

立法會 *Legislative Council*

LC Paper No. CROP 32/13-14

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Paper for the House Committee meeting on 24 January 2014

Committee on Rules of Procedure

Moving of amendments to amendments to 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") regarding the moving of amendments to amendments ("AAs") to motions not intended to have legislative effect that are initiated by Members for debate in Council ("MNLEs") and relevant proposed amendments to the House Rules ("HR").

Background

Relevant rules and practice

2. There is no provision in the Rules of Procedure ("RoP") governing the moving of AAs to MNLEs, and the practice has been that Members are allowed to move such AAs at the discretion of the President. The relevant rules regarding the required notice period for moving such AAs and the speaking time of the mover are specified in rule 17 of HR¹.

¹ Under rule 17(a)(iv) of HR, the minimum notice period required for an AA is 3 clear days and at the President's discretion. Under rule 17(b) of HR, unless otherwise decided by the House Committee, it shall be deemed to be agreed by the House Committee and recommended to the President that the maximum speaking time for the mover of an AA is 7 minutes in the relevant motion debate.

Deliberations of CRoP

3. Pursuant to the suggestion of Hon Kenneth LEUNG, CRoP has reviewed the current practice of allowing the moving of AAs to MNLEs. CRoP members generally consider that as the purpose of holding debates on MNLEs is to provide opportunities for Members to express views on issues of public concern, and as Members can move amendments to such a motion to reflect their own views, it is not necessary for Members to move an AA to achieve the purpose. The moving of AAs, on the contrary, often renders the wording of a motion convoluted and members of the public would find it difficult to understand the relevant proceedings. Moreover, given that the minimum notice period required for an AA is three clear days, if an AA is to be moved by a Member, other Members who are amendment movers will have very little time to consider whether to proceed with their amendments should the AA be passed, and if so, how to revise the wording of their amendments.

4. CRoP notes that the number of possible scenarios of the passage or otherwise of different amendments and AAs could increase significantly with the moving of AAs. In the 2011-2012 session, 5.4% of MNLEs had AAs, and the figure rose to over 20% in the 2012-2013 session.

Consultation with Members

5. CRoP has consulted all Members on the issue². Of the 64 Members who have provided their response, –

- (a) 54 Members consider that the moving of AAs to MNLEs should not be allowed;
- (b) six Members consider that the moving of AAs to MNLEs should be allowed; and
- (c) four Members have replied that they do not have comment on the issue.

² LC Paper No. CROP 21/13-14

CRoP's proposal

6. In the light of the consultation outcome, CRoP proposes that the moving of AAs to MNLEs should not be allowed in future and rule 17 of HR should be amended as set out in the **Appendix**. As the scope of the current review is confined to AAs to MNLEs, CRoP has affirmed that its current proposal will not affect the existing procedures and practices in respect of motions with legislative effect.

Advice sought

7. Members are invited to consider CRoP's proposal set out in paragraph 6 above and the proposed amendment to rule 17 of HR set out in the Appendix.

8. If CRoP's proposal and the proposed amendment to rule 17 of HR as set out in the Appendix are endorsed by the House Committee, taking into account the notice requirement for MNLEs and subject to the President's advice, the new arrangement of not allowing AAs to MNLEs may take effect from the Council meeting of 19 February 2014.

Council Business Division 4
Legislative Council Secretariat
23 January 2014

Proposed amendments to the House Rules

House Rules

17. Motion Debates

- (a) The minimum notice periods required for formal notice of motions and amendments to motions are as follows -

	<u>Minimum notice required</u>	<u>Rules of Procedure</u>
(i) Notice of a motion on a report of the House Committee on the consideration of subsidiary legislation and other instruments	2 clear days	Rule 49E
(ii) Notice of a motion other than that mentioned in (a)(i) above	12 clear days	Rule 29(1)
(iii) Notice of amendment to a motion mentioned in (a)(ii) above	5 clear days	Rule 29(6)(a)
(iv) Notice of amendment to an amendment to a motion mentioned in (a)(iii) above	3 clear days and at the President's discretion	—

- (b) Unless otherwise decided by the House Committee, the following speaking time limits for a motion debate shall be deemed to have been agreed by the House Committee and shall be recommended to the President under Rule 37 of the Rules of Procedure -

Maximum time allowed

For a debate on a motion on a report of the House Committee on the consideration of subsidiary legislation and other instruments

Mover of the motion and other speakers	15 mins each (for a debate which is not divided into sessions)	15 mins each for each session (for a debate which is divided into sessions)
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For other motion debates

Mover of the motion		
- introductory speech and reply		15 mins (in total)
- speech on proposed amendment(s)		5 mins (in total)
Mover of amendment to the motion		10 mins
Mover of amendment to an amendment to the motion		7 mins
Other speakers		7 mins each
Member who has been given permission to reword his original proposed amendment to a motion which has been amended earlier on		Additional 3 minutes

- (c) When a motion to adjourn a motion debate is moved and where the House Committee has made a recommendation to the President under Rule 37 of the Rules of Procedure, Members speaking on the motion must limit their speeches to the recommended specified time if it is accepted by the President. Members should speak to that motion and not to the original motion.

Legend:

Texts proposed to be deleted are shown with deletion lines.