

# 立法會

## *Legislative Council*

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### **Paper for the House Committee meeting on 22 November 2002**

#### **Committee on Rules of Procedure**

#### **Allocation of debate slots to Panel chairmen for moving motions with no legislative effect**

#### **Purpose**

This paper invites the House Committee (HC) to endorse the recommendation of the Committee on Rules of Procedure (the Committee) that a procedure be put in place for allocating slots to Panel chairmen for them to move, on behalf of the relevant Panels, motions with no legislative effect for debate in Council, and the proposed amendments to the House Rules to give effect to the procedure.

#### **Background**

2. When HC acceded, at its meeting on 31 May 2002, to the request of the Panel on Home Affairs that the Panel chairman be allocated a slot for moving a motion to debate the “Report of the Sports Policy Review Team”, members agreed to invite the Committee to study whether a procedure should be provided for Panel chairmen to move, on behalf of the relevant Panels, motions for debate in Council, taking into account also the following:

- (a) whether the debate slot so allocated should be counted as the Panel chairman’s own slot as an individual Member;
- (b) whether the motion should be couched in neutral terms; and
- (c) whether amendments to the motion should be allowed.

3. Under Rule 13(a) of the House Rules, not more than two debates with no legislative effect, which may be two motion debates, two adjournment debates, or one motion debate and one adjournment debate, should be held at each regular Council meeting. Rule 14 of the House Rules sets out the arrangements for the allocation of slots for these debates. Under Rule 14(f), with HC’s agreement, Members may be given priority in respect of the allocation of slots for debates on urgent, important and topical issues. There is no specific provision in the Rules of Procedure or the House Rules to deal with Panels’ requests for allocation of debate slots. At present, a Panel

chairman who wishes to move a motion for debate on behalf of the relevant Panel is required to bid for a debate slot as any individual Member. A Panel chairman who wishes to be allocated a debate slot without having to bid for one is required to put up his request to HC which will consider it on a case-by-case basis.

### **Panels' requests for allocation of debate slots in previous sessions**

4. Since the first term of the Legislative Council, there have been two cases in which Panels sought HC's agreement to allocate debate slots to their chairmen. HC acceded to the request in one case. In the other case, HC decided that the motion should be moved by the HC Chairman instead. There have been two other cases in which Panels successfully sought HC's agreement to allocate slots to the HC Chairman for moving motions for debate in Council.

5. Three of the four motions concerned were on consultative documents published by the Government and were couched in neutral terms without stating any stance. In all the four motions, no amendments thereto were proposed, and each motion was debated ahead of the other motion debated at the relevant Council meeting. Regarding the counting of the debate slots, while HC agreed that the debate slots allocated to the HC Chairman should not be counted as the Chairman's own slots as an individual Member, the slot allocated to the Panel Chairman concerned was counted as his own slot. Details of these cases are in **Appendix I**.

6. In the 2001-02 session, there were two cases in which the Panel chairmen, on behalf of the relevant Panels, bid for and were allocated debate slots in accordance with the normal allocation procedure. In these cases, the motions were also on consultative documents published by the Government and couched in neutral terms, and no amendments thereto were proposed. The debate slots were counted as the Panel chairmen's own slots as individual Members. Details of these cases are in **Appendix II**.

### **The Committee's view**

7. The Committee notes that under Rule 13(a) of the House Rules, not more than two motion debate slots are available for allocation for each regular Council meeting. The numbers of such debate slots in the 1999-2000, 2000-01 and 2001-02 sessions were 52, 54 and 52 respectively. There will be 52 slots in the current session. In these three sessions, there were three Council meetings at which only one such debate was held due to under-subscription. The debate slots for other Council meetings were mostly over-subscribed. While each Member is normally allocated only one debate slot in a session under Rule 14(a) of the House Rules, in the 1999-2000, 2000-01 and 2001-02 sessions, there were respectively 3, 5 and 5 Members who were allocated more than one slot due to the absence of applications for slots from Members who had not previously been allocated slots. Generally speaking, the demand for debate slots was great.

8. On the other hand, the Committee considers that the decisions of HC on Panels' requests for debate slots in previous sessions reflect that:

- (a) Members generally agree that priority should be given to motions to debate consultative documents published by the Government, in order that Members may express their views in the Council before the expiry of the consultation periods;
- (b) such motions should be neutrally-worded without stating any stance;
- (c) no amendments thereto should be proposed;
- (d) the slots so allocated should not be counted as the movers' own slots as individual Members; and
- (e) the relevant motion should be debated ahead of the other motion debated at the same Council meeting.

As the number of requests by Panels for debate slots has been minimal in previous sessions, the chance of securing slots by individual Members will not be unduly affected by the automatic allocation of slots to Panels for their chairmen to move motions for debate, provided that the criteria mentioned in (a) to (e) above are met.

### **The Committee's recommendation**

9. The Committee recommends that a procedure be put in place for allocating debate slots to Panel chairmen. Under the proposed arrangements:

- (a) a slot will be automatically allocated to a Panel chairman provided that:
  - (i) the motion is on a consultative document published by the Government and will be debated before the expiry of the consultation period;
  - (ii) the motion is neutrally-worded without stating any stance; and
  - (iii) no amendment to the motion will be proposed;
- (b) the slot so allocated will not be counted as the mover's own slot as an individual Member;
- (c) the relevant motion will be debated ahead of the other motion to be debated at the same Council meeting;
- (d) only one slot will be allocated for such purpose for each Council meeting;
- (e) the Panel's request for debate slot at a particular Council meeting should be submitted before the relevant cut-off date for application for debate slots, so as not to affect other Members who have already been allocated debate slots for that particular meeting;

- (f) except with the agreement of the HC, each Panel will normally be allocated not more than one such slot in a session; and
- (g) where there are more than one application from Panels in respect of the same Council meeting, priority will be given to the debate on the consultative document with the earliest deadline for concluding the consultation. Where the deadlines are the same, allocation will be determined by balloting. The Panel(s) which is not allocated a slot may be allocated one at the next or subsequent Council meeting(s), depending on the number of Panels requesting the slots and the order of priority as determined by the ballot.

10. It is proposed that the above allocation should not apply to cases in which a Panel requests that a debate slot be allocated to its chairman for moving a motion on matters other than consultative documents published by the Government, or that a debate slot be allocated to the HC Chairman, even if the motion is on a consultative document published by the Government. Such requests should be put forward to HC for consideration on a case-by-case basis. Similarly, requests by standing committees, select committees or other committees/subcommittees of the Council for priority allocation of debate slots should also be put forward to HC for consideration. Should HC accede to such a request, the motion concerned should be the first motion debate to take place at the relevant Council meeting and the debate slot should not be counted as the mover's own slot, be he/she the HC Chairman or chairman of the Panel/committee/subcommittee.

### **Proposed amendments to House Rules**

11. The Committee proposes to amend Rule 14 (Allocation of Slots for Debates) and Rule 15 (Order of Debates on Motions) of the House Rules to put in place the proposed arrangements. The proposed amendments are set out in **Appendix III**.

### **Advice sought**

12. Members are invited to endorse:
- (a) the arrangements set out in paragraphs 9 to 10 above for allocating slots to Panel chairmen for them to move, on behalf of the relevant Panels, motions with no legislative effect for debate in Council; and
  - (b) the proposed amendments to the House Rules in Appendix III to give effect to the arrangements.

Legislative Council Secretariat  
19 November 2002

**Details of previous cases in which Panels requested  
the House Committee's agreement for allocating debate slots to the  
relevant Panel chairmen or the House Committee chairman**

<u>Session</u>	<u>Date of Council meeting, subject and wording</u>	<u>Details of the case</u>
1999-2000	<p>8.12.1999</p> <p>Motion on "Urban Renewal Authority White Bill"</p> <p>“That this Council notes the Urban Renewal Authority White Bill.”</p>	<p>The Panel on Planning, Lands and Works proposed that the House Committee Chairman should move a motion on the Consultation Paper on the Urban Renewal Authority Bill for debate in Council. The House Committee expressed support for the proposal.</p> <p>Members also agreed that -</p> <p>(a) only one Member's motion debate, in addition to the motion debate on the White Bill which would go first, should be scheduled for the Council meeting;</p> <p>(b) the debate slot for the motion should not be counted as the House Committee Chairman's own debate slot as an individual Member; and</p> <p>(c) no amendments should be proposed to the motion.</p>
1999-2000	<p>14.6.2000</p> <p>Motion on "Development of the HKSAR's political system"</p> <p>“That this Council urges the Government to consider the views expressed by Members of this Council on the ‘Report on the Development of the Political System of the Hong Kong Special Administrative Region’ tabled by the Panel on Constitutional Affairs and related matters.”</p>	<p>The Panel on Constitutional Affairs proposed that a slot should be allocated to the Chairman of the Panel to move a motion on the "Report on the Development of the political system of the Hong Kong Special Administrative Region" for debate at the Council meeting on 14 June 2000. The House Committee decided that the motion should be moved by the Chairman of the House Committee instead.</p> <p>Members also agreed that -</p> <p>(a) the motion should be the first motion to be debated at the Council meeting on 14 June 2000;</p> <p>(b) the Chairman of the House Committee would not be regarded as having sponsored a motion for the purpose of the queuing system; and</p> <p>(c) Members would not propose amendments to the motion.</p>

<u>Session</u>	<u>Date of Council meeting, subject and wording</u>	<u>Details of the case</u>
2000-2001	14.3.2001  Motion on "Consultation Document on Health Care Reform"  "That this Council notes the Consultation Document on Health Care Reform."	The Panel on Health Services proposed that the Chairman of the House Committee should move a motion on the "Consultation Document on Health Care Reform" for debate at the Council meeting on 14 March 2001 so that Members could express their views before the end of the public consultation period on 15 March 2001. The House Committee expressed support for the proposal.  Members also agreed that the debate slot should not be counted as the House Committee Chairman's own debate slot as an individual Member, and no amendment should be proposed to the motion.
2001-2002	3.7.2002  Motion on "Report of the Sports Policy Review Team"  "That this Council notes the Report of the Sports Policy Review Team."	The Panel on Home Affairs proposed that a slot be allocated to the Chairman of the Panel to move a motion on the "Report of the Sports Policy Review Team" for debate at the Council meeting on 3 July 2002. The House Committee agreed to the proposal.  The slot was counted as the Panel Chairman's own debate slot as an individual Member.

**Details of previous cases in which Panel chairmen moved motions on behalf of the relevant Panels by securing the debate slots in their personal capacity**

<u>Session</u>	<u>Date of Council meeting, subject and wording</u>	<u>Mover</u>
2001-2002	8.5.2002  Motion on “Civil Justice Reform”  “That this Council takes note of the Civil Justice Reform Interim Report.”	Chairman of the Administration of Justice and Legal Services Panel
2001-2002	26.6.2002  Motion on “Report on Higher Education in Hong Kong”  “That this Council notes the report of the University Grants Committee entitled ‘Higher Education in Hong Kong’.”	Chairman of the Education Panel

## Proposed amendments to the House Rules

### 14. Allocation of Slots for Debates to Individual Members

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#### 14A. Allocation of Slots for Debates to Chairmen of Committees of the Council

- (a) *A slot will be automatically allocated to the chairman of a Panel for moving, in accordance with a Panel's decision, a motion for debate at a Council meeting provided that:*
  - (i) *the motion is on a consultative document published by the Government and will be debated before the expiry of the consultation period;*
  - (ii) *the motion is neutrally-worded without stating any stance; and*
  - (iii) *no amendment to the motion will be proposed.*
- (b) *The slot so allocated will not be counted as the mover's own slot as an individual Member.*
- (c) *Only one slot will be allocated for such purpose for each Council meeting.*
- (d) *A Panel's request for debate slot at a particular Council meeting should be submitted with the wording of the motion to the Secretariat before the relevant cut-off date for application for debate slots.*
- (e) *Except with the agreement of the House Committee, each Panel will normally be allocated not more than one such slot in a session.*
- (f) *Where there are more than one application from Panels in respect of the same Council meeting, priority will be given to the debate on the consultative document with the earliest deadline for concluding the consultation. Where the deadlines are the same, allocation will be determined by balloting. The Panel(s) which is not allocated a slot under this subrule may be allocated one at the next or subsequent Council meeting(s), depending on the number of Panels requesting the slots and the order of priority as determined by the ballot.*
- (g) *The automatic allocation of slots mentioned in (a) above does not apply to cases in which a Panel requests that a debate slot be allocated to its chairman for moving a motion on matters other than as stated in (a)(i) above, or that a debate slot be allocated to the chairman of the House Committee, even if the motion is on a consultative document published by the Government.*
- (h) *Requests by a Panel mentioned in (g) above and similar requests from other committees and subcommittees of the Council for priority allocation of debate slots shall be put forward to the House committee for consideration on a case-by-case basis. Should the House Committee accede to such a request, the debate slot shall not be counted as the mover's own slot.*



- (i) *The chairman of a Panel, committee or subcommittee who has been so allocated a slot may withdraw the notice of the motion at any time before it is moved by giving instructions to the Clerk. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the chairman of the Panel, committee or subcommittee is deemed to have been allocated a debate slot for the purposes of this rule.*
- (j) *Where the chairman of the Panel, committee or subcommittee withdraws the motion during a Council meeting, the debate slot will be treated in one of the following manners -*
  - (i) *the chairman of the Panel, committee or subcommittee is regarded as having used the debate slot for the purposes of this rule; or*
  - (ii) *with the agreement of the House Committee, the chairman of the Panel, committee or subcommittee may move the withdrawn motion at the first available slot at a subsequent Council meeting. However, the number of motion debates at the Council meeting should not thus exceed two.*
- (k) *Where the House Committee makes prior suggestion to the chairman of the Panel, committee or subcommittee for deferring the debate, and the mover accepts the suggestion, the debate slot will be treated in accordance with (j)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, the debate slot will be treated in accordance with (j)(i) above.*

## **15. Order of Debates on Motions**

- (a) Debates on motions such as those listed in rule 13(b)(i) to (v) above shall take place before debates on individual Member's motions.
- (b) Where two individual Member's motion debates are scheduled for the same meeting, the order of debating these motions will be determined by drawing lots unless otherwise agreed between the two Members concerned.
- (c) *The debate on a motion to be moved by the chairman of a Panel, committee or subcommittee who has secured the debate slot in accordance with rule 14A above shall take place before the other individual Member's motion to be debated at the same Council meeting.*

### Legend :

Texts proposed to be added are shown in *italic*.