

**立法會**  
**Legislative Council**

LC Paper No. CROP 34/16-17

Ref : CB(4)/CROP/3/71  
Tel : 3919 3403  
Date : 29 March 2017  
From : Clerk to Committee on Rules of Procedure  
To : All Members of the Legislative Council

---

**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 handling voluminous amendments to bills.

**Background**

2. CRoP of the Fifth Legislative Council ("LegCo") examined the procedure for handling voluminous amendments to bills as well as issues relating to the President's decision to end a debate on a bill in a committee of the whole Council ("Committee stage"). Three procedural options to deal with filibusters at Council meetings and at Committee stage were proposed. All Members were consulted on these options in June 2014. As there was no consensus on the options, CRoP decided not to further study the matter.

3. Noting the previous studies conducted by CRoP on the procedural issues relating to filibusters, CRoP of the current term has revisited the issues and agreed that Members would be consulted again based on the three procedural options. Details of these options are set out in the ensuing paragraphs.

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

4. It is proposed that 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.
  
5. 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 at Committee stage for consideration by the House Committee ("HC") should be made jointly by not less than a certain number of Members<sup>1</sup>, and a limit should be imposed on the number of proposals each Member (as an individual or jointly with other Members) may propose for consideration by HC on any one occasion.
  
- (b) Any decision of HC that a time allocation motion be moved at Committee stage should require a high threshold, such as a two-thirds majority vote of all the members of HC<sup>2</sup>, in

---

<sup>1</sup> Examples of proceedings in LegCo that require a certain number of Members to jointly initiate include:

- (a) presentation of petitions under Rule 20(6) of the Rules of Procedure ("RoP") : If, immediately after a petition has been presented, a Member rises in his place and requests that the petition be referred to a select committee, the President shall call upon those Members who support the request to rise in their places. If not less than 20 Members then rise the petition shall stand referred to a select committee; and
- (b) disqualification of Member from office under RoP 49B(1A): Under Rule 30(1A), notice of a motion moved under Rule 49B(1A) shall be signed by the Member wishing to move the motion and three other Members.

<sup>2</sup> Under RoP 75(12AA) all matters for the decision of HC shall be decided by a majority of the members voting. Under RoP 75(12B) and (12E), the Chairman of HC, or any other member presiding at HC, has a casting vote, but not an original vote except in the election of chairman or deputy chairman of the committee.

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 HC, a Member (normally the Chairman of HC) may move a time allocation motion without notice at Committee stage with the leave of the Chairman of the committee of the whole Council.
- (d) In order that procedural certainty and orderliness are to 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 HC.
- (e) A time allocation motion should not be subject to amendment or debate so that the motion could be put to vote forthwith without unnecessarily lengthening the Council proceedings<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, i.e. Members returned by functional constituencies and those returned by geographical constituencies.
- (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**

6. The experience in the legislative process in recent years shows that where a Member has the intention to filibuster the proceedings on a bill,

---

<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 HC, 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.

the Member can 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 consume a substantial amount of the Council's time to complete the voting process. The following two procedural options for handling voluminous amendments are proposed for Members' consideration.

Option I: Extending application of the "frivolous or meaningless" restriction to "a series of amendments"

7. 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 explicitly provided that this restriction may apply to a series of amendments.<sup>4</sup>

8. It is proposed that RoP 57(4)(d) 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.

Option II: Facilitating the President to select amendments for the purposes of debate and/or voting

9. Under this option, RoP can be amended to confer on the President the power to select amendments for debate and/or voting at the Committee stage, after considering factors such as whether or not an amendment or a series of amendments would serve merely to prolong the proceedings unnecessarily. Reference may be made to the relevant arrangements of the House of Commons of the United Kingdom<sup>5</sup> and those

---

<sup>4</sup> The President had applied RoP 57(4)(d) to Committee stage amendments ("CSAs") proposed by 14 Members to the Appropriation Bill 2014 in his ruling on 17 April 2014, on the ground that the moving of sequential CSAs achieved no purpose other than taking up the Council's time in completing the necessary proceedings.

<sup>5</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.

of the House of Commons of Canada<sup>6</sup>.

## Questionnaire

10. Members are invited to give their views on the three proposed procedures, i.e. a proposed procedure for allocation of time to debates at the Committee stage of bills, and two proposed procedures for the handling of voluminous amendments to bills, set out in paragraphs 4 to 9 above by completing and returning the questionnaire at the **Appendix by 5 April 2017**.

(Daniel SIN)  
Clerk to  
Committee on Rules of Procedure

## Encl.

c.c. Hon Andrew LEUNG Kwan-yuen, GBS, JP (President of the  
Legislative Council)

Hon Paul TSE Wai-chun, JP (Chairman)

SG, LA, DSG, ASG1, ASG2, ASG3, ASG4, SALA2, H(PI), ALA9

---

<sup>6</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 5 April 2017)

Fax No. : 2543 9197

To : Mr Daniel SIN  
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 34/16-17 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 4 and 5).

- Support in principle  
 Not support  
 No comment

Other views:

---

---

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** (paragraphs 7 and 8).

- Support in principle  
 Not support  
 No comment

Other views:

---

---

3. **RoP be amended to confer on the President the power to select amendments for debate and/or 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 (paragraph 9).**

- Support in principle
- Not support
- No comment

Other views:

---

---

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

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

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