

立法會

Legislative Council

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Paper for the House Committee meeting on 17 June 2005

Committee on Rules of Procedure

Handbook for Chairmen of Panels

Purpose

This paper invites Members to endorse the Handbook for Chairmen of Panels.

Background

2. At the meeting of the Committee on Rules of Procedure (CRoP) on 6 October 2003, CRoP supported the suggestion that a handbook providing guidelines for committee chairmen should be prepared by the Secretariat.
3. At its meeting on 4 April 2005, CRoP agreed that:
 - (a) separate handbooks should be prepared for the Council's various types of committees. Priority should be given to preparing the handbooks for chairmen of Panels, Bills Committees and subcommittees on subsidiary legislation, as a greater number of Members were involved in chairing these committees;
 - (b) the handbooks should provide quick reference to the relevant rules and practices as well as general guidelines to assist committee chairmen in understanding their responsibilities, powers and authority, and in making preparations for, chairing, and undertaking the follow-up work on meetings;
 - (c) the handbooks should be written in a simple, easy to read and user-friendly style;
 - (d) the handbooks should be updated as and when necessary; and

(e) the practices set out in the handbooks should be for reference only.

4. CRoP also directed that the draft Handbook for Chairmen of Panels be circulated to all Legislative Council Members for comments.

Handbook for Chairmen of Panels

5. In response to CRoP's invitation for comments, only one Member offered written comments on the draft handbook. At its meeting on 6 June 2005, CRoP endorsed the **attached** Handbook for Chairmen of Panels which has taken into account the Member's views and incorporated other amendments proposed to the draft handbook. CRoP also decided that the Handbook should be passed to the House Committee for endorsement.

Advice sought

6. Members are invited to endorse the Handbook for Chairmen of Panels.

Legislative Council Secretariat
15 June 2005

事務委員會

主席手冊

**HANDBOOK FOR
CHAIRMEN OF PANELS**

主席手冊的目的

本手冊以便覽方式，載述相關的規則和慣例，並提供一般指引，協助事務委員會主席了解本身的職責、權力和權限，以及籌備會議、主持會議及處理會議的跟進工作。本手冊載述的慣例只供參考。

本手冊亦在適當之處援引《議事規則》及《內務守則》的有關條文，方便參考。

PURPOSE OF THE HANDBOOK

This Handbook provides quick reference to the relevant rules and practices as well as general guidelines to assist Chairmen of Panels in understanding their responsibilities, powers and authority; and making preparations for a meeting, chairing a meeting and undertaking the follow-up work of a meeting. The practices set out in this Handbook are for reference only.

For easy reference, the relevant rules in the Rules of Procedure (RoP) and the House Rules (HR) are cited where appropriate.

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CHAPTER 1 GENERAL

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Work of a Panel

1.1 Panels are deliberative forums for discussing and giving views to the Administration on policy matters and issues of public concern within their respective terms of reference.

1.2 Panels also consider major or controversial legislative and financial proposals before they are formally introduced into the Legislative Council (LegCo) or the Finance Committee. *[HR 22(q)]*

1.3 A Panel does not have the power to summons witnesses to give evidence, unless it has been authorised by the Council to do so. *[RoP 80(b)]*

Election of Chairman and Deputy Chairman

1.4 The Chairman and Deputy Chairman of a Panel are elected by and from members of the Panel at its first meeting in a session. If there are two or more nominations for chairmanship or deputy chairmanship, an election by secret ballot will be held. To ensure the secrecy of the ballot papers, the Clerk will supervise the shredding of the ballot papers immediately after the meeting at which the election(s) is held. *[RoP 77(5), HR 22(f) and (g)]*

1.5 The Chairman and Deputy Chairman of a Panel hold office until the election in the next session. *[RoP 77(5), HR 22(f)]*

1.6 The Chairman and Deputy Chairman of a Panel may not be the chairman or deputy chairman of a Government advisory body in respect of matters which the Panel considers to be directly related to its terms of reference. *[RoP 77(6)]*

1.7 The Clerk to the Panel keeps a list of such advisory bodies.

1.8 A Member whose late application for membership of a Panel is accepted may not seek a re-election of the Chairman or Deputy Chairman by reason of his/her joining the Panel (see paragraphs 1.17 to 1.19 below). *[HR 23(d)]*

Chairman

Responsibilities

1.9 The responsibilities of the Chairman of a Panel are not explicitly stipulated in the Rules of Procedure or House Rules. However, it is generally accepted by Members that the Chairman has the following responsibilities –

- (a) steering the work of the Panel in consultation with its members;
- (b) chairing meetings and ensuring that the business on the agenda is transacted in a proper and efficient manner;
- (c) maintaining order at meetings;
- (d) presenting papers of the Panel to the House Committee;
- (e) tabling and speaking on reports of the Panel in Council; and
- (f) moving motions for debate in Council on behalf of the Panel.

1.10 The Chairman decides whether he/she will meet with the relevant Bureau Secretary at the beginning of each new session to discuss and draw up tentative work schedules and agenda of meetings for the Panel in the session.

1.11 The responsibilities of the Chairman are discussed in greater detail in the following chapters.

Powers and authority

1.12 The Chairman of a Panel has certain powers and authority. Some of these are provided or reflected in the Rules of Procedure and House Rules. Others are exercised by the Chairman based on practices generally accepted by Members.

1.13 The powers and authority of a Chairman are summarised below –

(a) Membership of a Panel

Rules

- (i) determining whether a late application for membership of a Panel on the ground of a Member's indisposition or absence from Hong Kong should be accepted [HR 23(b)]

(b) Preparations for a meeting

Rules

- (i) determining the day, time and place of a meeting [RoP 77(11)]
- (ii) directing that written notice shorter than three days for a meeting may be given [RoP 77(11)]
- (iii) deciding on the time allotted for discussion on each item on the agenda of a meeting [HR 24(m)]

- (iv) determining whether a meeting should be cancelled if Storm Signal No. 8 or Rainstorm Black Warning is hoisted and/or remains in force two hours before the appointed time of the meeting [HR 28(b)]

Practices

- (v) deciding on the order of agenda items, and whether an item should be added to or removed from an agenda
- (vi) deciding on the deadline for submissions, the order of speaking of deputations and their speaking time
- (vii) deciding whether translation into Chinese should be arranged for submissions made in English
- (viii) deciding whether certain documents should be circulated to members
- (ix) deciding how documents containing defamatory remarks/expressions should be dealt with
- (x) giving direction to the Clerk on logistical arrangements for meetings of the Panel
- (xi) consenting to the issuance of background briefs and other papers of the Panel prepared by the Clerk to members
- (xii) consenting to the issuance of the outline of a research study to members
- (xiii) consenting to the issuance of information notes and fact sheets to members

(c) Conducting a meeting

Rules

- (i) determining whether certain rules of speaking at Council meetings should apply to meetings of the Panel [RoP 43]
- (ii) having a casting vote in addition to his/her original vote [RoP 77(10) and (13)]
- (iii) deciding whether a motion proposed by a member at a meeting of the Panel is directly related to an agenda item of that meeting [HR 22(p)]
- (iv) closing a meeting when a quorum is not present [HR 24(g) and (h)]
- (v) closing a meeting if Storm Signal No. 8 is hoisted when the meeting is in progress [HR 28(b)]
- (vi) deciding whether to close or continue with a meeting if a Rainstorm Black Warning is hoisted when the meeting is in progress [HR 28(b)]
- (vii) order the removal of a member of the press or the public who behaves in a disorderly manner from a meeting [RoP 87, HR 24(s)]

Practices

- (viii) ruling on procedural matters either on his/her own motion or in response to a point of order raised at a meeting.

(d) Visits of a Panel

Rules

- (i) deciding, in consultation with other Members or the host organisation, whether a scheduled visit in Hong Kong should be cancelled or postponed if less than three Members have signed up for the visit [HR29(d)]

Practices

- (ii) giving direction to the Clerk on logistical arrangements for visits of the Panel

(e) Follow-up work of a meeting

Rules

- (i) deciding whether the comments of the Administration and other attendees on the minutes of a meeting or any part of the minutes should be sought [HR 25(d)]

Practices

- (ii) clearing reports and minutes of meetings of the Panel prepared by the Clerk

1.14 The powers and authority of a Chairman are discussed in greater detail in the following chapters.

Guiding principles

1.15 As the Chairman chairs meetings and has the responsibility to ensure that the business on the agenda is transacted in a proper and efficient manner, he/she should be familiar with the relevant rules in the Rules of Procedure and House Rules and practices of Panels. The Chairman should consult the Panel on the course of action to be taken regarding a certain matter, if there are no relevant rules or practices.

1.16 The Chairman should conduct himself/herself with impartiality in discharging his/her responsibilities. He/she should ensure that members have adequate opportunities to take part in the deliberations of the Panel. Where there are differences of opinion, the Chairman should give each side an equal chance to express its views.

Membership

1.17 Members are free to join any Panel. Membership of a Panel is invited at the beginning of a new session, and members of a Panel are those who have signified membership before the deadline for application and those whose late application for membership has been accepted. Membership of a Panel is for the whole term, unless a member withdraws membership during the term. A Panel must have at least six Members.

[RoP 77(4) and (8), HR 22(b), (c) and (d)]

1.18 Acceptance of a late application for membership on the ground that the Member concerned was indisposed or away from Hong Kong during the time when membership for Panels is invited is decided by the Chairman. If the late application is not made on such reasons, it will be for the Panel to decide whether there are sufficient grounds to accept the application. *[HR 23(b) and (c)]*

1.19 Any Member whose late application is rejected by the Chairman or the Panel may put his/her case to the House Committee for a decision. *[HR 23(e)]*

Non-Panel Members' attendance

1.20 A Member may attend any meeting of any Panel, regardless of whether he/she is a member of that Panel. A non-Panel Member, however, does not have any voting right in respect of the business of the Panel. *[HR 24(d)]*

Meetings

Regular meetings

1.21 Every Panel holds regular monthly meetings when the Council is in session. It is the normal practice for these regular meetings to be held at pre-determined meeting time slots agreed to by the Panel at its first meeting in a session. This is to facilitate Members to plan their work commitments and to avoid a clash of meetings.

Special meetings

1.22 A Panel may hold special meetings in addition to regular meetings to discuss urgent subject matters or issues as and when necessary, or to discuss subject matters or issues which members do not have adequate time to deal with at regular meetings. For example, a special meeting may be held to receive an urgent briefing by the Administration (paragraph 1.25 below refers).

Joint meetings

1.23 A Panel may hold a joint meeting with another Panel to discuss a subject which straddles the policy areas of the two Panels. If there is disagreement between the two Chairmen as to whether one of the two Panels should take up the subject or whether the two Panels should hold a joint meeting, the Chairman of the House Committee (or in his/her absence, the Deputy Chairman) should be consulted. *[RoP 77(10), HR 22(1)]*

Inviting other Panels

1.24 A Panel may invite members of other Panels to its regular or special meetings for discussion on certain agenda items.

Urgent briefings

1.25 It is the agreement with the Administration that when public announcements on important matters of wide public concern are to be made by the Administration, it should consult the Chairman and Deputy Chairman of the relevant Panel in the first instance whether and, if so, how the Panel should be briefed on the matter.

Briefings following Policy Address

1.26 Bureau Secretaries brief the relevant Panels on the policy commitments of their respective bureaux following the delivery of the Policy Address by the Chief Executive but before the debate on the Motion of Thanks. All policy briefings are held at meetings of Panels, and all Members are notified of the schedule of policy briefings.

Public's attendance

1.27 Meetings of a Panel are held in public unless the Chairman instructs otherwise in accordance with the decision of the Panel.

[RoP 77(12)]

1.28 Where a decision is to be made on whether a meeting or any part of it should be held in private, the decision should be made at an open meeting.

1.29 The public should be admitted to all open meetings of a Panel as long as there are seats in the public galleries of the meeting venue.

[HR 24(q)]

Support service

Clerk

1.30 A Clerk is assigned to each Panel. The Clerk together with his/her team provide secretariat services for the Panel and its subcommittees/working groups. The Clerk is the procedural adviser to the Chairman and the Panel, as well as the resource person on the subjects discussed by the Panel. The Clerk follows up decisions of the Panel and prepares background briefs, minutes of meetings, and reports, etc. The Clerk also oversees logistical arrangements for meetings and visits of the Panel.

Legal adviser

1.31 A legal adviser is assigned to each Panel to provide legal advice and support to the Panel and its subcommittees/working groups.

1.32 Where necessary, the Clerk consults the Chairman before a meeting whether the attendance of the legal adviser is required.

Research support

1.33 The Research and Library Services Division provides research support for Panels. On the instruction of a Panel, the Division undertakes an in-depth study and analysis of a subject and produces a report for the Panel. References to overseas practices and experiences in other places outside Hong Kong are normally made in such a study.

1.34 The Division also produces short information notes or fact sheets on topical issues or issues of concern on its own initiative or as suggested by a Panel. Such information notes or fact sheets may also make reference to experiences and practices of other places.

Specialist advisers

1.35 A Panel may seek the assistance of an independent specialist adviser to gain more knowledge about a subject, so as to facilitate members' consideration of the policy proposals put forward by the Administration and views of deputations. The detailed arrangements are set out in *Appendix I*.

CHAPTER 2 PREPARATIONS FOR A MEETING

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Date and time of meeting

Regular meeting

2.1 The Chairman should set the date and time of a regular meeting in accordance with the pre-determined schedule agreed to by the Panel, unless there is reason to re-schedule the meeting which should be explained to members.

Special meeting

2.2 Except for urgent briefings by the Administration (paragraph 1.25 above refers), it may be necessary to consult members on the date and time if the subject to be discussed is very important or controversial, or there is concern about the availability of members to attend the meeting.

Clash of meetings

2.3 Efforts should be made, as far as practicable, to avoid scheduling two meetings within the same time slot. *[HR 24(b)]*

2.4 If a clash of two meetings cannot be avoided, there should be no or minimum overlapping of membership between the two committees, or no member of the Panel is expected to attend the other meeting.

Lunch time meeting

2.5 Where necessary, a meeting during lunch time, normally from 1:00 pm to 2:15 pm, may be scheduled.

Notice of meeting

2.6 Notice of the date, time and venue of a meeting should be given by the Clerk at least three days before the meeting unless the Chairman agrees that shorter notice be given. *[RoP 77(11)]*

Agenda

Deciding on agenda items

2.7 There are no rules in the Rules of Procedure and House Rules on who decides on the agenda items for a meeting. It is the normal practice for the Chairman to consult members at a Panel meeting on the agenda items for future meetings. The Clerk prepares a “List of outstanding items for discussion” to assist the Panel.

2.8 The agenda, as decided by the Panel and after clearance with the Chairman on the order and wording of items and time allowed for each item, is normally issued to members together with the notice of meeting.

2.9 It is the normal practice for the Chairman, upon the request of the Administration or individual members, to decide whether a special or urgent item should be added to the agenda of a meeting. In considering whether to accede to the request, the Chairman should have regard to –

- (a) whether sufficient time can be allotted to the item;
- (b) whether sufficient notice can be given to members, the Administration and other parties concerned; and
- (c) whether relevant information about the item can be provided to members at a reasonable time before the meeting to facilitate discussion on it.

2.10 Where there is a request to defer discussion on an item, the Chairman should consult the Panel on whether the request should be acceded to, if there is urgency in discussing the item or the item is controversial (also see paragraph 2.29 below regarding late submission of papers for an item).

2.11 Where there is a request to alter the order of items on an agenda, the Chairman should consider whether there is good reason for the request, whether the change will cause inconvenience for other attendees, and whether reasonable notice can be given to members about the change, before making a decision on the request.

Revised agenda

2.12 Where subsequent changes are made to the agenda of a meeting, a revised agenda should be issued as soon as possible by the Clerk, to ensure that members are given notice of what will be discussed at the meeting.

Time allowed for each item

2.13 The Chairman should decide beforehand the time allowed for discussion on each item and instruct the Clerk to have the time indicated on the agenda. *[HR 24(m)]*

Inviting attendees

Administration

2.14 It is the normal practice for the policy bureau concerned to coordinate the attendance of public officers for discussion on a certain item.

2.15 The Chairman or the Panel may request that a certain public officer be invited. *[RoP 9(4)]*

Other organisations

2.16 Representatives, other than those from the Administration, such as representatives of public bodies, may be invited by a Panel to attend its meeting for discussion on a certain item of business on the agenda.

Deputations

Invitation

2.17 A Panel may invite deputations to make written submissions and oral representations to the Panel on a certain subject. The Chairman normally invites members to give views on which organisations or individuals should be approached.

2.18 If the subject in question is of wide public concern, it is the normal practice for the Panel to invite views from the public by issuing press releases and/or posting a notice on the LegCo website. Advertisements may also be placed in one English newspaper and one Chinese newspaper as decided by the Chairman or the Panel, but consideration should be given to the cost involved. If a Panel decides to invite views by any one of the three approaches mentioned above, the Panel should also invite the 18 District Councils to give views on the subject.

Submissions

2.19 Unless there is great urgency in obtaining views from deputations, it is the normal practice to allow two to three weeks for deputations to send in their submissions. The deadline for submissions and requests for making oral representations is normally one to two weeks prior to the relevant meeting.

2.20 The Chairman decides whether requests for making oral representations, which are received after the deadline, should be acceded to.

2.21 Deputations who have put in written submissions prior to the meeting may make further submissions after the meeting on points not covered in their earlier submissions. *[HR 25(b)]*

2.22 The Chairman decides whether translation into Chinese should be arranged for submissions made in English. Summary translation into Chinese may be considered for very lengthy submissions made in English. Submissions are circulated to members and made available to the public, unless the deputations concerned raise objection.

2.23 Submissions are also forwarded to the Administration for its response to the issues and concerns raised in the submissions.

2.24 Where necessary, the Clerk prepares summaries of issues and concerns raised in the submissions received from deputations and the Administration's response to these issues and concerns.

Speaking order

2.25 The Chairman determines the speaking order of deputations by applying the following criteria –

- (a) in the order of the receipt of the submissions; and/or
- (b) by groups having regard to the background or nature of the deputations; and/or
- (c) preference of the deputations.

Speaking time

2.26 The Chairman determines the speaking time limit for deputations. In principle, equal speaking time should be allotted to deputations attending the same meeting.

Background briefs

2.27 Where practicable and considered necessary by the Chairman, the Clerk prepares background briefs on specific subjects, particularly those involving important, complex and/or controversial issues, to facilitate the Panel's discussion. The Chairman's consent is sought by the Clerk before issuance of the brief to members.

Papers from the Administration

2.28 It is the normal practice for the Administration to be requested to provide a paper for each discussion item at a Panel meeting. A deadline is normally set for the receipt of such papers in accordance with the arrangements agreed with the Administration as set out in *Appendix II*.

2.29 If the required papers are not received by the agreed deadline, the Chairman may, after consulting the Panel, remove the relevant item from the agenda. If the Chairman decides to leave the item on the agenda, the Chairman should consult the Panel at the meeting whether the item should be discussed or removed from the agenda, and allow time for a short discussion on the matter.

Information notes/fact sheets

2.30 The consent of the Chairman is sought for the issuance of an information note or fact sheet produced by the Research and Library Services Division.

Research reports

2.31 Upon the endorsement of the Panel for a study to be carried out, an outline of the study is prepared for members' comments and endorsement at a meeting or by circulation. The Chairman's consent is sought before issuance of the outline to members.

2.32 The Chairman and interested members of the Panel are invited to comment on the draft research report before it is finalised for presentation to the Panel. Internal deliberation may be held to consider whether the draft report has covered all the aspects expected to be covered in the study.

Personal data

2.33 Personal data contained in a document is normally obliterated before issuance.

Defamatory expressions

2.34 If a document, e.g. a submission from a deputation, contains defamatory remarks/expressions made against or which may be embarrassing to any person or body, etc, the Chairman should instruct the Clerk on how such a document should be dealt with. It may be necessary to restrict the circulation of such a document to members only, or to obliterate the remarks/expressions before circulation.

Other papers

2.35 The Chairman decides whether certain documents sent to the Panel, which are not related to any agenda item or subject to be discussed, should be circulated to members.

Chairman's Brief

2.36 A Brief for the Chairman is prepared by the Clerk for every meeting and is normally sent to the Chairman not less than one working day before the meeting. The Brief usually contains the following information –

- (a) the number of members required to form a quorum of the meeting;
- (b) a list of the members of the Panel, representatives of the Administration and other organisations and Secretariat staff attending the meeting;
- (c) date of the meeting the minutes which are to be confirmed;
- (d) titles of the information papers issued since the last meeting;
- (e) proposed changes to the “List of outstanding items for discussion”;
- (f) response received from the Administration relating to the “List of follow-up actions”;
- (g) titles of papers for each agenda item;
- (h) brief description of the main issues of concern of each discussion item;
- (i) matters requiring the Panel's attention/decision;
- (j) a reminder of the date of the next meeting; and
- (k) any procedural or other matters to which the Chairman's attention should be drawn.

Meeting with the Clerk

2.37 Where necessary, the Chairman and Deputy Chairman meet with the Clerk before the meeting to receive an update on the items to be discussed and to consider any procedural points which may be brought up at the meeting.

CHAPTER 3 CONDUCTING A MEETING

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Chairing meetings

3.1 The Chairman of a Panel chairs all its meetings. In his/her absence, the Deputy Chairman takes over as the Chair.

3.2 In the temporary absence of the Chairman or Deputy Chairman, the Panel may elect a Chairman to act during their absence. *[RoP 77(5)]*

3.3 Although the Chairman has the same rights, in principle, as any other member to give his/her views, the Chairman should intervene as little as possible in the discussion and should not usually express personal opinions, in order to avoid giving the impression or being accused of taking sides.

3.4 Where the Chairman of a Panel considers that there may be concern about conflict of interest or conflict of roles in his/her chairing the meeting for discussion on a certain item, he/she should make a declaration of the matter which is the cause for the concern and invite the Panel to consider whether he/she should preside over the discussion on the item. The Panel may decide whether the Deputy Chairman or another member should preside.

Quorum

3.5 The quorum of a Panel is three members including the Chairman, or one-third of its members including the Chairman (a fraction of the whole number being disregarded), whichever is the greater. *[RoP 77(8)]*

3.6 If a quorum is not present within 15 minutes of the appointed time, the Chairman should cancel the meeting. *[HR 24(g)]*

3.7 In the case where a meeting has just been cancelled, and then all the members of the Panel are present and the public officers are still available, the Chairman may, with the agreement of all the members, call another meeting to be held immediately.

3.8 If the attention of the Chairman is drawn to the fact that a quorum is not present during a meeting, he/she should ask that members be summoned. Unless a quorum is present within 15 minutes, the Chairman should close the meeting. *[HR 24(h)]*

Venue not available

3.9 In the situation where a quorum is present but the venue for the meeting is not available at the appointed meeting time, because the meeting held in the same venue in an earlier time slot has overrun, the following arrangement may be adopted: the Chairman of the meeting in progress should suspend the meeting to enable the other Chairman to declare the meeting open and then immediately suspend the meeting. The earlier meeting can then resume and the other meeting can be held after the earlier meeting has ended.

Keeping time

3.10 The Chairman should have regard to the time allotted to each item and should keep tight time control to ensure that business on the agenda is dealt with before the appointed ending time of the meeting.

Order of agenda items

3.11 Items should be taken in the order in which they appear on the agenda. If there is a request for the order of an item to be varied, the Chairman should consult members of the Panel as well as representatives of the Administration and/or other parties concerned, such as deputations. If no objection is raised, the request may be acceded to.

Privileges and immunities

3.12 At meetings of the Council or its committees, the privileges and immunities provided by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) are available to all Members, the Chief Executive and any public officer designated by the Chief Executive for the purpose of attending such meetings. A list of the public officers so designated is in *Appendix III*.

3.13 Where discussion on an item is attended by persons who are not covered by the privileges and immunities provided under Cap. 382, e.g. deputations, the Chairman should remind them, at the beginning of the discussion, that when addressing the Panel they do not have such protection and their written submissions are also not protected.

Order of speaking

3.14 Members should register their intention to speak at a meeting by raising their hands. The Chairman should call upon Members to speak in turn, having regard to the order in which they have raised their hands.

3.15 In the situation where there is limited time and there is a long queue of Members waiting to speak, it may be necessary for the Chairman to –

- (a) allow a Member to ask only one question and a short follow-up; or
- (b) set a time limit, e.g. five minutes, within which a Member asks his/her question and the Administration responds to the question; and

not to invite a Member to speak again until other Members wishing to speak have spoken.

3.16 Where there are differences of opinion, the Chairman should, as far as possible, give each side an equal chance to express its views.

Direct pecuniary interest

3.17 A Member should not vote on any question in which he/she has a direct pecuniary interest, except where his/her interest is in common with the rest or a sector of the population of Hong Kong, or his/her vote is given on a matter of Government policy. *[RoP 84(1) and (1A)]*

Voting

3.18 Matters for the decision of a Panel are decided by a majority of the members voting. Such voting, however, is not binding on any Member, whether in Council or in the House Committee. Non-Panel Members do not have voting right in respect of the business of the Panel. *[RoP 77(13), HR 24(d)]*

3.19 Before a matter is voted upon at a meeting of a Panel, a voting bell will be rung if the Chairman orders, on his own motion or upon the request of a member of the Panel, that the members of the Panel be notified of the voting. The Panel will proceed to vote immediately after the bell has been rung for two minutes. However, if the meeting is held simultaneously with a Council meeting, the bell will not be rung. *[HR 24(i)]*

3.20 Where no voting bell is provided for the venue where a Panel meets or if the bell does not function or may not be rung, the Chairman should order the Clerk to arrange for members of the Panel within the precincts of the Chamber to be notified of the voting. The voting will be held four minutes after the order has been made. *[HR 24(j)]*

3.21 Voting by members at a meeting of a Panel is by a show of hands.

3.22 A question put to vote will be regarded as agreed to if more members voted in favour of it than those who voted against it. It is the normal practice to record the number of members who abstained from voting, but the number of abstentions is not counted for the purpose of determining the result of the vote.

3.23 If a member wishes to claim a division of the votes, the member must make the request before the Chairman declares the result of the vote.

3.24 When the Chairman orders a division, the Clerk will record the names of members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then instruct the Clerk to read out the names of the members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then declare the result of the vote. The number of abstentions is not counted for the purpose of determining the result of the vote, as detailed in paragraph 3.22 above.

Decisions

3.25 The decision of a Panel is binding on the subcommittees/working groups of the Panel, but not any other committees of the Council.

3.26 The Chairman may instruct that a matter for the decision of a Panel be considered by circulation of papers to its members. The matter will be regarded as being agreed to by the Panel, if the majority of the members responding to the relevant paper signify agreement.

3.27 The decisions of a Panel should not be re-opened for discussion, unless with the permission of the Panel. *[HR 24(n)]*

Voting right of Chairman

3.28 The Chairman or any presiding member has, if the votes are equally divided, a casting vote in addition to his/her original vote. *[RoP 77(13)]*

3.29 There are no rules in the Rules of Procedure and House Rules or established practices governing whether, and if so, how a Chairman of a Panel should exercise his/her original vote and the casting vote. It is entirely for the Chairman to decide. However, should the Chairman decide to use his/her original vote, he/she should cast his/her vote at the same time as the other members vote and not after other members have cast their votes.

3.30 Some previous cases of committee Chairmen exercising their casting vote are set out in *Appendix IV*.

Conduct

Members

3.31 The Chairman is responsible for maintaining order at meetings to ensure the business on the agenda is conducted properly and efficiently.

3.32 Some of the rules in the Rules of Procedure which govern the order of Members at Council meetings are applicable to committee meetings, unless the Chairman of the committee decides otherwise. These rules are –

- (a) a Member should not interrupt another Member who is speaking except to raise a point of order or to seek elucidation
[RoP 39]
- (b) a Member should restrict his/her observations to the subject under discussion and should not introduce matters irrelevant to that subject *[RoP 41(1)]*
- (c) a Member should not make reference to a case pending in a court of law in such a way, in the opinion of the Chairman, as might prejudice that case *[RoP 41(2)]*
- (d) a Member should not use offensive or insulting language about other Members *[RoP 41(4)]*
- (e) a Member should not impute improper motives to another Member *[RoP 41(5)]*
- (f) the name of the Chief Executive should not be used to influence the Council *[RoP 41(6)]*
- (g) the conduct of the Chief Executive, a Member of the Executive Council or a Member of LegCo otherwise than in the performance of his/her official duties shall not be raised
[RoP 41(7)]

- (h) the conduct of judges and other persons performing judicial functions should not be raised *[RoP 41(8)]*
- (i) all Members should enter or leave the meeting venue properly attired and with decorum; no Member should cross the floor of the meeting venue unnecessarily; Members should not read newspapers, books or other document except if the contents of such documents are related to the business of the Council; and while a Member is speaking all Members should be silent and should not make unseemly interruptions *[RoP 42]*

3.33 The Chairman of a Panel does not have the power conferred under Rules 44 and 45 of the Rules of Procedure to order a Member to discontinue his/her speech or withdraw from a meeting. In dealing with controversies concerning Members' conduct or points of order at meetings, e.g. the use of offensive or insulting language by a Member, the Chairman may adopt the following approaches –

- (a) remind the Member that his/her conduct is inappropriate;
- (b) persuade the Member not to continue to behave in the manner which is the subject of the controversy;
- (c) suspend the meeting to let the controversy die down, if necessary; and/or
- (d) seek the view of the Panel on how the controversy should be dealt with.

Public

3.34 If a member of the press or the public is behaving or is likely to behave in a disorderly manner, the Chairman may order the removal of the person from the meeting. *[RoP 87, HR 24(s)]*

Motion moved by Chairman

3.35 If the Panel decides that a motion for debate in Council should be moved by its Chairman, a slot will be allocated to the Chairman provided that –

- (a) the motion is on a consultative document published by the Government and will be debated before the expiry of the consultation period;
- (b) the motion is neutrally-worded without stating any stance; and
- (c) no amendment to the motion will be proposed.

[HR 14A(a)]

3.36 The Panel's request together with the wording of the motion should be submitted to the Secretariat before the relevant cut-off date for application for debate slots. *[HR 14A(d)]*

3.37 The priority allocation of a debate slot does not apply to cases in which a Panel requests that a debate slot be allocated to its Chairman for moving a motion not on a consultative document published by the Government. Such requests should be put forward to the House Committee for consideration on a case-by-case basis. *[HR 14A(g) and (h)]*

3.38 The Chairman of the Panel who has been allocated a slot under circumstances described in paragraph 3.35 or paragraph 3.37 above may withdraw the notice of motion at any time before it is moved by giving instructions to the Clerk to LegCo. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the Chairman of the Panel is considered to have been allocated a debate slot. *[HR 14A(i)]*

3.39 In the situation where the Chairman of the Panel is not in favour of the motion, or if the Chairman does not wish to move the motion, the Panel should invite its Deputy Chairman or another member who is in favour of the motion to move the motion.

Motion without notice

Substantive motions

3.40 If a motion is moved without notice by a member in relation to an agenda item, the Chairman should deal with it in accordance with the following steps –

- (a) to decide whether the motion is directly related to the agenda item;
- (b) to invite the members present to consider whether the motion should be dealt with, if the motion is ruled directly related to the agenda item; and
- (c) to proceed to deal with the motion, if agreed to by a majority of the members voting.

[HR 22(p)]

These steps are discussed in greater detail below.

3.41 The Chairman should first decide whether the motion is directly related to an agenda item of that meeting. This is to ensure that members are aware of the possibility that a motion may be moved without notice on the subject matter of an agenda item. For this reason, a motion moved under “Any other business” or under a newly added discussion item under “Any other business” should not be ruled admissible by the Chairman.

3.42 The proposed motion or any amendment to the motion should be presented to the Panel in written form. *[HR 22(p)]*

3.43 The Chairman or the Clerk should read out the wording of the motion and any amendment. If necessary, the Chairman should instruct the Clerk to arrange for the wording of the proposed motion and any amendment to be copied to members.

3.44 If the Chairman rules that the motion is directly related to the agenda item, the Chairman should invite members present to consider whether the motion should be proceeded with. The motion will be proceeded with if agreed to by a majority of the members voting, and it should be dealt with under the agenda item to which it relates. The Chairman may, with the agreement of the Panel, decide to deal with the motion later at the same meeting.

3.45 The Chairman should allow members to give views on the motion and any amendment before they are put to vote.

3.46 After members have expressed their views, the amendment should be voted on first. If the amendment is voted down, the original motion should be put to vote.

3.47 If there are two or more amendments, the Chairman should call on the members concerned to move their amendments in the order in which these amendments relate to the text of the motion, or in cases of doubt in the order decided by the Chairman.

3.48 In the case of two amendments being inconsistent with each other, if the amendment which is voted on first is passed, the other amendment is deemed to be negated.

3.49 If there are two or more motions moved by members which have been ruled by the Chairman to be directly related to the agenda item and decided by the Panel that they should be proceeded with, a joint discussion on the motions should be held.

3.50 After members have given their views, the motions should be voted on in the order in which they were presented to the Panel.

3.51 In the case of two motions being inconsistent with each other, if the motion which is voted on first is passed, the other motion is deemed to be negated.

3.52 A Member may not move any motion or amendment relating to a matter in which he/she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he/she discloses the nature of that interest. [RoP 83A]

Procedural motions

Motion to adjourn

3.53 If during the discussion on a substantive motion, a member moves a procedural motion to adjourn the discussion, the procedural motion should be dealt with first. If the motion is supported, the Chairman will adjourn the discussion. If the motion is voted down, discussion on the substantive motion may continue.

Motion to take vote immediately

3.54 If during the discussion on a substantive motion, a member moves a procedural motion that a vote on the substantive motion be taken immediately, the procedural motion should be dealt with first. If the motion is supported, a vote on the substantive motion will be taken immediately. If the motion is voted down, discussion on the substantive motion may continue.

Language

3.55 Members and other attendees of a meeting may speak in either Cantonese, Putonghua or English. However, prior notification to address the committee in Putonghua must be given to the Clerk so that appropriate simultaneous interpretation service can be arranged.

3.56 The Chairman, whenever necessary, should remind Members, representatives of the Administration and deputations to refrain from using “cocktail” language at meetings so as to facilitate the work of the simultaneous interpreters. [HR 24(o)]

CHAPTER 4 CONDUCTING A JOINT MEETING

	<i>Paragraphs</i>
Procedures and practices	4.1 – 4.2
Election of Chairman	4.3 – 4.4
Quorum	4.5 – 4.10
Decisions	4.11
Voting right of Chairman	4.12

Procedures and practices

4.1 A Panel or its subcommittee may hold a joint meeting with another Panel or its subcommittee to discuss a subject which straddles the policy areas of the two Panels. *[RoP 77(10)]*

4.2 Conducting a joint Panel meeting is similar to conducting a Panel meeting, the procedures and practices of which are discussed in Chapter 3. The arrangements which are only applicable to a joint meeting are set out in this chapter.

Election of Chairman

4.3 The Panels/subcommittees concerned should decide which Chairman should chair the meeting. *[HR 22(k)]*

4.4 If an election needs to be held, it is for the attending members to decide whether they should vote by a show of hands or secret ballot, as no specific procedure is provided in the Rules of Procedure or House Rules for the election of the Chairman of a joint Panel meeting.

Quorum

4.5 The quorum of a joint meeting is one-third of the members of all the relevant Panels/subcommittees including the Chairman (a fraction of the whole number being disregarded). A Member who is a member of both Panels at a joint meeting should be counted as one member of the joint meeting for the calculation of quorum. *[RoP 77(10), HR 22(n)]*

4.6 If a quorum is not present within 15 minutes of the appointed time of the meeting, the Clerk will check if there is a quorum for any one of the Panels participating in the joint meeting. Members present can decide if the meeting should become a meeting of the Panel with a quorum and attended by members of the other Panel.

4.7 Once the meeting has been declared as the meeting of a single Panel, it cannot be regarded as a joint Panel meeting when, subsequently, there is a quorum for a joint meeting. If voting is required at the meeting, the Chairman should remind the meeting that only members of the Panel in session have voting right in the business of that meeting.

4.8 If there is a request for the meeting to become a joint Panel meeting and if it is agreed to by the Panel in session, the meeting will have to be adjourned. The joint meeting will have to commence with the election of the Chairman.

4.9 Before there is a quorum for any of the Panels participating in the joint meeting, Members present may decide whether the Administration should be invited to brief Members in the form of an informal briefing. Members may elect a convenor to chair the informal briefing. The convenor should advise Members and representatives of the Administration that they are not covered by the privileges and immunities provided under Cap. 382.

4.10 Referring to paragraph 4.9 above, when there is a quorum, the Chairman should recapitulate the main points made during the informal briefing, so that these points will be recorded in the minutes of the meeting.

Decisions

4.11 Matters for decision at a joint meeting are decided by a majority of the members voting. *[RoP 77(10), HR 22(o)]*

Voting right of Chairman

4.12 The Chairman has, if the votes are equally divided, a casting vote in addition to his/her original vote. *[RoP 77(10)]*

CHAPTER 5 VISITS

	<i>Paragraphs</i>
Purpose	5.1
Visits outside Hong Kong	5.2 – 5.9
Visits in Hong Kong	5.10 – 5.12

Purpose

5.1 Visits may be conducted by Panels to enable Members to gain first-hand information on issues or organisations of interest to them in connection with Council business. *[HR 29]*

Visits outside Hong Kong

Permission of the House Committee

5.2 Should a Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel, the prior permission of the House Committee is required. *[HR 22(t)]*

5.3 The Chairman presents a paper on the proposed visit to the House Committee. The paper is drafted by the Clerk.

Forming the delegation

5.4 The broad guidelines for determining the size and membership of a delegation are –

- (a) members of the Panel should have priority in participating in the visit; and
- (b) the delegation should be of a manageable size in order not to create difficulties in logistical arrangements.

5.5 Non-Panel Members may join a duty visit outside Hong Kong with the consent of the Panel.

5.6 The Chairman of the Panel normally serves as the leader of the delegation. If the Chairman does not participate in the visit, the Deputy Chairman normally serves as the leader and if he/she also does not participate in the visit, the delegation may choose a leader and inform the Panel of its choice.

Funding

5.7 Overseas visits of Panels are funded in accordance with the prevailing arrangements approved by The Legislative Council Commission.

Preparatory work

5.8 Prior to the visit, the delegation should discuss the matters to be studied during the visit, the programme and the parties to be visited. Background briefs for the visit are prepared by the Clerk jointly with the Research and Library Services Division. Questions are also drawn up by the Clerk in consultation with the delegation, to facilitate discussion with the parties to be visited.

Role of the Clerk

5.9 There will be Secretariat staff, normally the Clerk, accompanying the delegation. The Clerk (or the staff concerned) is responsible for making the logistical arrangements and will draft the report of the visit in consultation with the delegation. The report, after clearance with the delegation, is presented to the Panel and then, with suitable adaptation, to the House Committee.

Visits in Hong Kong

5.10 The timing and programme of a visit are decided by the Chairman in consultation with members of the Panel and the host organisations. The duration of a visit should be kept to within three hours as far as possible. *[HR 29(b)]*

5.11 The Chairman, in consultation with other Members or the host organisation, determines whether a scheduled visit should be cancelled or postponed if the visiting party consists of less than three Members. *[HR 29(d)]*

5.12 The Chairman and the host organisation are consulted whether the visit should be open to the media.

CHAPTER 6 SUBCOMMITTEES AND WORKING GROUPS

Subcommittees	<i>Paragraphs</i> 6.1 – 6.6
Working groups	6.7 – 6.11

Subcommittees

Formation

6.1 A Panel may appoint a subcommittee to study a specific issue and report to the Panel. Members of the subcommittee must be members of that Panel. *[RoP 77(9), HR 22(s)]*

6.2 A Panel may decide at its first meeting in each session whether members may re-signify membership of the subcommittees formed under the Panel in the previous session. It is for individual subcommittees to decide whether re-election of the Chairman of the subcommittee is necessary.

Terms of reference

6.3 The terms of reference of a subcommittee of a Panel may be proposed by the subcommittee. They should be within the scope and purpose decided by the Panel and should be submitted by the subcommittee to the Panel for endorsement.

Procedures and practices

6.4 The procedures and practices adopted by Panels apply to the operation of their respective subcommittees, where appropriate. *[RoP 77(15)]*

Reporting to the Panel

6.5 When a subcommittee has completed its work, a report detailing its deliberations and recommendations/conclusions should be submitted to the Panel. The Clerk to the subcommittee drafts the report and clears it with the Chairman of the subcommittee before issuance.

Dissolution

6.6 The subcommittee is dissolved upon the submission of the report, or when the Panel decides.

Working groups

Formation

6.7 A Panel may form a working group for the purpose of assisting the Panel in the performance of its functions, such as undertaking preparatory work to facilitate the consideration of a subject by the Panel. Members of the working group should be members of that Panel.

No privileges and immunities

6.8 Meetings of a working group are informal and are held in closed sessions. The privileges and immunities provided under Cap. 382 are not available to members of the working group because it is not a LegCo committee. The procedures and practices of Panels do not normally apply to the operation of a working group.

Terms of reference

6.9 The terms of reference of a working group are determined by the Panel. The terms of reference of a working group may be proposed by the working group. Such proposed terms of reference should be within the scope and purpose decided by the Panel and submitted to the Panel for endorsement.

Reporting to the Panel

6.10 The Clerk is responsible for drafting the report of the working group to report its deliberations and recommendations/conclusions to the Panel. The Clerk clears the report with the Chairman of the working group before issuance.

Dissolution

6.11 The working group is dissolved upon the submission of the report, or when the Panel decides.

CHAPTER 7 POWERS TO SUMMONS WITNESSES

	<i>Paragraphs</i>
Powers to summons witnesses	7.1 – 7.5
Proposal to appoint a select committee	7.6 – 7.7

Powers to summons witnesses

7.1 A Panel may exercise the powers conferred by section 9(1) of Cap. 382 to order any person to testify or give evidence or to produce any paper, book, record or document in his/her possession, if authorised by the Council to do so. *[RoP 80(b)]*

7.2 If a Panel member proposes that the Panel should exercise the powers conferred by section 9(1) of Cap. 382 in connection with its work, a motion on the proposal should be put to the Panel for consideration and decision. If the Panel supports the motion, the House Committee should be informed of the Panel's decision.

7.3 The relevant motion in Council is normally moved by the Chairman of the Panel.

7.4 If a Panel is authorised to exercise powers conferred by section 9(1) of Cap. 382, the Panel should make a report to the Council after it has completed its consideration. *[HR 22(u)]*

7.5 The last occasion on which a Panel was authorised by the Council to exercise the powers conferred by section 9(1) of Cap. 382 was in 1995. At the Council meeting on 13 December 1995, the Panel on Manpower was authorised to use the powers conferred by section 9(1) of Cap. 382 for the purpose of inquiring into the circumstances surrounding the labour disputes involving imported workers under the Special Labour Importation Scheme for the Airport Core Programme Projects and related issues.

Proposal to appoint a select committee

7.6 If a Panel decides to recommend the appointment of a select committee to conduct an enquiry and for the select committee to exercise the powers conferred by section 9(1) of Cap. 382 for the purpose of the enquiry, a paper should be presented to the House Committee. The Clerk prepares the paper and clears it with the Chairman before issuance.

7.7 If the House Committee supports the proposal of the appointment of a select committee, the relevant motion in Council is normally moved by the Chairman of the House Committee or the Chairman of the subcommittee, if one is formed to undertake preparatory work for the appointment of the select committee.

CHAPTER 8 FOLLOW-UP WORK OF A MEETING

	<i>Paragraphs</i>
Decisions	8.1 – 8.5
Minutes	8.6 – 8.9
Verbatim records	8.10 – 8.11
Reporting to the Legislative Council	8.12 – 8.18
Reports for the House Committee	8.19

Decisions

8.1 Decisions made by the Panel are followed up by the Clerk in consultation with the Chairman.

8.2 Where a motion passed by the Panel requires the Administration's follow-up action or response, the Clerk writes to inform the Bureau Secretary (or other public officers) concerned of the motion and to request him/her (or the public officer) to take follow-up action or provide a response to the motion, as appropriate.

8.3 The Clerk also writes to the relevant bureau if there are other follow-up actions required of the Administration.

8.4 The Clerk prepares a "List of follow-up actions" to assist the Panel in keeping track of such matters. The list is updated and put on the agenda of each regular meeting of a Panel.

8.5 The Clerk undertakes other necessary follow-up work according to the decisions of the Panel including –

- (a) seeking allocation of a debate slot (paragraphs 3.36 and 3.37 above);
- (b) seeking the House Committee's permission to undertake an overseas visit (paragraphs 5.2 and 5.3 above);

- (c) informing the House Committee of the Panel's decision to seek the Council's authorisation to exercise the powers conferred by section 9(1) of Cap. 382 (paragraph 7.2 above); and
- (d) recommending to the House Committee that a select committee be appointed (paragraph 7.6 above).

Minutes

8.6 The Clerk to the Panel prepares the minutes of the meetings of the Panel.

8.7 The draft minutes of a Panel meeting are presented in detailed form.

8.8 The minutes of a meeting with the Administration and other outside parties need not normally be cleared with them. The Chairman has the discretion to decide whether the draft minutes or any part of the draft minutes should be shown to those who have attended the meeting if, in the Chairman's view, it will facilitate the work of the Panel.

[HR 25(c) and (d)]

8.9 The draft minutes are cleared with the Chairman before issuance to members for confirmation at a meeting or by circulation.

[HR 25(e)]

Verbatim records

8.10 Verbatim records are not normally prepared for a meeting, except where the Panel is conducting an enquiry and has been authorised to summons witnesses to give evidence. *[HR 25(a)]*

8.11 The Chairman may, with the agreement of the Panel, request the preparation of verbatim transcripts for certain parts of a meeting. Such a request should be submitted to The Legislative Council Commission with justifications for record.

Reporting to the Legislative Council

Reports

8.12 A Panel is required to make at least one report on its work every session to the Council. *[RoP 77(14), HR 22(u)]*

8.13 Such a report is normally presented to the Council at the end of the session. The Clerk is responsible for drafting the report. Before presenting the report to the Council, the report is cleared with the Chairman and then endorsed by the Panel. The endorsement of the report by the Panel may be sought at a meeting or by circulation.

8.14 A Panel may make other reports to the Council as and when it considers appropriate. *[RoP 77(14)]*

8.15 As discussed in paragraph 7.4 above, if a Panel has been authorised to exercise the powers conferred by section 9(1) of Cap. 382, the Panel should make a report to the Council after it has completed its consideration. *[HR 22(u)]*

Addressing the Council

8.16 The permission of the President is required for the presentation of a report to the Council and for the Chairman to address the Council on the report. No debate is allowed on the Chairman's address. *[RoP 21(1), (3) and (6)]*

8.17 The Chairman should provide an advance copy of the intended address to the President to enable the President to decide whether the address may give rise to a debate. *[HR 2]*

8.18 The Clerk is responsible for drafting the Chairman's address.

Reports for the House Committee

8.19 A Panel may make a report to or seek the views of the House Committee on a particular matter, or inform the House Committee of the contents of its study report. *[RoP 77(14), HR 22(u)]*

委聘專家顧問
Appointment of specialist advisers

立法會
Legislative Council

LC Paper No. CB(1) 344/03-04

Ref : CB1/PL/G/1
Tel : 2869 9220
Date : 18 November 2003
From : Assistant Secretary General 1
To : All Members of the Legislative Council

Appointment of Specialist Advisers for Panels

At its meeting on 21 October 2003, The Legislative Council Commission (the Commission) endorsed the arrangements for the appointment of specialist advisers for Panels. This circular provides the background and details of the arrangements.

Background

2. A Panel provides a forum for the exchange of views on Government policies and issues of public concern, and for the Administration to consult Members on major legislative and financial proposals before these are formally introduced into the Council or the Finance Committee. In considering a policy matter or an issue of public concern, a Panel requires background information for its deliberation. In addition to receiving briefings from the Administration, the Panel may invite public views on the policy matter or issue, including those of the trades/industries and professional bodies concerned and the academia. Where feasible, the Panel Clerk and/or the Research and Library Services Division (RLSD) of the Secretariat may provide a background brief or information note to the Panel on the subject concerned prior to deliberation. The Panel may also request the RLSD to undertake research studies, making references to the relevant practices and experiences of other places.

3. Such a mode of operation has so far proved effective. However, given the rapid development and advancement in fields or areas such as information technology, financial systems, medicine, ecology and environmental conservation, physics, engineering and other sciences, Panels may from time to time come across policy matters or issues which are highly technical. It may be necessary for a Panel to seek the assistance of an independent specialist adviser in understanding a subject, so as to facilitate members' consideration of the policy proposal put forward by the Administration and the views presented by deputations.

Arrangements for engagement of Specialist Advisers

4. In reviewing the organization and structure of the Legislative Council Secretariat, the Commission considers it appropriate to appoint experts as specialist advisers to provide independent advice to Panels if and when the circumstances so warrant. Specialist advisers should be appointed only on an ad hoc basis and for a defined period to give objective specialist advice on specific issues which are highly technical in nature. Specialist advisers may prepare papers and/or give internal briefings to the Panel.

Selection of specialist advisers

5. It would be for a Panel to decide on whom should be appointed as specialist advisers for the Panel. Where necessary, a Panel may form a working group to deal with matters relating to the appointment of specialist adviser(s) for the Panel. Specialist advisers to be appointed should have up-to-date knowledge about the issue on which he will advise the Panel. Therefore, prospective candidates for appointment should not be confined to academics or retired professionals/practitioners.

Remuneration

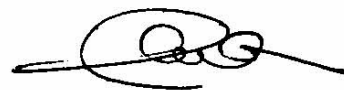
6. Specialist advisers should be granted an honorarium at a standard rate to be determined by the Commission for each hour of attendance at meetings/briefings of Panels. Where the service requires extensive research and analytical work, a lump-sum fee may be negotiated subject to normal procedure in the procurement of service. A specialist adviser may choose not to receive any honorarium for his/her service. For the 2003-04 legislative session, the Commission has agreed to the rate of HK\$1,100 per hour for a specialist adviser's attendance of meetings with Panel members. Appointment of specialist advisers should be made by the Commission.

Declaration of interest and confidentiality undertaking

7. To ensure the impartiality and integrity of specialist advisers, the person to be appointed should be asked to declare his/her interest, real, apparent or potential, in the subject concerned for the relevant Panel's consideration in the selection process. Specialist advisers, once appointed, should be required to report any interest that may arise in the course of their service to Panels. To avoid role conflict, the specialist advisers should not at the same time give views on the field or subject to the Panel in the capacity of a deputation.

8. Specialist advisers should keep confidential all information which comes to their knowledge or possession in the course of their service to Panels, and should not divulge or communicate to any other person any advice he/she provides to Panels.

9. Further details on the appointment procedures are separately provided to the Panel Clerks. Any questions on this circular may be directed to me or Ms Anita SIT at 2525 3331.



(Ms Pauline NG)
Assistant Secretary General 1

政府當局提供文件
Provision of papers by the Administration

Provision of papers by the Administration

The following arrangements regarding provision of papers by the Administration for discussion at Panel meetings were recommended by the Committee on Rules of Procedure and endorsed by the House Committee on 18 January 2002. The arrangements have also been agreed between Members and the Administration -

- a. the Administration is required to provide papers at least five clear days before the relevant Panel meeting for items with at least three weeks' notice;
- b. the Administration is required to provide papers at least two clear days before the relevant Panel meeting for items involving time critical proposals e.g. urgent financial proposals, or where the need to consult Panels does not arise until a very late stage;
- c. the Administration is required to provide papers as soon as practicable for items with less than three weeks' notice; certain policy initiatives which cannot be released prior to the approval of the Executive Council; and matters involving commercially sensitive information; and
- d. papers should reach the LegCo Secretariat by 11:00 am if the deadline for provision of papers falls on a day before a public holiday.

If the required papers are not received by the agreed deadline, the Chairman may, after consulting the Panel, remove the relevant item from the agenda. If the Chairman decides to leave the item on the agenda, the Chairman should consult the Panel at the meeting whether the item should be discussed or removed from the agenda, and allow time for a short discussion on the matter (agreed to at the House Committee meeting on 26 November 2004).

The expression "clear days" excludes the day of making a request to the Administration for provision of papers, the day of the relevant meeting and intervening public holidays.

行政長官委派出席立法會或
立法會轄下委員會會議的官員名單
**List of public officers designated by
the Chief Executive for the purpose of attending meetings of
the Legislative Council or its committees**



本函檔號 Our Ref:

CSO/ADM CR 5/5/1139/91

來函檔號 Your Ref:

Tel No.: 2810 3838

Fax No.: 2804 6870

28 June 2002

Mr Ricky C C Fung
Secretary General
Legislative Council
8 Jackson Road
Central
Hong Kong

Dear Ricky

**Attendance of Officials at Meetings of
the Legislative Council, its Committees and Subcommittees**

To tie in with the implementation of the Accountability System on 1 July 2002, the Chief Executive has designated under Article 62(6) of the Basic Law a list of officials to attend meetings of the Legislative Council, its committees and subcommittees.

Article 62(6) of the Basic Law provides that the Government of the HKSAR shall exercise the powers and functions to designate officials to sit in on the meetings of the Legislative Council and to speak on behalf of the government. By virtue of the power vested therein and as the Head of the HKSAR Government, the Chief Executive has designated –

- (a) Officials in Annex A to attend meetings of the Legislative Council, its committees and subcommittees; and
- (b) officials in Annex B to attend meetings of committees and subcommittees of the Legislative Council, if so directed by officials in Annex C who are authorized by the Chief Executive to give such directions.

The designations are applicable to officials who from time to time either substantially occupy or act in the posts specified in the Annexes.

The designation shall take effect from 1 July 2002 and continue in force, unless revoked by the Chief Executive.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Andrew H Y Wong', written in a cursive style.

**(Andrew H Y Wong)
Director of Administration**

**Officials designated by the Chief Executive to attend Meetings of the
Legislative Council, its Committees or Subcommittees**

The Chief Secretary for Administration

The Financial Secretary

The Secretary for Justice

All Directors of Bureaux

Permanent Secretary for the Civil Service

All Law Officers in the Department of Justice

**Officials designated by the Chief Executive to attend Meetings of
Committees and Subcommittees of the Legislative Council**

All directorate officers

And without prejudice to the generality of the item above, the following specific categories of officials –

- (a) Officials at the ranks of Assistant Secretary, Principal Assistant Secretary, Deputy Secretary and Permanent Secretary in the Government Secretariat; and
- (b) Officials at the ranks of Government Counsel, Senior Government Counsel, Deputy Principal Government Counsel, Principal Government Counsel and Law Officer in the Department of Justice

The Director of the Chief Executive's Office

The Commissioner, Independent Commission Against Corruption and all directorate officers in the Office of the Independent Commission Against Corruption

The Chief Executive and all Heads of Division or above in the Hong Kong Monetary Authority

**Officials Authorised by the Chief Executive to Direct
Designated Officials to Attend Meetings of
Committees and Subcommittees of the Legislative Council**

The Chief Secretary for Administration

The Financial Secretary

The Secretary for Justice

All Directors of Bureaux

The Director of the Chief Executive's Office

All Permanent Secretaries

All Heads of Departments or Agencies

All Law Officers in the Department of Justice

The Commissioner, Independent Commission Against
Corruption

The Chief Executive of the Hong Kong Monetary Authority

過往委員會主席作決定性表決的情況
**Previous cases of committee Chairmen
exercising their casting vote**

Previous cases of committee Chairmen exercising their casting vote

<u>Committee</u>	<u>Case</u>
<i>House Committee</i>	
7 October 1994	<p>Members voted on a proposal to send a Legislative Council (LegCo) delegation to attend the hearings of the United Nations Committee on Economic, Social and Cultural Rights in November 1994.</p> <p>Sixteen Members voted for the proposal, 16 voted against the proposal, and three abstained.</p> <p>The Chairman, Hon Mrs Elsie TU, exercised her casting vote and voted against the proposal. The Chairman explained that she had decided to be guided by the practice of the House of Commons of the United Kingdom. The casting vote she had given “would have the effect of maintaining the status quo without prejudice to the proposal being put back to the Committee on another occasion”.</p>
31 March 1995	<p>Members voted on a proposal to defer discussion on a report of the Subcommittee on Procedural Matters relating to the procedure for electing the President of LegCo as time was running late at the meeting.</p> <p>Eight Members voted for the proposal, eight Members voted against, and seven abstained.</p> <p>The Chairman, Hon Mrs Elsie TU, exercised her casting vote and voted for the proposal, “on the ground that deferring the item would facilitate more informed discussion on a rather important matter”.</p>

Committee

Case

House Committee

7 June 2002

Members voted on a proposal to provide a forum for Members to further study a proposed resolution under section 54A of the Interpretation and General Clauses Ordinance relating to the transfer of statutory functions to principal officials under the accountability system.

Fifteen Members voted for the proposal, and 15 voted against. The Chairman, Hon Mrs Selina CHOW, exercised her casting vote and voted for the proposal. The Chairman “considered that the discussion on issues relating to the resolution had not yet been concluded and it was necessary to provide an opportunity for Members to further discuss such issues”.

Panel on Constitutional Affairs

16 and 19 April
2004

At the meeting on 16 April 2004, Dr Hon YEUNG Sum moved a motion calling for the Panel not to accept the report submitted by the Chief Executive to the Standing Committee of the National People’s Congress and urging the Chief Executive to consult the people of Hong Kong immediately as well as submit a supplementary report fully reflecting public opinion, so as to fulfil Hong Kong people’s aspiration for the election of the Chief Executive and Members of the Legislative Council by universal suffrage in 2007 and 2008 respectively.

The Chairman, Hon Andrew WONG, put the matter to vote. 12 members voted for, and 12 members voted against, the motion to be proceeded with. The Chairman exercised his casting vote to allow the motion to be proceeded with.

Committee

Case

As the meeting had overrun, Hon MA Fung-kwok moved a motion calling for adjournment of the debate on Dr YEUNG's motion. He considered that members should be allowed sufficient time to debate the motion and to move amendments, if any, to the motion. 12 members voted for, and 12 members voted against, Mr MA's motion. The Chairman, Hon Andrew WONG, exercised his casting vote in support of Mr MA's motion.

Dr YEUNG's motion was put to vote at the meeting on 19 April 2004. The motion was negatived.