

立法會 *Legislative Council*

LC Paper No. CROP 40/04-05

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Paper for the House Committee meeting on 29 April 2005

Committee on Rules of Procedure

Proposed amendments to House Rules regarding ringing of bell to notify members that voting will take place at committee meetings

Purpose

This paper invites Members to endorse the proposed amendments to the House Rules (HR) to provide for the ringing of a bell to notify members that voting will take place at a committee meeting.

Background

2. At its meeting on 20 June 2003, the House Committee (HC) decided to invite the Committee on Rules of Procedure (CRoP) to study whether a bell should be rung to summon Members to vote at meetings of HC, Panels, Bills Committees and subcommittees.

Relevant procedural provisions

3. Rules 47(1)(c) and 47(2)(c) of the Rules of Procedure (RoP) provide that when a Member claims a division on a question put to the Council or to the committee of the whole Council for its decision, the President or Chairman of the committee of the whole Council shall order the Council or the committee to proceed to a division. The division shall be held forthwith immediately after a division bell has been rung for three minutes. There is no provision in RoP or HR regarding the ringing of a bell to summon members to vote at committee meetings.

4. According to paragraph 46 of the Procedure of Finance Committee (FC), in **Appendix I**, if a member claims a division, the chairman shall order the committee to proceed to a division. The division shall be held forthwith immediately after a division bell has been rung for one minute. There are similar provisions in the respective procedures of the Establishment Subcommittee (ESC) and the Public Works Subcommittee (PWSC).

CRoP's views and recommendations

5. CRoP considers that it is reasonable to notify all members of a committee who are in the Legislative Council Building by the ringing of a bell when a matter is to be put to vote at a meeting of the committee, so that those members who are temporarily absent may return to the meeting room in time to participate in the voting. CRoP therefore recommends that HR should be amended to specify such procedure. The procedure should apply across the board to all committees of the Council, including FC, ESC and PWSC. Subject to the agreement of FC, ESC and PWSC, their respective procedures need to be amended to implement the procedure.

6. CRoP notes that at present, only the Chamber and Conference Room A are each equipped with a bell for summoning members to vote. Subject to HC's agreement to implement the procedure, the Secretariat will install voting bells in Conference Rooms B and C. The installation is expected to complete before the beginning of the next session. During the interim, committees (except FC, ESC and PWSC pending the amendment of their respective procedures) holding meetings in the Chamber and Conference Room A can use the voting bells therein. To avoid confusion, CRoP recommends that simultaneous ringing of the voting bells in different meeting venues should not be facilitated.

Proposed amendments to HR

7. The Secretariat has prepared the proposed amendments to HR, in **Appendix II**, to provide for the procedure for ringing the voting bell at committee meetings. Under the amended Rule 24 (i) and (j) of HR:

- (a) when a matter has to be voted upon during a meeting of a committee, a voting bell will be rung to notify members of the committee of the voting 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 not;
- (b) if a committee meeting is held simultaneously with a Council meeting, a voting bell for the committee will not be rung; and
- (c) in 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.

Advice sought

8. Members are invited to endorse CROP's recommendations in paragraphs 5 and 6 above and the proposed amendments to HR in Appendix II.

Legislative Council Secretariat
27 April 2005

**Extract from the Finance Committee Procedure of
the Legislative Council of the Hong Kong Special Administrative Region**

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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 one minute [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.

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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Proposed amendments to House Rules

24. Guidelines for the Conduct of Meetings

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- (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.*
- (ik) When it is necessary to order a division during a meeting of a committee, the chairman of the committee should ensure that a quorum is present before ~~he~~*it* proceeds with the division.
- (jl) At the first meeting of a committee, the chairman will anticipate the number of subsequent meetings required and set tentative dates for the subsequent meetings so that members may take note of the dates from the outset to facilitate attendance. In normal circumstances, a committee should not book more than three time slots at a time. A Panel may, at its first meeting, set tentative dates for meetings in the session.
- (km) The chairman will, as far as practicable, decide beforehand the time allowed for each particular item on the agenda of each meeting. This will be notified to all participants in advance. Discussions at meetings will have regard to the time allowed. Outsiders invited to attend will be informed of the duration in advance in order to facilitate planning for all concerned.
- (ln) The decisions of a committee should not be reopened for discussion, unless with the permission of the committee.
- (mo) The chairman, whenever necessary, should remind Members, Government officials and deputations to refrain from using “cocktail language” at committee meetings so as to facilitate the work of the simultaneous interpreters.

- (~~ap~~) If persons involved are summoned to testify or give evidence before a committee, in accordance with Rule 80 of the Rules of Procedure, the committee should make reference to the procedures adopted in previous cases and determine its procedures for that particular case. Appendix V sets out the usage and practice in regard to the determination of claims of “public interest privilege” made by persons appearing before a committee of the Council.
- (~~aq~~) Except as stated in the Rules of Procedure, and subject to the provisions of any administrative instructions for regulating the conduct of persons observing meetings, the public shall be admitted to all open committee meetings so far as there is accommodation. Wherever possible, prior notice of a decision to sit in private should be given.
- (~~pr~~) Where meetings are held in public, the Secretariat will provide the press/public observing the meetings with the agenda and papers, the latter subject to the agreement of their authors.
- (~~as~~) If at a meeting of a committee the chairman notices that a member of the public is behaving or is likely to behave in a disorderly manner, the chairman is entitled to seek the agreement of the committee to remove that person, or in urgent cases, to order the removal of such person.
- (~~t~~) The chairmen may, with the agreement of committees, exercise some flexibility in applying the above guidelines.

Legend:

Texts proposed to be added are shown in *italics*.

Texts proposed to be deleted are shown with deletion lines.