

立法會

Legislative Council

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Paper for the House Committee meeting on 14 June 2002

Committee on Rules of Procedure

Proposed minor amendments to the Rules of Procedure and House Rules relating to the tenure of office of chairmen and deputy chairmen of the Finance Committee and the House Committee

Purpose

This paper invites the House Committee to consider some minor amendments to the Rules of Procedure and the House Rules proposed by the Committee on Rules of Procedure (the Committee), for the purpose of setting out clearly the tenure of office of the respective chairmen and deputy chairmen of the Finance Committee (FC) and the House Committee (HC).

Background

2. The tenure of office of the respective chairmen and deputy chairmen of FC and HC for each session is set out in the Rules of Procedure. Rules 71(2) and 75(2) provide that the respective chairmen and deputy chairmen shall hold office until the election of the chairmen and deputy chairmen of the committee in the session next following that for which they were elected.

3. A recent review of the House Rules and the FC Procedure has revealed some inconsistencies between them and the Rules of Procedure. House Rule 20(c) and the relevant rules in the FC Procedure, Public Works Subcommittee (PWSC) Procedure and Establishment Subcommittee (ESC) Procedure, respectively provide that the election of chairmen and deputy chairmen of HC, FC, PWSC and ESC for the second or each subsequent session in a Legislative Council term may take place at a meeting before the relevant session commences. The purpose of this provision is to allow the newly elected chairmen to decide on the agenda for the first meetings of these

committees/subcommittees which are usually held shortly after a new session commences. Rules 71(2) and 75(2) of the Rules of Procedure, however, seem to imply that the elections may take place only after the commencement of the new session.

Proposed amendments

4. To rectify the situation, the Committee proposes that the Rules of Procedure be amended to provide that:

- (a) the chairmen and deputy chairmen of FC and HC shall hold office until the chairmen and deputy chairmen for the next session are respectively elected in the new session or, if the election is held before the new session commences, they shall hold office until the commencement of that new session (proposed amendments to Rules 71(2) and 75(2) in **Appendices I and II**); and
- (b) for the second or each subsequent session of a Legislative Council term, the election of the chairmen and deputy chairmen of FC and HC may take place at a meeting held before the relevant session commences (the proposed new Rules 71(2A) and 75(2A) in **Appendices I and II**).

5. The Committee also proposes that consequential amendments be made to Rule 20 and Appendix IV to the House Rules, as in **Appendix III**.

Advice sought

6. Members are invited to consider the amendments to the Rules of Procedure in Appendices I to II and the House Rules in Appendix III, proposed in paragraphs 4 and 5 above.

7. Subject to the endorsement of the above proposals by the House Committee, Hon Jasper TSANG Yok-sing, Chairman of the Committee, will move a motion at a Council meeting within the current session to amend the Rules of Procedure as proposed. Upon the passage of the amendments to the Rules of Procedure by the Council, consequential amendments will be made to the House Rules as provided in Appendix III, and recommendations will be made to FC to amend the FC Procedure, PWSC Procedure and ESC Procedure accordingly.

Legislative Council Secretariat

4 June 2002

Proposed amendments to Rule 71 of the Rules of Procedure

71. Finance Committee

(1) There shall be a standing committee, to be called the Finance Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by and from among its members and shall hold office until ~~the election of the chairman and deputy chairman of the committee in~~ for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement ~~next following that for which they were elected.~~ In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.

(2A) The election of the chairman and deputy chairman of the committee for the first session of a term shall take place at the first meeting of the committee in the session. For the second or each subsequent session of the term, the election may take place at a meeting held before that session commences.

(3) *(Repealed L.N. 107 of 1999)*

(4) The functions of the Finance Committee shall be such as are conferred upon the committee by the Public Finance Ordinance (Cap. 2), any other law and these Rules of Procedure, and such as may from time to time be referred to the committee by the Council.

(5) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of such functions of the committee as the committee may determine.

(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(8) The chairman and 8 members shall form a quorum. All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.

(9) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

(10) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend the meetings of the committee. He shall keep the minutes of the proceedings of the committee in a manner determined by the committee.

(11) The Estimates presented in accordance with the provisions of Rule 67 (Presentation and Second Reading of Appropriation Bill) may be referred by the President to the Finance Committee for their examination before consideration of the Appropriation Bill in committee of the whole Council.

(12) The chairman or the committee may invite any public officer, or, in the case of a head of the Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(13) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

Proposed amendments to Rule 75 of the Rules of Procedure

75. House Committee

(1) There shall be a committee, to be called the House Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by the committee from among its members and shall hold office until ~~the election of the chairman and deputy chairman of the committee in~~ for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement ~~next following that for which they were elected.~~ In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (16), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.

(2A) The election of the chairman and deputy chairman of the committee for the first session of a term shall take place at the first meeting of the committee in the session. For the second or each subsequent session of the term, the election may take place at a meeting held before that session commences.

(3) *(Repealed L.N. 107 of 1999)*

(4) At any time after a bill has been referred to the committee under Rule 54(4) (Second Reading), the committee may allocate it to a Bills Committee for consideration, or may cause it to be considered in such other manner as the committee thinks fit.

(5) In deciding upon the timing and order of allocation of bills to a Bills Committee, the committee may take into account the number and relative priority of other bills currently referred to the committee under Rule 54(4) (Second Reading), and may at any time vary any decision as to the timing and order of allocation of any bill.

(6) Following allocation of a bill to a Bills Committee, the committee, after consultation with that Bills Committee, may decide the date for completion of consideration of the bill by the Bills Committee. Any such decision may be varied at any time, after consultation with the Bills Committee.

(7) Upon the allocation of a bill to a Bills Committee, the members of that Bills Committee shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the committee.

(8) The committee may provide guidelines relating to the procedure of the Bills Committees, subcommittees constituted under subrule (12) and Panels constituted under Rule 77 (Panels).

(9) The committee may discuss any deliberations of a Bills Committee for the purpose of assisting members in preparation for resumption of second reading debate in the Council.

(10) The committee shall decide the manner of consideration of any subsidiary legislation which is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1).

(11) The committee may consider, in such manner as it thinks fit, any other item relating to the business of the Council.

(12) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions under subrules (10) and (11).

(13) The committee may refer any policy matter relating to the business of the Council to a Panel constituted under Rule 77 (Panels), may make recommendation on the terms of reference for the consideration of such matter after consultation with the Panel and may request and receive report on the policy matter from the Panel and then report further to the Council as appropriate.

(14) The committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(15) Meetings of the committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(16) 20 members, including the chairman, shall form a quorum. All matters for the decision of the committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall not vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(17) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

(18) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

**Proposed consequential amendments to Rule 20
and Appendix IV of House Rules**

20. House Committee

- (a) The chairman and the deputy chairman of the House Committee shall be elected from among its members at an open meeting and shall hold office until ~~the election of the chairman and deputy chairman of the committee in for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement~~next following that for which they were elected.
- (b) The election of the chairman and deputy chairman of the House Committee for the first session ~~in a new legislative~~of a term shall take place at the first meeting of the ~~C~~committee in the session. The Member who has the highest precedence in the Council is responsible for calling the first meeting of a term of the House Committee.
- (c) For the second or each subsequent sessions ~~in of~~of a term, the election of the chairman and deputy chairman of the House Committee may take place at a meeting held before ~~the~~that session commences. The meeting shall be called by the chairman in office. If both the chairman and deputy chairman in office before the election are being nominated for the office of the chairman, the member present who has the highest precedence shall preside at the election.

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Appendix IV of House Rules

Procedure for Election of the Chairman and Deputy Chairman of Committees

The election of the chairman and deputy chairman of a committee shall be conducted at a meeting of the committee.

Election of chairman

Presiding member

2. For the House Committee and Panels —

- (a) Where the election takes place at the first meeting of the House Committee or a Panel in a term of the Legislative Council, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside;
- (b) At any other election of chairman, the member who was the chairman of the House Committee or the Panel before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was deputy chairman of the House Committee or the Panel before the election shall preside. If both members who were chairman and deputy chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence shall preside. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

~~3. For bills committees and subcommittees, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~

3. For bills committees and subcommittees —

- (a) for the election of chairman at the first meeting of the committee concerned, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the

member present who has the highest precedence among the members not nominated for the office shall preside;

(b) for the election to fill a vacancy in the office of chairman, the deputy chairman, if any, shall preside at the election. If the committee concerned does not have a deputy chairman or if the deputy chairman is absent or is being nominated for the office, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

Election procedure

4. At the start of the election, the presiding member shall call for nominations for the chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.

5. If the presiding member is being nominated for the office, he shall be replaced in accordance with paragraph 2 or 3 above, as appropriate, unless otherwise decided by the committee.

6. If there is only one nomination, the presiding member shall declare the nominee elected as chairman.

7. If there are two or more nominations, the presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member.

8. A member present who wishes to vote shall put down in legible form the name of the nominee of his choice on the ballot paper, and place the ballot paper into the ballot box.

9. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation.

10. The presiding member shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees.

11. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

12. The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as chairman.

~~13. (a) Where the election takes place at a meeting held before a session commences, the member who was the chairman before the election shall proceed with the remaining business of the meeting or adjourn the meeting, as the case may be.~~

~~(b) Where the election takes place at a meeting held after a session commences, The elected chairman shall then take the chair and proceed with the remaining business of the meeting or adjourn the meeting, as the case may be.~~

Election of deputy chairman

Presiding member

~~14. The chairman of the committee shall preside at the election. If the chairman is absent, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.~~

13. The Member to preside at the election of the deputy chairman of a committee is the chairman thereof. If he is absent, the incumbent deputy chairman, if any, shall preside. If no deputy chairman is present or if the deputy chairman is being nominated for the office, the Member present who has the highest precedence shall preside. If such a Member is being nominated for the office, the Member present who has the highest precedence among the Members not nominated for the office shall preside.

Election procedure

~~14.~~ 14. The ~~chairman (or the presiding member)~~ shall call for nominations for the deputy chairmanship. A valid nomination shall be made orally by a member, seconded by at least one other member who should not be the member being nominated, and accepted by the member being nominated. A member who nominates an absent member for the office is required to state that the absent member's acceptance of the nomination has been secured.

~~15.~~ 15. If there is only one nomination, the ~~chairman~~presiding member shall declare the nominee elected as deputy chairman.

~~16.~~ 16. If there are two or more nominations, the ~~chairman~~presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the chairman.

~~18~~17. A member present who wishes to vote shall put down in legible form the name of the nominee of his choice on the ballot paper, and place the ballot paper into the ballot box.

~~19~~18. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the ~~chairman~~presiding member who shall check the result for confirmation.

~~20~~19. The ~~chairman~~presiding member shall declare elected as deputy chairman the nominee who receives the highest number of valid votes among all the nominees.

~~21~~20. If two or more nominees receive the same highest number of valid votes, the ~~chairman~~presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

~~22~~21. The ~~chairman~~presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as deputy chairman.