

立法會

Legislative Council

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Terms of reference of an investigation committee required to be established under Rule 49B(2A) of the Rules of Procedure

At the House Committee meeting held on 11 December 2009, Hon Paul TSE Wai-chun requested the Legal Adviser to give written advice on whether his understanding in relation to the following proposition was correct:

“The terms of reference of an investigation committee required to be established under Rule 49B(2A) of the Rules of Procedure (RoP) could not go beyond what is stated in RoP 73A(2).”

2. RoP 73A(2) provides that an investigation committee shall be responsible for establishing the facts stated in the motion moved under RoP 49B(1A) (Disqualification of Member from Office), and giving its views on whether or not the facts as established constitute grounds for the censure.

3. The responsibilities of an investigation committee as provided in RoP 73A(2) can be regarded as the terms of reference of the committee. Generally, a committee of the Council has to operate within its terms of reference in performing its duties. However, the committee may, in the course of its operation, consider any matter that is relevant to its terms of reference. In the context of an investigation committee, whether a matter is relevant to its responsibilities provided in RoP 73A(2) and how far the report of the investigation committee would cover such matter would be decided by the committee.

Prepared by

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