

立法會

Legislative Council

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Paper for the House Committee meeting on 14 June 2013

Activation of select committees

Purpose

This paper invites Members to consider the arrangements for the activation of select committees.

Background

2. In accordance with Rule 78(1) of the Rules of Procedure ("RoP"), the Council may appoint one or more select committees to consider matters or bills which the Council may refer to the committee. Since the First Legislative Council, the Council has appointed by resolution a total of five select committees. By the relevant resolution that had obtained the majority support of both the groups of Members returned by geographical constituencies and those returned by functional constituencies, each of these select committees was also authorized to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("the P&P Ordinance") to order the attendance of witnesses to give evidence and the production of documents in the possession or under the control of the witnesses. These select committees commenced work as soon as they were appointed.

3. At the Council meeting of 8 May 2013, Hon Dennis KWOK presented a petition under RoP 20(1), which was jointly signed with Hon Cyd HO ("the Petition"). The request of Hon Cyd HO for the Petition to be referred to a select committee was supported by 25 Members. The Petition has thus been referred to a select committee in accordance with RoP 20(6) ("the Select Committee").

4. At its meeting on 7 June 2013, the House Committee ("HC") endorsed the membership size of the Select Committee and the procedure for nomination and election of Members for appointment to the Select Committee¹. Members agreed that the Select Committee could commence work immediately. Having regard to the limit on Members' time and the Secretariat's manpower, the HC Chairman invited Members to consider whether the number of select committees required to be established under RoP 20(6) pursuant to the presentation of a petition operating at any one time should be capped at one. The Secretariat was requested to provide information on the current arrangements for the activation of various types of committees of the Council for Members' consideration at the next HC meeting.

Current arrangements

Bills Committees

5. Bills committees are set up to scrutinize legislative proposals subject to HC's agreement and as long as a minimum of three Members agree to join. Under rule 21(a) of the House Rules, the maximum number of Bills Committees should be limited to 16 at any one time. When more than 16 Bills Committees are formed, a queuing system will automatically be activated. Any Bills Committee formed to study bills introduced after all 16 slots for Bills Committees have been used up will have to be placed on a waiting list.

Subcommittees to study subsidiary legislation and other instruments

6. Subcommittees to study subsidiary legislation, proposed resolutions and other instruments are set up subject to HC's agreement and as long as a minimum of three Members agree to join. Unlike Bills Committees, there is no provision in the House Rules that limits the number of such subcommittees operating at any one time. However, when the current staffing complement was drawn up, the understanding was that for planning purpose, on average two such subcommittees would be operative at any one time. As the scrutiny of subsidiary legislation is subject to very tight timeframe, the Secretariat will provide the necessary support services, even if the number of such subcommittees exceeds two.

¹ A subcommittee was appointed by HC to undertake preparatory work for the operation of the Select Committee. On 7 June 2013, the subcommittee submitted its recommendations on the name and terms of reference of the Select Committee for HC to note and its recommendations on the membership size of the Select Committee and the procedure for nomination and election of Members for appointment to the Select Committee for HC to endorse.

Subcommittees on policy issues

7. HC and individual Panels may decide to form subcommittees to study specific policy issues subject to the agreement of HC or the respective Panel and as long as a minimum of three Members agree to join. Under rule 26 of the House Rules, the maximum number of subcommittees on policy issues under HC and Panels that may be in operation at any one time is eight. Where the number of such subcommittees has reached eight, a queuing system will automatically be activated with a waiting list formed. Any new subcommittees subsequently formed will be put on a waiting list, and HC will act as the clearing house for the activation of subcommittee(s) on the list. According to rule 26(b) of the House Rules, when the number of Bills Committee in operation is less than 16, HC may activate any subcommittee(s) on the waiting list, after taking into account the following:

- (a) the number of vacant slots for Bills Committee;
- (b) the number of Bills likely to be introduced in the Council in the next three months;
- (c) the number of subcommittees on subsidiary legislation, proposed resolutions and other instruments already or likely to be appointed by HC and by Bills Committees; and
- (d) the availability of resources in the Secretariat.

8. At present, there are seven subcommittees on policy issues set up under various Panels and one such subcommittee set up under HC. A total of three subcommittees are on the waiting list.

Other committees

9. There are also the following committees in operation:

- (a) HC and 18 Panels;
- (b) the three standing committees, i.e. the Committee on Members' Interests, Finance Committee and Public Accounts Committee;
- (c) the Public Works Subcommittee and the Establishment Subcommittee under the Finance Committee;

- (d) the Parliamentary Liaison Subcommittee and the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement set up by HC; and
- (e) the Committee on Rules of Procedure.

Advice sought

10. While select committees authorized by the Council to exercise the powers under section 9(1) of the P&P Ordinance will commence their work as soon as they are appointed, Members are invited to consider:

- (a) whether the number of select committees established under RoP without being authorized to exercise the powers under section 9(1) of the P&P Ordinance that may be in operation at any one time should be capped at one and a queuing system will automatically be activated with a waiting list formed in the event that more than one such select committee has been formed; and
- (b) whether the above arrangement if agreed to by Members should be stipulated in the House Rules.

Council Business Division 2
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