

立法會
Legislative Council

LC Paper No. PT19/09-10

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**Paper for the House Committee meeting
on 2 July 2010**

**Proposed amendments to the House Rules
concerning visits outside Hong Kong in response to invitations**

Purpose

This paper invites Members to consider the proposed amendments to the House Rules on the mechanism for handling proposed visits outside Hong Kong conducted by Members in response to invitations.

Background

2. At its meeting on 11 December 2009, the House Committee was consulted on the proposed mechanism for handling visits outside Hong Kong conducted by Members in response to invitations (LC Paper No. AS72/09-10). Members agreed that the new mechanism should serve the following objectives:

- (a) there should be transparency in the deliberation of the logistical arrangements, including the Members who would take part in the visit, the itinerary, and matters to be studied or places to be visited;
- (b) where the visit is regarded as being related to LegCo business, support by the most relevant Panel(s) or committee(s), as the case may be, is required; and
- (c) where expenses of the visit are to be charged to Members' Overseas Duty Visit ("ODV") accounts, endorsement by the House Committee is required and the matter should be referred to The Legislative Council Commission ("the Commission") for reference.

3. In considering the proposed mechanism, Members agreed to the steps proposed in the paper, with an additional requirement for Members to be consulted through the House Committee, if a quota on the number of participating Members is prescribed.

4. At the House Committee meeting on 11 December 2009, the Secretariat was asked to review whether any amendments to the House Rules were required. During the review of the House Rules, the Secretariat had the opportunity of providing support to a visit to the Shanghai Expo in response to an invitation from the Shanghai authorities. The visit took place in May 2010. It was led by the President with 41 Members of the Council attending, and it was the first visit outside Hong Kong in response to an invitation after the new mechanism was adopted. The Secretariat has therefore taken into account the experience from this visit in its review of the House Rules on duty visits.

Review of the House Rules

5. The current House Rules have provided procedural rules governing duty visits conducted by Panels outside Hong Kong. These rules were decided by the House Committee on 13 February 1998 and have been incorporated as Rule 22(v) of the House Rules (**Annex I**). Under Rule 22(v), where a Panel considers it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee should be sought. The decision of the House Committee shall be referred to the Commission for reference. The prior permission of the House Committee is required as such visits are conducted under the name of LegCo or its committees. The decision of the House Committee is referred to the Commission as expenditure incurred for the visit would be funded by the Commission.

6. Although not specified in the House Rules, it has been an established practice for a Bills Committee or a subcommittee on subsidiary legislation/policy issues which intends to undertake a duty visit outside Hong Kong to seek the House Committee's permission for the duty visit.

7. The current procedural rules do not cover LegCo delegations led by the President comprising Members of the Council or members of certain committees of the Council.

Proposed amendments to the House Rules

8. Having reviewed the relevant House Rules, it is proposed that a new Rule 29A on "Visits outside Hong Kong" be provided to incorporate visits under the current Rule 22(v), and to cover visits conducted by other committees and the new mechanism for handling visits conducted by Members (including the President) in response to invitations.

9. The proposed new Rule 29A and consequential amendments to the House Rules are in **Annex II** for Members' consideration.

Advice sought

10. Members' views are sought on the proposed amendments to the House Rules in Annex II. Subject to any views which Members may have, amendments to the House Rules will be made accordingly.

Legislative Council Secretariat

30 June 2010

House Rule 22(v)

22. Panels

- (v) Should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee shall be sought. The decision of the House Committee shall be referred to The Legislative Council Commission for reference.

Proposed amendments to House Rules

22. Panels

- (v) Should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee shall be sought *in accordance with the procedures set out in rule 29A*. ~~The decision of the House Committee shall be referred to The Legislative Council Commission for reference~~

29A. Visits outside Hong Kong

- (a) *A committee may consider it necessary to undertake a visit to places outside Hong Kong under the name of the committee for purposes such as obtaining first-hand information on certain subject matters and practices in those places. Where the visit is to be conducted under the name of the committee and/or funding for the visit of the committee is to be charged to individual Members' Overseas Duty Visit accounts, the prior permission of the House Committee shall be sought. The decision of the House Committee shall be referred to The Legislative Council Commission for reference.*
- (b) *Members of the committee joining the visit should participate in the entire programme. The committee may invite other Members who are not members of the committee to take part in the visit provided that these Members are also able to participate in the entire programme.*
- (c) *Any visit proposed in response to an invitation should first be discussed by the relevant committee(s) to determine if the visit is related to the business of the Council. There should be transparency in the deliberation on logistical arrangements, including who among the Members would take part in the visit, the itinerary, matters to be studied and places to be visited.*
- (d) *Approval of the House Committee is required for proposed visits referred to in (c) and visits which are to be led by the President or any Member and conducted under the name of the Council or any of its committee(s), and the funding of which is to be charged to individual Members' Overseas Duty Visit accounts. The decision of the House Committee shall be referred to The Legislative Council Commission for reference.*

- (e) *The detailed mechanism for handling Members' visits outside Hong Kong in response to invitations is set out in Appendix VI.*
- (f) *A report on a visit outside Hong Kong that has been approved by the House Committee shall be submitted to the House Committee after the conduct of the visit.*

Appendix VI
(rule 29A)

Mechanism for handling Members' visits conducted under the name of the Council or its committees outside Hong Kong in response to invitations

Detailed procedures of the mechanism are –

- 1. If the President is invited to lead a delegation of Members in a visit conducted under the name of the Council, he should be consulted as to the acceptance of the invitation. If a quota is prescribed on the number of participating Members by the relevant organisation, the President should consult Members through the House Committee on the composition of the delegation as well as the programme content and logistics of the visit.*
- 2. If the invitation is extended to all Members of the Council, the House Committee should convene a meeting to discuss whether to accept the invitation. If the House Committee considers that the proposed visit is related to Council business and agrees to accept the invitation, it should also consider whether the expenditure of the visit should be charged to individual Members' Overseas Duty Visit (ODV) accounts and the detailed arrangements of the proposed visit. If the invitation is extended to Members of the Council (except the President) but a quota is prescribed on the number of participating Members by the relevant organisation, the House Committee should also consider the composition of the delegation which should normally be broadly representative of the membership of the Council.*
- 3. If the invitation is extended to members of more than one Panel¹, the Chairmen of the Panels should discuss and agree as to whether a joint meeting should be convened or whether the Panel having a prominent interest in the subject matter should convene a meeting and invite members of the other Panel(s) to attend. The notice of the meeting should be copied to all other non-Panel Members who are welcome to attend the meeting and participate in the discussion, but they do not have any voting right in respect of the issues under discussion. At the meeting, members should discuss whether to accept the invitation and the details of the proposed visit.*
- 4. If the invitation is extended to one Panel only, the meeting should be convened by the Chairman of the Panel. The same meeting arrangement as in step (3) above should be adopted.*

¹ The same arrangement will apply to invitations extended to Bills Committees and subcommittees on subsidiary legislation/policy issues.

5. *Any views or requests made by Members at the meeting should be relayed by the Secretariat to the relevant organisation for consideration, and Members should be informed of any feedback received.*
6. *If the invitation is not accepted, the relevant organisation should be so informed.*
7. *If the invited Panel(s) considers that the proposed visit is related to Council business and agrees to accept the invitation, it should issue a circular to invite members to indicate whether they will join the visit. The Panel(s) should submit a paper on the detailed arrangements of the visit to the House Committee. Where the Panel(s) considers that the expenses incurred ought to be charged to the ODV accounts of Members, such a proposal should be included in its paper and the House Committee's endorsement is required.*
8. *If the endorsement of the House Committee on the financial arrangement is obtained, the expenditure of the visit should be charged to individual Members' ODV accounts.*
9. *If the endorsement of the House Committee on the financial arrangement is not obtained, Members may join the visit on a self-financing basis or claim reimbursement of the expenses incurred for the visit under the Operating Expenses Reimbursement system².*
10. *A report on a visit outside Hong Kong that has been approved by the House Committee shall be submitted to the House Committee after the conduct of the visit.*

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.

² Under the "Guide for Reimbursement of Operating Expenses for Members", entertainment, liaison or travelling expenses incurred by a Member or his staff in or outside Hong Kong for LegCo business may be reimbursed against claims certified by the Member without supporting documents.