

立法會 *Legislative Council*

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Finance Committee

Information note prepared by the Legislative Council Secretariat

Examples of past cases in which Rule 80 of the Rules of Procedure was invoked to exercise summoning powers

Section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) empowers the Legislative Council ("LegCo") or a standing committee thereof¹ or any other committee which is specially authorized by a resolution of LegCo to order any person to attend before LegCo or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person ("summoning powers"). Rule 80 of the Rules of Procedure ("RoP") reflects section 9 of Cap. 382.

2. At the meeting of the Finance Committee ("FC") held on 13 December 2019, a member proposed under RoP 80 and paragraph 19 of the Finance Committee Procedure ("FCP") to summon certain Government official(s) to attend relevant FC meeting(s) to testify and give evidence in relation to agenda item FCR(2019-20)33 concerning 2019-2020 civil service pay adjustment. Members noted at the meeting that the existing RoP and FCP did not provide for a procedure under which FC might determine the exercise of such powers or otherwise. In this connection, some members enquired about the relevant procedures and practices in accordance with which relevant LegCo committees had determined the exercise of summoning powers or otherwise in the past.

¹ The standing committees are the Committee on Members' Interests, the Finance Committee and the Public Accounts Committee.

3. Regarding standing committees, according to the records kept by the LegCo Secretariat, both FC and the Committee on Members' Interests have never exercised summoning powers. The Public Accounts Committee ("PAC") exercised such powers on two occasions. Given that PAC, as a standing committee, may determine whether or not such powers should be exercised without having to seek authorization from LegCo, PAC will, as a general practice, discuss and determine the exercise of such powers at closed meetings, if necessary.² The relevant PAC reports only briefly recorded the proceedings of making the decisions concerned. Members may refer to the PAC reports listed in the **Appendix**.

4. Regarding committees other than standing committees, in general, the exercise of such summoning powers will be discussed by such committees prior to seeking LegCo's authorization. If the committees approve the relevant recommendations, they will then seek support from the House Committee ("HC"). If the recommendations are supported by HC, either the HC Chairman or the Chairmen of the relevant committees will move the motions concerned at LegCo meetings to seek LegCo's approval for such authorization. The relevant motions will be handled under the procedure as laid down in RoP.

5. A list of examples of past cases in which summoning powers were exercised by LegCo committees is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
19 December 2019

² As the relevant meetings are closed meetings, the information concerned cannot be set out in this Information Note.

Appendix

Examples of past cases in which summoning powers were exercised by committees of the Legislative Council ("LegCo")

Committee which had exercised summoning powers	Date of the LegCo meeting at which the motion authorizing the committee to exercise summoning powers was approved and the wording of the relevant motion	Reasons for and / or circumstances surrounding the relevant committee's decision on exercising summoning powers
<i>Standing committees</i>		
Public Accounts Committee	Not applicable	PAC Report No. 45 – Chapter 1 of Part 7 Paragraphs 5 to 8
Public Accounts Committee	Not applicable	PAC Report No. 60A – Part 4 Paragraph 15
<i>Committees other than standing committees</i>		
Select Committee to inquire into the circumstances leading to the problems surrounding the commencement of the operation of the new Hong Kong International Airport at Chek Lap Kok since 6 July 1998 and related issues	29 July 1998 (Wording of motion set out under agenda item V(4))	Report Paragraphs 1.4 to 1.11
Select Committee on Building Problems of Public Housing Units	7 February 2001 (Wording of motion set out under agenda item IV(4))	Report Paragraphs 1.1 to 1.5

Committee which had exercised summoning powers	Date of the LegCo meeting at which the motion authorizing the committee to exercise summoning powers was approved and the wording of the relevant motion	Reasons for and / or circumstances surrounding the relevant committee's decision on exercising summoning powers
Select Committee to inquire into the handling of the Severe Acute Respiratory Syndrome outbreak by the Government and the Hospital Authority	29 October 2003 (Wording of motion set out under agenda item V(1))	Report Paragraphs 1.1 to 1.6
Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products	12 November 2008 (Wording of motion set out under agenda item III(1))	Report Paragraphs 1.1 to 1.5
Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man	10 December 2008 (Wording of motion set out under agenda item III(2))	Report Paragraphs 1.1 to 1.3
Select Committee to Study Mr LEUNG Chun-ying's Involvement as a Member of the Jury in the West Kowloon Reclamation Concept Plan Competition and Related Issues	29 February 2012 (Wording of motion set out under agenda item V(3))	Report Paragraphs 1.1 to 1.4