

# 立法會

## *Legislative Council*

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### **Paper for the House Committee meeting on 20 March 2009**

#### **Subcommittees on Policy Issues**

#### **Purpose**

This paper reports on the findings of a review conducted by the Secretariat on the resource implications in relation to the provision of support services to subcommittees on policy issues. It also puts forward proposals on arrangements for facilitating committees of the Council to conduct detailed studies of specific policy issues by themselves or through the setting up of subcommittees.

#### **Background**

2. Since the start of the 2008-2009 legislative session, there has been a growing need for the appointment of subcommittees under the House Committee (HC) and Panels to undertake studies on specific policy issues. At the HC meeting on 17 October 2008, Members noted that under rule 26(a) of the House Rules (HR), the maximum number of such subcommittees that might be in operation at any one time should be eight. While this number could be increased with the agreement of the HC having regard to a number of factors, as set out in HR 26(b), Members were concerned that the Legislative Council (LegCo) would not be able to respond expeditiously to public concern and expectations. Members were of the view that the work of LegCo should not be inhibited by a quota set for such subcommittees. As the lifting of the quota might have an impact on staffing requirements, the HC requested the Secretariat to review the manpower resources required for providing support services to such subcommittees, and to make recommendations on how far the quota could be modified to cater for the need to appoint more subcommittees which may be in operation at the same time.

3. At the ensuing meeting of The Legislative Council Commission (LCC) on 13 November 2008, LCC agreed that the quota could be lifted temporarily, given that the number of Bills Committees set up before 1 April 2009 would unlikely exceed 16 and the Secretariat would have capacity to absorb the work generated from subcommittees even if more than eight were operating at the

same time. LCC also agreed that a review of the staffing requirements in the Council Business Divisions (CBDs) should be conducted and a proposal setting out the long-term arrangement should be submitted to LCC for its consideration. At its meeting on 12 December 2008, the HC endorsed the proposals to lift the quota temporarily until the end of March 2009 and to suspend the application of rule 26(a) and (b) of HR for the said period.

## **The Review**

4. Subcommittees are usually set up by Panels or the HC when there is a need to undertake studies on specific policy issues. Sometimes, a Panel may find it more convenient to study the subject matter itself and, for this purpose, would convene a series of special meetings and undertake a study of overseas practices when considered appropriate. It has been a common practice for a comprehensive report to be produced at the end of the study to set out the findings and recommendations. The report is usually tabled in the Council or presented to the relevant Panel or to the HC.

5. In the review conducted by the Secretariat, staff of the Council Secretary Grade ("CS Grade"), who serve as clerks to committees, were consulted on the changes in the nature and scope of servicing work, the staffing complement of committee teams, the workload involved in servicing the different types of committees, the upcoming challenges and the staff development strategy options.

### Changes in the nature and scope of servicing work

6. It has been generally considered by the CS Grade staff that with the increasing demand for greater transparency and accountability of Government operation, the mode of operation of Panels has evolved from a purely questions-and-answers forum on a matter of interest to a more proactive and inquisitorial approach on matters which require detailed examination. This mode of operation has provided Panels with the flexibility to monitor Government policies regularly from a more global angle, and to examine specific issues of public concern in greater detail when there is a need to do so. Experience shows that through detailed studies, the LegCo can monitor specific Government policies in a focused manner and Members can come up with timely recommendations to address issues of public concern.

7. Detailed studies are sometimes conducted by subcommittees set up by Panels or the HC and sometimes by the Panels themselves. For the CS Grade, the servicing work involved is more or less the same irrespective of the committee which is to conduct the study. The review of staffing requirements is, therefore, not so much for the servicing of subcommittees but for the servicing of detailed studies undertaken by committees generally.

8. To provide Panels with a higher level of research and advisory support services to undertake detailed studies, the staffing complement of committee teams has also undergone changes in recent years. At present, services to Panels, Bills Committees, and subcommittees on legislation or policy issues are provided by a total of 12 committee teams in CBD1 and CBD2. Each committee team is required to provide service to one or two Panels and all Bills Committees/subcommittees under their respective policy portfolios, in addition to other committee work, such as the servicing of the HC or the Finance Committee and its two subcommittees, meetings with members of outside bodies such as District Councils and Heung Yee Kuk. Each committee team is now staffed by one Chief Council Secretary (CCS), one Senior Council Secretary (SCS), and one Council Secretary (CS) on a shared basis with another team.

9. The support services provided by the Secretariat for detailed studies include:

- (a) preparing background briefs, discussion papers, research reports and information notes;
- (b) collating and analysing public views;
- (c) making arrangements for the public to give views;
- (d) servicing open meetings and internal discussions;
- (e) setting out procedural guidelines and practices; and
- (f) drafting reports.

Having regard to the work involved in servicing a detailed study, which is usually undertaken by a subcommittee, and the staff resources available in CBD1 and CBD2, the quota of eight subcommittees on policy issues was agreed to by the HC on 2 March 2007 and stipulated in the HR.

10. The imposition of a quota of eight subcommittees on policy issues led to a competition for the early setting up of subcommittees by Panels or under the HC, as was evidenced at the beginning of the current legislative session. Within the five weeks following the formation of Panels this session, four subcommittees had been appointed and three were under consideration. This had called for a need to review the quota and the staffing implications should the quota be removed permanently. Following the temporary lifting of the quota on such subcommittees in December 2008, the number of such subcommittees has reached 10 as at 18 March 2009. A list of these subcommittees is in the **Appendix**.

### Scope of review

11. On the basis of the above, the review undertaken by the Secretariat has aimed to achieve the following objectives:

- (a) that the staffing structure in CBDs will be able to provide competent service on an ongoing basis to the present number of standing committees, Panels and other committees of a permanent nature as provided in the Rules of Procedure, as well as 16 Bills Committees, two subcommittees under the HC to deal with parliamentary liaison and Members' remuneration, and any number of subcommittees to study proposed subsidiary legislation;
- (b) that the staffing structure in CBDs will be able to provide competent service to at least two subcommittees under the HC and one subcommittee under each Panel (or a series of special meetings convened by the Panel) for the study of a specific policy issue on an ad hoc basis, with sufficient flexibility on the formation of such subcommittees according to the advice of the HC;
- (c) that there will be sufficient number of experienced staff in CBDs to provide service to select committees or committees with the authority to exercise the power of summons, as and when considered necessary by the Council, through redeployment of existing staff and engagement of temporary staff; and
- (d) that the high quality of service provided by the Secretariat will be maintained even with the dilution of expertise in the next five to 10 years as a result of staff natural wastage and the engagement of temporary and replacement staff.

### **Findings and recommendations of the review**

12. The findings of the review have pointed to the need to strengthen the staffing structure of CBDs, in particular the composition of committee teams and support at Assistant Secretary General (ASG) level, and to realign work among CBDs in order to cater for the need to appoint more subcommittees on policy issues.

13. The review has also revealed that irrespective of whether a study is undertaken by a subcommittee appointed under a Panel or the HC or by the Panel itself, the ASG who oversees the servicing of that particular policy area is

required to maintain a close supervision of the support services, including vetting draft papers and reports, attending internal deliberations if necessary, and providing guidance to the clerk on the provision of advice to the chairman on procedural and strategic issues. With the increase in the number of detailed studies being undertaken at the same time, there is a need to spread out the supervision work among the ASGs

14. Against this background and having regard to the need to strengthen the committee teams, the Secretariat's recommendations are for:

- (a) the strengthening of committee teams in CBD1 and CBD2 so that each team will be staffed by one CCS, one SCS and one CS (instead of on a shared basis);
- (b) the establishment of a new CBD, to be known as CBD4, to be headed by ASG(SD), together with the necessary supporting staff posts to take over one Panel each from CBD1 and CBD2 and the related Bills Committees and subcommittees, and from CBD3 the servicing of the Public Accounts Committee, in addition to the commissioning of the New LegCo Complex and the planning and implementation of new corporate services;
- (c) the conversion of the temporary post of ASG (Special Duties), which is due to lapse in September 2009, to a permanent post of ASG4; and
- (d) the creation of a CS post in CBD3 to strengthen support in research service for the Committee on Rules of Procedure and Committee on Members' Interests.

15. The structure of 1CCS + 1SCS + 1CS for a standard committee team will enable more flexible deployment of staff to service meetings and to develop the background research database. This is the most economic solution to provide the necessary trained staff to cope with fluctuating committee work.

16. As regards arrangements for the study of specific policy issues, the Secretariat considers that the examination of issues of public concern is one of the main functions of a Panel. A Panel should not be inhibited from performing its functions because of staffing constraints. As such, the Secretariat recommends that each Panel should have the resources to conduct at least one detailed study at any one time, in addition to its duty to monitor Government policies on a regular basis. Where more than one study is considered necessary, the Panel should prioritize its work. If there is a need to conduct two or more studies at the same time, the Panel should put the matter to the HC for advice, but the decision on whether to conduct the detailed

studies should rest with the Panel. This is in line with the current principle that a Panel may decide on the appointment of subcommittees for undertaking detailed studies if the quota for subcommittees has not been taken up.

17. For subcommittees under the HC, these are usually proposed when the subject matter for detailed study straddles a number of Panels and it is not viable to form joint subcommittees by the Panels concerned. The Secretariat considers that such occasions should be rare, and for staff planning purposes, it is assumed that no more than two such subcommittees would be operating under the HC at the same time.

18. In respect of joint subcommittees appointed by Panels, it will be up to the Panels concerned to decide whether advice from HC should be sought. The HC would in any case maintain an overall register of such subcommittees.

19. Under the proposed arrangement, a total of 20 studies (i.e. 18 + 2), which may be taken up by the Panels themselves or by subcommittees appointed under Panels or the HC, can be undertaken at the same time. Where 20 studies are exceeded and additional staff is required, the Secretary General will decide on the need for appointing temporary staff having regard to the number of Bills Committees being serviced at the time as well as other commitments.

20. The Secretariat also proposes that other aspects governing the appointment and operation of such subcommittees, as provided for in existing HR 20(k), 22(u) and 26(c) should be maintained. These include the need for: (a) their terms of reference to be issue-specific or project-specific; (b) sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved to be provided to the HC or the Panel(s) before their appointment; (c) the subcommittees to report to the HC or the Panel(s) as appropriate; and (d) the subcommittees to complete work within 12 months of their commencement, or to seek the HC's agreement for an extension of the duration of their work where warranted.

21. The staffing requirements listed in paragraph 14 above were endorsed by LCC at its meeting on 12 February 2009. A detailed staffing proposal together with the funding requirement will be submitted to LCC in the context of the 2009 Resource Allocation Exercise. Subject to the availability of funds, it is proposed that the new arrangement should be put in place when the 2009-2010 legislative session begins in October 2009, and the new staffing structure in September 2009.

22. The Secretariat further proposes that the temporary lifting of the quota for subcommittees on policy issues and the suspension of application of rule 26(a) and (b) of HR, due to end in end March 2009, be extended to the end of the current legislative session so as to tie in with the implementation of the new

arrangement as from the next legislative session. As for those subcommittees listed in the Appendix, the Secretariat recommends that they continue to operate until they have completed their work. If new subcommittees are appointed in the meantime, the Secretary General will redeploy existing staff or appoint temporary staff to service the subcommittees having regard to the number of Bills Committees in operation and other commitments.

**Advice sought**

23. Members are invited to endorse the proposals in paragraphs 15 to 22 above concerning the study of specific policy issues by the HC and Panels and the appointment of related subcommittees. Subject to any views which Members may have, it is recommended that the proposals be referred to CRoP for consideration of the necessary amendments to the HR.

Council Secretariat Division 2  
Legislative Council Secretariat  
18 March 2009

## Appendix

### (a) Subcommittees on policy issues appointed under the House Committee (position as at 18 March 2009)

<b>Name of Subcommittee</b>	<b>Date of Appointment</b>
1. Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products	17.10.08
2. Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions	7.11.08
3. Subcommittee to Study Issues Relating to Mainland-HKSAR Families	2.1.09

### (b) Subcommittees on policy issues appointed under Panels (position as at 18 March 2009)

<b>Name of Subcommittee</b>	<b>Panel</b>	<b>Date of Appointment</b>
1. Subcommittee on Matters Relating to Railways	Panel on Transport	24.10.08
2. Subcommittee on Police's Handling of Sex Workers and Searches of Detainees	Panel on Security	15.11.08
3. Subcommittee on Improving Air Quality	Panel on Environmental Affairs	24.11.08
4. Subcommittee on Harbourfront Planning	Panel on Development	25.11.08
5. Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project	Panel on Home Affairs and Panel on Development	10.12.08
6. Subcommittee on Poverty Alleviation	Panel on Welfare Services	12.1.09
7. Joint Subcommittee on Amendments to Land Titles Ordinance	Panel on Development and Panel on Administration of Justice and Legal Services	20.1.09