

**立法會**  
***Legislative Council***

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Tel : 3919 3401

Date : 4 December 2013

From : Clerk to Committee on Rules of Procedure

To : All Members of the Legislative Council

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**Committee on Rules of Procedure**

**Consultation on whether Members should be allowed  
to move amendments to amendments to motions  
not intended to have legislative effect**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on whether Members should be allowed to move amendments to amendments ("AAs") to motions not intended to have legislative effect that are initiated by Members for debate at Council meetings.

2. At present, normally not more than two motion debates initiated by Members are held at each regular Council meeting. Rules 33 and 34 of the Rules of Procedure ("RoP") on "Manner of Debating Motions" and "Manner of Debating Amendments to Motions" provide, inter alia, that amendments of which notice has been given or dispensed with in accordance with Rule 29(6)(a) or (b) may be moved to a motion not intended to have legislative effect, and that any such amendment shall take one of the forms stipulated in Rule 34(2). However, there are no provisions in the RoP governing the moving of AAs to motions not intended to have legislative effect. The practice has been that Members are allowed to move AAs to such motions. The minimum notice period required for formal notice of such AAs and the maximum speaking time for a mover of such AAs in the relevant motion debate are specified under rule 17 of the House Rules<sup>1</sup> ("HR").

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<sup>1</sup> 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.

3. Hon Kenneth LEUNG, who is not a member of CRoP, has written to CRoP on certain procedural matters pursuant to his attendance at the 62nd Westminster Seminar on Parliamentary Practice and Procedure held in the United Kingdom ("UK") in June 2013. Mr LEUNG presented his observations and recommendations to CRoP at its meeting on 12 November 2013. In respect of motions to express an opinion on a subject, Mr LEUNG observes that in the UK House of Commons, the original motion and its amendments are usually succinctly worded and AAs to this kind of motions are rare. Debates in the UK House of Commons are focused and forceful. Mr LEUNG has suggested that CRoP should review the relevant practice of the Legislative Council ("LegCo"), particularly the practice of allowing the moving of AAs to motions not intended to have legislative effect.

4. CRoP members generally consider that the purpose of holding a motion debate not intended to have legislative effect is to provide an opportunity for Members to express views on an issue of public concern. As Members can move amendments to such a motion to reflect their own views, it is not necessary for Members to move an amendment or amendments to another Member's amendment(s) to the motion to achieve the purpose. To the contrary, the moving of AAs often renders the wording of the motion so convoluted and the proceedings on it so complicated that members of the public would find them very difficult to comprehend. Moreover, Members who are amendment movers are allowed very little time to consider whether to proceed with their amendments, and if so, how to revise the wording of their amendments should an AA be passed.

5. To facilitate Members to understand the time frame regarding the processing of motions and amendments, **Appendix I** illustrates the critical stages for the work involved. **Appendix II** provides statistics relating to amendments and AAs to motions not intended to have legislative effect in the Fourth and Fifth LegCo. As shown in Table 2 in Appendix II, with the addition of 10 Members in the Fifth LegCo, the frequency of the moving of AAs to motions has increased from 13.7% on average in the Fourth LegCo to 23.5% in the 2012-2013 session in the Fifth LegCo. The moving of an AA to a motion would result in a significant increase in the total number of possible scenarios of the final terms of the motion as shown in Table 3 in Appendix II. CRoP is concerned that with so many possible scenarios, Members will find it difficult to focus their speeches and to precisely comprehend the effect of the passage of each amendment or AA on the original motion.

6. To enable CRoP to further consider the subject matter, Members are invited to complete and return the questionnaire in **Appendix III** by **18 December 2013**.

(Ms Anita SIT)  
Clerk to  
Committee on Rules of Procedure

Encl

c.c. SG, LA, DSG, ASG1, ASG2, ASG3, ASG4, SALA2, ALA1

**Time frame for processing motions and amendments  
not intended to have legislative effect**

<b>Clear days before Council meeting (Day of the week)</b>	<b>Critical stages</b>	<b>Time allowed for Members to give notice of motions/ amendments</b>	<b>Total time allowed for processing work undertaken by the Secretariat and consideration by the President</b>
<b>Stage 1: Original motions</b>			
14 clear days (Saturday)	Deadline for application for the two debate slots		
13 clear days (Monday)	Drawing lots by the chairman of the House Committee ("HC") to determine the allocation of motion debate slots		
12 clear days* (Tuesday)	Deadline for giving notice of motions	Less than 1 clear day	
11 clear days (Wednesday)			Processing the motions and submitting them to the President for consideration ( <i>Note 1</i> )  (1 clear day)
<b>Stage 2: Amendments to motions</b>			
10 clear days (Thursday)	Issuing the motions to all Members after obtaining the President's approval ( <i>Note 2</i> )		
9 clear days (Friday)	HC to recommend the speaking time limits for the motion debates		
5 clear days* (Wednesday)	Deadline for giving notice of amendments	4 clear days	
4 clear days (Thursday)			Processing amendments and submitting them to the President for consideration. The work involved is similar to that for processing motions.  (1 clear day)

Clear days before Council meeting (Day of the week)	Critical stages	Time allowed for Members to give notice of motions/ amendments	Total time allowed for processing work undertaken by the Secretariat and consideration by the President
<b>Stage 3: Amendments to amendments</b>			
3 clear days* (Friday)	Issuing the amendments to all Members by the morning after obtaining the President's approval <i>(Note 3)</i>  Deadline for giving notice of amendments to amendments	Less than 1 clear day	
1 clear day (Monday)			Processing amendments to amendments and submitting them to the President for consideration. The work involved is similar to that for processing amendments to a motion.  (Less than 1 day)
<b>Stage 4: Revised amendments</b>			
1 clear day (Monday)	Issuing the amendments to amendments to all Members after obtaining the President's approval <i>(Note 4)</i>  Submitting wording of the revised amendments by the Members concerned	Less than 1 day	
The day before Council meeting (Tuesday)	Issuing the revised amendments to all Members after obtaining the President's approval		Processing revised amendments and submitting them to the President for consideration <i>(Note 5)</i>  (Less than 1 day)
Wednesday	Council meeting at which the motions are to be moved		

\* Relevant deadlines for giving notice of motions and amendments as stipulated in the Rules of Procedure and House Rules

*Note 1* The processing work involved includes:

- studying the wording of the motions to ensure that it complies with the relevant Rules of Procedure;
- suggesting textual refinements where necessary;
- translating the motions; and
- liaising with Members' offices.

*Note 2* The usual time frame for issuing a motion cannot be adhered to if the President has to make a ruling on the motion. The work in respect of the preparation of ruling will be done over the weekend.

*Note 3* The usual time frame for issuing the amendments to a motion cannot be adhered to if the President has to make a ruling on any of the amendments.

*Note 4* The usual time frame for issuing the amendments to amendments to a motion cannot be adhered to if the President has to make a ruling on any such amendment.

*Note 5* The Secretariat has to liaise with the Members concerned to work out the revised wording if it is anticipated that the wording of an amendment may need to be revised when any of the preceding amendments is passed. Other processing work involved is similar to that for processing amendments.

**Statistics on motions not intended to have legislative effect<sup>1</sup>  
in the Fourth and Fifth Legislative Council**

**Appendix II**

**Table 1 - Original motions and amendments thereto**

LegCo term	Session	Original motion				Amendment		
		Total no. of motions processed	Average no. of words of a motion in Chinese	Greatest no. of words of a motion in Chinese	Least no. of words of a motion in Chinese	Greatest no. of amendments to a motion	Average no. of words of an amendment in Chinese	Average no. of amendments to a motion <i>(rounded up to one decimal place)</i>
Fourth	2008-2009	53	340	865	17	9	220	3.1
	2009-2010	56	343	850	15	9	237	2.6
	2010-2011	60	408	1 073	15	10	304	3.3
	2011-2012	56	288	820	15	9	311	2.5
Fifth	2012-2013	51	288	953	15	11	285	5.1
	2013-2014 <i>(up to 31.10.2013)</i>	8	159	565	15	10	241	4.5

**Table 2 – Statistics on amendments to amendments to motions**

LegCo term	Session	Total no. of motions processed	Total no. of amendments to amendments to motions processed	% of amendments to amendments to motions <i>(rounded up to one decimal place)</i>	
Fourth	2008-2009	53	7	13.2	13.7 on average
	2009-2010	56	8	14.3	
	2010-2011	60	13	21.7	
	2011-2012	56	3	5.4	
Fifth	2012-2013	51	12	23.5	
	2013-2014 <i>(up to 31.10.2013)</i>	8	0	-	

<sup>1</sup> Excluding motions for the adjournment of the Council

**Table 3**

**Number of scenarios with and without an amendment to an amendment to a motion**

The following examples illustrate the impact on the number of scenarios should an amendment to an amendment to a motion be proposed by Members (on the basis that all amendment movers will move their revised/further amendments to the motion when the preceding amendments, including an amendment to an amendment, have been passed):

<b>No. of amendments to a motion</b>	<b>Maximum number of scenarios</b>	
	<b><u>Without</u> any amendment to amendments</b>	<b>With <u>one</u> amendment to the first amendment</b>
5	32	48
8	256	384
11	2 048	3 072



**Questionnaire**  
*(to be returned by 18 December 2013)*

Fax No. : 2543 9197

To : Ms Anita SIT  
Clerk to Committee on Rules of Procedure  
Legislative Council

**Committee on Rules of Procedure**

**Consultation on whether Members should be allowed  
to move amendments to amendments to motions  
not intended to have legislative effect**

Regarding motions not intended to have legislative effect that are initiated by Members for debate at Council meetings, —

*(please tick  as appropriate)*

- I consider that the moving of amendments to amendments to such motions **should be allowed**.
- I consider that the moving of amendments to amendments to such motions **should not be allowed**.
- I have the following comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*(if the space is insufficient, please provide your comments in a separate sheet)*

Signature : \_\_\_\_\_

Name of Member : \_\_\_\_\_

Date : \_\_\_\_\_