

# **立法會**

## ***Legislative Council***

LC Paper No. CROP 23/16-17

Ref: CB(4)/CROP/3/69

### **Paper for the House Committee meeting on 20 January 2017**

#### **Formalizing the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings**

#### **Purpose**

This paper seeks the views of the House Committee on amendments to the Rules of Procedure ("RoP") and House Rules ("HR") to formalize the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings.

#### **Background**

2. In 2011 when the Legislative Council ("LegCo") was relocated to the present LegCo Complex, Members generally considered that a longer duration for both the division bell and voting bell was necessary as the size of the LegCo Complex was much larger than the old LegCo Building. As a result, LegCo passed a motion on 19 October 2011 to suspend Rules 47(1)(c), 47(2)(c) as well as 49(8) of RoP regarding the duration of the ringing of the division bell at meetings of the Council or committee of the whole Council.<sup>1</sup> The motion also provides that, during the suspension

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<sup>1</sup> According to RoP 47(1)(c) and RoP 47(2)(c), when a Member claims a division before the President or Chairman of the committee of the whole Council declares how a question has been decided, then the President or Chairman shall order the Council or the committee, as the case may be, to proceed to a division; and the division shall be held forthwith immediately after a division bell has been rung for three minutes. According to RoP 49(8), if the division bell does not function, the President or Chairman shall order the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division. The division shall be held six minutes after the order has been made. The purpose of these Rules was to allow time for Members who are not in the meeting venue but are within the precincts of the Chamber to return to the meeting to vote.

of the Rules, a division shall be held after the division bell has been rung for **five** minutes (instead of three minutes under RoP 47(1)(c) and RoP 47(2)(c)). In the event that the division bell does not function, the division shall be held **10** minutes (instead of six minutes under RoP 49(8)) after the President or the Chairman orders the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division.

3. The Deputy Chairman of House Committee also moved a motion at the House Committee meeting held on 7 October 2011 to suspend rules 24(i) and (j) of HR regarding the duration of voting bell at meetings of committees, including Panels, Bills Committees and their subcommittees.<sup>2</sup> House Committee also agreed that if the chairman of a committee orders that members of the committee be notified of the voting, the committee shall proceed to vote forthwith immediately after the bell has been rung for **five** minutes (instead of two minutes under HR 24(i)). Where no voting bell is provided for the meeting venue or if the bell does not function or may not be rung, **10** minutes (instead of four minutes under HR 24(j)) should be provided for the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting.

4. The Committee on Rules of Procedure ("CRoP") of the Fourth LegCo consulted all Members on the interim arrangements in December 2011<sup>3</sup> and CRoP of the Fifth LegCo also revisited the issue at its meeting held on 13 November 2012. On both occasions, a majority of Members considered the interim arrangements in practice appropriate.

### **Amendments supported by CRoP**

5. Given that the interim arrangements on the duration of the ringing of the division bell and voting bell had been in force for five years with satisfactory feedbacks from Members, CRoP considered the proposal to formalize the interim arrangements mentioned in paragraphs 2 and 3 above at its meeting held on 6 December 2016. While the majority of members agreed to formalize the duration of ringing of the division bell and voting

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<sup>2</sup> According to HR 24(i), before a matter is voted upon at a meeting of a committee, a voting bell shall be rung if the chairman orders, on his own motion or upon request of a member of the committee, that the members of the committee be notified of the voting. The committee shall proceed to vote forthwith immediately after the bell has been rung for two minutes. Under HR 24(j), where no voting bell is provided for the venue where a committee meets or if the bell does not function or may not be rung, the chairman of the committee concerned shall order the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting. The voting shall be held four minutes after the order has been made.

<sup>3</sup> LC Paper No. CROP 18/11-12

bell to five minutes, a member was concerned about the adequacy of the interim arrangement of providing 10 minutes for the Clerk to arrange for Members within the precincts of the Chamber to be notified if the relevant bell did not function.

6. CRoP revisited the proposal at its meeting held on 10 January 2017. Having considered the multiple safeguards arranged by the LegCo Secretariat to ensure that Members would be notified of a division or voting, members supported the following amendments to RoP and HR to formalize the interim arrangements:

(a) RoP

- (i) replacing "three minutes" by "five minutes" in RoP 47(1)(c) and RoP 47(2)(c); and
- (ii) replacing "six minutes" by "10 minutes" in RoP 49(8).

(b) HR

- (i) replacing "two minutes" by "five minutes" in HR 24(i); and
- (ii) replacing "four minutes" by "10 minutes" in HR 24(j).

The marked up version showing the proposed amendments to the relevant Rules in RoP and HR is in **Appendices I and II** respectively.

### **Other recommendation of CRoP**

7. Noting that similar interim arrangements were adopted by the Finance Committee ("FC") and its subcommittees<sup>4</sup>, CRoP also recommended FC to introduce similar amendments to the FC Procedure and the procedures of its subcommittees<sup>5</sup> if the proposed amendments to RoP and HR in paragraph 6 above are adopted.

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<sup>4</sup> The interim arrangements to suspend part of paragraphs 46 and 47 of the FC Procedure were adopted by FC at its meeting on 4 November 2011. The arrangements are also applicable to the Establishment Subcommittee and the Public Works Subcommittee. See FCR(2011-12)46.

<sup>5</sup> As regards FC, RoP 71(13) provides that subject to RoP, the practice and procedure of FC and its subcommittees shall be determined by the committee.

### **Advice sought**

8. Members are invited to consider the proposed amendments to RoP as set out in paragraph 6(a) above. Subject to the views of the House Committee, the Chairman of CRoP will move a motion at a Council meeting to amend the relevant rules. The wording of the motion is in **Appendix III**. Members are also invited to approve the proposed amendments to HR as set out in paragraph 6(b) above.

Council Business Division 4  
Legislative Council Secretariat  
18 January 2017

**Proposed amendments to Rules 47 and 49 of the Rules of Procedure**

**47. Decision of Council and Committee of the Whole Council**

(1) Except where subrule (2) applies, when the President or Chairman puts a question to the Council or to the committee of the whole Council for its decision –

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- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order the Council or the committee, as the case may be, to proceed to a division; and, subject to Rule 49(4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for ~~three~~ *five* minutes.

(2) Other than in relation to a motion moved under Rule 49B (Disqualification of Member from Office) or 66 (Bills Returned for Reconsideration) or Article 52(2), 73(9) (in respect of a motion of impeachment) or 159 of the Basic Law, when the President or Chairman puts a question to the Council or to a committee of the whole Council for its decision in relation to a motion or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill – (*L.N. 311 of 1998; L.N. 107 of 1999*)

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- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order Members to proceed to a division; and, subject to Rule 49(4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for ~~three~~ *five* minutes.

## 49. Divisions

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(8) If the division bell does not function, the President or Chairman shall order the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division. The division shall be held ~~six~~*10* minutes after the order has been made. (*L.N. 107 of 1999*)

### Legend:

Texts proposed to be added are shown in *italics*

Texts proposed to be deleted are shown with deletion lines

**Proposed amendments to rules 24(i) and (j) of the House Rules**

**24. Guidelines for the Conduct of Meetings**

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- (i) Subject to (j), before a matter is voted upon at a meeting of a committee, a voting bell shall be rung if the chairman orders, on his own motion or upon request of a member of the committee, that the members of the committee be notified of the voting. The committee shall proceed to vote forthwith immediately after the bell has been rung for ~~two~~*five* minutes. Where the order is made at the time when a Council meeting is in progress, the bell shall not be rung.
- (j) Where no voting bell is provided for the venue where a committee meets or if the bell does not function or may not be rung, the chairman of the committee concerned shall order the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting. The voting shall be held ~~four~~*10* minutes after the order has been made.

Legend:

Texts proposed to be added are shown in *italics*

Texts proposed to be deleted are shown with deletion lines

**Basic Law of the Hong Kong Special Administrative Region of the  
People's Republic of China**

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**Resolution**

(Under Article 75 of the Basic Law of the Hong Kong Special  
Administrative Region of the People's Republic of China)

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**Rules of Procedure of the Legislative Council of the  
Hong Kong Special Administrative Region**

**Resolved** that the Rules of Procedure of the Legislative Council of the  
Hong Kong Special Administrative Region be amended as set out in the  
Schedule.

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## **Schedule**

### **Amendments to Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region**

**1. Rule 47 amended (decision of Council and committee of the whole Council)**

(1) Rule 47(1)(c) —

**Repeal**

“three”

**Substitute**

“five”.

(2) Rule 47(2)(c) —

**Repeal**

“three”

**Substitute**

“five”.

**2. Rule 49 amended (divisions)**

Rule 49(8) —

**Repeal**

“six”

**Substitute**

“10”.