

立法會

Legislative Council

LC Paper No. CB(3)11/04-05

Ref: CB(3)/CROP/8

Paper for the House Committee meeting on 8 October 2004

Proposed amendment to Rule 46 (Decision on Motions) of the Rules of Procedure

Purpose

This paper invites the House Committee to endorse the proposed amendment to Rule 46 (Decision on Motions) of the Rules of Procedure (RoP), arising from the change in the composition of the third term of the Legislative Council.

Background

2. Rule 46(2) of RoP was first made in 1998 in the first term of the Legislative Council. It was modelled on the “Procedures for voting on bills and motions in the Legislative Council” stipulated in Annex II to the Basic Law. The subrule currently provides that:

“The passage of a motion (other than a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in subrule (1)) or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present –

- (a) Members returned by functional constituencies (Group I); and
- (b) Members returned by geographical constituencies through direct elections and by the Election Committee (Group II).”

3. In the third term of the Council, there are only Members returned by functional constituencies and by geographical constituencies through direct elections, but not by the Election Committee. Rule 46(2)(b) should therefore be amended to reflect the current composition of the Council.

Recommendations

4. It is proposed that Rule 46(2)(b) of RoP be amended by deleting the reference Members returned by the Election Committee. The proposed amendment is in **Appendix I**.

5. As any amendment to RoP requires the approval of the Council, a proposed resolution will have to be moved to effect the change. Subject to Members' agreement, it is recommended that the Chairman of the House Committee be invited to move the proposed resolution, in **Appendix II**, at the Council meeting to be held on 13 October 2004, so as to amend the Rule at the earliest opportunity. Members are also requested to support the seeking of the President's permission to dispense with the required notice for moving the proposed resolution.

Advice sought

6. Members are invited to endorse the recommendations in paragraphs 4 and 5 above, including the proposed amendment to Rule 46(2)(b) of RoP in Appendix I.

Legislative Council Secretariat
6 October 2004

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Proposed amendment to Rule 46 of Rules of Procedure

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46. Decision on Motions

(1) Except as otherwise provided in Rules 49B (Disqualification of Member from Office) and 66 (Bills Returned for Reconsideration) and Articles 52(2), 73(9) (in respect of a motion of impeachment) and 159 of the Basic Law, the passage of all motions before the Council or a committee of the whole Council shall, subject to subrule (2), require a majority vote of the Members present. *(L.N. 311 of 1998; L.N. 107 of 1999)*

(2) The passage of a motion (other than a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in subrule (1)) or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present – *(L.N. 311 of 1998)*

- (a) Members returned by functional constituencies (Group I);
and
- (b) Members returned by geographical constituencies through direct elections (Group II).

(3) Any motion not passed shall be deemed to be decided in the negative. *(L.N. 311 of 1998)*

(4) There is a majority vote when the Members voting in favour of a question exceed half of the number of Members present at the time of voting. *(L.N. 107 of 1999)*

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Legend:

Text proposed to be deleted is shown with a deletion line

**BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF
THE PEOPLE'S REPUBLIC OF CHINA**

RESOLUTION

(Under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of
the People's Republic of China)

**RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION**

RESOLVED that Rule 46(2)(b) of the Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region be amended by repealing “and
by the Election Committee”.