee of all standing committee chairs and is chaired by a Member who has already received an additional salary.

Additional allowances for Members representing larger constituencies or more voters

3.2 While all Members are directly elected from single-member constituencies, Members representing larger constituencies or more electors are entitled to additional expense allowances provided through the Member's Office Budget (MOB). Each Member is provided with an MOB. A Member's MOB includes a Geographic Supplement (GS) when the area of the Member's constituency is at least 500 sq km, or an Elector Supplement (ES) when the constituency has at least 70 000 electors. A Member can receive a higher rate of GS or ES, when representing a larger constituency or more voters. The current annual rate of GS ranges from CAN\$4,620 (HK\$36,000) to CAN\$50,850 (HK\$400,000), while that of ES ranges from CAN\$8,360 (HK\$65,000) to CAN\$50,120 (HK\$390,000).

¹⁰ The House also has a type of committees called legislative committees, which are appointed by the House to study bills, usually after second reading, but they are not frequently formed.

¹¹ Section 54.1, *Parliament of Canada Act*.

Salary deduction for failure to attend House sittings

3.3 Under the House's Standing Orders, Members are "bound to attend the sittings of the House, unless otherwise occupied with parliamentary activities and functions or on public or official business".¹² Under the *Parliament of Canada Act*, a Member who has been absent from the House for more than 21 sitting days in any session will be penalized by a deduction of CAN\$120 (HK\$930) from his or her sessional indemnity for every sitting day (exclusive of those 21 days) during which the Member was absent. The deduction is calculated on the basis of a statement, with which each Member must provide the Clerk of the House, indicating the number of sittings he or she has attended for every month that the House sits. Those days on which a Member was absent, owing to illness, participation in other public or official business, service in the Canadian Armed Forces or the adjournment of the House, are considered days of attendance.

4. House of Representatives of the Parliament of Australia

Additional salaries for chairs and deputy chairs of parliamentary committees

4.1 In Australia, all Members are entitled to the same basic salary, which is currently AUS\$127,060 (HK\$870,000) per annum. An additional salary is payable to Members who are chairs or deputy chairs of parliamentary committees "concerned with public affairs rather than the domestic affairs of parliament".¹³ These committees include general purpose standing committees, which are investigatory or scrutiny committees inquiring into matters referred to them by the House, including bills and expenditure. They also include some standing committees concerned with the House's operation, such as the Standing Committee of Privileges, the Standing Committee on Procedure and the Committee of Members' Interests, and some joint committees established by the House and the Senate. Since December 1999, the additional salary has been expressed as a percentage of Members' basic salary, as shown in Table 2.

¹² Section 15, Standing Orders of the House of Commons.

¹³ House of Representatives (2005), p.149.

Table 2 – Additional salaries for chairs and deputy chairs of major parliamentary committees

| Chairs and deputy chairs of major parliamentary committees | Additional salary as a percentage of the basic salary (per annum) and its amount (as at October 2007) |
|---|--|
| Chair of the Joint Statutory Committee of Public Accounts and Audit | 16% or AUS\$20,369 (HK\$140,000) |
| Deputy Chair of the Joint Statutory Committee of Public Accounts and Audit | 8% or AUS\$10,165 (HK\$70,000) |
| Chair of a General Purpose Standing Committee | 11% or AUS\$14,000 (HK\$96,000) |
| Deputy Chair of a General Purpose Standing Committee | 5.5% or AUS\$7,000 (HK\$48,000) |
| Chair of an Investigating Standing Committee established by resolution of the House | 11% or AUS\$14,000 (HK\$96,000) |
| Deputy Chair of an Investigating Standing Committee established by resolution of the House | 5.5% or AUS\$7,000 (HK\$48,000) |
| Chair of the Standing Committee of Privileges | 11% or AUS\$14,000 (HK\$96,000) |
| Deputy Chair of the Standing Committee of Privileges | 5.5% or AUS\$7,000 (HK\$48,000) |
| Chair of the Standing Committee on Procedure | 11% or AUS\$14,000 (HK\$96,000) |
| Deputy Chair of the Standing Committee on Procedure | 5.5% or AUS\$7,000 (HK\$48,000) |
| Chair of the Committee of Members' Interests | 3% or AUS\$3,800 (HK\$26,000) |
| Chair of a parliamentary Committee concerned with public affairs rather than the domestic affairs of Parliament not otherwise specified | 3% or AUS\$3,800 (HK\$26,000) |

4.2 In framing the rates of these salaries, the Remuneration Tribunal, which is an independent statutory authority responsible for reviewing Members' remuneration, considers a range of aspects, including the complexity of work, the range of duties, the total remuneration package for Members, and the community wage and salary movements and remuneration trends in specific market segments, especially the public sector.¹⁴

Additional allowances for Members representing larger electorates

4.3 While all Members are directly elected from single-member electorates, Members with larger electorates are entitled to a higher rate of the Electorate Allowance, which is an expense of office allowance payable to Members to reimburse them for costs necessarily incurred in providing services to their constituents. In electorates of less than 2 000 sq km, of 2 000 to 4 999 sq km and of 5 000 sq km, the current annual rate of the Electorate Allowance is AUS\$27,300 (HK\$187,000), AUS\$32,450 (HK\$222,000) and AUS\$39,600 (HK\$270,000) respectively.

¹⁴ Remuneration Tribunal (1999).

5. Parliament of New Zealand

Higher salaries for chairs and deputy chairs of Subject Select Committees and Regulation Review Committees

5.1 In the Parliament of New Zealand, Members who are chairs or deputy chairs of Subject Select Committees and Regulation Review Committees are entitled to a higher salary of NZ\$135,000 (HK\$790,000) and NZ\$126,500 (HK\$740,000) respectively, compared to the basic salary of NZ\$122,500 (HK\$720,000) paid to all other Members who do not hold any parliamentary offices. Subject Select Committees have various functions, which include examining matters in various subject areas and examining bills, petitions, estimates and other matters initiated by themselves or referred to them by the House. Regulations Review Committees scrutinize all regulations and report to the House on matters relating to regulations.

Bigger support budget for Constituent Members

5.2 The Parliament of New Zealand comprises two types of Members, namely Constituent Members elected by voters from single-member constituencies and List Members elected by voters from lists of candidates nominated by registered political parties. Constituent Members are given a bigger "Member Support Budget" (MSB), which covers the operating expenses of political party offices in Parliament and out-of-Parliament offices. For a Constituent Member, the current annual MSB is NZ\$64,260 (HK\$377,000), and for a List Member, it is NZ\$40,932 (HK\$240,000).

Salary deduction for failure to attend House sittings

5.3 Under the *Civil List Act 1979*, if a Member has been absent from the House for more than 14 sitting days in a session without leave of absence, a deduction of NZ\$10 (HK\$58) is made from the Member's monthly salary for every sitting day (exclusive of those 14 sitting days) during which the Member was absent. No salary deduction for absence is made if a Member is absent for illness, parliamentary or official business or any other matter "certified by the Speaker to be unavoidable".¹⁵

¹⁵ Section 20, *Civil List Act 1979*.

6 House of Representatives of the United States Congress

6.1 In the US, apart from the Speaker and the Majority and Minority Leaders who are entitled to a higher salary, all Members of the House of Representatives receive the same basic salary, which is US\$165,200 (HK\$1,280,000) per annum. Unlike the selected legislatures in the UK, Canada, Australia and New Zealand, the House does not pay an additional salary to Members who are chairs of congressional committees.

6.2 The expense allowances provided by the House to Members may vary from Member to Member, but the variations are determined by practical needs instead of the size of constituency or the number of voters a Member represents. For example, under the Official Office Expenses Allowance (OOEA) provided to each Member for his or her official and representational duties, there are two allowances, of which the amount payable to each Member varies, depending on the distance between Washington DC and the farthest point in a Member's constituency and the rental cost of that constituency.

Salary deduction for failure to attend House sittings

6.3 Like the selected legislatures in Canada and New Zealand, the House is statutorily authorized to deduct from the monthly payments of each Member "the amount of his salary for each day that he has been absent from the House", unless such Member "assigns as the reason for such absence the sickness of himself or of some member of his family".¹⁶ According to the Library of Congress, while the salary deduction remains applicable to Members, it has not been enforced since 1914.¹⁷

7. Parliament of Singapore

7.1 Unlike most of the selected legislatures, the Parliament of Singapore does not pay an additional salary to Members who are chairs of parliamentary committees, which comprise Standing Select Committees and Ad Hoc Select Committees.¹⁸ Nor does Parliament make a deduction from a Member's remuneration if a Member is absent from Parliament for a certain number of sitting days without leave of absence.

¹⁶ Title 2, Chapter 3, §39, *U.S. Code*.

¹⁷ Chapter 7, §5, *Deschler's Precedents*, pp. 711-712. According to *Deschler's Precedents*, "due to the number of Members, and to the proliferation of their official duties in Congress, committee field work, and in their home states, enforcement is no longer feasible".

¹⁸ Standing Select Committees are appointed by the House for the duration of Parliament to undertake functions relating to public petitions, public accounts, government estimates, standing orders and privileges of the House, etc. Ad Hoc Select Committees are formed by the House to deal with bills or matters referred to them.

7.2 In any event, Parliament has two tiers of allowance¹⁹ for its Members, who belong to three categories, namely Elected Members representing single member or group representation constituencies, Non-Constituency Members selected by opposition parties, and Nominated Members representing functional groups who are appointed by the President of Singapore. Elected Members are paid a higher rate of allowance than Non-Constituency and Nominated Members. For Elected Members, the current annual allowance is SG\$158,400 (HK\$828,000). The current annual allowance for a Non-Constituency or Nominated Member is not available as of the publication of this information note. In 2004, the annual allowance for such Members was SG\$13,200 (HK\$70,000).

¹⁹ In Singapore, Members' parliamentary income is termed "allowance" instead of "salary" because, according to the Parliament Secretariat, being a Member is generally considered as a part-time job.

Appendix

**Mechanisms for adjusting the remuneration of individual Members of
selected legislatures and the Hong Kong Legislative Council**

| Legislatures | Annual basic salary | Whether an additional salary is payable to committee chairs | Whether an additional allowance is payable to Members representing larger constituencies or more voters | Whether Members are subject to salary deduction for unauthorized absence |
|--|---|--|--|---|
| Hong Kong Legislative Council | President: HK\$1,362,000. President's Deputy: HK\$1,021,800 Other Members: HK\$681,000 | No. | No. | No. |
| House of Commons in the United Kingdom | Speaker: £ 137,075 (HK\$2,170,000) Chairman of Ways and Means: £ 100,567 (HK\$1,600,000) Other Members: £ 60,675 (HK\$957,000) | Yes, additional salaries are payable to Members who are chairs of major committees, including select committees which oversee government departments, and general committees which examine bills. Select committee chairs receive the same rate of additional salary. The additional salaries for general committee chairs vary, depending on individual chairs' length of service. | No. | No. |

Appendix (cont'd)

**Mechanisms for adjusting the remuneration of individual Members of
selected legislatures and the Hong Kong Legislative Council (cont'd)**

| Legislatures | Annual basic salary | Whether an additional salary is payable to committee chairs | Whether an additional allowance is payable to Members representing larger constituencies or more voters | Whether Members are subject to salary deduction for unauthorized absence |
|---------------------------------------|--|---|--|--|
| House of Commons in Canada | Speaker: CAN\$223,000 (HK\$1,760,000) Deputy Speaker: CAN\$188,300 (HK\$1,490,000) Other Members: CAN\$150,800 (HK\$1,200,000) | Yes, additional salaries are payable to Members who are chairs or vice-chairs of almost all committees, including standing committees, which oversee government departments and examine bills. The chairs of these committees receive the same rate of additional salary. | Yes, additional expense allowances are payable to Members representing larger constituencies or more voters. | Yes, under legislation, a Member who has been absent from the House for more than 21 sitting days in any session is penalized by a deduction of CAN\$120 (HK\$930) from his or her monthly basic salary for every sitting day (exclusive of those 21 days) during which the Member was absent. |
| House of Representatives in Australia | Speaker: AUS\$222,355 (HK\$1,555,000) Deputy Speaker: AUS\$152,472 (HK\$1,070,000) Other Members: AUS\$127,060 (HK\$870,000) | Yes, additional salaries are payable to Members who are chairs or vice-chairs of committees concerned with public affairs rather than the domestic affairs of the House, including general purpose standing committees, which oversee government departments and examine bills. The additional salaries for the chairs of different types of committees vary, depending on the complexity of work, the range of duties, etc. | Yes, additional expense allowances are payable to Members representing larger constituencies. | No. |

Appendix (cont'd)

**Mechanisms for adjusting the remuneration of individual Members of
selected legislatures and the Hong Kong Legislative Council (cont'd)**

| Legislatures | Annual basic salary | Whether an additional salary is payable to committee chairs | Whether an additional allowance is payable to Members representing larger constituencies or more voters | Whether Members are subject to salary deduction for unauthorized absence |
|---|--|--|--|---|
| Parliament of New Zealand | Speaker: NZ\$225,000 (HK\$1,340,000) Deputy Speaker: NZ\$158,000 (HK\$940,000) Other Members: NZ\$122,500 (HK\$720,000) | Yes, additional salaries are payable to Members who are chairs or vice-chairs of Subject Select Committees, which oversee government departments, and Regulation Review Committees, which examine bills. The chairs of Subject Select Committees and Regulation Review Committees receive the same rate of additional salary. | Yes, a bigger support budget, which covers operating expenses of Members' offices, is provided to Constituent Members elected from constituencies. | Yes, under legislation, a Member who has been absent from the House for more than 14 sitting days in any session is penalized by a deduction of NZ\$10 (HK\$58) from his or her monthly basic salary for every sitting day (exclusive of those 14 days) during which the Member was absent. |
| House of Representatives in the United States | Speaker ⁽¹⁾ : US\$212,100 (HK\$1,650,000) Other Members: US\$165,200 (HK\$1,280,000) | No. | No. | Yes, the House has statutory power to deduct a Member's basic salary for his or her failure to attend House sittings, but it has not exercised this power since 1914. |
| Parliament of Singapore | Speaker and Deputy Speaker: The information is not available. Elected Members: SG\$158,400 (HK\$828,000) Non-constituency and Nominated Members: SG\$13,200 (HK\$70,000) ⁽²⁾ | No. | Elected Members are entitled to a higher rate of allowance than Non-constituency and Nominated Members. | No. |

Notes: (1) The US House of Representatives does not have the post of Deputy Speaker.

(2) This is a 2004 figure.

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