

**立法會**  
**Legislative Council**

LC Paper No. CROP 69/13-14

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Tel : 3919 3401

Date : 5 June 2014

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 proposed procedures  
for dealing with filibusters**

The Committee on Rules of Procedure ("CRoP") would like to invite Members' views on the following proposed procedures –

- (a) a proposed procedure for allocation of time to debates at the Committee Stage of bills; and
- (b) two proposed procedures for the handling of voluminous amendments to bills.

**Background**

2. The President gave views on four procedural options to deal with filibusters at a session held with members of CRoP prior to the CRoP meeting on 24 February 2014. Details of the four options are set out in LC Paper No. CROP 46/13-14 issued to all Members for information on 28 February 2014.

3. At the meeting on 14 March 2014, CRoP members reported on their consultation with and the views expressed by the other Members of their political parties/groupings on the four procedural options. To facilitate the study of CRoP on this matter, the Secretariat was requested to prepare a paper synthesizing the various options, as appropriate, having regard to the views of Members.

4. At the meeting on 13 May 2014, the Secretariat presented (a) a proposed procedure for allocation of time to debates at the Committee Stage of a bill, and (b) further information on the two procedural options suggested by the President for the handling of voluminous amendments to bills. After deliberation, CRoP agreed that a consultation exercise should be conducted to gauge Members' views on the three proposals.

#### **Time allocation procedure – Procedure for allocation of time to debates at Committee Stage of a bill**

5. It is proposed that the two procedural options of "closure of debates" and "timetabling of debates" previously suggested by the President be combined to become a procedure for allocation of time to debates at the Committee Stage of a bill<sup>1</sup>. Under this Option, a time allocation motion may be moved to –

- (a) close a debate immediately or after a certain period of time;
- (b) close a number of debates after a certain period of time; or
- (c) close the whole Committee Stage after a certain period of time.

6. Details of the proposed procedure and its rationale are as follows –

#### Consideration of proposals by the House Committee

- (a) Any proposal to move a time allocation motion in committee of the whole Council for consideration by the House Committee should be made jointly by a certain number of Members, and a limit should be imposed on the number of proposals each Member may propose for consideration by the House Committee on any one occasion.

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<sup>1</sup> As set out in LC Paper No. CROP 20/12-13 issued to Members on 30 January 2013, in all the Westminster-style parliaments studied by CRoP, procedures are in place under which a minister may move a motion to allocate time to the proceedings on a bill. Under Standing Order No. 83 of the House of Commons of the United Kingdom, a minister may move a motion providing for an allocation of time to any proceedings on a bill, so as to ensure that certain stages of a bill are completed by a certain date or within a fixed number of sittings.

- (b) Any decision of the House Committee that a time allocation motion be moved in committee of the whole Council should require a high threshold, such as a two-thirds majority vote of all the members of the House Committee<sup>2</sup>, in order to address the concern that Members in the minority may not be given adequate protection of their right to speak.

#### Moving a time allocation motion in Council

- (c) Pursuant to a relevant decision of the House Committee, a Member (normally the Chairman of the House Committee) may move a time allocation motion without notice in committee of the whole Council.
- (d) In order that procedural certainty and orderliness could be achieved, any time allocation motion should be worded in a prescribed form which would be designed to cater for different possible scenarios of time allocation as decided by the House Committee.
- (e) A time allocation motion should not be subject to amendment or debate so that the motion could be put to vote forthwith without its proceeding being subject to filibuster<sup>3</sup>.
- (f) In accordance with Annex II to the Basic Law, passage of the motion requires a majority vote of each of the two groups of Members present: Members returned by functional constituencies and those returned by geographical constituencies.

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<sup>2</sup> Under the existing Rules of Procedure, all matters for decision of the House Committee shall be decided by a majority of the members voting. The Chairman of the House Committee has a casting vote, but not an original vote except in the election of chairman or deputy chairman of the committee.

<sup>3</sup> In the House of Commons of the United Kingdom, a time allocation motion can be debated for up to three hours, while in the House of Commons of Canada and the House of Representatives of Australia, the debate may last for not more than 30 and 20 minutes respectively. It should however be noted that unlike the present proposed procedure with prior deliberation in the House Committee, in these overseas parliaments there is no prior deliberation on a time allocation motion in an open forum before the motion is moved at a House sitting.

- (g) If such a motion is passed, the Chairman of the committee of the whole Council will order that the relevant debate(s) be concluded upon the expiry of the specified duration.

### **Procedures for handling voluminous amendments**

7. The experience in the legislative process of the Legislative Council (Amendment) Bill 2012 and the Appropriation Bill 2013 shows that where a Member has the intention to filibuster the proceedings on a bill, the Member can, without much difficulty, propose voluminous amendments in various ways, such as drawing up amendments using different permutations, etc. Not only will voluminous amendments prolong the proceedings on debates, they will also necessitate a substantial amount of the Council's time to complete the voting process. For instance, in the case of the Appropriation Bill 2013, a total of 23 hours and 18 minutes were spent merely on the voting of 710 amendments at the Committee Stage of the Bill. The President has, therefore, suggested two procedural options for handling voluminous amendments.

#### Extending application of the "frivolous or meaningless" restriction to "a series of amendments"

8. Under the existing Rule 57(4)(d) of the Rules of Procedure ("RoP"), the President, acting as the Chairman of the committee of the whole Council, may rule out of order an amendment which he/she considers to be frivolous or meaningless. However, it is not clear whether this restriction may apply to a series of amendments. Hence, it will be difficult for the President to rule out amendments which individually may serve a substantive purpose but if taken together can be regarded as frivolous and may have the effect of prolonging Council proceedings more than necessary for providing fair and genuine choices for Members.

9. It is proposed that Rule 57(4)(d) of RoP be revised to expressly provide that an amendment *or a series of amendments* which is in the opinion of the Chairman of the committee of the whole Council frivolous or meaningless may not be moved.

#### Empowering the President to select amendments

10. It is also proposed that RoP be amended to confer on the President the power to select amendments for debate and voting at the Committee Stage, with reference to the relevant arrangements of the House

of Commons of the United Kingdom<sup>4</sup> and those of the House of Commons of Canada<sup>5</sup>.

## Questionnaire

11. Members are invited to give their views on the three proposed procedures set out above by completing and returning the questionnaire at the **Appendix** by 12 June 2014.

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

## Encl.

c.c. Hon Jasper TSANG Yok-sing, GBS, JP (President of the Legislative Council)  
Hon TAM Yiu-chung, GBS, JP (Chairman)  
SG, LA, DSG, ASG1, ASG2, ASG3, ASG4, SALA2, ALA2

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<sup>4</sup> In the House of Commons of the United Kingdom, the Speaker has the power to select amendments to bills or to motions for debate and voting in the House. Selection is made in such a way as to bring out the salient points of criticism, to prevent repetition and overlapping, and where several amendments deal with the same point, to choose the more effective and the better drafted. The practice is that the Speaker does not give reason for his/her decision in individual cases.

<sup>5</sup> In the House of Commons of Canada, the Speaker has the power to select or to combine amendments or clauses to be proposed to a bill at the report stage. A Note is appended to the relevant Standing Order stating that the Speaker should not select for debate an amendment or series of amendments of a repetitive, frivolous or vexatious nature or of a nature that would serve merely to prolong unnecessarily proceedings at the report stage. The practice is that the Speaker will inform the House of his/her relevant decisions with reasons stated.

**Questionnaire**

*(to be returned by 12 June 2014)*

Fax No. : 2543 9197

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

**Committee on Rules of Procedure**

**Consultation on proposed procedures for dealing with filibusters**

My views on the three proposed procedures set out in LC Paper No. CROP 69/13-14 are as follows –

*(Please tick  as appropriate. If the space for comments is insufficient, please provide your comments in separate sheets.)*

**1. Time allocation procedure - Procedure for allocation of time to debates at Committee Stage of a bill (paragraphs 5 and 6 refer)**

- Support
- Not support
- No comment

Other views:

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**2. Rule 57(4)(d) of the Rules of Procedure ("RoP") be revised to expressly provide that an amendment *or a series of amendments* which is in the opinion of the Chairman of the committee of the whole Council frivolous or meaningless may not be moved**

- Support
- Not support
- No comment

Other views:

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3. **RoP be amended to confer on the President the power to select amendments for debate and voting at the Committee Stage, with reference to the relevant arrangements of the House of Commons of the United Kingdom and those of the House of Commons of Canada.**

- Support  
 Not support  
 No comment

Other views:

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

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

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