

立法會

Legislative Council

LC Paper No. CROP 10/12-13

Ref: CB(4)/CROP/3/65

Paper for the House Committee meeting on 23 November 2012

Proposed arrangements for the provision and allocation of slots for moving motions not intended to have legislative effect

Purpose

This paper invites the House Committee to consider the proposal of the Committee on Rules of Procedure ("CRoP") to amend the House Rules ("HR") regarding the provision and allocation of slots for moving motions not intended to have legislative effect at Council meetings.

Background

2. In the previous terms of the Legislative Council ("LegCo"), two motion debates not intended to have legislative effect were normally held at each regular Council meeting¹, and there were about 54 debate slots available for allocation to 59 Members in each session. With the increase in the number of Members in the Fifth LegCo from 60 to 70, Members of the Fourth LegCo had been consulted on the relevant arrangements in the Fifth LegCo. A majority of the Members (78%) considered that the number of motion debate slots for each regular Council meeting should be maintained at two and allocation of these

¹ Regular Council meetings exclude the first meeting of a term, a meeting to elect the President, a meeting at which the Chief Executive shall deliver a Policy Address to the Council, and the Chief Executive's Question and Answer Sessions. In addition, the Council meeting for debate on the Policy Address (i.e. debate on the Motion of Thanks) and the Budget meetings (i.e. the Council meetings at which the Financial Secretary presents the Budget and the Appropriation Bill is dealt with) are also not regarded as regular meetings.

slots to Members should be counted on a term basis, i.e. about 216 slots shared by 69 Members in a four-year term.

3. CRoP of the Fourth LegCo had proposed the following arrangements for the allocation of motion debate slots in the Fifth LegCo:

- (a) slots are 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 the Chairman of the House Committee 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 the Member who makes the request must not have previously been allocated four or more debate slots in a term.

4. CRoP had consulted all Members of the Fourth LegCo on the above proposed arrangements, to which a majority of Members² agreed.

² Of the 59 Members responded to the questionnaire survey, 51, 52 and 38 Members agreed to the proposed arrangements set out in paragraph 3(a), (b) and (c) respectively, while six Members had no comment on the proposed arrangements.

5. CRoP of the Fourth LegCo noted that while rule 13(a) of HR specified that the two debates initiated by Members at a regular Council meeting might be two motion debates, one motion debate and one adjournment debate or two adjournment debates, there had been no past case where a Member who was allocated a debate slot chose to use the slot to move an adjournment debate. CRoP agreed that rule 13(a) of HR should be amended to specify that slots for debates at each Council meeting should be all for motion debates. Rule 13(a) of HR also provides that more than two debates may be allowed by the President under special circumstances upon the recommendation of the House Committee. In this connection, CRoP noted that most of the adjournment debates held pursuant to Rule 16(4) of the Rules of Procedure ("RoP")³ in the past, where two or more motion debates were already scheduled to be held at a Council meeting, were allowed by the President on the recommendation of the House Committee. CRoP considered that this requirement should continue.

6. On the recommendation of CRoP⁴, the House Committee endorsed at its meeting on 22 June 2012 the proposed amendments to rules 13, 14 and 15 of HR as set out in **Appendix I** for implementation in the Fifth LegCo.

Consideration of CRoP of the Fifth LegCo

7. CRoP of the Fifth LegCo has discussed the proposed arrangements for the provision and allocation of slots for moving motions not intended to have legislative effect. CRoP agrees that the number of motion debate slots for each regular Council meeting should be maintained at two, and is in support of the proposed arrangements set out in paragraph 3 above. However, CRoP notes that the proposed amendments to rule 13(a) and (b) of HR set out in Appendix I may have the unintended effect of removing the requirement that where two or more motion debates are already scheduled to be held at a Council meeting, a Member who wishes to move a motion for an adjournment debate under Rule 16(4) of RoP at the Council meeting should first seek the support of the House Committee on his request. CRoP agrees that this requirement should be maintained and rule 13 of HR should be suitably revised. CRoP also notes the need for a consequential amendment to rule 14A(1), as a result of the

³ Rule 16(4) of RoP provides that "[a]t the conclusion of all business on the Agenda of the Council a Member may move that this Council do now adjourn, for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer." As provided under Rule 16(5) of RoP, the moving of such a motion is subject to the "7 clear days" notice requirement and the President may in his discretion dispense with such notice.

⁴ LC Paper No. CROP 57/11-12

amendments to rule 14. Revised proposed amendments to rules 13, 14, 14A and 15 of HR are in **Appendix II**.

8. CRoP also considers that upon the approval of the House Committee, the allocations of slots made for motion debates and the unsuccessful applications for motion debate slots since the commencement of the Fifth LegCo should be taken into account for the future allocation of motion debate slots in the term, in accordance with the arrangements provided under the revised rule 14 of HR.

Advice sought

9. Members are invited to endorse the revised proposed amendments to rules 13, 14, 14A and 15 of HR in Appendix II, as well as the proposed arrangement set out in paragraph 8 above.

Council Business Division 4
Legislative Council Secretariat
22 November 2012

**Amendments to rules 13, 14 and 15 of the House Rules
endorsed by the House Committee meeting on 22 June 2012**

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 makes the request must not have 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.
- ~~(f)~~(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.
- ~~(f)~~(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.
- ~~(f)~~(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 ~~(f)~~(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 ~~(f)~~(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.

**Revised proposed amendments to
rules 13, 14, 14A 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, *the holding of* more than two such *motion* debates ~~or an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure in addition to not less than two such motion debates~~ may be allowed by the President under special circumstances upon the recommendation of the House Committee.
- (b) The *motion* 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 makes the request must not have 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.
- ~~(h)~~(h) For the purpose of this rule, the Member to whom a debate slot has been transferred pursuant to ~~(e)~~(e) above is regarded as having been allocated a slot.
- ~~(i)~~(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 ~~(e)~~(e) above.
- ~~(j)~~(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.
- ~~(k)~~(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.
- ~~(l)~~(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 ~~(k)~~(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 ~~(k)~~(k)(i) above.

14A. Allocation of Slots for Debates to Chairmen of Committees of the Council

- (a) A slot will be automatically allocated to the chairman of a Panel for moving, in accordance with a Panel's decision, a motion for debate at a Council meeting provided that:
 - (i) the motion is on a consultative document published by the Government and will be debated before the expiry of the consultation period;
 - (ii) the motion is neutrally-worded without stating any stance; and
 - (iii) no amendment to the motion will be proposed.
- (b) The slot so allocated will not be counted as the mover's own slot as an individual Member.
- (c) Only one slot will be allocated for such purpose for each Council meeting.
- (d) A Panel's request for debate slot at a particular Council meeting should be submitted with the wording of the motion to the Secretariat before the relevant cut-off date for application for debate slots.
- (e) Except with the agreement of the House Committee, each Panel will normally be allocated not more than one such slot in a session.
- (f) Where there are more than one application from Panels in respect of the same Council meeting, priority will be given to the debate on the consultative document with the earliest deadline for concluding the consultation. Where the deadlines are the same, allocation will be determined by balloting. The Panel(s) which is not allocated a slot under this subrule may be allocated one at the next or subsequent Council meeting(s), depending on the number of Panels requesting the slots and the order of priority as determined by the ballot.
- (g) The automatic allocation of slots mentioned in (a) above does not apply to cases in which a Panel requests that a debate slot be

allocated to its chairman for moving a motion on matters other than as stated in (a)(i) above, or that a debate slot be allocated to the chairman of the House Committee, even if the motion is on a consultative document published by the Government.

- (h) Requests by a Panel mentioned in (g) above and similar requests from other committees and subcommittees of the Council for priority allocation of debate slots shall be put forward to the House Committee for consideration on a case-by-case basis. Should the House Committee accede to such a request, the debate slot shall not be counted as the mover's own slot.
- (i) The chairman of a Panel, committee or subcommittee who has been so allocated a slot may withdraw the notice of the 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 chairman of the Panel, committee or subcommittee is deemed to have been allocated a debate slot for the purposes of this rule.
- (j) Where the chairman of the Panel, committee or subcommittee withdraws the motion during a Council meeting, the debate slot will be treated in one of the following manners –
 - (i) the chairman of the Panel, committee or subcommittee is regarded as having used the debate slot for the purposes of this rule; or
 - (ii) with the agreement of the House Committee, the chairman of the Panel, committee or subcommittee 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.
- (k) Where the House Committee makes prior suggestion to the chairman of the Panel, committee or subcommittee for deferring the debate, and the mover accepts the suggestion, the debate slot will be treated in accordance with (j)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, the debate slot will be treated in accordance with (j)(i) above.

- (l) A debate slot allocated pursuant to this rule shall not be transferred pursuant to rule ~~14(f)~~14(e) 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:

The shaded texts are the further proposed amendments.

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

Texts proposed to be deleted are shown with deletion lines.