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**Paper for the House Committee meeting
on 9 June 2000**

Committee on Rules of Procedure

**Report on the procedural arrangements
for processing motions at Panel meetings**

Purpose

This paper reports on the views of the Committee on Rules of Procedure on the procedural arrangements for the processing of motions at Panel meetings and its recommendations on the new provisions to be made in the House Rules for the purpose.

Background

2. At its meeting on 7 May 1999, the House Committee requested the Committee on Rules of Procedure (the Committee) to review the procedural arrangements in relation to the processing of motions at Panel meetings. The request was made in response to the concern raised by a Panel chairman who pointed out that in the absence of uniform procedural arrangements for the moving and processing of motions, Panel chairmen had to exercise their discretion to decide on the procedure to follow. She requested that a review be conducted, in particular on the notice requirements of motions and amendments, as well as the arrangements for processing motions at Panel meetings.

Deliberations of the Committee

3. The Committee notes that no procedure is laid down in the Rules of Procedure and House Rules for the moving and processing of motions at Panel meetings.

4. To facilitate consideration of the need to provide procedure for dealing with motions at Panels, the Committee studied all the previous occasions on which motions had been moved and processed at Panel meetings during the current legislative term. Sixteen such occasions were identified. Out of these 16 cases, 13 were moved without notice, one not proceeded with as it was considered inappropriate by the Panel, and two moved with notice and were formally placed on the agenda. As regards the two motions moved with notice, both were moved at meetings of the Panel on Transport and members were given the wording of the motions and amendments prior to the meetings. The proceedings relating to the motions were carried out in accordance with the procedure adopted by the Panel on Transport for dealing with motions at its meetings.

5. The Committee notes that the major function of a Panel is to monitor and examine policy matters within its terms of reference. Flexibility in the conduct of business of a Panel is necessary in order to facilitate its frequent exchange of views with the Administration and interested parties on matters of public concern. While it is not common for Members to move motions at Panel meetings, such motions are considered necessary when there is a need to come to a view or stance on a specific issue and/or to urge the Government to take certain actions. It is therefore not usually possible for members of Panels to give advance notice for the moving of motions, but it is common practice that a motion to be moved is related to an agenda item of a Panel meeting.

6. The Committee also notes that a motion, once passed in a Panel, will represent the view of the Panel. It is therefore not unreasonable for members to expect some kind of prior notice before a motion is put to the Panel for deliberation. The Committee, however, is also aware of the need to maintain flexibility and provide Panels with the opportunity to decide on a stance where necessary without being inhibited by rigid procedural rules. The Committee considers that since the decision of a Panel is not binding, it may not be entirely necessary to lay down the same procedural requirements as those applicable to motions in the Council. Besides, it is an accepted practice of Panels that agenda items may be included at very short notice for a meeting owing to the urgency of the matters concerned. It is therefore not realistic to require that notice be given for motions to be moved at Panel meetings.

7. Whilst the Committee sees the merits of giving Panels and their chairmen considerable latitude in deciding how to deal with members' request to move motions at Panel meetings, the Committee considers that some basic guidelines ought to be laid down for Panels' references. The Committee recommends that:

- (a) any motion to be proposed during a Panel meeting should be directly related to an agenda item of that meeting;

- (b) it should be for the chairman of the Panel to decide on the direct relevance of a proposed motion with the agenda item;
- (c) whether a proposed motion is to be proceeded with should be determined by a simple majority of the members present at the Panel meeting; and
- (d) any proposed motion and amendment to a motion should be presented in written form to facilitate members' consideration and voting.

8. The Committee proposes that a new subrule (p) be added to House Rule 22 (Panels) to put the above arrangements into effect. The proposed amendment is provided in the **Appendix**.

Advice sought

9. Members are invited to consider the recommendations given in paragraphs 7 and 8, and endorse the proposed amendment to the House Rules as set out in the Appendix.

Council Business Division 1
Legislative Council Secretariat
7 June 2000

Proposed amendments to House Rule 22

22. Panels

- (a) The number, names and terms of reference of Panels shall be recommended by the House Committee for the approval of the Council.
- (b) A Panel shall consist of not less than six members including the chairman. Members may join a Panel by submission of returns to the Secretariat before the deadline set before the first meeting of the Panel in the session of the Council. Panel membership lasts until the Panels are dissolved upon the dissolution of the Council.
- (c) A Member who does not wish to remain as member of the Panel may resign from the Panel.
- (d) A Member who joins the Council after the start of the legislative session should signify membership for the Panels of his choice within one month of the date on which he is declared elected as Member of the Council.
- (e) The Member who has the highest precedence in the Council among those who have joined a Panel is responsible for calling the first meeting of the Panel during the first session of a term of the Council, for the purpose of electing the chairman of the Panel. All other subsequent meetings will be called by the chairman in office.
- (f) The chairman and the deputy chairman of a Panel shall be elected from among its members and shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected. The procedure for election of the chairman and deputy chairman as provided in rule 20(d) above shall also apply to Panels. A member who nominates an absent member for an office shall state that the absent member's acceptance of the nomination has been secured.
- (g) Election of chairman and deputy chairman of a Panel should normally take place at the first meeting of the Panel in the session.

- (h) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.
- (i) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.
- (j) In the event of the temporary absence of the chairman and deputy chairman, the Panel may elect a chairman to act during such absence.
- (k) When a Panel sits jointly with any other Panel for the purpose of considering any matter of common interest, the Panels shall decide which chairman should chair that meeting.
- (l) If the chairmen of two Panels cannot agree on how an issue straddling the work of the Panels should be handled, the chairman or, in his absence, the deputy chairman of the House Committee should be consulted on whether one of the Panels should take up the issue, or whether the Panels should hold a joint meeting.
- (m) If more than two Panels meet jointly on a subject of common interest, and if it is necessary, the chairman or, in his absence, the deputy chairman of the House Committee may be consulted as to whether the Panel having a prominent interest in the subject matter should convene a meeting with members of other interested Panels invited to attend, or whether informal briefings for all interested Members should be held. If the latter option is adopted, a convenor should be elected by and from among those Members present, and Members should be reminded at the beginning of the briefings that they are not covered by the Legislative Council (Powers and Privileges) Ordinance at such briefings as if they are covered at meetings of the Panels.
- (n) For the calculation of quorum, a Member who is member of both Panels at a joint meeting should be counted as one member of the joint meeting. The quorum will be one-third of the membership of the joint meeting including the chairman (a fraction of the whole number being disregarded) i.e. each Member will be counted only once in terms of membership and quorum.
- (o) For joint Panel meetings, voting should be done by simple majority of the members present at the joint meeting. Dissenting views expressed by members of different Panels should be recorded.

- (p) During a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a simple majority of the Panel members present. Any proposed motion and amendment to a motion should be presented to the Panel in written form.
- (pq) All Panels will be dissolved upon dissolution of the Council.
- (qr) The relevant Panel should be consulted first before a major and/or potentially controversial legislative or financial proposal is introduced into the Council or the Finance Committee. In the event that the relevant Panel has not been consulted, the House Committee or Finance Committee shall decide whether to refer the proposal to the relevant Panel for consideration.
- (rs) Panels should not normally deal with individual cases handled under the Redress System of the Council except in respect of the policy issues arising therefrom.
- (st) A Panel may form subcommittees to study specific issues and report to the Panel. Members of the subcommittees shall consist of members of that Panel.
- (tu) Should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee shall be sought. The decision of the House Committee shall be referred to The Legislative Council Commission for reference.
- (uv) A Panel shall make at least one report on its work to the Council in the session. If a particular matter is referred to a Panel for study, or a Panel is authorized to summon persons concerned to testify or give evidence, the Panel shall make a report to the Council after it has completed its consideration. The method of tabling a report in the Council is provided in rule 2. A Panel may as required seek the views of the House Committee on a particular matter, or inform the House Committee of the contents of its study report.