

立法會 *Legislative Council*

LC Paper No. CROP 22/10-11

Ref: CB(3)/CROP/3/66

Paper for the House Committee meeting on 15 April 2011

Committee on Rules of Procedure

Proposed amendments to Rules 44 and 45 of the Rules of Procedure

Purpose

This paper seeks the views of the House Committee (“HC”) on the proposed amendments to Rules 44 and 45 of the Rules of Procedure (“RoP”) to extend the application of these two rules to all committees of the Council.

Background

2. Rules 44 and 45 refer to the finality of decisions made by the President or the chairman of any standing committee¹ or select committee on a point of order, and their power to order Members who persist in irrelevance or tedious repetition to stop speaking and to order immediate withdrawal of Members whose conduct is grossly disorderly. The texts of the two rules are in **Appendix I**.

3. Under the current RoP, the chairmen of other committees of the Council, e.g. Panels, bills committees and subcommittees, do not have the power conferred under Rules 44 and 45 of RoP to order a Member who acts in a disorderly manner to withdraw from the meeting. However, in dealing with a Member's conduct or a point of order at a committee, the chairman concerned may adopt one or more of the following approaches

¹ There are three standing committees. They are the Finance Committee, Committee on Members' Interests and Public Accounts Committee.

which have been included in the respective Handbook for Chairmen of Panels, Bills Committees and Subcommittees on Subsidiary Legislation/Other Instrument:

- (a) remind the Member that his conduct is inappropriate;
- (b) persuade the Member not to continue to behave in the manner which is the subject of the controversy;
- (c) suspend the meeting to let the controversy die down, if necessary; and/or
- (d) seek the view of the committee on how the controversy should be dealt with.

4. The issue of whether Rules 44 and 45 of RoP should be extended to cover other committees of the Council was explored by CRoP in 1999 and 2004. Both of the reviews concluded that it was not necessary to extend the rules to other committees, as the power given to the chairmen of these committees was adequate for them to deal with disputes at meetings. Subsequently in 2009, in response to a suggestion to extend these rules to other committees, consultation with Members was conducted by CRoP. The outcome of the consultation showed that Members had divergent views on the proposed extension of rules. CRoP agreed that the matter should not be dealt with for the time being.

Recent developments

5. Following recent incidents involving some Members behaving in a disorderly manner at committee meetings and upon the President's request, members discussed the issue of order at committee meetings at the CRoP meeting on 29 March 2011. The majority of CRoP members considered that the present approach of handling disorderly conduct of Members at committees could no longer ensure the smooth operation of the committee, due to increasing frequency of disorderly conduct of Members at committee meetings.

6. Dr Hon Margaret NG, Deputy Chairman of CRoP, was however of the view that to empower the chairmen of those committees not covered at present by Rules 44 and 45 of RoP to order withdrawal of a Member from a meeting on the ground of disorderly conduct might lead to more conflict or confrontation, which would not be conducive to the

smooth operation of these committees.

7. CRoP considered that although the chairman concerned might suspend a meeting if a Member continued to act in a disorderly manner despite the chairman's warnings, such suspension was highly disruptive to the work of the committee. If, upon resumption of the meeting, the Member continued to act in a disorderly manner, the chairman might have no alternative but to suspend the meeting again to let the Member calm down. CRoP agreed that Rules 44 and 45 of RoP should be extended to cover other committees of the Council.

Proposed amendments to Rules 44 and 45 of RoP

8. The proposed amendments to the Chinese and English text of Rules 44 and 45 of RoP are in **Appendix II**.

Advice sought

9. The views of HC members are sought on the proposed amendments in paragraph 8 above.

10. Subject to any views which HC members may have, Hon TAM Yiu-chung, Chairman of CRoP, will move a motion at the Council meeting of 11 May 2011 to amend the Rules of Procedure as proposed.

Council Business Division 3
Legislative Council Secretariat
13 April 2011

立法會議事規則第 I 部
會議規程

**Part I of the Rules of Procedure of the Legislative Council
Rules of Order**

44. 主席決定為最終決定

立法會主席、全體委員會主席或任何常設或專責委員會主席分別就立法會及委員會會議遵照會議規程行事負責。主席在會議規程問題上所作決定為最終決定。

44. Decision of Chair Final

The President in Council, the Chairman in a committee of the whole Council or the chairman of any standing or select committee shall be responsible for the observance of the rules of order in the Council and committee respectively. His decision on a point of order shall be final.

45. 立法會及委員會會議中的秩序

- (1) 立法會主席、全體委員會主席或任何常設或專責委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。
- (2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何常設或專責委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議；立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

45. Order in Council and Committee

- (1) The President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee, after having called the attention of the Council or the committee to the conduct of a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate, may direct him to discontinue his speech.
- (2) The President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee shall order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting; and the Clerk or clerks of any committees shall act on orders received by him from the Chair to ensure compliance with this order.

立法會議事規則第 I 部
會議規程

Part I of the Rules of Procedure of the Legislative Council
Rules of Order

44. 主席決定為最終決定

立法會主席、全體委員會主席或任何常設或專責委員會主席分別就立法會及委員會會議遵照會議規程行事負責。主席在會議規程問題上所作決定為最終決定。

44. Decision of Chair Final

The President in Council, the Chairman in a committee of the whole Council or the chairman of any ~~standing or select~~ committee shall be responsible for the observance of the rules of order in the Council and committee respectively. His decision on a point of order shall be final.

45. 立法會及委員會會議中的秩序

- (1) 立法會主席、全體委員會主席或任何常設或專責委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。
- (2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何常設或專責委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議；立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

45. Order in Council and Committee

- (1) The President, the Chairman of a committee of the whole Council or the chairman of any ~~standing or select~~ committee, after having called the attention of the Council or the committee to the conduct of a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate, may direct him to discontinue his speech.
- (2) The President, the Chairman of a committee of the whole Council or the chairman of any ~~standing or select~~ committee shall order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting; and the Clerk or clerks of any committees shall act on orders received by him from the Chair to ensure compliance with this order.