

ITEM FOR FINANCE COMMITTEE

FINANCE COMMITTEE, ESTABLISHMENT SUBCOMMITTEE AND PUBLIC WORKS SUBCOMMITTEE

Members are invited to consider the proposed amendments to the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure to provide for the shortening of the duration of the division bell.

PURPOSE

This paper invites members to consider the proposed amendments to the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure to enable the moving of a motion without notice during a meeting of the Finance Committee (FC), Establishment Subcommittee (ESC) or Public Works Subcommittee (PWSC) for the purpose of shortening the duration of the division bell to one minute, where frequent divisions are anticipated for an agenda item at that meeting.

BACKGROUND

2. According to Rule 71(13) of the Rules of Procedure (RoP), the practice and procedure of FC and its subcommittees shall be determined by FC, subject to the RoP.

3. Under paragraph 46 of the Finance Committee Procedure, when the Chairman puts a question to the Committee for its decision, he/she shall first call upon those members who are in favour of the question to raise their hands and shall then call upon those who are against the question to raise their hands. The Chairman shall then, according to his/her judgement, state whether or not he/she thinks the majority of the members present and voting are in favour of the question. If no member challenges the statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the Committee to

proceed to a division, and the division shall be held forthwith immediately after a division bell has been rung for two minutes. Similar provisions are specified in the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure.

4. The procedure on the ringing of the division bell at meetings of FC and its two subcommittees was last reviewed in 2005 pursuant to a recommendation of the Committee on Rules of Procedure (CRoP) that the procedure for ringing a voting bell to call upon members to vote at a committee meeting should apply across the board to all committees of the Council, including FC and its two subcommittees. FC considered the matter on 27 May 2005 and decided that -

- (a) the arrangement of ringing the division bell when a division was claimed should continue, and there was no need to provide for the ringing of a voting bell; and
- (b) the duration of the division bell of FC and its two subcommittees should be changed from one minute to two minutes.

CONSULTATION WITH FINANCE COMMITTEE MEMBERS

5. In January 2010, Hon IP Kwok-him wrote to the Chairman of CRoP suggesting that to enhance the efficiency of its meetings, FC should consider adopting with necessary modifications the existing procedural arrangement specified under the RoP on the shortening of the duration of the division bell to one minute. CRoP noted that the proposed arrangement, if implemented, would only require amendments to the Finance Committee Procedure, and not the RoP. On the advice of the FC Chairman, a consultation paper (LC Paper No. FC110/09-10(01)) was issued on 27 May 2010 to gauge the views of FC members on the proposed arrangement. Before the issuance of the consultation paper, the Chairmen and Deputy Chairmen of ESC and PWSC had been invited to note that the proposed arrangement, if adopted by FC, would also apply to ESC and PWSC meetings.

6. The consultation paper also proposed two related arrangements for shortening the duration of the division bell, as follows :

- (a) The moving of a motion to shorten the duration of the division bell should apply to further divisions claimed under the same agenda item at a FC meeting.
- (b) The motion should immediately be moved after the Chairman has declared the result of the first division under the same agenda item during a FC meeting.

These proposed arrangements were drawn up with reference to the practice of the Council meetings in accordance with the then relevant rules on shortening of the duration of the division bell under Rules 49(4) and 49(6) of RoP.

7. Of the 55 FC members who responded to the consultation paper, 47 members indicated support for pursuing the proposal.

REVIEW OF RULES 49(4) AND 49(6) OF THE RULES OF PROCEDURE

8. CRoP has recently conducted a review of Rules 49(4) and 49(6) of RoP and recommended that amendments be made to reflect the relevant existing practice and to remove an inconsistency between the Chinese and English texts respectively. Regarding the timing for moving the motion to shorten the duration of the division bell, CRoP recommended that Rule 49(6) be amended to the effect that such a motion should immediately be moved after the President has declared the result of *a division*.

9. The House Committee endorsed CRoP's recommendations on 11 June 2010 and the proposed amendments to Rules 49(4) and 49(6)¹ were passed by the Legislative Council on 30 June 2010. The amended Rules 49(4) and 49(6) of RoP are reproduced in **Enclosure 1**.

10. With reference to the newly amended Rule 49(6), the recommended arrangement mentioned in paragraph 6(b) above for the FC, ESC and PWSC should accordingly be revised, such that a motion to shorten the duration of the division bell to one minute should immediately be moved after the Chairman has declared the result of *a division* under the same agenda item during a FC meeting.

PROPOSED AMENDMENTS

11. In light of the outcome of the consultation with FC members and the recent amendment to Rule 49(6) of RoP, the Secretariat has prepared draft amendments to the Finance Committee Procedure, the Establishment Subcommittee Procedure and the Public Works Subcommittee Procedure to provide for the moving of a motion without notice during a meeting of FC/ESC/PWSC for the purpose of shortening the duration of the division bell to

¹ The proposed amendments were as follows:

- (a) in subrule (4) -
 - (i) by repealing "on an amendment to a bill" and substituting "on any provision of or any amendment to a bill";
 - (ii) by repealing "in respect of any amendments to the bill" and substituting "in respect of any provisions of or any amendments to the bill";
- (b) in subrule (6), in the English text, by repealing "the first division" and substituting "a division".

one minute, where frequent divisions are anticipated for an agenda item at that meeting. Subject to members' views, the new procedure will take effect from the next meeting of FC/ESC/PWSC. The proposed amendments are given in **Enclosure 2(a) to (c)**.

APPROVAL SOUGHT

12. Members are invited to approve the proposed amendments in **Enclosure 2(a) to (c)**.

Council Business Division 1
Legislative Council Secretariat
2 July 2010

Extract from the Rules of Procedure

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Rule 49(4)

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 any provision of or any 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 provisions of or 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)

Where there is more than one motion in respect of subsidiary legislation or the instrument referred to in Rule 29(2)(b) (Notice of Motions and Amendments) on the Agenda of the Council (excluding motions referred to in Rule 29(3)) then, immediately after the President has declared the result of a 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 the instrument, 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.

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Proposed amendment to the Finance Committee Procedure

Voting

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46. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the Committee for its decision he shall first call upon those members who are in favour of the question to raise their hands and shall then call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement, state whether or not he thinks the majority of the members present and voting are in favour of the question. If no member challenges the statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the Committee to proceed to a division and the division shall be held forthwith immediately after a division bell has been rung for two minutes [Rule 47(1)].

47. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the Committee. *Immediately after the Chairman has declared the result of a division under an agenda item, a member may move without notice that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the Committee do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall propose the question on that motion.* In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for members of the Committee within the precincts of the Chamber to be notified of the division. The division shall be held four minutes after the order has been made.

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Legend:

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

Proposed amendment to the Establishment Subcommittee Procedure

Voting

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39. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the ESC for its decision he shall first call upon those members who are in favour of the question to raise their hands and then shall call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement state whether or not that he thinks the majority of the members present and voting are in favour of the question. If no member challenges his statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the ESC to proceed to a division and a division shall be held forthwith immediately after a division bell has been rung for two minutes [Rule 47(1)].

39A. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the ESC. *Immediately after the Chairman has declared the result of a division under an agenda item, a member may move without notice that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the ESC do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall propose the question on that motion.* In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for members of the ESC within the precincts of the Chamber to be notified of the division. The division shall be held four minutes after the order has been made.

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Legend:

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

Proposed amendment to the Public Works Subcommittee Procedure

Voting

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40. Before putting an item to the vote, the Chairman shall ask members if they have any further questions. When the Chairman puts a question to the PWSC for its decision he shall first call upon those members who are in favour of the question to raise their hands and then shall call upon those who are against the question to raise their hands. The Chairman shall then, according to his judgement state whether or not that he thinks the majority of the members present and voting are in favour of the question. If no member challenges his statement, the Chairman shall declare the question to have been so decided. If a member challenges the statement of the Chairman by claiming a division, then the Chairman shall order the PWSC to proceed to a division and a division shall be held forthwith immediately after a division bell has been rung for two minutes [Rule 47(1)].

40A. When a division has been ordered, Rules 48 and 49 of the Rules of Procedure shall apply to the proceedings of the PWSC. *Immediately after the Chairman has declared the result of a division under an agenda item, a member may move without notice that in the event of further divisions being claimed in respect of any motions or questions under the same agenda item, the PWSC do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the Chairman shall propose the question on that motion.* In the event that the division bell does not function or may not be rung, the Chairman shall order the Clerk to arrange for members of the PWSC within the precincts of the Chamber to be notified of the division. The division shall be held four minutes after the order has been made.

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Legend:

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