

Committee on Rules of Procedure

List of issues considered

1998-1999 legislative session

Item	Issue	Rule/Ref	Progress/Remarks
1	To consider views of the Solicitor-General as regards voting procedures and the position of the President when voting.	46 and 47, Annex II of Basic Law, and correspondences between the Solicitor-General and the Legal Adviser	The Committee issued a paper (LC Paper No. CB(1)72/98-99) on 4 August 1998 containing its deliberations on concerns raised by the Solicitor-General on the subject of voting procedures. The independent legal opinion from Mr Denis CHANG also shows that the rules are not in contravention of the Basic Law. The Administration has been requested on 23 September 1998 to respond to the Committee's deliberations, and its response is awaited.
2	To consider the interpretation of Articles 74 and 48(10) of the Basic Law.	31, 51(3), 57(6) and 69(3), Art 48(10) and 74 of Basic Law, and correspondences between the Solicitor-General and the Legal Adviser	The Committee issued a paper (LC Paper No. CB(1)45/98-99) on 22 July 1998 containing its deliberations on the interpretation of Articles 74 and 48(10) of the Basic Law. The independent legal opinion from Mr Denis CHANG also shows that the rules are not in contravention of the Basic Law. The Administration has been requested on 23 September 1998 to respond to the Committee's deliberations, and its response is awaited.
3	To provide procedural arrangements for relieving a Member of his duties under Article 79(6) of the Basic Law.	Art 79(6) of Basic Law	A resolution to amend the Rules of Procedure to provide rules for implementing Article 79(6) was carried at the Council meeting on 9 September 1998.

Item	Issue	Rule/Ref	Progress/Remarks
4	To consult the Administration on the need to amend the LegCo Ordinance to provide for the appointment by the Chief Executive of a date and time for holding the first meeting of a term of the Council starting from the second term.	12(1), sections 9 and 10 of LegCo Ord	Relevant amendments to the LegCo Ordinance have been introduced in the Legislative Council (Amendment) Bill 1999.
5	To change the dissolution of select committees from “end of session” to “end of term”.	78(1) and (5)	Endorsed by the Committee at the meeting on 8 September 1998. A resolution to amend the relevant rule (Rule 78) of the Rules of Procedure was carried at the Council meeting on 28 April 1999.
6	To consider whether a precedence of Members of the legislature should be established and if so, whether this should be determined by Members’ length of office in the Council.	1A	Endorsed by the Committee at the meeting on 13 October 1998. A resolution to amend the Rules of Procedure (new Rule 1A) was carried at the Council meeting on 28 April 1999.
7	To consult Members on the timing for commencement of legislative sessions.	12, 14, 18, 19 and 23, section 11 of LegCo Ordinance	House Committee informed of the results of the consultation exercise on 13 November 1998. A resolution to amend the relevant rule (Rule 13) of the Rules of Procedure was carried at the Council meeting on 28 April 1999.

Item	Issue	Rule/Ref	Progress/Remarks
8	To consider whether the provisions governing registration of interests should be amended in line with the former LegCo Standing Orders No. 64A. Also to consider rules relating to the declaration of interests.	83 and 84, SO No. 64A	Endorsed by the Committee on 24 November 1998; CMI considered the issue on anonymous financial sponsorship on 15 December 1998 and decided that current practices should remain unchanged. A resolution to amend relevant rules (Rules 83 and 84) of the Rules of Procedure was carried at the Council meeting on 28 April 1999.
9	To consider the need to revise rules to set out clearly the method for counting of votes. Also to consider the need for the President to call upon Members who are against a question to raise their hands, since the question should have been decided after Members who are in favour of the question have raised their hands.	46 to 49, Annex II of Basic Law	<p>First point endorsed by the Committee on 19 January 1999. A resolution to amend the relevant rule (Rule 46) of the Rules of Procedure to set out clearly the meaning of “a majority vote” was carried at the Council meeting on 28 April 1999.</p> <p>On the second point, members decided that no change should be made to existing practice for Members to indicate their stance when votes are taken.</p>
10	To examine provisions relating to the exercise of opinion by the President and other Members, the disallowance of vote of Members with direct pecuniary interest, and provisions relating to indication of Members’ intention to speak.	31, 36, 51, 57 and 84	Endorsed by the Committee on 19 January and 9 February 1999. A resolution to amend relevant rules (Rules 31, 36, 51, 57 and 84) of the Rules of Procedure was carried at the Council meeting on 28 April 1999.

Item	Issue	Rule/Ref	Progress/Remarks
11	To consider whether Members should be allowed to speak after public officers have spoken at motion debates.	33	<p>Members agreed on 9 February 1999 that firm commitment should be sought from the Administration for a public officer to speak at the earlier part of a debate and give a “final speech” before the mover of the motion made his reply. In response to Chairman of House Committee’s letter of 7 April 1999, the Chief Secretary for Administration replied on 21 April 1999 advising that as the present arrangements work well, the Administration does not believe that any change is necessary.</p> <p>The Committee discussed the subject on 27 April, 25 May 1999 and 23 September 1999. The Committee concluded that Members should be allowed to speak after the public officer concerned had made his "final speech" in motion debates.</p>
12	To provide procedural arrangements for the censure of a Member under Article 79(7) of the Basic Law.	Art 79(7) of Basic Law and section 15(1)(e) of LegCo Ord	Consultation undertaken with Members of the Council. House Committee informed of the results of the consultation exercise on 16 April 1999. A resolution to amend the Rules of Procedure to provide rules for implementing Article 79(7) was carried at the Council meeting on 28 April 1999.
13	To consider whether late membership for committees should be accepted on grounds other than indisposition or absence from Hong Kong.	76, House Rules 21, 22 and 23	Endorsed by the Committee at the meeting on 9 March 1999 and the House Committee at the meeting on 19 March 1999. A resolution to amend the relevant rule (Rule 76) of the Rules of Procedure was carried at the Council meeting on 28 April 1999. The relevant House Rules were amended accordingly.

Item	Issue	Rule/Ref	Progress/Remarks
14	To consider whether current rules on “decision of chair” and “order in committee” should be extended to committees other than standing or select committees.	44 and 45	The Committee considered the subject at the meeting on 27 April 1999 and concluded that it was not necessary to extend the current rules on “decision of chair” and “order in committee” to committees other than standing or select committees.
15	To review the quorum requirement for meetings of bills committees as well as other committees.	76	The Committee considered the subject at the meeting on 27 April 1999 and concluded that the existing quorum requirements for committees should be maintained. Endorsed by the House Committee on 7 May 1999.

Legislative Council Secretariat
24 September 1999

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Consultation Papers for House Committee

- Procedure in dealing with the introduction of Members' Bills as provided in Article 74 of the Basic Law and the interpretation of Article 48(10) of the Basic Law (24 July 1998)
- Procedural Arrangements for implementing Article 79(6) of the Basic Law (4 September 1998)
- Timing for Commencement of Legislative Sessions - Consultation paper (9 October 1998)
- Order of Speaking in Motion Debates - Consultation paper (19 March 1999)
- Arrangements for implementing the provisions under Article 79(7) of the Basic Law - Consultation paper (19 March 1999)
- Notice requirement for a motion for an address of thanks to the Chief Executive for his Policy Address (9 July 1999)
- Rules of speaking during debates in the Council and in committee of the whole Council - Consultation Paper (5 October 1999)

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Reports to the Legislative Council

- Procedural Arrangements for implementing Article 79(6) of the Basic Law (9 September 1998)
- Progress Report for the period July 1998 to April 1999 (28 April 1999)

Reports to House Committee

- Voting Procedures - Information paper for the House Committee (5 August 1998)
- Consultation Exercise on the Timing for Commencement of Legislative Sessions (13 November 1998)
- Acceptance of late membership for Bills Committees and Panels (19 March 1999)
- Quorum of Committees (7 May 1999)