

立法會
Legislative Council

LC Paper No. CROP 38/03-04

Ref: CB(3)/CROP/3/22

**Paper for the House Committee on meeting
on 21 May 2004**

Committee on Rules of Procedure

**Motions proposed under
“Any other business” on the agenda of Panel meetings**

Purpose

This paper informs the House Committee of the view of the Committee on Rules of Procedure (CRoP) on whether motions proposed under “Any other business” on the agenda of Panel meetings or under a newly added discussion item under “Any other business” are admissible under Rule 22(p) of the House Rules (HR).

Background

2. At the meeting of the Panel on Public Service held on 16 June 2003, a Panel member proposed, under “Any other business”, a motion to commend frontline public officers’ performance in dealing with the outbreak of Severe Acute Respiratory Syndrome (SARS). When it was pointed out that under Rule 22(p) of HR, a motion might be proposed only if it was directly related to an item under discussion but not under “Any other business”, another Panel member proposed that an item on the performance of public officers in dealing with the outbreak of SARS be added under “Any other business” and that the proposed motion be dealt with under the newly added item. The Panel members considered that Rule 22(p) of HR was unclear as to whether motions could be proposed under “Any other business” on the agenda of a Panel meeting or under a newly added discussion item under “Any other business”. The Panel decided to refer the issue to CRoP for consideration. The extract from the minutes of the Panel meeting is in the **Appendix**.

Background to Rule 22(p) of HR

3. Rule 22(p) of HR provides that:

“During a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting. Any proposed motion or amendment to a motion should be presented to the Panel in written form.”

4. The rule was made in June 2000 after CRoP’s consideration of the need to provide a procedure for dealing with proposed motions at Panel meetings. In considering the need for such a procedure, CRoP studied all the previous occasions on which motions had been proposed and processed at Panel meetings from the first term of the Council up to May 2000. Sixteen such occasions were identified. Of these cases, two were formally placed on the agenda and all the others were related to discussion items already on the agenda, and **not** under “Any other business”.

5. CRoP considered that since the decision of a Panel was not binding, it was not necessary to lay down the same procedural requirements, which included the notice requirement, as those applicable to motions in the Council. Besides, it was an accepted practice of Panels that items on urgent matters might be included in the agenda of a meeting at very short notice. CRoP was therefore of the view that it was not realistic to require that notice be given for motions to be moved at Panel meetings.

6. CRoP concluded that whilst it saw the merits of giving Panels and their chairmen considerable latitude in deciding how to deal with members’ request to move motions at Panel meetings, some basic guidelines ought to be laid down for Panels’ references. Such guidelines, which have been turned into the existing Rule 22(p) of HR, are:

- (a) any motion to be proposed during a Panel meeting should be directly related to an agenda item of that meeting;
- (b) it should be for the chairman of the Panel to decide on the direct relevance of a proposed motion with the agenda item;
- (c) whether a proposed motion is to be proceeded with should be determined by a simple majority of the members present at the Panel meeting; and
- (d) any proposed motion and amendment to a motion should be presented in written form to facilitate members’ consideration and voting.

CRoP's view

7. CRoP notes that although the Rules of Procedure and HR do not impose a notice requirement for motions to be moved at Panel meetings, Rule 24(e) of HR requires that the agenda of a meeting of a committee shall be issued as early as practicable before the meeting, so that committee members are informed of the discussion items before the meeting. In CRoP's view, the requirement of Rule 22(p) that a motion to be proposed at a Panel meeting should be directly related to an agenda item of that meeting ensures that members will be made aware of the possibility that a motion may be moved without notice on the subject matter of the agenda item. Such knowledge is important in view of the guideline under Rule 24(1) of HR that a motion, if passed by the Panel concerned and thus becoming the Panel's decision, should not be reopened for discussion, unless with the Panel's permission. In contrast, members do not have such knowledge if a motion is allowed to be moved under "Any other business" at a Panel meeting or under a newly added discussion item under "Any other business". In the absence of such knowledge, those Panel members who are not able to attend the meeting may have strong feelings about missing the opportunity to express their views and vote on the motion.

8. In the light of the above considerations, CRoP takes the view that motions moved under "Any other business" on the agenda of a Panel meeting or under a newly added discussion item under "Any other business" should **not** be admissible under Rule 22(p) of HR.

9. In the course of discussion, a CRoP member enquired about the timing for dealing with a motion proposed at a Panel meeting and agreed to be proceeded with by the Panel members. After discussion, CRoP considers that the motion should be dealt with under the agenda item to which it relates. However, the Panel chairman may, with the agreement of the Panel, decide to deal with the motion later at the same meeting.

Advice sought

10. Members are invited to take note of CRoP's views in paragraphs 8 and 9 above.

Legislative Council Secretariat
19 May 2004

Panel on Public Service

Extract of minutes of meeting on 16 June 2003

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IV. Any other business

Motion proposed by Mr Michael MAK

20. Mr Michael MAK said that as this meeting was probably the last meeting of the Panel in the current session, he would like to take this opportunity to propose the following motion for the Panel to commend frontline public officers for their high professionalism demonstrated in dealing with the outbreak of SARS:

“本事務委員會就前線公職人員在處理SARS事件中發揮的崇高專業精神給予高度評價。”

(“This Panel highly commends frontline public officers for their high professionalism demonstrated in dealing with the outbreak of Severe Acute Respiratory Syndrome.”)

21. The Chairman drew members’ attention to House Rule (HR) 22(p) which provided that “*During a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting*”. As the motion was not related to any agenda item of the meeting, the Chairman sought members’ views on how they would like the motion to be proceeded with.

22. Mr Michael MAK pointed out that since there was an item on “Any other business” under Agenda Item IV, it might be appropriate for any issue relevant to the terms of reference of the Panel to be raised under this item. He was therefore of the view that dealing with the proposed motion under “Any other business” would not contravene HR 22(p). Mr CHEUNG Man-kwong shared his view.

23. Mrs Sophie LEUNG held different views and pointed out that the key requirement of HR 22(p) was that a motion might be proposed during a Panel meeting if it was directly related to an agenda item of the meeting. It seemed to imply that a motion might be proposed if it was directly related to an item under discussion, but not “Any other business”. Mr Michael MAK considered this interpretation too narrow. To address Mrs LEUNG’s concern, Mr CHEUNG Man-kwong suggested that an item on the performance of public officers in dealing with the outbreak of SARS be added under Agenda Item IV — “Any other business” and that the proposed motion be dealt with under the newly added item. Mr MAK supported Mr CHEUNG’s suggestion.

24. Mrs Sophie LEUNG considered that Mr CHEUNG’s suggestion would make HR 22(p) meaningless, as it would allow members to raise any issues for discussion at a Panel meeting without prior notice and then to move a motion related to the issue at the meeting. In view of the different interpretation of HR 22(p), she suggested that the problem be referred to the Committee on Rules of Procedure (CRoP) for consideration. Whilst appreciating the efforts made by frontline public officers in dealing with the outbreak of SARS, Mrs LEUNG considered that the efforts made by other parts of the community should not be neglected. It might be more appropriate to adopt a comprehensive approach to commend the efforts made by all persons concerned. As the Panel on Health Services (HS) convened weekly meetings to closely monitor the SARS incident, she considered that the proposed motion should better be dealt with by the HS Panel. She therefore suggested to Mr Michael MAK that his motion could be proposed at the meeting of the HS Panel. Mr MAK disagreed and considered it appropriate for the Panel on Public Service to deal with his proposed motion at this meeting.

Clerk

25. Whilst supporting the content of the proposed motion, Ms LI Fung-ying considered that the Panel should adopt a prudent approach in dealing with motions at its meetings. As it was not clear whether members were allowed under HR 22(p) to propose motions under “Any other business” of the agenda for a Panel meeting or under a newly added discussion item under “Any other business”, she suggested that the issue be referred to CRoP for consideration. Meanwhile, the Panel might record in the minutes of this meeting that it highly commended frontline public officers for their high professionalism demonstrated in dealing with the outbreak of SARS. Mr Michael MAK and other members agreed to Ms LI’s suggestions.

Concluding remarks of the Chairman

26. As this was the last regular Panel meeting for the 2002-03 session, the Chairman took the opportunity to thank members for their contribution in the session. He also thanked the Secretariat for their support to the work of the Panel.

27. There being no other business, the meeting ended at 12:10 pm.

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