

Committee on Rules of Procedure

List of issues studied during the 1998-2000 Legislative Council term

Item	Issue	Reference	Progress/Remarks
1	To consider the interpretation of Articles 74 and 48(10) of the Basic Law.	Articles 48(10) and 74 of Basic Law, Rules 31, 51(3), 57(6) and 69(3) of Rules of Procedure, 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.
2	To consider views of the Solicitor-General as regards voting procedures and the position of the President when voting.	Annex II of Basic Law, Rules 46 and 47 of Rules of Procedure, 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.

Item	Issue	Reference	Progress/Remarks
3	To provide procedural arrangements for relieving a Member of his duties under Article 79(6) of the Basic Law.	Article 79(6) of Basic Law	<p>The House Committee endorsed the proposed amendments to the Rules of Procedure to provide rules for implementing Article 79(6) on 4 September 1998.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 9 September 1998.</p>
4	To provide procedural arrangements for the censure of a Member under Article 79(7) of the Basic Law.	Article 79(7) of Basic Law, section 15(1)(e) of LegCo Ordinance	<p>Consultation undertaken with Members of the Council. The House Committee was informed of the results of the consultation exercise on 16 April 1999.</p> <p>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.</p>
5	<p>To consider the need for providing specific rules for the Council:</p> <p>(a) to consider an Appropriation Bill presented following the refusal of the Council to pass a budget; and</p> <p>(b) the Chief Executive's application for provisional appropriations in case the Council refuses to pass the budget introduced by the Government.</p>	Articles 50 and 51 of Basic Law, Rule 51 of Rules of Procedure	<p>The House Committee endorsed the proposed amendments to Rule 51 on 9 June 2000.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 22 June 2000.</p>

Item	Issue	Reference	Progress/Remarks
6	To refine procedures on bills returned to the Council for reconsideration under Article 49 of the Basic Law.	Article 49 of Basic Law, Rule 66 of Rules of Procedure	<p>The House Committee endorsed the proposed amendment to Rule 66 on 9 June 2000.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 22 June 2000.</p>
7	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.	Annex II of Basic Law, Rules 46 to 49 of Rules of Procedure	<p>The House Committee accepted the Committee's recommendation on 19 January 1999 that:</p> <p>(a) Rule 46 be amended to set out clearly the meaning of “a majority vote”; and</p> <p>(b) no change should be made to existing practice for Members to indicate their stance when votes are taken.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 28 April 1999.</p>
8	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.	Rule 1A of Rules of Procedure	<p>The House Committee endorsed the proposed new Rule 1A of the Rules of Procedure on 19 January 1999.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 28 April 1999.</p>

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9	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.	Rule 12(1) of Rules of Procedure, sections 9 and 10 of LegCo Ordinance	Relevant amendments to the LegCo Ordinance have been made by the Legislative Council (Amendment) Bill 1999.
10	To consult Members on the timing for commencement of legislative sessions.	Rules 12, 14, 18, 19 and 23 of Rules of Procedure, section 11 of LegCo Ordinance	The House Committee endorsed the proposed amendment to Rule 13 on 19 January 1999. A resolution to amend the Rules of Procedure was carried at the Council meeting on 28 April 1999.
11	To review current practice on the notice requirements for a Motion of Thanks and amendments to the motion.	Rule 13(1) and (3) of Rules of Procedure	The House Committee endorsed the proposed amendments to Rule 13 on 17 March 2000. A resolution to amend the Rules of Procedure was carried at the Council meeting on 5 April 2000.
12	To review the existing practice of restricting Members from proposing a motion on a subject matter which is closely related to part of an earlier motion already debated at a Council meeting or are being studied by a standing committee, and the general principle of the “rule of anticipation” (<i>referred by the House Committee on 7 May 1999 and 4 June 1999, and raised at the Committee meeting on 8 August 1998 respectively</i>).	Rules 23, 25 and 31 of Rules of Procedure, House Rule 7	The House Committee endorsed the proposed amendments to Rules 23, 25 and 31 and House Rule 7 on 28 April 2000. A resolution to amend the Rules of Procedure was carried at the Council meeting on 22 June 2000. The House Rules were amended accordingly.

Item	Issue	Reference	Progress/Remarks
13	To consider whether a mechanism should be established to facilitate a Member to move an amendment which has been withdrawn before it is moved.	Rules 30 and 35 of Rules of Procedure, new House Rule 19A	<p>The House Committee endorsed the proposed amendments to Rules 30 and 35 and the proposed House Rule 19A on 9 June 2000.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 22 June 2000. The House Rules were amended accordingly.</p>
14	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.	Rules 31, 36, 51, 57 and 84 of Rules of Procedure	<p>The House Committee endorsed the proposed amendments to Rules 31, 36, 51, 57 and 84 on 19 January and 9 February 1999.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 28 April 1999.</p>
15	To consider whether Members should be allowed to speak after public officers have spoken at motion debates.	Rule 38 of Rules of Procedure	<p>The House Committee endorsed the proposed amendments to Rule 38 on 17 March 2000.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 5 April 2000.</p>

Item	Issue	Reference	Progress/Remarks
16	<p>To review the following provisions of Rule 38:</p> <p>(a) To review the appropriateness of the circumstances listed in Rule 38(1) regarding the occasions when a Member may speak more than once;</p> <p>(b) To refine Rule 38(4) and (6) to make it explicit that no Member may speak after the mover of a motion has made his reply (<i>referred by the President after the Council meeting on 19 May 1999</i>); and</p> <p>(c) To review the provision in Rule 38(7) for a public officer to speak a second time on a motion “That this Council thanks the Chief Executive for his address”.</p>	Rules 33, 34 and 38 of Rules of Procedure	<p>Consultation undertaken with Members of the Council. The House Committee endorsed the proposed amendments to Rules 33, 34 and 38 on 17 March 2000.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 5 April 2000.</p>
17	To consider whether current rules on “decision of chair” and “order in committee” should be extended to committees other than standing or select committees.	Rules 44 and 45 of Rules of Procedure	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.

Item	Issue	Reference	Progress/Remarks
18	To consider whether late membership for committees should be accepted on grounds other than indisposition or absence from Hong Kong.	Rule 76 of Rules of Procedure, House Rules 21, 22 and 23	<p>The House Committee endorsed the proposed amendment to Rule 76 on 19 March 1999.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 28 April 1999. The House Rules were amended accordingly.</p>
19	To review the quorum requirement for meetings of bills committees as well as other committees.	Rule 76 of Rules of Procedure	<p>The House Committee accepted on 7 May 1999 the Committee's recommendation that the existing quorum requirements for committees should be maintained.</p>
20	To change the dissolution of select committees from "end of session" to "end of term".	Rule 78(1) and (5) of Rules of Procedure	<p>The Committee endorsed the proposed amendment to Rule 78 on 8 September 1998.</p> <p>A resolution to amend the Rules of Procedure was carried at the Council meeting on 28 April 1999.</p>
21	To consider whether the provisions governing registration of interests should be amended in line with the former Legislative Council Standing Orders No. 64A. Also to consider rules relating to the declaration of interests.	Rules 83 and 84 of Rules of Procedure, Standing Order No. 64A	<p>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.</p> <p>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.</p>

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22	Following the amendments to Rule 84, to work out the mechanisms for disallowance of votes where a division has not been claimed, and the withdrawal of a Member who has a direct pecuniary interest on a question when voting takes place.	House Rule 3 and Appendix II	The House Committee endorsed the Committee's proposed amendments to House Rule 3 and Appendix II on 5 November 1999.
23	To consider the procedure for moving motions/amendments to motions at Panel meetings and voting on such motions/amendments to motions (<i>referred by the House Committee on 7 May 1999</i>).	House Rule 22	The House Committee endorsed the Committee's proposed amendments to House Rule 22 on 9 June and 16 June 2000.

Legislative Council Secretariat

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