

**立法會**  
*Legislative Council*

LC Paper No. CROP 14/10-11

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**Paper for the House Committee meeting  
on 11 February 2011**

**Committee on Rules of Procedure**

**Procedure for dealing with interdependent amendments  
to a bill during the committee stage**

**Purpose**

This paper seeks the views of the House Committee (“HC”) on the proposed amendments to Rule 58(2) of the Rules of Procedure regarding the procedure for dealing with interdependent amendments to a bill during the committee stage.

**Background**

2. Under the Rules of Procedure, upon a motion for the second reading of a bill having been agreed to, the bill shall stand committed to a committee of the whole Council. The Chairman in a committee of the whole Council shall then propose “That the following clauses stand part of the bill”, and shall direct the Clerk to call the numbers of the clauses. On the number or numbers of any clause or group of clauses being called, the question that that clause or group of clauses stand part of the bill shall be deemed to have been proposed. In the event of a clause being amended, the number of the clause, as amended, shall be called again by the Clerk, and the question that the clause as amended stand part of the bill shall be deemed to have been proposed.

3. The sequence of dealing with provisions in a bill and amendments to the bill is provided in Rule 58 of the Rules of Procedure. In particular, subrule (5) provides that any proposed new clause shall be considered after the clauses of the bill have been disposed of and before consideration of any schedule of the bill, while subrule (7) provides that any proposed new schedule

shall be considered after the schedules of the bill have been disposed of. Under subrule (2), the Chairman in a committee of the whole Council may allow a single discussion to cover a series of interdependent amendments to a bill in order to save time and avoid repetition of arguments, but Rule 58 fails to provide that for the purpose of subrule (2), the Chairman may change the sequence of dealing with new clauses, schedules and new schedules as stipulated in subrules (5) and (7).

4. As a result, where the Chairman in a committee of the whole Council considers it appropriate to allow a single discussion on a series of interdependent amendments which relate to a clause, a proposed new clause, a schedule and/or a proposed new schedule of a bill, the Member or the public officer who is to move the amendments will need to move a motion to suspend Rule 58(5) and/or (7), in accordance with Rule 91, in order that the Chairman may order a single discussion on the interdependent amendments to enable Members to consider the new clause, the schedule and/or the new schedule together with any interdependent clause of the bill.

5. As Rule 91 of the Rules of Procedure stipulates that only the President may give consent for a motion to be moved to suspend a rule, whenever such a motion is to be moved, the Chairman in a committee of the whole Council will have to order the Council to resume so that the required consent for moving that motion may be given by the President. When such a motion has been voted upon, the Council will again resolve itself into committee for the continuation of the proceedings on the amendments to the bill. The **Appendix** to this paper illustrates how this procedure operates.

6. The above procedure was invoked on many occasions in the past. During the committee stage of the Minimum Wage Bill at the Council meeting of 14 July 2010, the President, in the capacity of the Chairman of the committee of the whole Council, requested the Committee on Rules of Procedure (“CRoP”) to examine whether the procedure referred to in paragraph 5 above could be dispensed with.

### **Current problem**

7. In the case of interdependent amendments on which the Chairman allows a single discussion, the amendments may not only involve one or more clauses of the bill but also a proposed new clause, a schedule or a proposed new schedule. In order to deal with all the interdependent amendments under the circumstances, the consideration of the proposed new clause, the schedule or the proposed new schedule will have to be moved forward for consideration together with the interdependent clauses. This necessitates the moving of a

motion under Rule 91 to suspend Rule 58(5) and/or (7), resumption of the Council and resolving of the Council into committee again for continuation of the proceedings on the interdependent amendments each time when there are such interdependent amendments. In the case of a bill to which multiple sets of interdependent amendments are proposed, the procedure could become cumbersome and time-consuming.

8. The Secretariat has reviewed the present arrangement and considers that the problem does not lie with the current mechanism for suspension of rules provided in Rule 91, but with the absence of an express provision in Rule 58 to provide that when there is a series of interdependent amendments to a bill, the Chairman in a committee of the whole Council may allow not only a single discussion on those amendments but also a change to the sequence of dealing with new clauses, schedules and new schedules as currently provided in Rule 58(5) and (7).

### **CRoP's recommendation**

9. CRoP recommends that Rule 58(2) be amended to the effect that where there is a series of interdependent amendments to a bill, the Chairman in a committee of the whole Council may allow a single discussion on the interdependent amendments and, if necessary, change the sequence of dealing with new clauses, schedules and new schedules as currently provided in Rule 58(5) and (7). The Rule, if amended, will obviate the need for the Council and a committee of the whole Council to go through the procedure in paragraph 5 above when there are interdependent amendments to a bill involving new clauses, schedules and new schedules.

### **Proposed amendments to the Rules of Procedure**

10. The proposed amendments to Rule 58(2) of the Rules of Procedure are marked up below:

(2) ~~In order to save time and avoid repetition of arguments, the Chairman may allow a single discussion to cover a series of interdependent amendments~~Where there is a series of interdependent amendments, the Chairman may, in order to save time and avoid repetition of arguments, allow a single discussion in relation to those amendments and, if necessary, change the order of consideration as provided in subrule (5) or (7).

## **Advice sought**

11. The views of HC members are sought on the proposed amendments in paragraph 10 above.

12. Subject to any views which HC members may have, Hon TAM Yiu-chung, Chairman of CROP, will move a motion at a future Council meeting to amend the Rules of Procedure as proposed.

Council Business Division 3  
Legislative Council Secretariat  
31 January 2011

**附錄**  
**Appendix**

(只備中文本)  
(Chinese version only)

**節錄自2010年11月24日的立法會會議過程正式紀錄**

**《建築物能源效益條例草案》  
委員會審議階段修正案**

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**秘書**：第4條。

**環境局局長**：主席，我請你批准我根據《議事規則》第91條，動議暫停執行《議事規則》第58(5)條，以便全委會可以在考慮第4條時，一併考慮附表2。

**全委會主席**：我命令全委會現在回復為立法會。

全體委員會隨而回復為立法會。

**主席**：環境局局長，我批准你提出要求。

**環境局局長**：主席，我動議暫停執行《議事規則》第58(5)條，以便全委會可以在考慮第4條時，一併考慮附表2。

**主席**：我現在向各位提出的待議議題是：暫停執行《議事規則》第58(5)條，以便全委會可以在考慮第4條時，一併考慮附表2。

**主席**：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

(議員舉手)

**主席**：反對的請舉手。

(沒有議員舉手)

**主席**：我認為議題獲得在席議員以過半數贊成。我宣布議案獲得通過。

立法會進入全體委員會審議階段。

### **全體委員會審議階段**

**全委會主席**：本會現在成為全體委員會。

**秘書**：附表2。

**全委會主席**：環境局局長已作出預告，動議修正第4條及附表2，刪去第4條第(1)款(b)段代以新的建議，以及刪去附表2第6項(a)、(b)及(c)段代以新的建議。甘乃威議員亦已作出預告，動議修正附表2，刪去該附表第6項(b)段及修正(d)段。此外，何秀蘭議員亦已作出預告，動議修正第4條及附表2，修正第4條第(3)款，以及刪去附表2第6項(b)段代以新的建議，並在該附表加入第6A項。

第4條及附表2的內容都是關乎本條例的適用範圍。全委會會就第4條、附表2及上述各項修正案進行合併辯論。我會先請環境局局長發言及動議修正案，然後請甘乃威議員及何秀蘭議員發言，繼而進行合併辯論。

**全委會主席**：我現在請環境局局長發言及動議修正案。

**環境局局長**：主席，我動議修正剛才讀出的第4條及附表2.....。

**全委會主席**：我現在請甘乃威議員和何秀蘭議員發言，在現階段不可動議修正案。

**甘乃威議員**：主席.....。

**何秀蘭議員**：主席.....。

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