

# 立法會

## *Legislative Council*

LC Paper No. CB (2)430/20-21

Ref: CB2/T/16

### **Paper for the House Committee meeting on 4 December 2020**

### **Matters for consideration on resources allocation to the servicing work of investigation committees, select committees and subcommittees on policy issues in the 2020-2021 session**

#### **Purpose**

This paper summarizes the current arrangements for allocation of the Secretariat's resources to the servicing work of various committees, and invites Members to consider how resources should be allocated to the servicing work of investigation committees ("ICs"), select committees formed by a petition<sup>1</sup> ("SCs by petition"), and subcommittees on policy issues ("policy subcommittees") in the 2020-2021 session.

#### **Background**

2. Under the supervision of The Legislative Council Commission ("LCC"), the Secretariat provides administrative support and services to the Council and its committees. Apart from servicing the continuous operation of committees which are of a standing nature<sup>2</sup>, the Secretariat is also required to service other committees which may be formed on various occasions, e.g. Bills Committees ("BC"), subcommittees on subsidiary legislation, ICs, select committees which are authorized by the Council to exercise the powers under section 9(1) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) ("SC with P&P authorization"), SCs by petition and policy subcommittees.

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<sup>1</sup> Before Rule 20(6) of the Rules of Procedure ("RoP") was amended in December 2017, a petition presented to the Council, after getting the support of 20 Members, would be referred to a select committee.

<sup>2</sup> Currently, these committees include the Finance Committee (and the Public Works Subcommittee and the Establishment Subcommittee), the Public Accounts Committee, the Committee on Members' Interests, the Committee on Access to the Legislature's Documents and Records, the House Committee ("HC"), the Committee on Rules of Procedure, 18 Panels. Besides, three subcommittees, whose membership lasts for the entire term of the Sixth Legislative Council ("LegCo"), are also in continuous operation, namely the Parliamentary Liaison Subcommittee, the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement, and the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions.

3. At the HC meeting on 16 October 2020, Members expressed different preferences on how the Secretariat's resources should be allocated to the servicing work of ICs, SCs by petition, and policy subcommittees. The Secretariat was requested to prepare a paper on the matters for Members' consideration. As of 1 December 2020, three ICs, three SCs by petition and 15 policy subcommittees have not yet commenced work in the current session, details of which are in the **Appendix**. The current arrangements for resources allocation among various types of committees, and the relevant rules of the House Rules ("HR"), are set out in **Table 1** below.

**Table 1: Current arrangements for resources allocation among various types of committees**

<b>Types of committees</b>	<b>Maximum number operating at any one time</b>	<b>Order on the waiting list</b>	<b>Source of resources</b>	<b>Priority activation of such committees</b>
BCs	16 (HR 21(a))	In the order of the Bill's introduction into Council (HR 21 (f))	Deploying existing resources	HC may accede to a request for priority activation (HR 21(f))
Subcommittees on subsidiary legislation	No restriction (HR 26(d))	--	Deploying existing resources	Support services are provided as long as such committees are formed
SCs with P&P authorization	Not applicable*	--	Additional resources funded by LCC's reserve	
SCs by petition	One <sup>#</sup>	In the order of referral made by Council	Deploying existing resources	--
ICs	Not applicable*	--	Deploying existing resources, including freeing up resources by reducing the number of slots available for policy subcommittees	--
Policy subcommittees	10 (HR 26(a))	In the order of appointment (HR 26(b)) <sup>@</sup>	Deploying existing resources	HC may give priority to activation of certain policy subcommittees (HR 26(e))

\* It is the practice that support services are provided to such committees upon their formation.

# HC agreed at its meeting on 14 June 2013 that having regard to the limit on Members' time and the Secretariat's manpower, the number of SCs by petition operating at any one time should be capped at one.

@ Members agreed at the HC meeting on 6 July 2018 that the policy subcommittees which have not yet commenced work since they have been appointed are accorded priority over those subcommittees awaiting re-activation of work.

## **Resources constraints encountered by the Secretariat**

### ICs and SCs by petition

4. When the first IC<sup>3</sup> was formed in the Fourth LegCo, in view of the workload required to service an IC, LCC provided additional resources for the Secretariat to create a temporary team. However, in the Sixth LegCo, the Secretariat has been deploying existing resources to absorb the servicing work of ICs. For instance, in early 2017, the Secretariat could concurrently service the Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Dr Hon CHENG Chung-tai and the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited, as some committees had yet to be in full operation and only three BCs were in action at the time. Subsequently, when the matters stated in another two censure motions were each referred to an IC at the Council meetings of 7 June 2017 and 23 May 2018 respectively<sup>4</sup>, the number of slots available for the operation of policy subcommittees was reduced in order to free up resources for servicing ICs.<sup>5</sup> During the operation of these two ICs, both of which completed work in early July 2020, not more than seven policy subcommittees had been in operation at any one time.

5. Currently, HC has not yet taken forward the nomination and election of Members for appointment to any of the three ICs concerning the three censure motions respectively moved at the Council meeting of 11 December 2019 or the three SCs by petition. It is noteworthy that the servicing work of ICs and SCs by petition is much more complex and demanding than that of policy subcommittees. Not only does the servicing of one such committee involve more staff members (i.e. 6 to 10 as compared to 3 to 5 in the case of a policy subcommittee) and take up greater work capacity of the committee clerk concerned, but the more complex legal proceedings and procedural matters also require one Assistant Secretary General and one Senior Legal Assistant Adviser to be directly involved in the servicing work. In comparison, the servicing of a policy subcommittee will be headed by a committee clerk at the rank of Chief Council Secretary. Besides, verbatim records are required to be prepared for the proceedings of ICs and SCs by

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<sup>3</sup> The Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the Motion to censure Honourable KAM Nai-wai.

<sup>4</sup> The two ICs are as follows: (a) Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon Holden CHOW Ho-ding; and (b) Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung.

<sup>5</sup> Members noted the arrangements relating to the activation of policy subcommittees on the waiting list at HC meetings held on 7 July and 1 December 2017, 1 June 2018, and 11 October 2019.

petition. Hence, based on the experience gained from the 2016-2017 to 2019-2020 sessions, the workload and hence the manpower resources required for servicing one such committee are at least twice that for one policy subcommittee.

### Policy subcommittees

6. Since the commencement of the 2020-2021 session, the Council and its committees of a standing nature have been in full operation. Based on the 2020-2021 Legislative Programme (LC Paper No. CB(2)21/20-21(01)), it is also anticipated that the number of BCs will very likely reach the cap (i.e. 16 at any one time) very soon, although only two BCs are currently in operation. In addition to the servicing work of the above committees, the Secretariat is also required to service subcommittees on subsidiary legislation, which are not subject to any cap. For instance, a total of 20 subcommittees on subsidiary legislation were formed in October 2020. While there is currently only one policy subcommittee in operation (i.e. the Subcommittee to Study the Development of Textbooks and Teaching Materials for Kindergartens, Primary and Secondary Schools)<sup>6</sup>, a total of 15 policy subcommittees were awaiting activation/re-activation by the end of November 2020.

7. Having regard to past operational experience in servicing ICs, SCs by petition and policy subcommittees as well as the current and anticipated situation of other committees as mentioned above, the Secretariat's assessment is that the Secretariat's manpower resources are sufficient to service up to 10 policy subcommittees at any one time. If 10 policy subcommittees are activated at the same time, the Secretariat will have no further resources to service any IC or SC by petition for the time being. Alternatively, if resources are committed to the work of three ICs and one SC by petition, the Secretariat's resources can only service one more policy subcommittee.

### **Other relevant factors for consideration**

8. Given that three ICs, three SCs by petition and 15 policy subcommittees have not yet commenced work, consideration should be given to whether it is practicable for such a large number of committees (particularly ICs and SCs by petition) to commence work concurrently with their work expected to be completed by the end of the 2020-2021 session. For instance, for the four ICs which completed their work in previous sessions, the duration of work (i.e. from the first IC meeting to the tabling of the IC report in Council) ranged from 14 months to 32 months. As for the

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<sup>6</sup> The Subcommittee held a meeting on 30 November 2020 to elect its Chairman.

three SCs by petition which have completed their work in previous sessions, the duration of work of ranged from 12 months to more than three years.<sup>7</sup> It is also noteworthy that before an SC by petition commences work, a subcommittee is usually formed to undertake the preparatory work including drawing up the terms of reference, the membership size and the nomination procedure for HC's consideration. Past experience shows that such preparatory work may take a month to complete.

9. The membership requirements for various committees should also be taken into consideration. In particular, each IC is required to consist of seven members<sup>8</sup>, and each SC by petition usually consists of not less than 11 members<sup>9</sup>. Hence, Members may wish to consider, apart from the resources constraints of the Secretariat, the availability of Members in joining such committees, and the limit of Members' time in coping with the expected work in the coming session.

### **Advice sought**

10. Members are requested to note the resources constraints encountered by the Secretariat and other relevant factors for consideration set out in paragraphs 4 to 9 above in deciding how resources should be allocated to the servicing work of ICs, SCs by petition and policy subcommittees in the 2020-2021 session. Given a relatively large number of committees involved, Members will be invited to indicate their preference, in writing, concerning whether and which ICs, SCs by petition and policy subcommittees should be supported for immediate activation. Those options that have received the most support will be taken as endorsed by HC.

Council Business Division 2  
Legislative Council Secretariat  
3 December 2020

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<sup>7</sup> For details of these four ICs and three SCs, refer to Appendix III to LC Paper No. CB(2)16/20-21, which has been issued for the HC meeting held on 16 October 2020 under agenda item X.

<sup>8</sup> Under RoP 73A(1), IC shall consist of a chairman, a deputy chairman and five members who shall be Members appointed by the LegCo President in accordance with an election procedure determined by HC. The mover of the censure motion, the three Members jointly signing the notice of the motion and the Member who is the subject of the motion shall not be appointed to IC.

<sup>9</sup> For details of the membership size of select committees appointed before the Sixth LegCo, refer to Appendix II to LC Paper No. CB(2)125/16-17.

**Investigation committees, select committees formed by a petition and subcommittees on policy issues which have not yet commenced work in the 2020-2021 session**

- (A) Three censure motions moved at the Council meeting of 11 December 2019 each of which has been referred to an investigation committee under Rule 49B(2A) of the Rules of Procedure
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<b>Subject of censure motion</b>	<b>Date of Council meeting</b>
1. Motion to censure Dr Hon Junius HO (moved by Dr Hon KWOK Ka-ki)	11.12.2019
2. Motion to censure Dr Hon Junius HO (moved by Hon Claudia MO)	11.12.2019
3. Motion to censure Dr Hon CHENG Chung-tai (moved by Hon YUNG Hoi-yan)	11.12.2019

- (B) Three petitions presented to the Council each of which has been referred to a select committee under Rule 20 of the Rules of Procedure between November 2016 to December 2017<sup>Note 1</sup>

<b>Petition presented by</b>		<b>Date of Council meeting</b>	<b>Matters stated in the petition</b>
1.	Hon LAM Cheuk-ting and Hon Dennis KWOK	23.11.2016	Matters relating to the cessation of the acting appointment of Ms Rebecca LI as Head of Operations by Independent Commission Against Corruption Commissioner Simon PEH in July 2016
2.	Dr Hon KWOK Ka-ki and 23 other Members <sup>Note 2</sup>	13.12.2017	Matters relating to a further cost overrun estimated at RMB10 billion in respect of the construction of the main bridge of the Hong Kong-Zhuhai Macao Bridge, about \$5 billion of which was estimated to be borne by the Government of Hong Kong as announced by the Transport and Housing Bureau on 21 November 2017
3.	Hon Jeremy TAM and 23 other Members <sup>Note 2</sup>	13.12.2017	Matters relating to the Link Real Estate Investment Trust's announcement on 28 November 2017 that it had signed an agreement to sell 17 shopping centres, most of which being properties previously divested by the Hong Kong Housing Authority

Note 1: Given that select committees formed by a petition operating at any one time should be capped at one, with the first of these select committees (i.e. the Select Committee to Inquire into Matters about the Agreement between Mr LEUNG Chun-ying and the Australian firm UGL Limited) in operation until mid-July 2020, the other three select committees have not yet commenced their work to date.

Note 2: The two petitions were presented by the same 24 Members at the same Council meeting, namely Hon James TO, Hon LEUNG Yiu-chung, Prof Hon Joseph LEE, Hon Claudia MO, Hon WU Chi-wai, Hon Charles Peter MOK, Hon CHAN Chi-chuen, Hon Kenneth LEUNG, Dr Hon KWOK Ka-ki, Hon Dennis KWOK, Dr Hon Fernando CHEUNG, Dr Hon Helena WONG, Hon IP Kin-yuen, Hon Andrew WAN, Hon Alvin YEUNG, Hon CHU Hoi-dick, Hon LAM Cheuk-ting, Hon SHIU Ka-chun, Dr Hon Pierre CHAN, Hon Tanya CHAN, Hon HUI Chi-fung, Dr Hon CHENG Chung-tai, Hon KWONG Chun-yu and Hon Jeremy TAM.

(C) Subcommittees on policy issues pending activation/re-activation in the 2020-2021 session

<b>Subcommittees formed before the 2020-2021 session</b>
1. Subcommittee on Issues Relating to the Silver Age Card under the Panel on Welfare Services
2. Subcommittee to Study Issues Relating to Animal Rights under the Panel on Food Safety and Environmental Hygiene*

<b>Subcommittees formed in the 2020-2021 session</b>
3. Subcommittee on Epidemic Prevention and Control under the House Committee under the House Committee ("HC")
4. Subcommittee on Unemployment Financial Assistance under HC
5. Subcommittee to Support Micro, Small and Medium-sized Enterprises under HC
6. Subcommittee on Issues Relating to Transitional Housing and Subdivided Units under the Panel on Housing
7. Subcommittee on Labour Exploitation, Illicit Activities by Employment Agencies, and Human Trafficking under the Panel on Security
8. Joint Subcommittee to Monitor the Implementation of the West Kowloon Cultural District Project under the Panel on Development and the Panel on Home Affairs
9. Subcommittee on Issues Relating to the Improvement of Environmental Hygiene and Cityscape under the Panel on Food Safety and Environmental Hygiene
10. Subcommittee on Issues Relating to the Stimulation of Hong Kong's Economy under the Panel on Commerce and Industry
11. Subcommittee to Study the Setting Up of an Unemployment Assistance System in Hong Kong under the Panel on Manpower
12. Subcommittee on Matters Relating to Railways under the Panel on Transport <sup>#</sup>
13. Subcommittee on Issues Relating to Insurance Coverage for the Transport Sector under the Panel on Transport <sup>#</sup>
14. Subcommittee on Issues Relating to Parking Spaces and the Park-and-Ride Schemes under the Panel on Transport <sup>#</sup>
15. Subcommittee on New Directions for Economic and Employment Development under HC

\* The Subcommittee, after its 12-month period of work completed on 15 December 2017, has been put on the waiting list for re-activation of work when a vacant slot arose.

# According to the broad principles for the activation, operation and extension of period of work of policy subcommittees agreed at the HC meeting on 15 November 2013, the number of policy subcommittees under each Panel operating at the same time should not exceed two. Of the three subcommittees appointed under the Panel on Transport, the Panel has agreed that their priority for activation should be in the order set out in the above table.