

立法會
Legislative Council

LC Paper No. AS 72/09-10

Ref: AM 16/01/05

**Paper for the House Committee meeting
on 11 December 2009**

**Mechanism for handling visits conducted by Members
outside Hong Kong in response to invitations**

Purpose

This paper seeks Members' views on the proposed mechanism for handling visits outside Hong Kong conducted by Members in response to invitations. The invitations referred to in this paper are those extended to individual Members in their official capacity as chairmen, deputy chairmen or members of a committee of the Legislative Council ("LegCo") by government organizations outside Hong Kong.

Background

2. At the House Committee meeting on 9 October 2009, Members discussed the arrangements for the visit to the Sichuan Province from 24 to 26 September 2009 by members of the Panel on Development and the Chairmen and Deputy Chairmen of some committees in connection with post-quake restoration and reconstruction. Members noted that the visit was conducted in response to the invitation by the People's Provincial Government of Sichuan and the invitation was extended to specific Members of the Council. As some Members being invited could not attend due to prior commitments, Members considered that there should be opportunity for other Members of the Council to replace them or for Members of the Council to decide who should take part in the visit. Due to the lack of a forum to consider logistics of this nature, Members considered that a mechanism ought to be put in place to ensure that views of Members could be collated and conveyed to the authorities concerned. The mechanism should also allow Members to have an opportunity to consider whether the visit should be regarded as a corporate activity of LegCo and whether expenses incurred for

the visit should be charged to individual Members' overseas duty visit ("ODV") accounts.

Existing arrangements for duty visits conducted by Panels and other committees of the Council

3. The current procedural rules governing duty visits conducted by Panels outside Hong Kong were decided by the House Committee on 13 February 1998 and have been incorporated in Rule 22(v) of the House Rules. 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 Legislative Council Commission ("the Commission") for reference. The prior permission of the House Committee is required as such visits are made under LegCo's name. The decision of the House Committee should be referred to the Commission as funding for the visit would be financed by the Commission.

4. Although not required by the House Rules, it is the established practice for a Bills Committee and a subcommittee on subsidiary legislation/policy issues wishing to undertake a duty visit outside Hong Kong to seek the House Committee's permission for the duty visit.

5. To facilitate Members to take part in these duty visits outside Hong Kong, the Commission decided on 20 February 2001 that each Member (except the President) is provided with a separate ODV account, which at present stands at \$55,000 for a four-year term for the purpose of visits conducted by committees of the Council, except the Parliamentary Liaison Subcommittee which has a separate financial provision for its liaison activities.

6. In respect of visits conducted by Members to the Mainland, experience shows that even if the visits were initiated by the relevant Panels, the visits had only taken place upon invitation by the Mainland authorities. Since the establishment of the First LegCo on 1 July 1998, five visits have been conducted by Members to the Mainland, as detailed in the **Appendix**. All these visits were conducted in response to invitations. With the exception of the first visit which was organized and paid for by the Administration, the logistical support for the other four visits were provided by the LegCo Secretariat and the expenses incurred by the participating Members were charged to Members' ODV accounts. In the light of Members' comments on the logistical and financial arrangements for the recent visit to Sichuan Province, it is necessary to review whether the existing House Rules applicable to duty visits initiated by Panels should also apply to visits conducted in response to invitations.

7. It should be noted that the President may at times be invited to lead

a LegCo delegation comprising Members of the Council (as in Case 3 of the Appendix), or members of certain committees of the Council (as in Cases 4 and 5 of the Appendix) in a visit. When the President leads a delegation of Members in a visit outside Hong Kong, House Rule 22(v) does not apply as the procedure contained therein is applicable to duty visits of Panels (or other committees) and the President is not a member of any committee of the Council.

Proposed mechanism for handling Members' visits outside Hong Kong in response to invitations

8. A new mechanism is proposed for handling Members' visits outside Hong Kong which are conducted in response to invitations. The proposed mechanism is modelled on House Rule 22 (v) but with modification to cater for different circumstances. The objectives of the proposed mechanism are three-fold -

- (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' ODV accounts, endorsement by the House Committee is required and the matter should be referred to the Commission for reference.

9. The detailed procedures of the proposed mechanism are set out below –

- (a) if the President is invited to lead a delegation of Members in a visit, 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 organization, the President shall consult Members on the composition of the delegation as well as the programme content and logistics of the visit;
- (b) 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 LegCo business and agrees to accept the invitation, it should consider also whether the expenditure of the visit should be charged to individual Members' 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 organization, the House Committee should also consider the composition of the delegation which should normally be broadly representative of the membership of the Council;

- (c) 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 with members of the other Panels invited 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;
- (d) 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 (c) above should be adopted;
- (e) any views/requests made by Members at the meeting should be relayed by the Secretariat to the relevant organization for consideration, and Members should be informed of any feedback received;
- (f) if the invitation is not accepted, the relevant organization should be so informed;
- (g) if the invited Panel(s) considers that the proposed visit is related to LegCo 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;
- (h) 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;
- (i) if the endorsement of the House Committee on the financial arrangement is not obtained, Members may join the visit on a self-

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

financing basis or claim reimbursement of the expenses incurred in the visit under the Operating Expenses Reimbursement system²; and

- (j) a report should be submitted to the House Committee after the visit.

Advice sought

10. The Legislative Council Commission was briefed on the proposed mechanism for handling visits outside Hong Kong conducted by Members in response to invitations at its meeting on 3 December 2009, and agreed that the proposed mechanism should be put forward to the House Committee for consideration.

11. Members are invited to consider and approve the proposed mechanism. Subject to Members' views, the Secretariat will review whether any amendments to the House Rules are required.

Legislative Council Secretariat
December 2009

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

Details of five visits conducted by Members to the Mainland since the establishment of the First LegCo on 1 July 1998

(Case 1) Visit to the Pearl River Delta led by the Chief Executive on 25 and 26 September 2005

The Chief Executive invited all Members to take part in a two-day visit on 25 and 26 September 2005 to the Pearl River Delta (PRD). The Chief Executive was the leader of the group and the co-leader was the President. The purpose of the visit was to meet local officials and tour socio-economic, industrial and infrastructural facilities in Shenzhen, Dongguan, Guangzhou and Zhongshan in Guangdong province.

(Case 2) Visit of the Panel on Transport to the Pearl River Delta on 5 and 6 December 2005

2. Following the visit to the PRD of the delegation led by the Chief Executive, the President wrote to the Standing Committee of the Guangdong Provincial People's Congress (GPPC) to propose that communications between LegCo and the GPPC be established. The Panel on Transport decided in October 2005 to undertake a duty visit to PRD. The Secretariat liaised with the Mainland authorities on the proposed duty visit to PRD.

3. On 15 November 2005, the Financial and Economic Committee of the GPPC extended an invitation to all 17 members of the Panel on Transport to visit PRD on 5 and 6 December 2005 to observe the latest developments in cross-boundary transport infrastructure and exchange views on traffic and transport matter of mutual concern. The Panel submitted a report on the proposed visit to the House Committee on 25 November 2005, and the proposal was endorsed by the House Committee.

(Case 3) Visit of the Legislative Council Delegation to Sichuan quake-hit areas from 4 to 6 July 2008

4. A serious earthquake jolted Wenchuan County in Sichuan Province on 12 May 2008. On 14 May 2008, the Administration proposed and the Finance Committee (FC) approved the injection of a sum of \$350 million initially to the Disaster Relief Fund, comprising \$300 million as contribution to its disaster relief and rehabilitation work, and \$50 million for application by major relief organizations for providing emergency relief to the earthquake victims.

5. The President and 19 Members visited the earthquake stricken areas in Sichuan from 4 to 6 July 2008. The invitation of about 20 Members to visit Sichuan quake-hit areas was verbally conveyed to the President by the Chief Executive. After consulting Members of different political parties/groups by the President, it was agreed that the composition of the delegation should be broadly representative of the membership of the Council. The visit was undertaken under the name of "Legislative Council Delegation to Visit Sichuan Quake-hit Areas".

6. On 18 July 2008, FC approved the creation of a new commitment of \$2 billion for the establishment of the Trust Fund in Support of Reconstruction in the Sichuan Earthquake Stricken Areas as HKSAR's financial commitment to the reconstruction support work in the initial stage. On 20 February and 3 July 2009, FC approved the financial commitments of \$4 billion for the second stage and \$3 billion for the third stage reconstruction support work in Sichuan.

(Case 4) Visit to Guangdong Province by members of the Panel on Economic Development and the Panel on Environmental Affairs from 15 to 18 May 2009

7. Following the promulgation of the "Framework for Development and Reform Planning for Pearl River Region (2008-2020)" by the National Development and Reform Commission in December 2008, the Panel on Economic Development and the Panel on Environmental Affairs separately wrote to the Guangdong authorities exploring the opportunity of exchanging views with the relevant Mainland authorities and visiting some related facilities. In response, the Guangdong Provincial Government extended an invitation to the President and members of the two Panels to visit facilities which had an impact on the economic development and environmental protection of the Pearl Delta River Region in Shenzhen, Guangzhou and Zhuhai from 15 to 18 May 2009.

8. After consulting the Chairmen of the two Panels, the President announced to the public on 29 April 2009 his acceptance of the invitation.

9. In the light of the invitation, the two Panels held a special joint meeting on 5 May 2009 to consider the facilities suggested by the Guangdong Provincial Government to be included in the duty visit as well as the related logistical arrangements. Panel members' suggestions at the meeting, including requests for the Guangdong authorities to include additional facilities in the visit programme, were followed up by the Secretariat. Following the joint meeting, the Secretariat issued a circular to invite Panel members to join the duty visit. On 8 May 2009, a paper was issued to the House Committee to invite Members to note the duty visit.

(Case 5) Visit to Sichuan Province by members of the Panel on Development and Chairmen and Deputy Chairmen of other relevant committees in connection with post-quake restoration and reconstruction from 24 to 26 September 2009

10. On 22 May 2009, the House Committee considered a proposal for a visit to be undertaken by Members to Sichuan. Members agreed that there was a need for them to obtain first-hand information on the progress of the reconstruction work for the earthquake in Sichuan and utilization of funds approved by LegCo for the purpose, and the visit should be led by the President. Subsequent to the meeting, the Chairman of the House Committee wrote on behalf of Members to the Chief Secretary for Administration requesting the HKSAR Government to assist in arranging the visit.

11. On 2 September 2009, the Sichuan Provincial People's Government sent a letter to LegCo inviting members of the Panel on Development, as well as Chairmen and Deputy Chairmen of the Finance Committee, House Committee, Panel on Education, Panel on Health Services, Panel on Home Affairs and Panel on Welfare

Services to visit Sichuan from 24 to 26 September 2009. The Sichuan Provincial People's Government also invited the President to lead Members in the visit. The letter was issued to Members of the House Committee for information on the same day.

12. On 3 September 2009, the Secretariat issued a circular to the invited Members requesting them to indicate whether they would join the visit. Subsequently, the President and 13 other Members indicated that they would join the visit.

13. With the concurrence of the Chairman of the Panel on Development, a paper was issued on 14 September 2009 to members of the Panel on Development to invite them to note the invitation of the Sichuan Provincial Government and the proposed logistical arrangements for the visit. The paper was copied to members of the Panel on Education, Panel on Health Services, Panel on Home Affairs, Panel on Welfare Services as well as the Chairmen and Deputy Chairmen of the Finance Committee and House Committee. After the issuance of the paper, the Secretariat did not receive any comment from members of the Panel on Development.

14. On 21 September 2009, a paper was circulated to the House Committee to invite Members to note the visit.

Funding arrangements

15. The expenditure arising from four of the above visits (Cases 2 to 5) was charged to individual Members' ODV accounts. The expenditure of the visit led by the Chief Executive (Case 1) was borne by the Administration.