

立法會 *Legislative Council*

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Paper for the House Committee meeting on 8 July 2005

Committee on Rules of Procedure

Proposed amendments to the Rules of Procedure and House Rules regarding formation of joint subcommittees by two or more Panels

Purpose

This paper invites Members to endorse the proposed amendments to the Rules of Procedure (RoP) and House Rules (HR) to provide for the formation of joint subcommittees by two or more Panels of the Council.

Background

2. At its meeting on 21 January 2005, the House Committee (HC) endorsed a proposal to set up a subcommittee under HC to follow up the West Kowloon Cultural District project, which straddles the policy areas of culture and arts, planning and lands, environment and finance. Noting that the existing rules of the Council did not provide for two or more Panels to set up a subcommittee, HC also invited the Committee on Rule of Procedure (CRoP) to study the matter and to make recommendations to HC.

Relevant procedural provisions

3. Under Rule 77(9) of RoP, a Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel. Rule 22(s) of HR provides that members of such subcommittees shall consist of members of that Panel.

4. Under Rule 77(10) of RoP, a Panel or its subcommittee may, if it considers appropriate, meet jointly with any other Panel or its subcommittee for the purpose of considering any matter of common interest to the Panels. Rule 22(1) of HR provides that, if the chairmen of two Panels cannot agree on how an issue straddling the work of two Panels should be handled, the chairman of HC should be consulted on whether one of the Panels should take up the issue, or whether the Panels should hold joint meetings. Under Rule 22(m) of HR, if more than two Panels meet jointly on a subject of common interest, and if it is necessary, the chairman of HC may be consulted as to whether the Panel having a prominent interest in the subject matter should convene a meeting with members of other interested Panels invited to attend, or whether informal briefings for all interested Members should be held. However, RoP and HR are silent on the formation of joint subcommittees by two or more Panels.

CRoP's views and recommendations

5. In considering the matter, CRoP has made reference to the practice and convention of the United Kingdom, New Zealand and the Province of Ontario in Canada regarding the setting up of a subcommittee under two or more committees. CRoP has also considered the alternative option of establishing subcommittees under HC.

6. CRoP considers that the issues to be studied by subcommittees under HC should be those of wide public concern. Issues which do not have such level of concern but are of common interest to Panels should be dealt with by joint subcommittees formed by two or more Panels. While such issues may also be dealt with by joint Panel meetings, joint subcommittees are preferred as the latter normally have a smaller membership and are therefore less prone to lacking in a quorum.

7. In addition, CRoP does not consider that the spirit of RoP precludes the formation of joint subcommittees by two or more Panels. As such, CRoP considers that RoP and HR should be amended to expressly provide that two or more Panels may jointly form a subcommittee to study matters of common interest to the relevant Panels.

Proposed amendments to RoP and HR

8. CRoP's proposed amendments to RoP and HR are in the **Appendix**. CRoP proposes to amend Rule 77 (Panels) of RoP. Under the new Rule 77(9A) and the amended Rule 77(15) of RoP, two or more Panels may, if they consider appropriate, appoint joint subcommittees to study any matter of common interest and report to them. The practice and procedure of the joint subcommittees shall be determined by the relevant Panels. Corresponding amendments are proposed to Rules 22 (Panels), 23 (Application for Late Membership) and

26 (Subcommittees of the House Committee, Bills Committees or Panels) of HR. The new Rule 22(t) of HR also provides that only members of the relevant Panels may join the joint subcommittees, and specifies the quorum requirement of such subcommittees.

Advice sought

9. Members are invited to endorse the proposed amendments to RoP and HR in the Appendix. The amendments to RoP will then be presented to the Council for approval at the beginning of the next session. Subject to the Council's approval of the proposed amendments, the Handbook for Chairmen of Panels will be suitably amended by the Secretariat.

Legislative Council Secretariat

6 July 2005

**Proposed amendments to the Rules of Procedure and House Rules
regarding formation of joint subcommittees under two or more Panels**

Rules of Procedure

77. Panels

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(9) A Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel.

(9A) *Two or more Panels may, if they consider appropriate, appoint joint subcommittees to study any matter of common interest to the relevant Panels and to report to the Panels.*

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(15) Subject to these Rules of Procedure, the practice and procedure of a Panel or its subcommittee shall be determined by that Panel. *The practice and procedure of a joint subcommittee appointed by two or more Panels shall, subject to these Rules of Procedure, be determined by the relevant Panels. In any such determination, a Panel or, in the case of a joint subcommittee appointed by two or more Panels, the relevant Panels shall take into account any guidelines provided under Rule 75(8) (House Committee).*

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House Rules

22. Panels

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(n) For the calculation of quorum, a Member who is member of both Panels at a joint meeting should be counted as one member of the joint meeting. The quorum will be one-third of the membership of the joint meeting including the chairman (a fraction of the whole number being disregarded) i.e. each Member will be counted only once in terms of membership and quorum.

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(s) A Panel may form subcommittees to study specific issues and report to the Panel. Members of the subcommittees shall consist of members of that Panel.

(t) *Two or more Panels may form joint subcommittees to study any matter of common interest to the relevant Panels and report to the Panels. Only members of the relevant Panels may join the subcommittees. The quorum of a subcommittee so formed will be one-third of the membership of the subcommittee including the chairman (a fraction of the whole number being disregarded).*

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

(uv) A Panel shall make at least one report on its work to the Council in the session. If a particular matter is referred to a Panel for study, or a Panel is authorized to summon persons concerned to testify or give evidence, the Panel shall make a report to the Council after it has completed its consideration. The method of tabling a report in the Council is provided in rule 2. A Panel may as required seek the views of the House Committee on a particular matter, or inform the House Committee of the contents of its study report.

23. Application for Late Membership

(a) An application for late membership of a Bills Committee, Panel, subcommittee under a Bills Committee or Panel, *joint subcommittee formed by two or more Panels*, or subcommittee on subsidiary legislation (the relevant committee) shall be considered in accordance with this rule after the election of the chairman and deputy chairman, if any, of the relevant committee. The raising of questions which relate to the signification of membership of a relevant committee, after the time when a Member should signify his membership, shall be deemed to be an application for late membership.

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26. Subcommittees of the House Committee, Bills Committees or Panels

The practices and procedures set out in rules 20 to 25 shall apply, where appropriate, to subcommittees of the House Committee, Bills Committees or Panels (*including joint subcommittees formed by two or more Panels*).

Legend:

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

Text proposed to be deleted is shown with a deletion line.