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**Paper for the House Committee meeting
on 7 May 1999**

Committee on Rules of Procedure

Quorum of Committees

Purpose

This paper reports the deliberations of the Committee on Rules of Procedure on the quorum of committees.

Background

2. At the House Committee meeting on 12 March 1999, a Member raised concern over the quorum requirement for Bills Committees as provided under Rule 76(3) (Bills Committees) of the Rules of Procedure. The subrule provides that the quorum of a Bills Committee should be three members including the chairman, or one third of the members including the chairman, whichever is the greater. As Bills Committees with a large membership might have difficulty with the quorum requirement, the Member was of the view that Rule 76 should be amended to allow greater flexibility. He suggested that while the minimum number of members of a Bills Committee for a quorum should remain at three, a maximum number should be set at, say, five members, irrespective of the number of members on the committee. The House Committee then referred the suggestion to the Committee on Rules of Procedure (the Committee) for consideration.

Deliberations of the Committee

3. The Committee discussed the subject at its meeting on 27 April 1999. The deliberations of the Committee are summarized in the following paragraphs.

Current rules

4. The Committee notes that under the Rules of Procedure, a Bills Committee shall consist of not less than three members including the chairman, and the quorum shall be three members including the chairman, or one third of the members including the chairman, whichever is the greater. A Panel shall consist of not less than six members including the chairman and the quorum requirement is the same as that of a Bills Committee. In fact, the same quorum requirement applies to the subcommittees of Bills Committees/Panels and subcommittees of the House Committee formed to study proposed legislation (before the setting up of a Bills Committee) or subsidiary legislation.

5. As for the three standing committees of the Legislative Council (the Council), the Finance Committee consists of all Members of the Council other than the President, and nine members constitute a quorum. Both the Public Accounts Committee and the Committee on Members' Interests consist of seven members, and three members constitute a quorum.

6. Other committees of the Council include the House Committee and the Committee on Rules of Procedure. The House Committee consists of all Members of the Council other than the President, and the quorum is 20 members. The Committee on Rules of Procedure consists of 12 members, and the quorum is four members.

7. Apart from the Finance Committee, the quorum requirement for all other committees is either *three members or one third of the number of members*. The basis of the "one third of the number of members" requirement could be traced back to 1991/92 when the then Legislative Council reviewed the need to set up a formal committee structure. Under one of the models considered by Members then, it was proposed that the quorum of the House Committee should be one third of the number of its members, as the same quorum requirement was adopted for the Council at that time.

Scope of the review

8. As experience indicates that only Bills Committees and Panels sometimes may have difficulty with the quorum requirement, the Committee decides to review only the quorum requirement for Bills Committees, Panels, and the subcommittees of Bills Committees/Panels and subcommittees of the House Committee on proposed legislation and subsidiary legislation.

Bills Committees and their subcommittees, subcommittees of House Committee on proposed legislation or subsidiary legislation

9. Between the commencement of the current session in July 1998 and 15 April 1999, a total of 30 Bills Committees were formed. The membership size of these committees ranges from four to 32 members, and the quorum therefore varies from three to 10 members. Of these, three Bills Committees have a relatively large membership (32 members for the Bills Committee on Legislative Council (Amendment) Bill 1999, 28 for the Bills Committee on District Councils Bill and 18 for the Bills Committee on Chinese Medicine Bill), and the quorum requirements are 10 members, nine and six respectively. None of these committees has experienced cancellation or suspension of meetings owing to the absence of a quorum. However, there had been occasions on which members had to wait for 10 to 15 minutes before a quorum could be formed when the meetings concerned were due to start.

10. For the same period, a total of 13 subcommittees of House Committee on proposed legislation or subsidiary legislation were formed. The membership size of these subcommittees ranges from four to 14, and the quorum from three to four members.

Panels and their subcommittees

11. A total of 17 Panels have been formed in the session. The membership size of these Panels ranges from eight to 24, and the quorum therefore from three to eight members. Of these, eight Panels have a relatively large membership size and a quorum of five or more members. Again, none of these Panels has experienced cancellation or suspension of meetings owing to the absence of a quorum.

12. Three subcommittees of Panels have so far been formed. The membership size of these subcommittees ranges from four to 11, and the quorum is three members.

13. As for joint Panel meetings, Rule 22(n) of the House Rules provides that the quorum will be one third of the membership of the joint meetings including the chairman, and that a member who is member of both Panels is counted only once in terms of membership and quorum. A total of 13 joint Panel meetings (seven involving two Panels, five involving three Panels and one involving four Panels) have been held in the current session up to 15 April 1999.

Practices in other jurisdictions

14. The Committee has also made reference to the quorum of committees of the House of Commons/House of Representatives in the United Kingdom (UK), Australia, Canada and the United States of America (USA), and which are comparable to Bills Committees and Panels of the Legislative Council of the Hong Kong Special Administrative Region (HKSAR).

United Kingdom

15. For the standing committees on bills or delegated legislation of the House of Commons of UK, the membership size ranges from 16 to 50 (excluding the chairman/chairmen), and the quorum is 17 members or one third of the members excluding the chairman/chairmen, whichever is the less.

16. For select committees, the quorum is fixed either by the House or by the relevant Standing Order. The 17 Select Committees appointed under Standing Order No. 152(1) to examine the expenditure, administration and policy of the principal government departments have a maximum number of 11 to 13 members and a quorum of three to four members.

Australia

17. For the nine general purpose standing committees of the House of Representatives of Australia on pre-legislation proposal, bill, motion, petition, vote or expenditure, the membership size ranges from 10 to 12, and the quorum is three members.

Canada

18. For the legislative committees of the House of Commons of Canada, the membership size should not be more than 15 members. A majority of the members of the committee constitutes a quorum. The Chairman is not included in the quorum.

19. For the 17 standing committees on policy development, programme administration and budgetary estimates of government departments, the membership size ranges from 16 to 18 members. A majority of the members of the committee constitutes a quorum.

United States of America

20. For the 19 standing committees of the House of Representatives of USA on bills, resolutions, and other matters relating to subjects within their respective jurisdiction, the membership size ranges from 10 to 75. A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present. Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two. Each committee (other than three specified standing committees) may also fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation, which may not be less than one third of the members.

The Committee's views

Purpose of setting a quorum

21. The Committee considers that for the Legislative Council to perform its functions of law enactment and monitoring Government policies and activities, Bills Committee and Panel members have the obligation to participate in the work of such committees. The purpose of laying down a quorum for a committee is to ensure the presence of an adequate number of members to examine matters before them thoroughly. The Committee considers the present quorum requirement for Bills Committees and Panels reasonable and that it should not be relaxed unless there are strong justifications.

The proposal of capping the number of members for forming a quorum

22. As stated from paragraphs 9 to 13 above, the present quorum requirement does not seem to pose any problems to Bills Committee and Panels. The Committee therefore does not consider it justified to relax the existing requirement, such as by capping the number of members for forming a quorum.

Other options

23. Apart from the above proposal, the Committee has also considered other options to facilitate meeting arrangements of committees, such as limiting the size of committees or the number of committees that each Member may join. The Committee does not consider it necessary to do so because comparing with the House of Commons/House of Representatives in other jurisdictions, the Legislative Council of HKSAR has a relatively small membership. Members should be free to join as many committees as they wish. Not to set an upper limit to the number of committees that a Member may join or to the membership of a committee will allow flexibility and safeguard the interest of those who have no party affiliation.

Conclusion

24. The Committee is of the view that the existing quorum requirement for committee meetings should be maintained. However, in considering whether to join any committee, Members may wish to take into account the time and commitment likely to be involved.

Advice sought

25. Members are invited to take note of the Committee's views as set out above.