

立法會
Legislative Council

LC Paper No. CB(1) 443/00-01

Ref: CB1/R/3

**Paper for the House Committee meeting
on 12 January 2001**

Committee on Rules of Procedure

**Allocation of debate slots
for motions with no legislative effect at Council meetings**

Purpose

This paper outlines the findings and recommendations of the Committee on Rules of Procedure following its study of the present arrangements for allocating debate slots for motions with no legislative effect.

Background

2. At its meeting on 3 November 2000, the House Committee deliberated on whether a Member should be allocated an untaken debate slot after the cut-off date for application for debate slots but before the deadline for giving notice of motions. Members noted that while the Rules of Procedure provided a 12 clear days' notice requirement for motions, Members had all along observed the earlier deadline stipulated in the House Rules for bidding debate slots. As no arrangement was provided for untaken debate slots, the House Committee agreed that a review should be conducted to consider the need for putting in place a procedure to deal with the untaken slots. The matter was then referred to the Committee on Rules of Procedure (the Committee) for consideration.

Present arrangements

3. The Committee notes that since 1991, not more than two such debates have been allowed for each regular meeting of the Council. The arrangement is reflected in Rule 13 of the House Rules, although in practice, the President may allow more than two such motions under special circumstances, e.g. a motion moved by a Member on behalf of a committee, upon the recommendation of the House Committee.

Members who wish to move such a motion are required to follow Rules 14 and 17 of the House Rules which set out the application and allocation procedure. In gist, an application for a debate slot should be submitted to the Secretariat not less than 24 days before the relevant Council meeting, with or without the subject or wording of the motion. If more than two applications are received in respect of the same meeting, lots will be drawn by the Chairman of the House Committee to decide on the allocation.

4. The time-frame for dealing with the application for debate slots is as follows:

<u>Calendar days before Council meeting</u>	<u>Day of the week</u> <i>(assuming no intervening public holiday)</i>	<u>Action</u>
29 days	Tuesday	The Secretariat to invite Members to submit applications for debate slots.
25 days	Saturday	Cut-off date for application for debate slots
23 days	Monday	If more than two applications have been received, the Chairman of the House Committee draws lots to determine the allocation of debate slots. The two Members who have secured the debate slots are then notified.
22 days	Tuesday	The Secretariat to advise Members of the latest position, and if there is an untaken slot, to invite Members to submit applications.
20 days	Thursday (by noon)	Extended cut-off date for application for debate slots
15 days	Tuesday	Deadline for giving notice of motion for the relevant Council meeting
—	Wednesday	Council meeting

The Committee's view

5. The Committee notes that the need for the present review arose from the availability of an untaken slot for the Council meeting of 22 November 2000. Despite the issue of a circular advising Members of the availability of the untaken slot, no application was received by the extended cut-off date. The Committee also notes that the cut-off date for application under the House Rules is a gentlemen's agreement to facilitate the drawing of lots when more than two applications are received. In theory, therefore, any Member might give 12 clear days' notice on 7 November 2000 to move a motion. As reflected in this incident, Members are prepared to honour the gentlemen's agreement. The question is how to deal with an untaken slot after the cut-off date for application but before the deadline for giving notice of motions.

6. The Committee notes that as the present arrangements operate under an honour system, any Member may ignore the application procedure and submit to the Clerk notice of his proposed motion 12 clear days before the relevant Council meeting. The President cannot disallow the motion even if it is additional to the two motions agreed to by the House Committee. It is therefore necessary to consider whether there is any need to formalize the present arrangements in the Rules of Procedure, including limiting the number of debates on motions with no legislative effect to not more than two for each regular Council meeting. The Committee concludes that it is not necessary to do so, having regard to the fact that Members have all along followed the current arrangements provided in the House Rules. However, the current arrangements need to be improved so as to minimize the gap between the cut-off date for application for debate slots and the deadline for giving notice of motions.

7. The Committee considers that there is no need to set a cut-off date for the application for a debate slot 25 days before the relevant Council meeting. The only merit of this arrangement is that the Members who are allocated with the slots have ample time to draw up the wording of the motions and then the wording can be circulated to other Members at a House Committee meeting before the deadline for giving notice of motions. Even so, it is not uncommon that Members only provide the finalized wording of their motions shortly before the deadline for giving notice of motions provided under the Rules of Procedure. The Committee therefore considers that so long as the application for a debate slot is accompanied with the wording of the motion and time is allowed for the drawing of lots, the cut-off date for application can be set shortly before the deadline for giving notice of motions.

8. After reviewing the working procedure with the Secretariat, the Committee considers that the *application for debate slots should be submitted with the wording of the motion to the Secretariat not later than 14 clear days before the relevant Council meeting*. The drawing of lots, if required, will take place on the following working day, allowing one day for the Members who are allocated the debate slots to do some final touching-up of the wording of their motions before giving notice of motions to the Clerk. *No application will be accepted after the cut-off date, even if there is any untaken slot.*

Proposed amendments to House Rules

9. The Committee proposes to amend House Rule 13 (Number of Debates Initiated by Members), House Rule 14 (Allocation of Slots for Debates) and House Rule 17 (Motion Debates) to put in place the revised arrangements. The opportunity is taken to rearrange the provisions in these Rules to reflect the relevant arrangements and the current practice more clearly. The proposed amendments are set out in **Appendices I, II and III**.

Advice sought

10. Members are invited to endorse the proposed amendments to the House Rules in Appendices I, II and III.

Council Business Division 1
Legislative Council Secretariat
9 January 2001

Proposed amendment to House Rule 13

13. Number of Debates Initiated by Members

(a) Not more than two debates initiated by Members, which may be two ~~debates on motions moved by individual Members~~ (motion debates), two ~~subjects for debate on a motion for the adjournment of the Council~~ (adjournment debates), or one motion debate and one adjournment debate, should be held at each regular Council meeting. However, more than two such debates may be allowed by the President under special circumstances upon the recommendation of the House Committee.

(b) ~~Such~~The debates mentioned in (a) above do not include debates on the following types of motions -

- (i) particular motions (Part JA of the Rules of Procedure);
- (ii) motions relating to bills (Part K of the Rules of Procedure);
- (iii) motions to appoint a select committee and refer matters to it (Rules 78 and 79 of the Rules of Procedure);
- (iv) motions to amend or suspend the Rules of Procedure;
- (v) motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council's power on subsidiary legislation)); and
- (vi) any other motions which, if carried, empower the Council, a committee, the President or other person(s) to do a certain act, or invoke certain provisions under the laws or the Rules of Procedure.

Proposed amendments to House Rule 14

14. Allocation of Slots for Debates

- (a) Each Member is normally allocated only one slot for moving a motion debate or proposing one adjournment debate in ~~the~~ session, ~~unless there are untaken slots.~~
- (b) A Member who wishes to move a motion for debate at a Council meeting shall make a prior application for the allocation of a debate slot. ~~Such an~~ application for a debate slot at a particular meeting should be submitted with the wording of the motion to the Secretariat not ~~less~~ later than 24-14 clear days in advance of ~~before~~ that meeting.
- ~~(c) No application will be accepted after the cut-off date in (b) above, even if there is any untaken slot. If the subject matter of the proposed motions submitted by Members is substantially the same, the Member who first secures a debate slot has priority to move the subject matter for debate.~~
- ~~(d) If more than two applications are have been received in respect of the same Council meeting by the cut-off date in (b) above, allocation will be determined by the chairman of the House Committee by drawing lots by the chairman of the House Committee. A Member who has previously been allocated a debate slot in the session will not be included in the ballot.~~
- (ee) A Member ~~who has not previously allocated a debate slot in a session and who has~~ been unsuccessful for the highest number of times in two or more consecutive ~~balloting sessions ballots~~ will ~~may~~ be accorded priority ~~in respect of the allocation of~~ and allocated one debate slot at a subsequent Council meeting. Where there are more than one such Members, lots will be drawn by the chairman of the House Committee, ~~will draw lots to~~ determine the allocation of the debate slot to one of these Members. The Member(s) who is unsuccessful in this ballot will then join ~~other those~~ Members, ~~—~~ who have been unsuccessful for fewer number of times and those Members who have not previously been allocated a debate slot in the session submitted an application, in a ballot to be drawn conducted by the chairman of the House Committee for determining the allocation of the remaining slot.

- (fd) Notwithstanding the method of allocation stated above, with the agreement of the House Committee, Members may be given priority in respect of the allocation of slots for debates on urgent, important and topical issues ~~with the agreement of the House Committee~~.
- (ge) A mover of a motion may withdraw a notice of a motion at any time before it is moved by giving instructions to the Clerk. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the Member is deemed to have been allocated a debate slot.
- (hf) Where the mover of a motion withdraws a motion during a Council meeting, the debate slot will be treated in one of the following manners -
 - (i) the Member is regarded as having used his debate slot; or
 - (ii) with the agreement of the House Committee, the Member may move the withdrawn motion at the first available slot at a subsequent Council meeting. However, the number of motion debates at the Council meeting should not thus exceed two.
- (ig) Where the House Committee makes prior suggestion to the mover of a motion for deferring his debate, and the mover accepts the suggestion, his debate slot will be treated in accordance with (hf)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, his debate slot will be treated in accordance with (hf)(i) above.

Proposed amendments to House Rule 17

17. Motion Debates

~~(a) An application for a debating slot may be submitted by a Member with or without the subject or wording of the motion. A Member who has not submitted the subject of the motion should not, upon securing a debating slot, propose a motion debate on a subject which has already been submitted by another Member except with the latter's consent.~~

(ab) The minimum notice periods required for formal notice of motions and amendments to motions are as follows -

	<u>Minimum notice required</u>	<u>Rules of Procedure</u>
Notice of motion	12 clear days	Rule 29(1)
Notice of amendment to a motion	5 clear days	Rule 29(6)(a)
Notice of amendment to an amendment to a motion	3 clear days and at the President's discretion	---

(be) Unless otherwise decided by the House Committee, the allocation of speaking time for a debate should normally be as follows -

	<u>Maximum time allowed</u>
Mover of the motion	
- introductory speech and reply	15 mins (in total)
- speech on proposed amendment(s)	5 mins (in total)
Mover of amendment to the motion	10 mins
Mover of amendment to an amendment to the motion	7 mins
Other speakers	7 mins each
Member who has been given permission to reword his original proposed amendment to a motion which has been amended earlier on	Additional 3 minutes

(cd) When a motion to adjourn a motion debate is moved and where the House Committee has made a recommendation to the President under Rule 37 of the Rules of Procedure, Members speaking on the motion must limit their speeches to the recommended specified time if it is accepted by the President. Members should speak to that motion and not to the original motion.