Mr Seth Barrett Tillman  
Lecturer in Law  
National University of Ireland Maynooth  
New House (#306)  
Maynooth  
County Kildare  
Republic of Ireland

Dear Seth,

Paper on Quorum Clause

My name is Jimmy Ma, Counsel to the Legislature at Hong Kong Special Administrative Region of the People's Republic of China. One of my main duties is to provide legal advice to the President of the Legislative Council in Hong Kong.

Currently, we are studying the legal effect of a provision in our Basic Law (a constitutional document which is a national law enacted by the National People's Congress of the People's Republic of China) which is provided as follows:

"Article 75: The quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be not less than one half of all its members."


The Rules of Procedure of the Legislative Council provides a procedure under which a member may call to the attention of the President of the Council (i.e. the Speaker) to the fact that a quorum is not present at the meeting. Once the President is made aware of that he must
ring the quorum bell to summon members to the meeting. The quorum rings for 15 minutes. If there is still a lack of quorum when the ringing of the bell ends, the President must adjourn the meeting with any unfinished business on the agenda stood over to the next meeting. Full text of the Rules of Procedure is at http://www.legco.gov.hk/general/english/procedur/content/rop.htm.

This procedure of quorum calling reflects the understanding of the legislature that the quorum provision in the Basic Law requires the presence of a quorum all the time during the course of a meeting. This has been accepted as the proper procedure intended by the Basic Law because the Legislature performs an important constitutional function. In practice, quorum calls are called with discretion. However, recently there are a few members who decided to use quorum calls to "filibuster", i.e. to obstruct the smooth transaction of business. This has caused a lot of discontent among members who believe that the fact that they may be absent from the meetings does not mean that they are acting in dereliction of their duties because they may be performing duties as a legislator away from the meeting venue.

I noted your brief answer to the question on the constitutionality of the house to operating with a minority of members so long as no one asks for a quorum call. I should be most interested to be enlightened by your writing. I wonder if you could let me have access to your paper.

Yours sincerely,

[Signature]

(Jimmy Ma)
Counsel to the Legislature