

# **立法會**

## ***Legislative Council***

LC Paper No. CROP 57/11-12

Ref: CB(3)/CROP/3/65

### **Paper for the House Committee meeting on 22 June 2012**

#### **Committee on Rules of Procedure**

#### **Provision of slots for moving motions with no legislative effect in the Fifth Legislative Council**

#### **Purpose**

This paper invites the House Committee (“HC”) to consider the proposal of the Committee on Rules of Procedure (“CRoP”) to amend the House Rules (“HR”) for implementing arrangements for the provision of slots for moving motion with no legislative effect at Council meetings in the Fifth Legislative Council (“LegCo”).

#### **Background**

2. With the increase in the number of Members in the Fifth LegCo from 60 to 70, all Members were earlier consulted on the proposed arrangements for the provision of slots for moving motion with no legislative effect at Council meetings in the Fifth LegCo. The outcome of the consultation is that the majority of Members consider that the number of motion debate slots with no legislative effect for each regular Council meeting should be maintained at two and allocation of these slots should be counted on a term basis (about 216 slots shared by 69 Members in a four-year term).

#### **CRoP's proposals**

3. As the allocation of debate slot will be counted on a term basis and not on a session, CRoP proposes that the following changes be made:

- (a) slots will be allocated in accordance with the following descending order of priority:
  - (i) a Member who has not been allocated a debate slot in the term and has been unsuccessful for the highest number of times in the previous two or more applications;
  - (ii) a Member who has not been allocated a debate slot in the term;
  - (iii) a Member who has been allocated the fewest number of debate slot(s) in the term and has been unsuccessful for the highest number of times in the previous two or more applications; and
  - (iv) a Member who has been allocated the fewest number of debate slot(s) in the term;
- (b) if the number of Members who are of equal priority for allocation exceeds the number of slot(s) available for allocation, a ballot will be conducted by HC Chairman for determining the allocation of the debate slot(s); and
- (c) where a Member who has been unsuccessful in his application for a debate slot for a Council meeting, he may use the debate slot allocated to another Member for that meeting, if a request for transfer of the slot is made and agreed to by that other Member 12 clear days before the date of that meeting, and he must not previously been allocated four or more debate slots in a term.

4. For the purpose of implementing the above changes, it is necessary to amend the existing HR. The proposed amendments to HR are in the **Appendix**.

### **Consultation with all Members on CRoP's proposals**

5. CRoP has consulted the views of all Members on the proposed changes set out in paragraph 3 above using a questionnaire. The majority of Members agree to the proposed changes.

### **Advice sought**

6. HC members are invited to consider CRoP's proposed amendments to HR as set out in the Appendix. Subject to members' views, the relevant rules of HR will be amended accordingly for implementation in the Fifth LegCo.

Council Business Division 3  
Legislative Council Secretariat  
21 June 2012

**Proposed amendments to rules 13, 14 and 15 of the House Rules**

**13. Number of Debates Initiated by Members**

- (a) Not more than two *motion* debates initiated by Members; ~~which may be two motion debates, two adjournment debates, or one motion debate and one adjournment debate,~~ should be held at each regular Council meeting. However, more than two such debates may be allowed by the President under special circumstances upon the recommendation of the House Committee.
- (b) The debates mentioned in (a) above do not include debates on the following types of motions -
  - (i) particular motions (Part JA of the Rules of Procedure);
  - (ii) motions relating to bills (Part K of the Rules of Procedure);
  - (iii) motions to appoint a select committee and refer matters to it (Rules 78 and 79 of the Rules of Procedure);
  - (iv) motions to amend or suspend the Rules of Procedure;
  - (v) motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council's power on subsidiary legislation));
  - (vi) motions on reports of the House Committee on the consideration of subsidiary legislation and other instruments (Rule 49E of the Rules of Procedure); and
  - (vii) *motions for the adjournment of the Council (Rule 16(2) and (4) of the Rules of Procedure); and*
  - ~~(vii)~~(viii) motions other than those mentioned above which, if carried, empower the Council, a committee, the



President or other person(s) to do a certain act, or invoke certain provisions under the laws or the Rules of Procedure.

#### 14. Allocation of Slots for Debates to Individual Members

- (a) Each Member is normally allocated ~~only one slot~~ *three slots* for moving a ~~motion debate or proposing one adjournment debate~~ *motion debates* in a session term.
- (b) A Member who wishes to move a motion for debate at a Council meeting shall make a prior application for the allocation of a debate slot. An application for a debate slot at a particular meeting should be submitted with the *subject and the* wording of the motion to the Secretariat not later than 14 clear days before that meeting.
- (c) No application will be accepted after the cut-off date in (b) above, even if there is any untaken slot. If the subject matter of the proposed motions submitted by Members is substantially the same, the Member who first secures a debate slot has priority to move the subject matter for debate.
- (d) If more than two applications ~~have been received~~ in respect of the same Council meeting *have been received from Members* by the cut-off date in (b) above, ~~allocation will be determined by drawing lots by the chairman of the House Committee. A Member who has previously been allocated a debate slot in the session will not be included in the ballot.~~ *the two debate slots for that meeting will be allocated according to the following descending order of priority:*
  - (i) *a Member who has not been allocated a debate slot in the term and has been unsuccessful for the highest number of times in the previous two or more applications;*
  - (ii) *a Member who has not been allocated a debate slot in the term;*
  - (iii) *a Member who has been allocated the fewest number of debate slot(s) in the term and has been unsuccessful for the highest number of times in the previous two or more applications; and*

- (iv) *a Member who has been allocated the fewest number of debate slot(s) in the term.*

*If the number of Members who are of equal priority for allocation exceeds the number of slots(s) available for allocation, a ballot will be conducted by the Chairman of the House Committee for determining the allocation of the debate slots(s).*

- ~~(e)~~ ~~A Member not previously allocated a debate slot in a session and who has been unsuccessful for the highest number of times in two or more consecutive ballots will be accorded priority and allocated one debate slot at a subsequent Council meeting. Where there are more than one such Members, lots will be drawn by the chairman of the House Committee to determine the allocation of the debate slot to one of these Members. The Member(s) who is unsuccessful in this ballot will then join those Members who have been unsuccessful for fewer number of times and those Members who have not previously been allocated a debate slot in the session in a ballot to be conducted by the chairman of the House Committee for determining the allocation of the remaining slot.~~

- (f)(e) A Member who has been unsuccessful in his application for a debate slot for a Council meeting may use the debate slot allocated to another Member for that meeting if a request for transfer of the slot is made and agreed to by that other Member 12 clear days before the date of that meeting *and that the Member who made the request must not previously been allocated four or more debate slots in a term.*

- (g)(f) Where a Member has transferred his allocated debate slot to another Member pursuant to (f)(e) above, there shall be no further transfer of that slot.

- (h)(g) Where a Member has transferred his allocated debate slot pursuant to (f)(e) above, his priority in an allocation of debate slots to be made under (e)(d) above in respect of a Council meeting to be held after the one to which the transferred slot relates shall be determined subject to the following -

- (i) he shall not be regarded as having been allocated a debate slot notwithstanding the allocation of the slot that he has so transferred; and



- (ii) all his previous unsuccessful applications for a debate slot, if any, that were taken into account in the allocation of the slot that he has so transferred shall be disregarded.
- ~~(i)~~(h) For the purpose of this rule, the Member to whom a debate slot has been transferred pursuant to ~~(f)~~(e) above is regarded as having been allocated a slot.
- ~~(j)~~(i) Notwithstanding the method of allocation stated above, with the agreement of the House Committee, Members may be given priority in respect of the allocation of slots for debates on urgent, important and topical issues. A debate slot allocated in accordance with such priority shall not be transferred pursuant to ~~(f)~~(e) above.
- ~~(k)~~(j) A mover of a motion may withdraw a notice of a motion at any time before it is moved by giving instructions to the Clerk. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the Member is deemed to have been allocated a debate slot.
- ~~(l)~~(k) Where the mover of a motion withdraws a motion during a Council meeting, the debate slot will be treated in one of the following manners -
  - (i) the Member is regarded as having used his debate slot; or
  - (ii) with the agreement of the House Committee, the Member may move the withdrawn motion at the first available slot at a subsequent Council meeting. However, the number of motion debates at the Council meeting should not thus exceed two.
- ~~(m)~~(l) Where the House Committee makes prior suggestion to the mover of a motion for deferring his debate, and the mover accepts the suggestion, his debate slot will be treated in accordance with ~~(l)~~(k)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, his debate slot will be treated in accordance with ~~(l)~~(k)(i) above.

## 15. Order of Debates on Motions

- (a) Debates on motions such as those listed in rule 13(b)(i) to ~~(vii)~~ *(vi)* and *(viii)* above shall take place before debates on individual Member's motions.
- (b) Where two individual Member's motion debates are scheduled for the same meeting, the order of debating these motions will be determined by drawing lots unless otherwise agreed between the two Members concerned.
- (c) The debate on a motion to be moved by the chairman of a Panel, committee or subcommittee who has secured the debate slot in accordance with rule 14A above shall take place before the other individual Member's motion to be debated at the same Council meeting.

### Legend:

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

Texts proposed to be deleted are shown with deletion lines.