

立法會
Legislative Council

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**Paper for the House Committee meeting
on 3 October 2014**

Committee on Rules of Procedure

**Proposed amendments to Rule 17(3) of the Rules of Procedure
and rule 28 of the House Rules**

Purpose

This paper invites the House Committee to consider the following proposals of the Committee on Rules of Procedure ("CRoP") –

- (a) proposed amendment to Rule 17(3) of the Rules of Procedure ("RoP") to reflect the existing practice relating to adjournment of the Council due to the lack of a quorum; and
- (b) proposed textual amendments to rule 28 of the House Rules ("HR") to enhance its clarity and to align with the terminology currently used by the Hong Kong Observatory relating to arrangements for committee meetings when a Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal is issued.

Proposed amendment to Rule 17(3) of RoP

2. Rule 17(3) of RoP provides that "[i]f the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired, a quorum is not then present the Council shall be resumed and the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present the President shall adjourn the Council without question put".

3. Rule 17(3) of RoP was adapted with minor amendments from Standing Order ("SO") 10(3)¹ of the Standing Orders of the former Legislative Council ("LegCo") of Hong Kong. There has been no change to Rule 17 of RoP since it was adopted by the First LegCo on 2 July 1998.

4. Unlike the Westminster-style parliaments where resumption of the House from a committee of the whole House entails a change of the Chair, resumption of the Council from a committee of the whole Council in LegCo does not require a change of the Chair. In a committee of the whole Council, if a quorum is not present after 15 minutes for the summoning of Members have expired, the Council will be resumed immediately and the Chairman in the committee of the whole Council will then preside the meeting in the capacity as the President.

5. CRoP notes that it has all along been the practice that after the quorum bell has been rung for 15 minutes in a committee of the whole Council and a quorum is not then present, the Council is resumed and the President adjourns the Council without ordering a headcount again².

6. To reflect the existing practice of the Council, CRoP proposes to amend Rule 17(3) of RoP as set out in **Appendix I**.

Proposed amendments to rule 28 of HR

7. Rule 28 of HR provides for the arrangements for committee meetings during tropical cyclone warning signals and rainstorm warning signals. The LegCo Secretariat has recently reviewed the provisions under this rule and considered that some textual amendments should be made to align with the terminology currently used by the Hong Kong Observatory and to cover the scenario when the warning signal is issued within two hours before the appointed time of a meeting. The proposed amendments supported by CRoP are set out in **Appendix II**.

¹ SO 10(3) of the former LegCo provided that "[i]f the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall act as provided in paragraph (2) of this order, save that if he is satisfied that a quorum is not then present the Council shall be resumed and the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present the President shall adjourn the Council without question put." It was adapted from the pre-1971 quorum procedure in committee of the whole House of the House of Commons of the United Kingdom ("UK"). In 1971, the UK House of Commons passed a new Standing Order (i.e. the current SO 41(2)) to provide that the House shall not be counted. Since then, the House would not be adjourned due to the absence of a quorum.

² Since the First LegCo, there have been five occasions on which the Council was adjourned under Rule 17(3) of RoP.

Advice sought

8. Members are invited to consider the proposal to amend Rule 17(3) of RoP and endorse the proposed amendments to rule 28 of HR as set out in **Appendices I and II** respectively. Subject to Members' views, the Chairman of CRoP will move a motion at the Council meeting of 29 October 2014 to amend Rule 17(3) of RoP.

Council Business Division 4
Legislative Council Secretariat
25 September 2014

Proposed amendment to Rule 17(3) of the Rules of Procedure

17. Quorum

(1) The quorum of the Council and of a committee of the whole Council shall be not less than one half of all its Members including the President or Chairman.

(2) If the attention of the President is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired a quorum is not present, he shall adjourn the Council without question put.

(3) If the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired, a quorum is not then present the Council shall be resumed and ~~the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present~~ the President shall adjourn the Council without question put.

(4) If from the number of Members present at a division, including those who abstained from voting, it appears that a quorum is not present, the division shall be invalid, and the procedure prescribed in subrule (2) or (3) shall be followed.

(5) The question on which the Council is adjourned under subrules (2), (3) and (4) shall stand over until the next meeting.

Legend:

Texts proposed to be deleted are shown with deletion lines.

Proposed amendments to rule 28 of the House Rules

28. Arrangements during Tropical Cyclone *Warning Signals* and Rainstorm *Warning Signals* ~~Black Warning~~

- (a) All meetings shall continue to be held when ~~Storm~~ *a Tropical Cyclone Warning* Signal No. 1 or No. 3 ~~is hoisted~~, or ~~when an Rainstorm~~ Amber or *a Red Rainstorm Warning Signal* ~~Warning~~ is in force.
- (b) Unless directed otherwise by the chairmen concerned, all meetings shall be cancelled if ~~Storm~~ *a Tropical Cyclone Warning* Signal No. 8 or *above or a Black* Rainstorm *Warning Signal is issued or in force within two hours* ~~Black Warning is hoisted and/or remains in force two hours~~ before the appointed time of the meeting.
- (c) If ~~Storm~~ *a Tropical Cyclone Warning* Signal No. 8 is ~~hoisted~~ *issued* while a meeting ~~of the committee or subcommittee~~ is in progress, the chairman of the committee ~~or subcommittee as appropriate~~ should close the meeting.
- (d) ~~In the case of~~ *If a Black* Rainstorm *Warning Signal* ~~Black Warning is issued while a meeting is in progress~~, the chairman *of the committee* should decide whether to close or continue with the meeting.

Legend:

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

Texts proposed to be deleted are shown with deletion lines.