

立法會

Legislative Council

LC Paper No. CROP 58/02-03

Ref: CB(3)/CROP/3

Paper for the House Committee meeting on 16 May 2003

Committee on Rules of Procedure

Streamlining of procedure for shortening the duration of the division bell

Purpose

This paper informs the House Committee (HC) of the views of the Committee on Rules of Procedure (CRoP) on the suggestion that the procedure for shortening the duration of the division bell at Council meetings be streamlined.

Background

2. When HC considered, at its meeting on 16 March 2001, the recommendations of CRoP to streamline certain procedural arrangements, a member suggested that the procedure for shortening the duration of the division bell from three minutes to one minute should also be streamlined. HC decided to refer the suggestion to CRoP for consideration.

Relevant procedural provisions

3. Rules 47(1)(c) and 47(2)(c) of the Rules of Procedure (RoP) provide that when a Member claims a division on a question put to the Council or to the committee of the whole Council for its decision, the President or Chairman of the committee of the whole Council shall order the Council or the committee to proceed to a division. The division shall be held forthwith immediately after a division bell has been rung for three minutes.

4. Rules 49(4) and 49(6) of RoP set out the procedure for a Member to move a motion to shorten the duration of the division bell. Rule 49(4) specifies that:

“Immediately after the President has declared the result of a division on an amendment to a motion, or the Chairman has declared the result of a division on an amendment to a bill, a Member may move without notice that in the event of further divisions being claimed in respect of the motion or any amendments thereto, or in respect of any amendments to the bill, the Council or the committee of the whole Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President or the Chairman shall propose the question on that motion.”

Rule 49(6) specifies that:

“Where there is more than one motion in respect of subsidiary legislation on the Agenda of the Council then, immediately after the President has declared the result of the first division on any such motion or any amendment thereto, a Member may move without notice that in the event of further divisions being claimed at that meeting in respect of motions on subsidiary legislation, or amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President shall propose the question on that motion.”

Rules 49(5) and 49(7) of RoP provide that when such a motion has been agreed to, the President or the Chairman shall order accordingly in respect of each of such further divisions, if any.

CRoP's views

5. CRoP considers that the requirement under RoP, that the division bell shall be rung for three minutes before a division is held unless the Council passes a motion to shorten the duration to one minute, has the merit of ensuring that the decision to shorten the duration of the division bell is one that is consciously made by the Council at the relevant Council meeting. If the procedure is streamlined, for example, by amending RoP to the effect that Members' agreement to shorten the duration of the division bell to one minute at a Council meeting is automatically assumed with regard to the second and subsequent divisions in respect of a motion or its amendments, or amendments to a bill claimed at the meeting, Members who are not aware that a division has already been claimed earlier may not return to the Chamber in time (i.e. within one minute) to take part in the subsequent divisions.

6. CRoP is of the view that the existing procedure for shortening the duration of the division bell by way of a positive motion in the Council is appropriate and should continue.

Advice sought

7. Members are invited to take note of CRoP's views on the matter set out in paragraphs 5 and 6 above.

Legislative Council Secretariat
14 May 2003