

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting  
on 16 January 2004**

**Committee on Rules of Procedure**

**Cancellation of committee meetings due to absence of a quorum  
within 15 minutes of the appointed meeting time**

**Purpose**

This paper informs the House Committee (HC) of the deliberations and views of the Committee on Rules of Procedure (CRoP) on its review of Rule 24(g) of the House Rules (HR) regarding whether a committee meeting should be cancelled due to the absence of a quorum within 15 minutes of the appointed meeting time, regardless of special circumstances such as the unavailability of the meeting venue at the appointed meeting time.

**Background**

2. The request for review was made by HC at its meeting held on 11 April 2003. The need to review arose from the cancellation by the chairman of the Bills Committee on Prevention of Child Pornography Bill of the committee's meeting scheduled for 10:45 am on 25 March 2003, for the reason that a quorum was not present 15 minutes after the appointed time. The venue of the meeting was made available to the committee only at about 10:55 am because the meeting of another committee held earlier at the same venue had overrun.

**Relevant procedural provisions**

3. Rule 76(5) of the Rules of Procedure (RoP) provides, inter alia, that a Bills Committee shall meet at the time and the place determined by the chairman. Similar provisions governing the determination of the times and the places of meetings of other committees of the Council are set out in Rules 71(6), 72(6), 73(3), 74(3), 75(14) and 77(11) of RoP. RoP do not have any provision governing the cancellation of committee meetings due to the absence of a quorum within a certain period from the appointed meeting time. However, Rule 24(g) of HR stipulates that "Unless a quorum is present within 15 minutes of the time appointed for the meeting, the meeting will not be held".

## Practice and procedure in other legislatures

4. Specifically, CRoP has considered the following two issues:
  - (a) whether the “15-minute grace period” in Rule 24(g) of HR should be counted from the appointed meeting time or from the actual time when the venue is available; and
  - (b) whether a committee chairman has the discretion to defer the starting time of a meeting or change the meeting venue.
5. In considering the issues, CRoP has drawn reference from the practices and procedures of the legislatures of the United Kingdom (UK), New Zealand and the Province of Ontario in Canada, as collated by the Secretariat’s Research and Library Services Division.
6. The practices and procedures of the above legislatures in this respect are:
  - (a) the Standing Orders of the UK House of Commons do not provide a time limit for a quorum for committees. Nevertheless, Erskine May (1997) states that if a quorum is not present within 20 minutes from the time at which a standing committee is appointed to meet, it is customary (by virtue of a decision made by the Chairmen’s Panel in 1929) for the chairman to adjourn the committee to a future day unless there are any special circumstances which, in his/her opinion, make it advisable to allow a longer period of grace. The customary practice does not apply to select committees (most of which are equivalent to our panels) of the House of Commons;
  - (b) the Standing Orders of the House of Representatives of New Zealand provide that if there is no quorum of a select committee within 10 minutes of the time for a meeting to commence, the meeting is adjourned; and
  - (c) the Standing Orders of the Ontario Legislative Assembly do not require that a quorum be present at the beginning of a meeting. However, the Chairs’ Guide provides that if the lack of a quorum is brought to the Chair’s attention at any time, the Chair will suspend the proceedings of a committee for 10 minutes. If a quorum is not present at the conclusion of 10 minutes, the meeting is adjourned.
7. On the counting of time mentioned in paragraph 4(a) above, the overseas legislatures have not encountered the situation in which the meeting venue is not available at the appointed meeting time. Their responses to our question about such a situation are:

- (a) the Information Office of the UK House of Commons is not able to comment on how the time limit for a quorum should be counted;
- (b) the Office of the Clerk of the House of Representatives of New Zealand does not think that the 10-minute rule mentioned in paragraph 6(b) above could be interpreted differently; and
- (c) the Committees Branch of the Ontario Legislative Assembly expects that committees therein would generally adapt with some degree of pragmatic flexibility to unforeseen exigencies, such as delayed access to meeting space.

8. As regards the chairman's discretion to defer the starting time or change the meeting venue, the responses of these overseas legislatures are:

- (a) the UK House of Commons is not able to speculate on whether the committee chairman would defer the starting time of the meeting or change the meeting venue;
- (b) a committee chairman of the House of Representatives of New Zealand would:
  - (i) insist on the vacation of the venue;
  - (ii) hold the meeting at another venue; or
  - (iii) obtain the agreement of all committee members to defer the starting time; and
- (c) the chairman of a committee of the Ontario Legislative Assembly may start the meeting at the appointed time or within a reasonable time after its appointed time.

9. Although the overseas legislatures do not have any experience in dealing with the unavailability of the meeting venue at the appointed meeting time, they have indicated that the situation will be handled with some degree of flexibility, such as New Zealand's practice of holding the meeting in another venue and the practice adopted in UK and Ontario of allowing a longer period of grace.

### **CRoP's deliberations**

10. CRoP notes that, in accordance with Rule 24(a) of HR, meetings of committees of the Council are normally arranged within the four two-hour time slots on a working day: there is a 15-minute gap between the first and second slots; the second and third slots are separated by the lunch time; there is no time gap between the third and fourth slots; and that venues for committee meetings are often in great demand. Hence, it is not unlikely for committees to encounter the problem of

unavailability of the meeting venue at the appointed meeting time because the meeting held at the same venue in an earlier time slot has overrun excessively. To address the problem, CRoP has examined whether Rule 24(g) of HR should be amended along the following lines:

- (a) the chairman of the committee which does not have access to the reserved meeting venue at the appointed meeting time may decide to use a vacant venue of his/her choice to hold the meeting;
- (b) the 15-minute time limit for the assembly of a quorum should be counted from the time when the meeting venue, be it the original one or the alternative one mentioned in paragraph 10(a) above, is available for holding the meeting and the chairman and the clerk have taken their seats; and
- (c) by modifying the UK's customary practice mentioned in paragraph 6(a) above to provide that after the 15-minute time limit for the assembly of a quorum has expired, a committee chairman may, with the agreement of the members present, exercise discretion to allow a longer period of grace to cater for any special circumstances.

11. Regarding the proposal in paragraph 10(a), CRoP considers that as venues for committee meetings are in great demand, a committee chairman may encounter difficulties in finding another vacant venue for the meeting. Hence, this option may not be practicable.

12. CRoP considers that if the 15-minute time limit is to be calculated on the basis proposed in paragraph 10(b), it will be impossible to ascertain the starting time of a meeting. It will also be uncertain how long the Members who are present at the appointed time will have to wait before the meeting can start. Moreover, any changes to the meeting time will affect government officials and/or deputations attending the meeting as they will have been informed of the starting and ending times of the agenda items. CRoP further points out that as most committee meetings are open meetings, changing the appointed meeting time right before the commencement of a meeting may cause confusion among members of the public who wish to observe the meetings.

13. As regards the proposal in paragraph 10(c), CRoP considers that if the committee chairman may at his/her discretion allow or disallow a grace period, such a decision may give rise to disputes.

### **CRoP's views**

14. After discussion, CRoP is of the view that Rule 24(g) of HR need not be amended. If the meeting venue of a committee is available but a quorum is absent after 15 minutes of the appointed meeting time, Rule 24(g) should be strictly observed and the meeting should be cancelled. CRoP also urges committee chairmen to keep

tight control of the starting and ending times of meetings to avoid any overrun inconveniencing another committee meeting.

**Advice sought**

15. Members are invited to take note of CROp's deliberations and views on the matter set out in paragraphs 10 to 14 above.

Legislative Council Secretariat

14 January 2004