

立法會
Legislative Council

Paper No. WKCD-212

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**Paper for the meeting of
the Subcommittee on West Kowloon Cultural District Development
on 29 October 2005**

**Proposed amendment to the procedures of the
Subcommittee on West Kowloon Cultural District Development**

Purpose

This paper proposes amendment to the procedures of the Subcommittee on West Kowloon Cultural District Development (the Subcommittee) to reflect the decision of the House Committee (HC) and the Council to amend the Rules of Procedure (RoP) regarding the voting rights of chairmen of committees.

Background

2. At its meeting on 21 February 2005, the Subcommittee noted the relevant procedures applicable to this Subcommittee (Procedures). The Procedures are based on the provisions of the Rules of Procedure (RoP) and the House Rules. A copy of the Procedures is in **Appendix I**. Point 6 of the Procedures states “*Unless otherwise decided by the HC, the Chairman shall have his original vote which, if exercised, should be cast at the same time as other members cast their votes. The Chairman shall have no casting vote. If there is a tie vote, the question put to shall be regarded as not agreed to.*”

3. At the HC meeting on 7 October 2005, members endorsed the recommendations of the Committee on Rules of Procedure (CRoP) regarding the voting rights of chairmen of different committees and subcommittees of the Council and the proposed amendments to RoP in this regard. One of the recommendations was that the chairmen of HC’s subcommittees other than those on subsidiary legislation should have a casting vote but not an original vote. The HC also agreed that pending the Council’s approval of the amendments to RoP, the voting rights of chairmen of such committees or subcommittees which are not clearly specified in the RoP should be as recommended by CRoP in the interim.

Proposal

4. At the Council meeting on 19 October 2005, it was resolved, inter alia, that RoP be amended by adding the new Rule 75 (12B), providing that “*The chairman of, or any other member presiding at, the committee or its subcommittees (other than those appointed under subrule (12) for the purpose of assisting the committee in the consideration of subsidiary legislation referred to in subrule (10)) shall not vote, unless the votes of the other members are equally divided in which case he shall have a casting vote*”. In view of the decision of the HC and the Council, there is a need to amend Point 6 of the Procedures accordingly. The proposed amendment in mark-up form is in **Appendix II**.

Advice sought

5. Members are invited to endorse the proposed amendment to the voting right of the Chairman of the Subcommittee in **Appendix II**.

Council Business Division 1
Legislative Council Secretariat
29 October 2005

**Points to note on the Procedures of the
Subcommittee on West Kowloon Cultural District Development**

1. The Subcommittee on West Kowloon Cultural District Development (the Subcommittee) is a subcommittee of the House Committee. The procedures are based on the provisions in the Rules of Procedure and the House Rules applicable to subcommittees of committees of the Council.
2. The quorum of the Subcommittee shall be one-third of the members including the chairman (a fraction of the whole number being disregarded).
3. Unless a quorum is present within 15 minutes of the time appointed for the meeting, the meeting will not be held.
4. Decision of the Subcommittee shall be decided by a majority of the members voting. Abstentions are not counted for the purpose of determining the result of the vote, but the number of members who abstained from voting may be recorded.
5. Voting is done by a show of hands. If a member wishes to claim a division of the votes, the member must so request before the Chairman or the presiding Member declares the result of the voting. Unless a division is called, it is normal practice to record only the number of members who have voted for, voted against and abstained from voting.
6. Unless otherwise decided by the House Committee, the Chairman of the Subcommittee shall have his original vote which, if exercised, should be cast at the same time as other members cast their votes. The Chairman shall have no casting vote. If there is a tie vote, the question put to shall be regarded as not agreed to.
7. Meetings of the Subcommittee shall be held in public unless the Chairman directs otherwise in accordance with any decision of the Subcommittee. Where considered appropriate, the Subcommittee may hold internal deliberation which shall be held in camera.
8. All persons, other than Government officials, invited to speak before the Subcommittee should be reminded that they are not protected under the Legislative Council (Powers and Privileges) Ordinance unless they are summoned to testify or to give evidence in accordance with Rule 80 of the Rules of Procedures. In the latter case, the Subcommittee shall make reference to the procedures adopted in previous cases and determine its procedures for that particular case.

9. The Subcommittee shall make a report to the House Committee after it has completed its work. Where considered appropriate, the Subcommittee may from time to time report to the House Committee on the progress of its work.

10. In view of point 9 above and in line with the principle endorsed by the House Committee, the minutes of the Subcommittee are presented in a condensed form, recording the decisions of the Subcommittee, outstanding matters to be followed up at future meetings, undertaking by the Administration, and declaration of interest by members.

Appendix II

Points to note on the Procedures of the Subcommittee on West Kowloon Cultural District Development (updated version as at 28.10.05)

1. The Subcommittee on West Kowloon Cultural District Development (the Subcommittee) is a subcommittee of the House Committee. The procedures are based on the provisions in the Rules of Procedure and the House Rules applicable to subcommittees of committees of the Council.
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6. ~~Unless otherwise decided by the House Committee, the Chairman of the Subcommittee shall have his original vote which, if exercised, should be cast at the same time as other members cast their votes. The Chairman shall have no casting vote. If there is a tie vote, the question put to shall be regarded as not agreed to. The Chairman of, or any member presiding at, the Subcommittee shall not vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.~~
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10. In view of point 9 above and in line with the principle endorsed by the House Committee, the minutes of the Subcommittee are presented in a condensed form, recording the decisions of the Subcommittee, outstanding matters to be followed up at future meetings, undertaking by the Administration, and declaration of interest by members.