

立法會 *Legislative Council*

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Paper for the House Committee meeting on 12 July 2013

Committee on Rules of Procedure

Proposed amendment to rule 24(h) of the House Rules

Purpose

This paper invites the House Committee to consider the proposal of the Committee on Rules of Procedure ("CRoP") to amend rule 24(h) of the House Rules ("HR") to enhance the clarity of the rule.

Background

2. Some Members have recently raised their concern with the Chairman of CRoP whether under rule 24(h) of HR, persons other than a member of a committee may draw the attention of the chairman of the committee to the absence of a quorum during a committee meeting, thereby triggering the quorum procedure, i.e. the chairman shall direct members of the committee to be summoned and shall close the meeting if a quorum is not present after 15 minutes have expired. CRoP has therefore studied the issue.

Existing rules governing the quorum procedure of committees

3. The Rules of Procedure ("RoP") specify the quorum of different types of committees of the Legislative Council ("LegCo"), while HR, which provide procedural guidelines to the House Committee, Bills

Committees, Panels and their subcommittees, specify when a count should be made to ascertain the presence of a quorum during a committee meeting.

4. Rule 24 of HR on "Guidelines for the conduct of meetings" provides, among others, that –

- (a) unless a quorum is present within 15 minutes of the starting time appointed for the meeting, the meeting will not be held (rule 24(g));
- (b) if the attention of the chairman of a committee is drawn to the fact that a quorum is not present during a meeting, he shall direct the members to be summoned. If after 15 minutes have expired, a quorum is not then present the chairman shall close the meeting without question put (rule 24(h)); and
- (c) when it is necessary to order a division during a meeting of a committee, the chairman of the committee should ensure that a quorum is present before it proceeds with the division (rule 24(k)).

5. CRoP notes that the above provisions in HR are modelled on Rule 17 of RoP¹ (**Appendix**) which deals with quorum of the Council and a committee of the whole Council, and no amendment has been made to the provisions since their adoption by the House Committee on 6 July 1998.

CRoP's proposal

6. CRoP considers that while it is not specifically stated in rule 24(h) of the House Rules as to who may draw the chairman's attention to the absence of a quorum during a meeting, reading it in conjunction with the other provisions in rule 24, it is logical to infer that the persons intended to be covered in this regard are members of the committee only. If the original intent of the provision was to also cover other persons, it should have been so specified in the rule.

¹ No amendment has been made to Rule 17 of RoP since its adoption on 2 July 1998 by the First Legislative Council. Rule 17 of RoP was adapted from Standing Order No. 10 of the Standing Orders of the pre-1997 Legislative Council, with major modifications only on the sub-rule stipulating the number of Members required to constitute a quorum.

7. To enhance its clarity, CRoP proposes to amend rule 24(h) of HR as set out below² –

English version

"If the attention of the chairman of a committee is drawn *by a member of the committee* to the fact that a quorum is not present during a meeting, he shall direct the members to be summoned. If after 15 minutes have expired, a quorum is not then present the chairman shall close the meeting without question put."

Chinese version

"在委員會會議進行時，如出席會議的委員不足法定人數，而有人~~委員會的委員~~向委員會主席提出此事，委員會主席即須指示傳召委員到場。15 分鐘後，如仍不足法定人數，委員會主席即無須付諸表決而結束會議。"

Advice sought

8. Members are invited to endorse the proposed amendment to rule 24(h) of HR set out in paragraph 7 above.

Council Business Division 4
Legislative Council Secretariat
11 July 2013

² Words proposed to be added are in italics and bold font. The word proposed to be deleted in the Chinese version is shown with a deletion line.

Rules of Procedure
(Extract)

17. Quorum

(1) The quorum of the Council and of a committee of the whole Council shall be not less than one half of all its Members including the President or Chairman.

(2) If the attention of the President is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired a quorum is not present, he shall adjourn the Council without question put.

(3) If the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired, a quorum is not then present the Council shall be resumed and the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present the President shall adjourn the Council without question put.

(4) If from the number of Members present at a division, including those who abstained from voting, it appears that a quorum is not present, the division shall be invalid, and the procedure prescribed in subrule (2) or (3) shall be followed.

(5) The question on which the Council is adjourned under subrules (2), (3) and (4) shall stand over until the next meeting.

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