

Sequence of events leading to Dr Hon Philip WONG's raising on a point of order at the joint debate during the Committee Stage of the 2012 Legislative Council (Amendment) Bill for moving a "Closure Motion" at around 4:30 am on 17 May 2012

(The information set out in this paper is provided with the permission of Mr Jasper TSANG and Dr Philip WONG)

**16 May 2012 (Wed)
During a suspension
of the meeting between
mid afternoon and evening**

Dr Philip WONG enquired with Secretary General ("SG") about the feasibility for a Member to move a "Closure Motion" to end the current joint debate. He pointed out that many Members were very annoyed by the endless debate. Although he would do his very best, he found the repetitive speeches totally meaningless. If the President was not going to stop this meaningless debate, he intended to move a motion to close the debate so that voting could begin.

SG explained that there was no such procedure in the current Rules of Procedure ("RoP") of the Council. "Closure Motions" in legislatures of other jurisdictions were non-debatable motions. In our RoP, any motions which could not be debated were provided for. The President had no authority to allow a Member to move this kind of motions without specific procedures provided. Besides, in other legislatures, there were restrictions for moving such a motion, such as not to deprive Members in the minority of the opportunity to speak.

Dr WONG said that he simply wanted the President to face this problem. If the President had no intention to end the debate, he would move the motion. He asked SG to convey his views. He then asked SG about the number of days the debate had gone into, and the number of hours already used in the debate. SG said it was already the 6th day on that day, but she needed to find out exactly the number of hours and would let him know later.

SG then informed the President who was already on his way back to the Chamber. There was no time for detailed discussion. The President asked SG not to provide the figure for the time being and have a word with Dr WONG to see if he would abandon the idea.

16 May 2012 (Wed) evening

SG discussed with the Legal Adviser ("LA") about the procedural problems if Dr WONG moved the "closure motion".

**16 May 2012 (Wed)
around 10:30 pm**

The meeting was suspended. SG and LA explained to the President the procedural problems arising from Dr WONG's "closure motion" and advised the President that it would not be appropriate to allow Dr WONG to move the motion. It was nevertheless expected that some Members would speak fiercely against the President, accusing him that he was not able to manage the situation.

The President enquired whether it was the right of a Member to speak for unlimited times at the committee of the whole Council under Rule 38 (1)(a) and whether there were precedents at which Members were not allowed to speak after speaking for many times. SG said that according to her recollection, all the debates at the Committee Stage ended naturally. No filibuster had ever occurred. SG also pointed out that in other places, there was a tradition of a "guillotine" to allow the Government Party and the Opposition (and other smaller parties) to agree on the allocation of time for each item on the agenda, and allow the Speaker to control the debating time through a "programme order". However, this arrangement might not be applicable to Hong Kong without adaptation.

As regards the President's power to control a meeting, LA referred to the powers and functions of the President under Article 72(1) of the Basic Law and what the President needed to consider when invoking his power under Rule 92 of RoP.

The President asked SG if there was any record of the number of times the Members who participated in the filibuster had spoken. SG said she only had the figures for the last meeting, i.e. 10 May and 11 May, but she would ask her colleagues to update the figures. She also told the President that she was keeping the figures of the number of occasions at which he had warned Members for repetitive and irrelevant speeches. As at 8 pm on 16 May, he had warned Members for about 70 times. The President asked for this figure to be updated.

SG asked Assistant Secretary General 3 ("ASG3") to be responsible for updating the figures.

17 May 2012 (Thurs)
shortly after midnight

Dr WONG came to SG's office and asked for the figure. SG said the figure was still under compilation, and asked if Dr WONG would abandon the idea. Dr WONG said it would depend on whether the President would take the initiative to end the debate. He said that if it was for something meaningful, he would give his total support, but as everyone could see, the speeches made by the Members were repetitive and irrelevant. Many Members were getting very impatient.

17 May 2012 (Thurs)
around 2 am

Meeting was suspended. SG reported to the President her conversation with Dr WONG. SG asked the President if she could pass the figure to Dr WONG. According to rough calculation, as at 1 am on that day, the debate had lasted for slightly over 30 hours. The President said if the figure was handed to Dr WONG, he believed Dr WONG would move the motion immediately. He needed time to think about what he could do. He asked SG not to provide the information for the time being.

The President and SG went into the Chamber.

17 May 2012 (Thurs)
around 4:10 am

ASG3 passed the updated figures to SG who was then sitting inside the Chamber.

At that time, a Member asked for the quorum bell to be rung. SG passed the updated figures to the President. SG asked if the figure could be provided to Dr WONG. The President agreed.

Noting that the updated figures were with the President, SG felt that she needed to get a copy from ASG3 before providing the figure to Dr WONG. She then wrote a note, intended for Dr WONG, to tell him that the figure would soon be ready. She then started to write another note to

ASG3 to obtain a spare copy of the figures. During this period, the President did call her and said something but owing to the distance, SG could not hear. The President did not say anything afterwards. SG then asked a steward to pass the note she had already written to Dr WONG. While SG was finishing her note to ASG3, she thought in fact there was no need to bother ASG3. If the number of hours of debate as at 1 am was 30, it should be 33.5 hours by 4:30 am. She then passed another note to Dr WONG advising him that the total time was 33.5 hours.

17 May 2012 (Thurs)

Around 4:30 am

A quorum was present. Dr WONG spoke and suggested to close the debate and to proceed to voting immediately.

Legislative Council Secretariat

23 May 2012