

<b>Doc Type</b>	HA
<b>Paper No</b>	35/95
<b>Title</b>	Standing Orders of the Housing Authority
<b>CONTENTS</b>	<p>PAPER NO. HA 35/95</p> <p>THE HONG KONG HOUSING AUTHORITY</p> <p>Memorandum for the Housing Authority</p> <p>Standing Orders of the Housing Authority</p> <p>PURPOSE</p> <p>This paper seeks Members' approval to the propose damendments to the Standing Orders (SOs) of the Hong Kong Housing Authority.</p> <p>BACKGROUND</p> <p>2. The existing SOs of the Housing Authority were last reviewed and restructured in September 1991. Since then, Members have considered Papers No. HA 79/92 and 93/92, and approved several changes to the SOs in respect of disclosure of interests and committee proceedings.</p> <p>3. The existing SOs have been in use for about four years and from time to time, we obtained feedback from Members that there were areas which might warrant further review and improvement. This paper proposes some amendments for Members' consideration.</p> <p>THE PROPOSED AMENDMENTS</p> <p>4. The proposed amendments are mainly on restructuring, reorganization and rationalization of the existing SOs to make them more systematic and comprehensive. In considering the above proposed amendments, the Department has taken into consideration the SOs, rules and procedures of the Legislative Council and other public bodies such as the two Municipal Councils, the Hospital Authority, the Land Development Corporation and so on. We have also consulted the Authority's Legal Adviser on the proposed revisions. The textual changes are underlined in the revised SOs at Annex. The major changes are highlighted below.</p> <p>Registration and declaration of interests (SOs no. 4-10)</p> <p>5. We propose to introduce a clearer distinction between registration of interests (SO no. 4) and declaration of interests on matters under consideration by Members (SO no. 5). The former is a requirement for Members to register their interests in writing at the time of appointment and at the beginning of each ensuing financial year thereafter. The latter is a requirement for Members to make known their interests whenever they are aware that they have an interest in any matter, including contracts and tenders, under consideration by HA or its policy committees. However, registration and declaration of spouse's interests is not required.</p> <p>6. To ensure that the advice tendered to the HA and its policy committees is as objective and impartial as possible, we propose that the interests to be registered or declared should be extended to non-pecuniary interests, which include membership of public bodies, boards and committees whose work is closely related to the Housing Authority e.g. the Town Planning Board, the Land Development Corporation, the Housing Society, etc. It is also proposed that if a Member is a public housing tenant or has a direct or personal interest in a particular issue to be discussed at a meeting e.g. rent increase, priority for allocation of resources affecting rental estates, including tenders and contracts, etc, he should make known his interest at the meeting prior to the discussion of these items.</p> <p>7. We also propose clearer guidelines on the action to be taken on known interests. The broad principle is, if a Chairman or Member's interest is known to the Director of Housing prior to the issue of paper for decision, the Director, as the chief executive of the Housing Authority, should decide whether the circulation of paper to the meeting Chairman or Member concerned should be withheld. The Director should inform the Chairman or Member concerned in writing if he decides to withhold a paper, and the Chairman or Member concerned should refrain from attending that part of the meeting which discusses the paper in question. If it is the Chairman who has a known interest, he should temporarily relinquish his chairmanship when the said item is discussed.</p> <p>8. If a Member's interest is known after the circulation of paper or only at the meeting, the meeting Chairman should decide whether the Member concerned may be present at that part of the meeting, or may speak or vote on the matter. If it is the Chairman who has a known interest, the meeting should then decide whether the Chairman should temporarily relinquish the chairmanship. A temporary chairman may be elected and he should decide whether the Chairman concerned may be present at that part of the meeting, or may speak or vote on the matter.</p> <p>9. In view of the above proposed changes, we propose that the existing form for registration of interests be revised. A new form and an explanatory note are proposed at Annex A attached to the revised SOs.</p> <p>Handling presumlltion papers (SOs no, 18(2), 18(3), 22(8) and 22(9))</p> <p>10. We propose to revise the ways to seek Members' approval by presumption as follows -</p> <p>(a) we propose that if no written objection is received from any Member before the expiry of the presumption date, the proposal in a presumption paper shall be deemed as approved. This amendment requires Members to submit written objection if they do not agree to a presumption paper. The purpose is to put beyond doubt Members' objection, but Members are free to seek clarification by teleplhone before deciding whether to object in writing; and</p> <p>(b) we propose that if any Member requests discussion of a matter raised in the presumption paper, which must be made in writing, the meeting secretary should, with the approval of ttle meeting Chairmall arrange the matter to be discussed at the next regular meeting or at a special meeting arranged for that purpose. The purpose is to ensure that discussion of the matter would be arranged as soon as possible. The amendment formalises the existing practice.</p> <p>Handling Petition Letters at Committee Meetings (SO no. 23(7))</p>

11. We propose to revise the SOs in respect of discussion of petition letters received at a committee meeting to the effect that such letters will be discussed at the next meeting instead of the meeting in session. The purpose is to give the Department an opportunity to analyze as well as consider the letters in greater depth so that committees' discussions on such letters could be more informed. However, if the issue of a petition letter is related to a subject scheduled for discussion at the meeting in session, the letter may be considered at the meeting in session subject to the advice of the meeting chairman. The Management and Operations Committee is already adopting this approach. We propose to extend this approach to other standing committees of the Authority.

#### Miscellaneous Amendments

12. We also propose a number of miscellaneous amendments, some of which are highlighted below -

(a) SO no. 1

This section has been expanded to cover eight definitions instead of three;

(b) SOs no. 2 & 3

These sections have been slightly expanded to take into account latest developments such as viewing meetings through broadcasting, and to give clearer guidelines on disclosure of information;

(c) SO no. 19

This is a new addition concerning suspension and adjournment of meetings to make the SOs more complete;

(d) SOs no. 20 & 26

Sub-sections have been added to provide for the formal dissolution of ad hoc committees, sub-committees and panels;

(e) SO no. 28

This is a new section which provides that recommendations of sub-committees or panels must be approved by the committee that appoint them before the recommendations can take effect; and

(f) SOs no. 29-32

These sections spell out the arrangements of meeting during tropical cyclone and rainstorm, procedures for the Appeal Panel, variation, revocation, suspension and addition of SOs and so on.

#### RECOMMENDATION

13. Members are asked to consider and approve the proposed amendments to the SOs of the Housing Authority as highlighted in Annex.

#### DISCUSSION

14. This paper is issued for discussion at the next meeting of the Housing Authority to be held on 29 June 1995.

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File Ref: HA/COM/1/8/IV

Date : 21 June 1995