

香港特別行政區  
立法會  
議事規則委員會

**Committee on Rules of Procedure  
of the Legislative Council  
of the Hong Kong Special Administrative Region**

**2002 年 7 月至 2003 年 6 月的工作進度報告**

**Progress Report for the period  
July 2002 to June 2003**

**2003 年 7 月 9 日  
9 July 2003**

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## **Appendix**

- I. Membership list**
  
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## **1. Introduction**

1.1 The Committee on Rules of Procedure (CRoP) is a committee of the Legislative Council (LegCo) established under Rule 74 of the Rules of Procedure of the Council. The functions of CRoP are to review the Rules of Procedure (RoP) of the Council and the committee system, propose to the Council any amendments or changes as are considered necessary, and examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President, or raised by its own members.

1.2 CRoP consists of 12 members, including the Chairman Hon Jasper TSANG Yok-sing, the Deputy Chairman Hon Margaret NG and 10 other members, appointed by the President in accordance with the recommendations of the House Committee (HC). The membership list is in **Appendix I**.

1.3 This report covers the period from July 2002 to June 2003, during which a total of 8 CRoP meetings were held to study a wide range of issues under the following categories:

- (a) review of the procedural arrangements relating to Council meetings; and
- (b) review of the procedures and working mechanism of committees of the Council.

A complete list of the issues studied by the Committee in the current session up to 30 June 2003 is in **Appendix II**.

## **2. Review of the procedural arrangements relating to Council meetings**

2.1 In the report period, CRoP examined a number of procedural issues relating to Council meetings, which included:

- (a) procedure for debate on the Policy Address;
- (b) future timetable for delivering the Policy Address and the Budget;
- (c) allocation of debate slots to Panel chairmen for moving motions with no legislative effect;
- (d) consideration of whether it is appropriate for a Member to speak and vote against a motion moved by him at a Council meeting on behalf of a committee of the Council;
- (e) resumption of Second Reading debates on bills;
- (f) streamlining of procedure for shortening the duration of the division bell; and
- (g) calling of emergency meetings and status of select committees and bills during the prorogation of LegCo.

### Procedure for debate on the Policy Address

2.2 Having considered the views of Members and of the Administration, CRoP proposed the following arrangements for the debate on the 2003 Policy Address:

- (a) the debate will adopt a “3-day-5-session” format;
- (b) the Administration will forward, on the day the Policy Address is delivered, its proposals on the grouping of policy areas for the five debate sessions;
- (c) each day of the Debate will start at 2:30 pm and end at 10:30 pm, but may be extended to 11:00 pm if necessary;

- (d) the number of debate sessions on each of the three days of the Debate depends on the length of each session covering a group of policy areas;
- (e) subject to the overall 20-minute speaking time limit, a Member may speak in one or more sessions. The HC Chairman will, as mover of the Motion of Thanks (the Motion), have an additional 15-minute speaking time for moving the Motion and in reply. If there is/are amendment(s) to the Motion, she will have another five minutes to speak on the amendment(s). With the exception of the HC Chairman who may speak for more than once in the fifth session on the amendment(s) and in reply respectively, all other Members may each speak not more than once in each of the five debate sessions;
- (f) after Members have spoken in each session, there will be a 10-minute suspension of the Council for the Administration to coordinate its response; and
- (g) the total speaking time limit for designated public officers in each debate session is -
  - (i) for three or less officers, 45 minutes; and
  - (ii) for four or more officers, to be calculated on the basis of 12-minute speaking time limit for each officer.

These proposed arrangements were endorsed by HC in December 2002 and used for the debate held from 15 to 17 January 2003.

2.3 CROp then reviewed these arrangements. Having sought views on these arrangements from Members and from the Administration, CROp concluded that the arrangements should be used for the debate on the next Policy Address (the Debate), subject to the following adjustments:

- (a) the total speaking time limit for designated public officers in each debate session should be -
  - (i) for one or two officers, each officer may speak for not less than 15 minutes, subject to the total speaking time limit of 45 minutes; and

- (ii) for three or more officers, to be calculated on the basis of 15-minute speaking time limit for each officer;
- (b) as in the 1997-98 and 1998-99 sessions, the Progress Report and Policy Agenda should be published separately. The Progress Report should be released shortly (e.g. two days) before the delivery of the Policy Address. The Chief Secretary for Administration should then hold a briefing to introduce the Progress Report on the day of its publication;
- (c) there should be policy briefings for Panels after the delivery of the next Policy Address and before the commencement of the Debate; and
- (d) the Debate should be held two weeks after the delivery of the next Policy Address.

2.4 As the Administration had not been consulted on the adjusted arrangement in paragraph 2.3(a) above, CRoP invited the Administration to offer view thereon. Subject to CRoP's further consultation with HC on the Administration's view, the adjusted arrangements were endorsed by HC at its meeting on 16 May 2003. The Administration's view, which was received after the HC meeting, will be discussed at CRoP's next meeting.

#### Future timetable for delivering the Policy Address and the Budget

2.5 The Chief Executive (CE) delivered the Policy Address for the current LegCo session on 8 January 2003. The delivery of the Budget took place in March as in previous year, on 5 March 2003. In meeting HC on the revised timetable for the current session, the Administration undertook to review the future timetable for delivering the Policy Address and Budget in the light of the experience of the 2003 exercise. CRoP was invited by HC to follow up the matter. Drawing reference from overseas practice in this respect, CRoP offered views for consideration by the Administration in its review. The Administration informed CRoP of the findings of its review in April 2003.

2.6 The conclusions reached by the Administration following its review were:

- (a) the Policy Address and Budget processes are, and should be, closely inter-related. Narrowing the gap between the two improves the co-ordination/interaction between the formulation of programmes/policies and the budget, and facilitates more informed and comprehensive consultations with and discussions in LegCo and the community;
- (b) such close interaction between the Policy Address and budgetary processes is likely to be even more crucial in the coming years of fiscal consolidation. Given that resources will be even scarcer, it is all the more important that programmes/policies are formulated with regard to resources available, and budgets are formulated in a way targeting resources at the society's prevailing priorities;
- (c) the shortened interval at two months between the Policy Address and the Budget in 2003 has enabled more timely reflection of the Policy Address' priorities and policies in the 2003 Budget. Such key priorities announced in the 2003 Policy Address include the three-pronged plan to solve the deficit problem: boost economic growth, cut public expenditure, and raise revenue. These plans are reflected in the 2003-04 Estimates and the Medium Range Forecast up to 2007-08. The Budget also announced specific budgetary initiatives in line with the Policy Address, such as the \$1 billion for grants to match certain donations to universities, a \$200 million initiative to attract investments in the Greater Pearl River Delta and to set up offices in Hong Kong, etc;
- (d) having reviewed possible options to shorten the time gap between the Policy Address and the Budget to two months, the Administration considers that the timetable of delivering the Policy Address in January and the Budget around early March should continue to be adopted in the interim few years; and
- (e) the Administration would keep under review the most appropriate long term arrangements for delivering the Policy Address and Budget.

2.7 Having discussed the conclusions of the Administration's review,



CRoP reported to HC in May 2003 and offered the following views:

- (a) most CRoP members consider that the Administration has not established a convincing case for narrowing the time gap between the delivery of the Policy Address and the Budget to two months;
- (b) most CRoP members consider that delivering the Policy Address in October is a more suitable arrangement for the operation of LegCo; and
- (c) the current definition of “financial year” should remain unchanged, as there is a link between its definition and that of tax assessment year as defined in the Inland Revenue Ordinance. Changing the definition of financial year will have considerable impact on the public at large.

CRoP urged the Administration to take account of its views and reconsidered the timeframe for delivering future Policy Addresses.

2.8 After considering CRoP’s views, HC decided to take over the matter, and discussed it with the Administration at its special meeting held on 6 June 2003.

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

2.9 At its meeting on 22 November 2002, HC endorsed CRoP’s recommendation 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. 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.

2.10 The above allocation 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 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.

2.11 CROp's proposed amendments to Rule 14 of HR to give effect to the procedure was also endorsed by HC at the same meeting.

Consideration of whether it is appropriate for a Member to speak and vote against a motion moved by him at a Council meeting on behalf of a committee of the Council

2.12 CROp has examined the issue of whether it is appropriate for a Member who moves a motion at a Council meeting on behalf of a committee of the Council to speak and vote against the motion. CROp considers that whilst it appears odd for a Member moving a motion on behalf of a committee to speak and vote against the motion, current rules in RoP or HR do not prescribe that the Member must speak in favour of a motion, thereby imposing additional restrictions on the contents of Members' speeches or how Members should vote in Council. Moreover, there is no requirement that only the chairman of a committee may move the motion on behalf of the Committee. To avoid recurrence of similar incidents, CROp recommends that in the event that the chairman of a committee is not in favour of a motion that the committee would like to have moved in Council, or if the chairman does not wish to move the motion, the committee may consider designating one of its members who is in favour of the motion to move the motion. In other words, the mover of such a motion can be, but need not be, the chairman, the deputy chairman or another member of the committee. CROp's recommendation was endorsed by HC in December 2002.

Resumption of Second Reading debates on bills

2.13 CROp has examined the issue of whether Rule 54(5) of RoP should be amended to give effect to the mode of operating the subrule whereby the clerk to HC consults the HC chairman on the date of resumption of second reading debate on a bill. Noting that the mode of operation does not strictly follow the terms of the subrule, CROp considers that the subrule should be complied with strictly. That is, the public officer or Member in charge of a bill, rather than the clerk to HC, should consult the HC chairman on the date of the resumption.

2.14 After discussions with the Administration, CROp recommends that the following system of consultation on resumption of Second Reading debate required under Rule 54(5) of RoP be adopted:

*Resumption notices given under Rule 54(5)(e)*

2.15 The three steps for the consultation on resumption of Second Reading debate under this scenario should be:

Step 1: The public officer in charge of the bill shall issue the letter of consultation regarding the resumption of Second Reading debate to the HC chairman **no less than 12 clear days** before the date on which the debate is to resume.

Step 2: The HC chairman shall signify in writing the fact that she has been consulted in accordance with Rule 54(5) **no less than eight clear days** before the date on which the debate is to resume.

Step 3: The public officer in charge of the bill shall give the resumption notice in accordance with the notice requirement under **Rule 54(5)(e)**, i.e. **no less than seven clear days** before the date on which the debate is to resume.

*Bills that do not require scrutiny by Bills Committees*

2.16 For bills that do not require scrutiny by Bills Committees, the consultation between the Administration and the HC chairman should be deemed to have taken place at the relevant HC meeting, when HC decides that it is not necessary to form a Bills Committee. A letter of consultation will not be necessary in those cases. Under such circumstances, the HC chairman will give her signification **no later than one clear day** after the relevant HC meeting, so that the public officer may issue the notice of resumption.

*Resumption notice given under Rule 54(5)(d)*

2.17 In exceptional circumstances where the examination of a bill is concluded at a very late stage and the Administration needs to resume the Second Reading debate of the bill urgently at a certain Council meeting, the public officer concerned will give the resumption notice by the deadline stipulated in Rule 54(5)(d), i.e. 12 clear days prior to the relevant Council meeting. The three steps for the consultation on resumption of Second Reading debate under this scenario should be:

Step 1: The public officer in charge of the bill shall issue the letter of consultation regarding the resumption of Second Reading debate to the HC chairman **no less than 15 clear days** before the date on which the debate is to resume.

Step 2: The HC chairman shall signify in writing the fact that she has been consulted in accordance with Rule 54(5) **no less than 13 clear days** before the date on which the debate is to resume.

Step 3: The public officer in charge of the bill shall give the resumption notice in accordance with the notice requirement under **Rule 54(5)(d)**, i.e. **no less than 12 clear days** before the date on which the debate is to resume.

In these cases, the public officer concerned will also contact the HC chairman after the issuance of the letter of consultation and consult her verbally, prior to giving the resumption notice.

2.18 CRoP also considers that there should be some institutional safeguards to cater for the special circumstance in which the HC chairman is not available for consultation. It therefore recommends that Rule 54(5) should be amended to the effect that the Administration may in that circumstance consult the deputy chairman of HC. CRoP also prepared a standard form for notice of resumption of Second Reading debate.

2.19 The above system of consultation and amendment to Rule 54(5) recommended by CRoP were endorsed by HC at its meeting on 11 April 2003. The new system of consultation came into effect in respect of bills which resumed Second Reading debate at or after the Council meeting on 28 May 2003.

#### Streamlining of procedure for shortening the duration of the division bell

2.20 CRoP has examined the issue of whether the procedure for shortening the duration of the division bell at Council meetings should be streamlined. After deliberations, CRoP is of the view 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.

2.21 CRoP therefore considers that the existing procedure for shortening the duration of the division bell by way of a positive motion in the Council is appropriate and recommends that it should continue. CRoP's recommendation was endorsed by HC in May 2003.

Calling of emergency meetings and status of select committees and bills during the prorogation of LegCo

2.22 CRoP has examined the issue of whether RoP need to be amended to provide for the calling of emergency meetings during the prorogation of LegCo, and to stipulate the status of select committees and bills when the Council is prorogued. Members of CRoP raised the following concerns:

- (a) whether select committees and bills committees should cease to operate during the prorogation of LegCo;
- (b) whether emergency Council meetings held during the period of prorogation could refer the meeting business to committees of the Council; and
- (c) whether the provision in the Legislative Council Ordinance of empowering CE to prorogue the Council to terminate its operation before the end of a term of office of LegCo is consistent with the provision in the Basic Law that, starting from the second term, each term of office of LegCo shall be four years.

2.23 CRoP agreed that the Secretariat should:

- (a) discuss with the Administration the issues of calling of emergency meetings and status of select committees and bills during the prorogation of LegCo and the related statutory requirements;
- (b) study the concerns mentioned in paragraph 2.22 above; and
- (c) report on the above two items for consideration by CRoP in the next LegCo session.

### **3. Review of the procedures and working mechanism of committees of the Council**

3.1 In the report period, CRoP examined the issue of whether CRoP should be chaired by a LegCo Member who is also a Member of the Executive Council (ExCo). It also examined the process of consultation on financial proposals for capital works projects and the procedure for endorsement of judicial appointment by LegCo under Article 73(7) of the Basic Law.

#### Consideration of whether CRoP should be chaired by a LegCo Member who is also an ExCo Member

3.2 CRoP considered, at its meeting on 4 November 2002, whether CRoP should be chaired by a LegCo Member who is also an ExCo Member.

3.3 Members who considered it inappropriate for CRoP to be chaired by a Member with dual membership of LegCo and ExCo expressed the following views:

- (a) CRoP is responsible not only for reviewing and proposing changes to the Council's Rules of Procedure to ensure the smooth conduct of the Council's business, but also for upholding the Council's powers, especially at times of disagreement with the Administration. Allowing CRoP to be chaired by a Member with dual membership may give cause for concern about the impartiality of the chairman, pose a public perception problem and undermine the institutional integrity of LegCo;
- (b) a non-official ExCo Member is a "minister without portfolio" who formulates policies with other Principal Officials in ExCo. There is thus a conflict between the roles of the CRoP chairman and an ExCo Member. Given the current separation of the Executive Authorities and the Legislature, the Administration is inclined to have the Rules of Procedure amended in its favour. Should there be any such proposal to amend the Rules of Procedure, its passage will be facilitated if CRoP is chaired by a LegCo Member who is also an ExCo Member; and

- (c) the Executive Authorities and the Legislature should be institutionally separate, and should counterbalance and complement each other. If CRoP is chaired by a Member with dual membership, there will be a lack of counterbalance of the Executive Authorities by the Legislature.

3.4 Members who did not consider it necessary to bar an ExCo Member from chairing CRoP were of the following views:

- (a) CRoP deals with LegCo's internal business and the CRoP chairman's function is to ensure that members have sufficient opportunities to consider and express opinions on issues before the Committee, with a view to making recommendations to HC and the Council. There is no question of conflict of roles or interests if CRoP is chaired by a Member with dual membership;
- (b) the CRoP chairman does not enjoy more powers than the chairmen of other committees of the Council, which would enable him to influence Members' decision. To a certain extent, the CRoP chairman is less influential than a Panel chairman in terms of policy formulation. As Panels mainly deal with policy issues proposed by the Administration, a Panel chairman, by virtue of his power to determine when a Panel should meet, may facilitate or delay the deliberation of issues that the Administration considers urgent. This is not the case for CRoP which is more concerned with LegCo's internal procedural affairs; and
- (c) CRoP's mode of operation is very transparent and open. Any member of the Committee may, in fact, suggest issues for discussion. The chairman has no authority to disallow the discussion of the issues. Where necessary, matters can be decided by voting. If the chairman is seen to be conducting the Committee's meetings in a manner that favours the Administration, members are free to raise the concern for discussion, especially as CRoP's meetings are held behind closed door.

3.5 As the members who attended the meeting were evenly split in their views on the matter, CRoP decided to refer it to HC for consideration.



3.6 At the HC meeting on 22 November 2002, the matter was discussed and the question “that the Committee on Rules of Procedure may be chaired by a Member of the Council who is also a Member of the Executive Council” was subsequently put to vote. 27 Members voted for the proposal and 12 voted against the proposal. The chairman of HC stated at the meeting that it would be for CRoP to make its own decision on the matter taking into consideration the view of HC.

3.7 CRoP subsequently considered the matter and decided not to make a decision on the issue. It also unanimously agreed that a comprehensive study should be conducted on the system of chairmanship of all the committees of LegCo, drawing reference from the experience and practice of other legislatures. The study is being undertaken by the Constitutional Affairs Panel.

#### Process of consultation on financial proposals for capital works projects

3.8 CRoP was invited by the Finance Committee (FC) to offer views on the following arrangements proposed by the Public Works Subcommittee (PWSC) for financial proposals on capital works projects:

- (a) at the start of a legislative session, the Administration should provide a list of capital works projects which are expected to be upgraded to Category A of the Public Works Programme in the session. The list should contain a brief description of the projects and a special meeting of PWSC should be held to enable Members, including non-PWSC Members, to enquire about the projects;
- (b) the list of capital works projects will be circulated to all Panels which will be requested to indicate which of the projects would likely require discussion at the Panels. The feedback from Panels will be forwarded to the Administration for advance planning;
- (c) a request by the Administration to consult a Panel on a proposal should be made to the Panel clerk at least seven weeks before the date on which the proposed project is scheduled for discussion by PWSC. This will allow time for the item to be included on the agenda of the Panel’s following regular meeting. The paper for discussion should reach the clerk at least five working days before the

- Panel meeting;
- (d) where a Member who has views on a project is unable to attend the Panel meeting, the Member may seek information or clarification in advance of the relevant Panel/PWSC/FC meeting;
  - (e) at the Panel meeting, deliberation should focus on the merits (i.e. the need, purpose, and effectiveness of the proposal for achieving the stated purpose) and the policy aspects of the proposal. The Panel should, however, avoid detailed discussion on the technical aspects of the proposal, unless such technical aspects have a bearing on the merits of the proposal;
  - (f) the Panel should indicate to the Administration whether the subject requires further discussion by the Panel before submitting to PWSC. Where necessary, a brief verbal report by a representative of the Panel should be given at the PWSC meeting summarizing the main points of discussion at the Panel;
  - (g) the Administration should record in the PWSC paper an account of Members' views and concerns and where necessary, the reservations and suggestions raised by Members at the Panel meetings. The Administration should also highlight how far the proposal before PWSC has addressed Members' concerns; and
  - (h) PWSC should focus its discussion on the technical aspects of a proposal and the relevant implementation arrangements. PWSC members should avoid repeating the discussion already held at the Panel meetings, unless the proposal presented to PWSC has been substantially modified from the one presented to the Panel concerned.

3.9 After deliberations, CRoP noted that the proposed consultation arrangements were not in conflict with any rules in RoP or current arrangements. Hence, CRoP was of the view that it might be more appropriate for FC and PWSC to consider the matter.

Procedure for endorsement of judicial appointment by LegCo under Article 73(7) of the Basic Law

3.10 CRoP was invited by the Administration of Justice and Legal Services Panel (AJLS Panel) to offer views on the AJLS Panel's proposed procedure for LegCo to endorse judicial appointments under Article 73(7) of the Basic Law. Details of the procedure are set out below:

- (a) the Administration advises HC of CE's acceptance of the recommendation of the Judicial Officers Recommendation Commission (JORC) on a judicial appointment (this should take place before CE makes any public announcement of his acceptance of the recommendation);
- (b) HC refers the matter to the AJLS Panel or some other Panel(s) or committee(s) for discussion;
- (c) the Panel(s)/committee(s) discusses the matter as soon as possible at a meeting to which all LegCo Members are invited to attend;
- (d) the Panel(s)/committee(s) reports its discussion to HC;
- (e) the Administration gives notice of a motion to seek the endorsement of LegCo of the recommended appointment;
- (f) the motion is moved, debated and voted on at a Council meeting; and
- (g) if the motion is passed by LegCo, CE makes the appointment.

3.11 The AJLS Panel also recommended that, if an appointment is controversial and the Panel(s) or committee(s) considers it necessary to inquire into the matter in depth by ordering relevant persons to testify or produce documents, it may, having reported to HC under step (d) above, seek the authorization of LegCo for it to exercise such powers under the Legislative Council (Powers and Privileges) Ordinance by way of a resolution of the Council. Alternatively, a proposal can be made at that stage for a select committee to be appointed by resolution of LegCo to carry out the inquiry.

3.12 CRoP was invited to study whether the existing rules were adequate for implementing the above procedure, in particular, whether LegCo has sufficient time to consider the endorsement motion under existing rules.

3.13 After deliberations, CRoP offered the following views to the AJLS Panel:

- (a) Part G of RoP governing “Motions” should be applicable to the endorsement resolution for the appointment of the judges concerned;
- (b) RoP need not be amended since HC could refer the proposed appointment to a subcommittee for discussion under Rule 75 of RoP; and
- (c) as proposals for the appointment of judges are not policy matters that could be referred to Panels for discussion, should HC wish to refer these proposals to a Panel, be it the AJLS Panel or any other Panel, RoP would have to be amended in order that the Panel might consider such proposals.

3.14 Some CRoP members considered that it would be more preferable for HC to refer appointment proposals to a subcommittee, instead of a Panel, for discussion.

3.15 CRoP also suggested that the AJLS Panel might consider whether the procedure for endorsement of judicial appointments by LegCo, if adopted, should also apply to endorsement of removal of judges.

3.16 Having considered the views in paragraphs 3.13 and 3.14 above, the AJLS Panel recommended that HC refer proposals on appointment of judges to a subcommittee for discussion, instead of to a Panel. The Panel also recommended that in seeking LegCo’s endorsement of the judicial appointments, the Administration should provide sufficient information which should include as many as possible those items contained in the questionnaire set by the United States Senate Judiciary Committee and the application form for appointment as Justice of the High Court in the United Kingdom. The relevant endorsement procedure in paragraph 3.10 above was modified and the modified procedure was endorsed by HC in May 2003.

3.17 The CRoP’s suggestion in paragraph 3.15 above will be discussed

by the AJLS Panel at a later stage.

## **4. Acknowledgement**

4.1 CRoP wishes to record its appreciation of the views of Members of the Council and their support for the work of the Committee.

4.2 CRoP also wishes to recognize the effective support provided by the LegCo Secretariat.

**議事規則委員會委員名單**  
**Membership list of Committee on Rules of Procedure**

**主席**                            曾鈺成議員, GBS, JP    Hon Jasper TSANG Yok-sing, GBS, JP  
**Chairman**

**副主席**                        吳靄儀議員                            Hon Margaret NG  
**Deputy Chairman**

**委員**                            丁午壽議員, JP                            Hon Kenneth TING Woo-shou, JP  
**Members**                        李柱銘議員, SC, JP                        Hon Martin LEE Chu-ming, SC, JP  
   李華明議員, JP                            Hon Fred LI Wah-ming, JP  
   吳亮星議員, JP                            Hon NG Leung-sing, JP  
   黃宏發議員, JP                            Hon Andrew WONG Wang-fat, JP  
   劉健儀議員, JP                            Hon Miriam LAU Kin-ye, JP  
   劉漢銓議員, GBS, JP                        Hon Ambrose LAU Hon-chuen, GBS, JP  
   劉慧卿議員, JP                            Hon Emily LAU Wai-hing, JP  
   胡經昌議員, BBS, JP                        Hon Henry WU King-cheong, BBS, JP  
   葉國謙議員, JP                            Hon IP Kwok-him, JP

(合共： 12 位議員)  
(Total : 12 Members)

**秘書**                            韓律科女士                            Ms Miranda HON Lut-fo  
**Clerk**

**法律顧問**                        馬耀添先生, JP                            Mr Jimmy MA Yiu-tim, JP  
**Legal Adviser**

## Committee on Rules of Procedure

List of issues studied during the  
2002-2003 Legislative Council Session

(as at 30 June 2003)

Item	Issue	Reference	Progress/Remarks
1	Procedure for debate on the Policy Address	Rule 13 of Rules of Procedure (RoP)	<p>Arrangements based on a “3-day-5-session” format, which were proposed by the Committee on Rules of Procedure (CRoP) and endorsed by the House Committee (HC) at its meeting on 6 December 2002, were used for the debate on the 2003 Policy Address held on 15-17 January 2003.</p> <p>After review of these arrangements, CRoP concluded that they should continue subject to some adjustments being made to a few areas.</p> <p>Subject to CRoP’s further consultation with HC on the Administration’s view on the adjustment to speaking time limit for designated public officers, the adjusted arrangements were endorsed by HC at its meeting on 16 May 2003. The Administration’s view will be discussed at CRoP’s next meeting.</p>



Item	Issue	Reference	Progress/Remarks
2	Future timetable for delivering the Policy Address and the Budget	Articles 62(4) and 73(4) of Basic Law  Rules 13(1A) and 67(1) of RoP	CRoP reported on the matter to HC at its meeting on 9 May 2003. HC took over the matter and discussed it with the Administration at its special meeting on 6 June 2003.
3	Allocation of debate slots to Panel chairmen for moving motions with no legislative effect	Rules 14, 14A and 15 of House Rules (HR)	CRoP's proposal of putting in place a procedure for such allocation and its proposed amendments to HR to give effect to the procedure were endorsed by HC at its meeting on 22 November 2002.
4	Consideration of whether it is appropriate for a Member to speak and vote against a motion moved by him at a Council meeting on behalf of a committee of the Council.	Rules 33(1) and 41 of RoP	CRoP recommended that, in respect of a motion which the committee chairman is not in favour of or does not want to move, the mover of the motion can be, but need not be, the chairman, the deputy chairman or another member of the committee. The recommendation was endorsed by HC at its meeting on 6 December 2002.
5	Resumption of Second Reading debates on bills	Rule 54(5) of RoP	The system of consultation required under Rule 54(5) of RoP and the amendment to Rule 54(5) proposed by CRoP were endorsed by HC at its meeting on 11 April 2003. The motion to amend RoP was approved by the Council at its meeting on 7 May 2003. The new consultation system applies to bills which resume Second Reading debates at or after the Council meeting on 28 May 2003.

Item	Issue	Reference	Progress/Remarks
6	Streamlining of procedure for shortening the duration of the division bell.	Rules 47(1)(c), 47(2)(c), 49(4) and 49(6) of RoP	CRoP's recommendation that the existing procedure in this respect should continue was endorsed by HC at its meeting on 16 May 2003.
7	Calling of emergency meetings and status of select committees and bills during the prorogation of the Legislative Council	Article 72(5) of Basic Law  Rules 11(4), 15(1) and 78(5) of RoP  Sections 6(3) and 11 of the Legislative Council Ordinance	CRoP decided to deliberate the matter further.
8	Consideration of whether CRoP should be chaired by a Member of the Council who is also a Member of the Executive Council (ExCo)	Rule 74 of RoP	CRoP decided not to make a decision on the issue of whether a LegCo Member who is also an ExCo Member may be the Chairman of CRoP. CRoP also agreed that a comprehensive study be conducted on the system of chairmanship of all the committees of LegCo, drawing reference from the experience and practice of other legislatures. The study is being undertaken by the Constitutional Affairs Panel.

Item	Issue	Reference	Progress/Remarks
9	Process of consultation on financial proposals for capital works projects	Rule 22(q) of HR	In response to the request of the Finance Committee (FC) for views, CRoP considers that the consultation arrangements for financial proposals on capital works projects suggested by Public Works Subcommittee (PWSC) are not in conflict with any rules in RoP or current arrangements and that the matter should more appropriately be considered by FC and PWSC.
10	Procedure for endorsement of judicial appointment by LegCo under Article 73(7) of the Basic Law	Article 73(7) of Basic Law, Part G of RoP	In response to the request of the Administration of Justice and Legal Services Panel, CRoP offered views on the Panel's proposed procedure in March 2003.

Legislative Council Secretariat  
30 June 2003