

**President's ruling on  
amendments proposed by Dr Hon YEUNG Sum to  
motion on "Supporting the middle class"  
to be moved by Dr Hon David CHU Yu-lin, JP  
at the Council meeting of 10 December 2003**

Dr Hon David CHU Yu-lin will move the following motion at the Council meeting to be held on 10 December 2003:

(Translation)

"That this Council urges the Government to expeditiously introduce a series of effective long-term policies with the objective of supporting the middle class."

2. Dr Hon YEUNG Sum has proposed to amend the motion. If I allowed the amendment and it was passed by the Council, the motion moved by Dr CHU, as amended by Dr YEUNG, would read:

(Translation)

"That this Council urges the Government to expeditiously introduce a series of effective long-term policies, *including expeditiously implementing the election of the Chief Executive and all Members of the Legislative Council and District Councils by universal suffrage, fulfilling the Government's commitment to quality education, relieving the tax burden of the middle class and providing appropriate support to the negative-equity property owners*, with the objective of supporting the middle class."

3. Dr YEUNG's proposed amendment consists of three parts, namely:
- (a) "expeditiously implementing the election of the Chief Executive and all Members of the Legislative Council and District Councils by universal suffrage";
  - (b) "fulfilling the Government's commitment to quality education";  
and
  - (c) "relieving the tax burden of the middle class and providing appropriate support to the negative-equity property owners".

4. Rule 32(2) of the Rules of Procedure stipulates that:

"(2) Where the Council has taken a decision on a specific question and the question has been decided in the negative, no further motion shall be moved in relation to that question during the current session."

As Members know, Rule 32 was made for the purpose of ensuring the effective use of the Council's time in the conduct of its business.

5. An amendment is moved by way of a motion. Where a motion is proposed to be moved, one of the key tests of its admissibility is whether, in view of Rule 32(2), it is in relation to a question on which the Council has previously taken a negative decision in the same session. When considering this procedural issue, I have to bear in mind the purpose behind this and other rules governing debates in Council, and the subject matter of the motion being proposed. In view of the nature of these considerations, it would not be unreasonable to regard a proposed amending motion as a further motion, which Rule 32(2) seeks to bar from further debate in the Council within the same session, even where the terms of the proposed amending motion are not identical to the terms of the previous motion, the question on which has previously been decided in the negative. In my view, if the terms of a proposed motion are substantially the same as the motion to which a decided question relates, it is more likely than not that I would regard the proposed motion inadmissible under Rule 32(2).

6. Regarding part (a) of the proposed amendment, Members will recall that, at the Council meeting held on 12 November 2003 in the current session, Members debated Hon James TO Kun-sun's motion, which reads:

(Translation)

"That this Council urges the Government to publish a green paper on the reform of the political system of the Hong Kong Special Administrative Region by the end of this year so as to implement the election of the Chief Executive and all Members of the Legislative Council by universal suffrage in 2007 and 2008 respectively, and expeditiously abolish the appointed and ex-officio seats in the District Councils to return the political power to the people."

The question on the motion was decided in the negative.

7. I consider that part (a) of Dr YEUNG's proposed amendment is substantially the same as the motion the question on which was decided in the negative by the Council on 12 November 2003, and is therefore inadmissible under Rule 32(2).

8. As regards part (b) of the proposed amendment — concerning the Government's commitment to quality education, my view is that since the subject matter of Dr CHU's motion relates to the middle class only, any amendment to it should not have the effect of extending its scope to cover other classes in the community. I have therefore directed the Clerk to invite Dr YEUNG to revise the terms of this part of his amendment to bring in within the scope of the motion. Dr YEUNG has subsequently advised that he does not wish to pursue the inclusion of this part in his proposed amendment.

9. I consider that part (c) of Dr YEUNG's amendment is in order, provided that some textual adjustments are made.

### **Ruling**

10. For the reasons stated above, I have ruled that parts (a) and (b) of Dr YEUNG's amendment are not admissible and should be deleted, and that part (c) be altered. Dr YEUNG's amendment, as altered, is admissible. If it is passed by the Council, the motion moved by Dr CHU, as amended by Dr YEUNG, would read:

(Translation)

"That this Council urges the Government to expeditiously introduce a series of effective long-term policies, *including relieving the tax burden on the middle class and providing appropriate help to the negative-equity property owners among them*, with the objective of supporting the middle class."

( Mrs Rita FAN )  
President  
Legislative Council

9 December 2003