

立法會 *Legislative Council*

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Paper for the House Committee meeting on 11 June 2010

Committee on Rules of Procedure

Arrangement for shortening the duration of the division bell

Purpose

This paper seeks the views of the House Committee (“HC”) on the proposed amendments to Rule 49(4) and (6) of the Rules of Procedure (“RoP”) regarding the arrangement for shortening the duration of the division bell.

Background

2. In a recent review of the relevant rules on shortening of the duration of the division bell¹, the Secretariat noticed that the effect of Rule 49(4) of RoP is at variance with the original proposal and the actual practice, and there is an inconsistency between the Chinese and English texts of Rule 49(6) of RoP. The Secretariat reported the situation to the Committee on Rules of Procedure (“CRoP”) and invited it to consider whether the relevant rule should be amended.

Rule 49(4) of RoP

3. Rule 49(4) of RoP specifies that immediately after the President has declared the result of a division on an amendment to a motion, or the Chairman has declared the result of a division on an amendment to a bill, a Member may move without notice that in the event of **further divisions** being claimed in respect of the motion or any amendments thereto, or in respect of any amendments to the bill, the Council or the

¹ The Secretariat was asked by CRoP to conduct the review in response to a CRoP member’s suggestion to shorten the duration of the division bell at Finance Committee (“FC”) meetings from two minutes to one minute with a view to enhancing the efficiency of FC meetings. The proposed arrangement, if implemented, would only require amendments to the FC Procedure, and not RoP. As instructed by the FC Chairman, FC members have been consulted on the proposal, and a paper on the proposed amendments will be prepared for consideration by FC at a future meeting.

committee of the whole Council do proceed to each of such divisions immediately after the division bell has been rung for one minute (hereinafter referred to as “one-minute motion”).

4. CRoP notes that under the original proposal put forward by the Subcommittee on Procedural Matters to the then HC in 1996, it was recommended that “where many divisions were expected to be claimed at a Council sitting, a motion might be moved without notice for the purpose of shortening the duration of the division bell to one minute in respect of certain divisions at the sitting. Such a motion should be moved immediately after the declaration of the result of **the first of a series of divisions relating to any item of business** (*emphasis added*) on the Order Paper”. The Standing Order which was intended to implement the above proposed arrangement was approved by the Council on 13 March 1996. However, it was drafted to cover only divisions on amendments as far as proceedings on bills are concerned. It did not cover other proceedings on bills in a committee of the whole Council, i.e. Committee stage, such as questions to move that particular clauses stand part of the bill. The current Rule 49(4) is modelled on that Standing Order.

5. CRoP also notes that there is no record of the discussions by the Subcommittee on Procedural Matters and the then HC as to why the relevant Standing Order on which the existing Rule 49(4) is modelled was drafted to cover only divisions on amendments. It might probably be due to the fact that at that time, divisions were normally claimed on amendments and not on other provisions of a bill to which no amendment was proposed. However, in actual practice after 1996, all matters dealt with at Committee stage are regarded as one “item of business” though only amendments to a bill are referred to in Rule 49(4). It is also the practice that if it is anticipated that many divisions will be claimed during the Committee stage of a bill, the one-minute motion would be moved after the declaration of the result of the first division for an item regardless of whether or not the division is on an amendment to the bill.

Rule 49(6) of RoP

6. CRoP notices that there is an inconsistency between the Chinese and English texts of Rule 49(6) of RoP in that the English text does not reflect the actual practice. The English text of the rule stipulates that “where there is more than one motion in respect of subsidiary legislation or the instrument referred to in Rule 29(2)(b) (Notice of Motions and Amendments) on the Agenda of the Council (excluding motions referred to in Rule 29(3)) then, immediately after the President has declared the result of the first division on any such motion or any amendment thereto”, a Member may move the one-minute motion. In actual practice and as stipulated in the Chinese text of the rule, the one-minute motion may be moved after the President has declared the result of a division and not necessarily after the first division.

CRoP's recommendations

Rule 49(4) of RoP

7. Given that the existing wording of Rule 49(4) of RoP does not accurately reflect the original proposal and that Members may find it confusing if the shortening of the duration of the division bell is only adopted for divisions on amendments and not on other provisions of a bill, CRoP proposes that this rule be amended to reflect the existing practice, i.e. during the Committee stage of a bill, a one-minute motion may be moved immediately after the declaration of the result of a division, regardless of whether or not it is on an amendment to the bill. If the motion is agreed to, the shortening of the duration of the division bell is applicable to all further divisions during the Committee stage of that bill.

Rule 49(6) of RoP

8. CRoP also proposes that the opportunity be taken to amend the English text of Rule 49(6) so as to remove the inconsistency explained in paragraph 6 above.

Proposed amendments to RoP

9. The proposed amendments to the Chinese and English texts of Rule 49(4) and to the English text of Rule 49(6) of RoP are in the **Appendix**.

Advice sought

10. The views of HC members are sought on the proposed amendments to RoP set out in the Appendix.

11. Subject to any views which HC members may have, Hon TAM Yiu-chung, Chairman of CRoP, will move a motion at the Council meeting on 30 June 2010 to amend RoP as proposed.

Council Business Division 3
Legislative Council Secretariat
10 June 2010

Proposed amendments to Rule 49(4) and (6) of the Rules of Procedure

49. Divisions

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(4) Immediately after the President has declared the result of a division on an amendment to a motion, or the Chairman has declared the result of a division on ~~an~~ *any provision of or any* amendment to a bill, a Member may move without notice that in the event of further divisions being claimed in respect of the motion or any amendments thereto, or in respect of *any provisions of or* any amendments to the bill, the Council or the committee of the whole Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President or the Chairman shall propose the question on that motion.

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(6) Where there is more than one motion in respect of subsidiary legislation or the instrument referred to in Rule 29(2)(b) (Notice of Motions and Amendments) on the Agenda of the Council (excluding motions referred to in Rule 29(3)) then, immediately after the President has declared the result of ~~the first~~ *a* division on any such motion or any amendment thereto, a Member may move without notice that in the event of further divisions being claimed at that meeting in respect of motions on subsidiary legislation or the instrument, or amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President shall propose the question on that motion. (*L.N. 129 of 2009*)

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Legend:

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

Texts proposed to be deleted are shown with deletion lines.