

立法會

Legislative Council

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Paper for House Committee meeting on 12 December 2008

Quota for subcommittees on policy issues

Purpose

This paper reports on the review of the quota for subcommittees on policy issues appointed under the House Committee and Panels that may be in operation at any one time, and proposes a temporary arrangement in respect of the application of the relevant House Rules (HR).

Background

2. At the House Committee meeting on 17 October 2008, Members discussed the appointment of subcommittees on policy issues under the House Committee and Panels. Members noted that under HR 26(a), the maximum number of subcommittees on policy issues and Council business other than subsidiary legislation, other instruments and appointment or removal of senior judges that might be in operation at any one time should be eight.

3. Members expressed concern on the quota of eight and enquired if the maximum number of such subcommittees could be increased to 12. There was also a view that the Legislative Council (LegCo) should act expeditiously in response to public concern, and its work should not be inhibited by the setting of a quota for such subcommittees. It was however recognised that the quota provided in the House Rules was laid down as a result of a review of the staff resources available in the Secretariat to service such subcommittees, and the lifting of the quota might have an impact on staff. Against this background, the Secretariat was requested to review the current arrangements for the appointment of such subcommittees and to recommend to the House Committee on how far the quota could be adjusted to cater for the need to appoint more subcommittees.

Current arrangement

4. The current arrangement of the setting of a quota of eight for subcommittees to study specific issues or policy issues is part of the queuing mechanism for the activation of subcommittees decided by the House Committee on 2 March 2007. The computation of the quota of eight such subcommittees was based on a maximum number of 48 committees serviced at any one time by the staff in Council Business Divisions 1 and 2. The quota of eight serves as a triggering point for any new subcommittees to be formed to be first put on a waiting list, and the House Committee will act as the clearing house for the activation of subcommittees on the list. When the total number of Bills Committee is less than 16¹, the House Committee may activate any subcommittee(s) on the waiting list, after taking into account the following:

- (a) the Administration's legislative timetable;
- (b) the number of subcommittees on subsidiary legislation in operation;
- (c) 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
- (d) the availability of resources in the Secretariat.

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.

Present position

5. Since the commencement of the Fourth LegCo and up to 10 December 2008, the number of such subcommittees in operation are two and five under the House Committee and Panels respectively, while only one Bills Committee is in operation, i.e. Bills Committee on Public Health and Municipal Services (Amendment) Bill 2008. A list of these subcommittees is in the **Appendix**. According to the legislative programme provided to the House Committee on 22 October 2008, five bills have been scheduled for introduction to the Council in the first six months of the 2008-2009 legislative session, while 22 bills are scheduled for introduction in the second half of the session. Based on the

¹ HR 21 provides that the maximum number of Bills Committees should be limited to 16 at any one time.

experience of previous sessions, it is envisaged that the quota of 16 Bills Committees would be filled towards the latter half of the current session.

6. The need to set up subcommittees is to enable LegCo to monitor specific Government policies in a more focused manner. Experience also shows that it is an effective way to undertake studies and to come up with recommendations to address issues of public concern. To ensure a high quality of support for such subcommittees, there is a need to establish a staffing complement which allows flexibility but is not excessive. This calls for a review of not only the number of staff required but also the manner in which staff are trained, developed and deployed.

7. In response to Members' request and having considered the number of such subcommittees already appointed and the Legislative Programme for the current session, the Secretariat proposed to The Legislative Council Commission ("the Commission") at its meeting on 13 November 2008 that the quota for subcommittees on policy issues could be lifted temporarily for the first six months of the current legislative session, i.e. up to 31 March 2009. The temporary lifting of the quota was considered feasible as no more than five bills would be introduced to LegCo in the said period. As such, the resources for servicing Bills Committees could be re-deployed for servicing subcommittees on policy issues even if the number of such subcommittees had exceeded eight. In the meantime, the Secretariat would review its manpower resources and staff development strategies, with a view to submitting further recommendations to the Commission in March/April 2009. The Secretariat's proposal was endorsed.

Proposals

8. With the temporary lifting of the quota, the House Committee and Panels may, henceforth, appoint and activate subcommittees on policy issues on a need basis between now and end of March 2009. Such subcommittees may continue to operate even if the number of Bills Committees in action has reached 16, and the Secretariat will appoint temporary staff if necessary to ensure the continued servicing of these subcommittees. 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 House Committee or the Panel(s) before their appointment; (c) the subcommittees to report to the House Committee or the Panel(s) as appropriate; and (d) the subcommittees to complete work within 12 months of their commencement, or to seek the House Committee's agreement for an extension of their work where warranted.

9. As regards the concern as to whether a limit should be set on the maximum number of subcommittees under a Panel that may be in operation at any one time, this is considered not necessary given the proposed lifting of the cap on the number of such subcommittees. To enable Members to have an overview of the position of subcommittees on policy issues appointed under the House Committee and Panels, it is proposed that where such subcommittees have been appointed by Panels, the House Committee should be informed accordingly.

Advice sought

10. Members are requested to endorse-

- (a) the temporary lifting of the quota for subcommittees on policy issues until 31 March 2009 and the suspension of the application of HR 26(a) and (b) for the said period; and
- (b) the proposal for Panels to report to the House Committee after their appointment of subcommittees to study issues of concern.

Council Business Division 2
Legislative Council Secretariat
11 December 2008

Appendix

(a) Subcommittees on policy issues appointed under the House Committee (position as at 10 December 2008)

Name of Subcommittee	Date of Appointment
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

(b) Subcommittees on policy issues appointed under Panels (position as at 10 December 2008)

Name of Subcommittee	Panel	Date of Appointment
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