

## ITEM FOR FINANCE COMMITTEE

### FINANCE COMMITTEE, ESTABLISHMENT SUBCOMMITTEE AND PUBLIC WORKS SUBCOMMITTEE

Members are invited to consider the proposed amendments to the Finance Committee, the Establishment Subcommittee and the Public Works Subcommittee Procedures on the ringing of division bell

#### PURPOSE

This paper invites members to consider the proposed amendments to the Finance Committee (FC), the Establishment Subcommittee (ESC) and the Public Works Subcommittee (PWSC) Procedures in relation to the procedural arrangements recommended by the Committee on Rules of Procedure (CRoP) on the ringing of voting bell at committee meetings.

#### BACKGROUND

2. According to Rule 71(13) of the Rules of Procedure, the practice and procedure of the Finance Committee and its subcommittees shall be determined by FC, subject to the Rules of Procedure of the Legislative Council (LegCo).

3. At its meeting on 4 April 2005, CRoP decided to amend the House Rules (HR) to specify the procedure for ringing a **voting bell** to call upon members to vote at a committee meeting. It also recommended that the procedure should apply across the board to all committees of the Council, including FC and its two subcommittees. The procedure for the ringing of the voting bell is as follows:

- (a) When a matter has to be voted upon during a meeting of a committee, before members proceed to vote, a voting bell will be rung to call upon members of the committee to vote if the chairman so orders, on his own motion or upon request of any member of the committee. The committee will proceed to vote immediately after the bell has been rung for two minutes. This procedure will apply irrespective of whether a meeting is held in

public or otherwise;

- (b) if a committee meeting is held during a Council meeting, a voting bell will not be rung; and
- (c) in the circumstances where no voting bell is provided for the venue where a committee meets, or if the bell does not function or may not be rung, the chairman of the committee concerned will order the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting. The voting will be held four minutes after the order has been made.

4. The House Committee agreed at its meeting on 29 April 2005 that the voting bell arrangement be adopted and that a review would be conducted if necessary. House Rules 24 (i) and (j) were amended as in **Enclosure I**.

Encl. I

## IMPLICATION OF CRoP'S RECOMMENDATIONS

5. The voting mechanism adopted by FC, ESC and PWSC follows that of the Council, where the Chair puts the question and calls upon those members who are in favour of the question to raise their hands, and then those against the question to raise their hands, and then, according to his judgement, state whether or not he thinks the majority of the members present and voting are in favour of the question. It is only when a division is claimed that a **division bell** is rung for one minute.

6. The new voting mechanism introduces a "voting bell" which in nature is different from that of a "division bell". At present, no other committees except FC/PWSC/ESC, are using the division bell. It is therefore relatively straight-forward for these other committees to adopt the new voting bell mechanism for the purpose of notifying members that a voting is about to take place. In the case of FC/ESC/PWSC, members are expected to be vote on every item and there ought to be a quorum at any time of a meeting. A division is very often claimed to alert those members who are not in the meeting venue when voting on a controversial proposal. As the division bell is a long-standing practice and has never been used in conjunction with a voting bell, it is important to assess how the new procedure would impact on our present voting mechanism.

7. The voting bell serves to alert members that a voting is about to take place. It is only when any member or the Chairman of the committee so requests that the voting bell will be rung. The bell will be rung for two minutes so as to provide adequate time for members to reach the voting venue from any part of the LegCo Building. The incorporation of the voting bell without changing the division bell arrangement will mean that members may have to wait for two minutes before voting and, if a division is claimed, another one minute. The voting bell does not

/automatically.....

automatically replace the division bell. If the voting bell and division bell co-exist in FC/ESC/PWSC, there is also the question of the sound of the chimes to be used to differentiate the two bells.

8. The next question is whether the division bell can be dispensed with once a voting bell is adopted. As mentioned above, the voting bell is rung only if so ordered by the chairman. If the division bell arrangement is taken out from the procedure, there will no longer be any ringing of the bell for the division if the voting bell has not been ordered before the voting. In other words, to play safe, it is likely that the ringing of the voting bell is requested for each item. The duration of each meeting would then be prolonged by 10 to 14 minutes, depending on the number of items to be voted on.

9. Another alternative is to continue to use the division bell arrangement, but change the duration time of the bell to two minutes. In this scenario, the meeting may be prolonged by five to seven minutes. There will be minimum change to the current procedures of FC/ESC/PWSC. The sound of the chime as well as the announcement could be the same as that used for the voting bell. Where the division bell does not function, the same arrangement for the voting bell will apply. The chairman shall order the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the division. The casting of votes in the division shall be held four minutes after the order has been made.

### **CONSULTATION WITH CHAIRMEN AND DEPUTY CHAIRMEN OF FC/ESC/PWSC**

10. On 11 May 2005, FC/ESC/PWSC Chairmen and Deputy Chairmen (the Chairmen) met to consider the implication of CRoP's recommendations. Given the frequent need for voting at FC/ESC/PWSC meetings, the Chairmen held the view that the ringing of voting bell would not only prolong the meeting time but also cause undue disruptions to meetings held concurrently in other conference rooms and also to Members and staff working in the LegCo Building. They considered the present arrangement of ringing the division bell when a division was claimed had been working well and therefore should continue. They agreed that to avoid confusion to Members, the division bell should be rung for two minutes, but there was no need to provide for the ringing of a voting bell. The Chairmen also considered it appropriate to incorporate the procedure to cater for the non-functioning of the bell as in the case of other committees.

### **PROPOSED AMENDMENTS**

11. In light of the view of the Chairmen, the Secretariat has prepared draft amendments to FC/ESC/PWSC Procedures (**Enclosure II**) to propose changing the division bell to two minutes and incorporate the arrangement to cater for the

Encl. II

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non-functioning of the division bell. Subject to members' views, the new procedure will take effect from the next meeting of FC/ESC/PWSC.

**APPROVAL SOUGHT**

Encl. II 12. Members are invited to approve the proposed amendments in **Enclosure II.**

Council Business Division 1  
Legislative Council Secretariat  
May 2005

Extracts from the House Rules

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**24. Guidelines for the Conduct of Meetings**

- (i) Subject to (j), before a matter is voted upon at a meeting of a committee, a voting bell shall be rung if the chairman orders, on his own motion or upon request of a member of the committee, that the members of the committee be notified of the voting. The committee shall proceed to vote forthwith immediately after the bell has been rung for two minutes. Where the order is made at the time when a Council meeting is in progress, the bell shall not be rung.
- (j) Where no voting bell is provided for the venue where a committee meets or if the bell does not function or may not be rung, the chairman of the committee concerned shall order the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting. The voting shall be held four minutes after the order has been made.

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**Proposed Amendments to the Finance Committee Procedure**

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**Voting**

45. The Committee makes decisions on all matters by a majority of the members present and 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 [Rule 71(8)], but the casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put.

46. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the Committee for its decision he shall first call upon those members who are in favour of the question to raise their hands and shall then call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement, state whether or not he thinks the majority of the members present and voting are in favour of the question. If no member challenges the statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the Committee to proceed to a division and the division shall be held forthwith immediately after a division bell has been rung for ~~two~~ one minutes [Rule 47(1)].

47. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the Committee. In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for members of the Committee within the precincts of the Chamber to be notified of the division. The division shall be held four minutes after the order has been made.

48. If a member fails to declare that he has a direct pecuniary interest in an item in accordance with Rule 84 of the Rules of Procedure, and has voted on it, then his vote stands (and the decision of the Committee is valid) unless his vote is disallowed under Rule 84(4) of the Rules of Procedure.

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**Extracts from the Establishment Subcommittee Procedure**

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**Voting**

38. The ESC makes decisions on all matters by a majority of the members present and 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 [Rule 71(8)], but the casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put.

39. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the ESC for its decision he shall first call upon those members who are in favour of the question to raise their hands and then shall call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement state whether or not that he thinks the majority of the members present and voting are in favour of the question. If no member challenges his statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the ESC to proceed to a division and a division shall be held forthwith immediately after a division bell has been rung for ~~two~~ one minutes [Rule 47(1)]. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the ESC. In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for members of the ESC within the precincts of the Chamber to be notified of the division. The division shall be held four minutes after the order has been made.

40. If a member fails to declare that he has a direct pecuniary interest in an item in accordance with Rule 84 of the Rules of Procedure, and has voted on it, then his vote stands (and the decision of the ESC is valid) unless his vote is disallowed under Rule 84(4) of the Rules of Procedure.

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**Extracts from the Public Works Subcommittee Procedure**

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**Voting**

39. The PWSC makes decisions on all matters by a majority of the members present and 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 [Rule 71(8)], but the casting vote shall not be exercised in such a way as to produce a majority vote in favour of the question put.

40. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the PWSC for its decision he shall first call upon those members who are in favour of the question to raise their hands and then shall call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement state whether or not that he thinks the majority of the members present and voting are in favour of the question. If no member challenges his statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the PWSC to proceed to a division and a division shall be held forthwith immediately after a division bell has been rung for ~~two~~ one minutes [Rule 47(1)]. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the PWSC. In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for members of the PWSC within the precincts of the Chamber to be notified of the division. The division shall be held four minutes after the order has been made.

41. If a member fails to declare that he has a direct pecuniary interest in an item in accordance with Rule 84 of the Rules of Procedure, and has voted on it, then his vote stands (and the decision of the PWSC is valid) unless his vote is disallowed under Rule 84(4) of the Rules of Procedure.

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