

附屬法例／其他文書  
小組委員會主席手冊

**HANDBOOK FOR  
CHAIRMEN OF  
SUBCOMMITTEES ON  
SUBSIDIARY LEGISLATION/  
OTHER INSTRUMENTS**



## 主席手冊的目的

本手冊以便覽方式，載述相關的規則和慣例，並提供一般指引，協助附屬法例／其他文書小組委員會主席了解本身的職責、權力和權限，以及籌備會議、主持會議及處理會議的跟進工作。本手冊載述的慣例只供參考。

就本手冊的目的而言，附屬法例／其他文書小組委員會指由內務委員會委任，負責審議下述事項的小組委員會：

- a. 任何附屬法例，不論該等附屬法例是否受《釋義及通則條例》(第1章)第34及35條的條文所規限；
- b. 根據任何條例訂立的任何其他文書；或
- c. 上文(a)或(b)項提述的附屬法例或文書的任何擬稿。

本手冊亦在適當之處援引《議事規則》及《內務守則》的有關條文，方便參考。

## PURPOSE OF THE CHAIRMAN HANDBOOK

This Handbook provides quick reference to the relevant rules and practices as well as general guidelines to assist Chairmen of subcommittees on subsidiary legislation/other instruments in understanding their responsibilities, powers and authority; and making preparations for a meeting, chairing a meeting and undertaking the follow-up work of a meeting. The practices set out in this Handbook are for reference only.

For the purpose of this Handbook, a subcommittee on subsidiary legislation/other instruments refers to a subcommittee appointed by the House Committee to scrutinise –

- a. any subsidiary legislation, whether or not such subsidiary legislation is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1);
- b. any other instrument made under any ordinance; or
- c. any draft of subsidiary legislation or instrument referred to in (a) or (b) above.

For easy reference, the relevant rules in the Rules of Procedure ("RoP") and the House Rules ("HR") are cited where appropriate.



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## CHAPTER 1 DEFINITIONS

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### **Definition of subsidiary legislation**

1.1 Subsidiary legislation means any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any ordinance and having legislative effect.

1.2 An item of subsidiary legislation is subject to the Legislative Council (LegCo)’s scrutiny under the positive vetting procedure or the negative vetting procedure, unless it is provided in the relevant ordinance that the subsidiary legislation is not required to be tabled in LegCo.

### **Positive vetting**

1.3 Section 35 of the Interpretation and General Clauses Ordinance (Cap. 1) stipulates that where any ordinance provides that an item of subsidiary legislation is to be subject to LegCo’s approval, the item must be submitted to LegCo for approval.

1.4 Although under the Rules of Procedure, a notice to move a motion in relation to such an item of subsidiary legislation should be given by the public officer concerned to the Clerk to LegCo no less than 12 clear days before the day on which the motion is to be considered by the Council, the agreement with the Administration is that at least 20 days’ notice should be given. This is to enable the motion to be considered at the House Committee meeting normally held 12 days preceding the relevant Council meeting. [RoP 29(1)]

1.5 Where a subcommittee is formed to scrutinise the motion on the subsidiary legislation, the House Committee normally requests the public officer to withdraw his/her notice of the motion, pending the deliberation of the subcommittee.

1.6 Upon completion of its scrutiny work, the subcommittee reports its deliberations in writing to the House Committee. The public officer may then give fresh notice to the Clerk to LegCo in accordance with the Rules of Procedure. *[RoP 29(1)]*

## **Negative vetting**

### Scrutiny period

1.7 Under section 34 of Cap. 1, an item of subsidiary legislation which is published in the Gazette is to be tabled in LegCo at the meeting immediately following its publication.

1.8 An item of subsidiary legislation subject to negative vetting may take effect upon gazettal. However, it is the understanding between LegCo and the Administration that for items of subsidiary legislation which are controversial and/or of sufficient importance to merit close scrutiny by LegCo –

- (a) they should not take effect until after the scrutiny period has expired; and
- (b) where it is necessary for such an item of subsidiary legislation to take effect immediately or before the expiry of the scrutiny period, the relevant bureau should explain to Members the reason for such urgent treatment.

1.9 The scrutiny period refers to the 28 days immediately following the day on which the subsidiary legislation is tabled.

1.10 During the scrutiny period, a motion may be moved to amend (including to repeal) the subsidiary legislation or to have the period extended. It should be noted that some ordinances may provide that subsidiary legislation made under them is only subject to LegCo's power to repeal, but not to change its content.

#### Extension of scrutiny period

1.11 The scrutiny period may be extended by resolution of the Council by 21 days, or to the Council meeting immediately following the 21 days, if there is no Council meeting on the 21st day.

1.12 Notice for a motion to extend the scrutiny period of an item of subsidiary legislation must be given no less than three clear days before the relevant Council meeting, unless the President dispenses with such notice. *[RoP 29(3)]*

1.13 The notice period required for any amendment to a motion referred to in paragraph 1.12 above shall be decided by the President according to his/her discretion. *[RoP 29(4)]*

1.14 If the subcommittee decides to extend the scrutiny period of the subsidiary legislation, the motion is normally moved by the Chairman of the subcommittee. The legal adviser to the subcommittee is responsible for drafting the motion.

1.15 Where it is anticipated that the subcommittee may not be able to hold its first meeting before the deadline for giving notice of a motion for extension of scrutiny period, the motion is normally moved by the Chairman of the House Committee.

## **Subsidiary legislation not subject to the Legislative Council's scrutiny**

1.16 Where an ordinance provides that sections 34 and 35 of Cap. 1 do not apply to the subsidiary legislation made under the ordinance, the subsidiary legislation is not required to be tabled in LegCo, and LegCo has no power to repeal or propose any amendment to the subsidiary legislation. Nevertheless, the House Committee may form a subcommittee to examine issues relating to such category of subsidiary legislation.

## **Definition of other instruments**

1.17 Some instruments made under an ordinance such as codes of practice and technical memoranda which, although not subsidiary legislation, are subject to the scrutiny of LegCo in accordance with a mechanism substantially the same as that provided for in section 34 of Cap. 1. This happens when there is a specific provision to that effect in the relevant ordinance.

1.18 Notice for a motion to extend the period provided for the making of any amendment to such an instrument must be given no less than three clear days before the relevant Council meeting, unless the President dispenses with such notice. *[RoP 29(3)]*

1.19 The notice period required for any amendment to a motion referred to in paragraph 1.18 above shall be decided by the President according to his/her discretion. *[RoP 29(4)]*

1.20 If the subcommittee decides to extend the period provided for the making of amendment, the motion is normally moved by the Chairman of the subcommittee. The legal adviser to the subcommittee is responsible for drafting the motion.

1.21 Where it is anticipated that the subcommittee may not be able to hold its first meeting before the deadline for giving notice of such a motion, the motion is normally moved by the Chairman of the House Committee.

## CHAPTER 2 GENERAL

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### **Work of a subcommittee on subsidiary legislation/other instrument**

2.1 A subcommittee may be formed by the House Committee to scrutinise –

- (a) any subsidiary legislation, whether or not such subsidiary legislation is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1);
- (b) any other instrument made under any ordinance; or
- (c) any draft of subsidiary legislation or instrument referred to in (a) or (b) above.

*[RoP 75(10) and (12), HR 20(j)(i)]*

2.2 A subcommittee is a deliberative forum for studying the policy aspect of the subsidiary legislation/instrument under scrutiny, its detailed provisions and any proposed amendments to it.

2.3 A subcommittee does not have the power to summons witnesses to give evidence, unless it has been authorised by the Council to do so.

## **Procedures and practices**

2.4 Subject to the Rules of Procedure, the procedures and practices of a subcommittee on subsidiary legislation/other instrument shall be determined by the House Committee. *[RoP 75(18)]*

2.5 In addition, in accordance with rule 26(f) of the House Rules, the procedures and practices relating to the operation of the House Committee, Panels and Bills Committees, application for late membership, the conduct of meetings, extension of meetings and minutes of meetings shall apply, where appropriate. *[HR 26(f)]*

## **Election of Chairman and Deputy Chairman**

2.6 The Chairman of a subcommittee is elected by and from members of the subcommittee at its first meeting. The subcommittee may also elect a Deputy Chairman, if considered necessary by the subcommittee. *[Appendix IV of HR]*

2.7 If there are two or more nominations for chairmanship or deputy chairmanship, an election by secret ballot will be held. The Chairman or the member presiding has both an original vote and a casting vote. Where two or more nominees receive the same highest number of valid votes in the election, lots will be drawn in respect of these nominees, and the Chairman or the member presiding shall exercise his/her casting vote in accordance with the lot drawn by him/her. *[RoP 75(12E) and 79A(2) and Appendix IV of HR]*

2.8 To ensure the secrecy of the ballot papers, the Clerk will supervise the shredding of the ballot papers immediately after the meeting at which the election(s) is held.

2.9 The Chairman and Deputy Chairman hold office until the dissolution of the subcommittee.

2.10 A Member whose late application for membership of a subcommittee is accepted may not seek a re-election of the Chairman or Deputy Chairman by reason of his/her joining the subcommittee (see paragraphs 2.18 to 2.20 below). *[HR 23(d)]*

## **Chairman**

### Responsibilities

2.11 The responsibilities of the Chairman of a subcommittee are not explicitly stipulated in the Rules of Procedure or House Rules. However, it is generally accepted by Members that the Chairman has the following responsibilities –

- (a) steering the work of the subcommittee in consultation with its members;
- (b) chairing meetings and ensuring that the business on the agenda is transacted in a proper and efficient manner;
- (c) maintaining order at meetings;
- (d) presenting the report of the subcommittee to the House Committee;
- (e) tabling and speaking on the report of the subcommittee in Council, if necessary;
- (f) speaking on the work of the subcommittee in Council, if necessary; and
- (g) moving amendments agreed to by the subcommittee on its behalf.

2.12 The responsibilities of the Chairman are discussed in greater detail in the following chapters.

## Powers and authority

2.13 The Chairman of a subcommittee has certain powers and authority. Some of these are provided or reflected in the Rules of Procedure and House Rules. Others are exercised by the Chairman based on practices generally accepted by Members.

2.14 The powers and authority of a Chairman are summarised below –

(a) Membership of a subcommittee

*Rules*

- (i) determining whether a late application for membership of a subcommittee on the ground of a Member's indisposition or absence from Hong Kong should be accepted [HR 23(b)]

(b) Preparations for a meeting

*Rules*

- (i) directing that written notice shorter than three days for a meeting be given [HR 24(c)]
- (ii) deciding on the time allotted for discussion on each item on the agenda of a meeting [HR 24(m)]
- (iii) determining whether a meeting should be cancelled if Tropical Cyclone Warning Signal No. 8 or Rainstorm Black Warning is hoisted and/or remains in force two hours before the appointed time of the meeting [HR 28(b)]

*Practices*

- (iv) determining the date, time and place of a meeting
- (v) deciding on the order of agenda items, and whether an item should be added to or removed from an agenda
- (vi) deciding on the deadline for submissions, the order of speaking of deputations and their speaking time
- (vii) deciding whether translation into Chinese should be arranged for submissions made in English
- (viii) deciding whether certain documents should be circulated to members
- (ix) deciding how documents containing defamatory remarks/expressions should be dealt with
- (x) giving direction to the Clerk on logistical arrangements for meetings of the subcommittee
- (xi) consenting to the issuance of background briefs and other papers of the subcommittee prepared by the Clerk to members
- (xii) consenting to the issuance of the outline of a research study to members
- (xiii) consenting to the issuance of information notes and fact sheets to members

(c) Conducting a meeting

*Rules*

- (i) determining whether certain rules of speaking at Council meetings should apply to meetings of the subcommittee  
*[RoP 43]*
- (ii) deciding on a point of order *[RoP 44]*
- (iii) ordering a Member whose conduct is grossly disorderly to withdraw from a meeting *[RoP 45(2)]*
- (iv) having an original vote, and having a casting vote in addition to his/her original vote in an election of the Chairman and Deputy Chairman of the subcommittee  
*[RoP 75(12C) and (12E), Appendix IV of HR]*
- (v) closing a meeting when a quorum is not present *[HR 24(g) and (h)]*
- (vi) closing a meeting if Tropical Cyclone Warning Signal No. 8 is hoisted when the meeting is in progress *[HR 28(b)]*
- (vii) deciding whether to close or continue with a meeting if a Rainstorm Black Warning is hoisted when the meeting is in progress *[HR 28(b)]*
- (viii) ordering the removal of a member of the press or the public who behaves in a disorderly manner from a meeting *[RoP 87, HR 24(s)]*

*Practices*

- (ix) ruling on how a motion moved at a meeting of the subcommittee should be dealt with
- (x) ruling on procedural matters either on his/her own motion or in response to a point of order raised at a meeting

(d) Visits of a subcommittee

*Rules*

- (i) deciding, in consultation with other Members or the host organisation, whether a scheduled visit in Hong Kong should be cancelled or postponed if less than three Members have signed up for the visit [HR 29(d)]

*Practices*

- (ii) giving direction to the Clerk on logistical arrangements for visits of the subcommittee

(e) Follow-up work of a meeting

*Rules*

- (i) deciding whether the comments of the Administration and other attendees on the minutes of a meeting or any part of the minutes should be sought [HR 25(d) and (e)]

*Practices*

- (ii) clearing reports and minutes of meetings of the subcommittee prepared by the Clerk

2.15 The powers and authority of a Chairman are discussed in greater detail in the following chapters.

Guiding principles

2.16 As the Chairman chairs meetings and has the responsibility to ensure that the business on the agenda is transacted in a proper and efficient manner, he/she should be familiar with the relevant rules in the Rules of Procedure and House Rules and practices of subcommittees. The Chairman should consult the subcommittee on the course of action to be taken regarding a certain matter, if there are no relevant rules or practices.

2.17 The Chairman should conduct himself/herself with impartiality in discharging his/her responsibilities. He/she should ensure that members have adequate opportunities to take part in the deliberations of the subcommittee. Where there are differences of opinion, the Chairman should give each side an equal chance to express its views.

## **Membership**

2.18 Members are free to join any subcommittee. Members of a subcommittee are those who have signified membership before the deadline for application and those whose late application for membership has been accepted. Unless a member withdraws membership, he/she remains a member until the subcommittee is dissolved. A subcommittee must have at least three Members.

2.19 Acceptance of a late application for membership on the ground that the Member concerned was indisposed or away from Hong Kong during the time when membership for the subcommittee is invited is decided by the Chairman. If the late application is not made on such reasons, it will be for the subcommittee to decide whether there are sufficient grounds to accept the application. *[HR 23(b) and (c)]*

2.20 Any Member whose late application is rejected by the Chairman or the subcommittee may put his/her case to the House Committee for a decision. *[HR 23(e)]*

## **Non-subcommittee members' attendance**

2.21 A Member may attend any meeting of any subcommittee, regardless of whether he/she is a member of that subcommittee. A non-subcommittee member, however, does not have any voting right in respect of the business of the subcommittee. *[HR 24(d)]*

## **Meeting schedule**

2.22 At the first meeting of the subcommittee, the Chairman should invite the subcommittee to consider whether it is necessary to anticipate the number of subsequent meetings and set tentative dates for these meetings. In normal circumstances, the subcommittee should not book more than three time slots at a time. *[HR 24(l)]*

2.23 If a subcommittee, however, decides to meet very frequently or it has difficulties in finding meeting slots, it may be necessary to book more than three time slots in advance.

## **Public's attendance**

2.24 Meetings of a subcommittee are held in public unless the Chairman instructs otherwise in accordance with the decision of the subcommittee.

2.25 Where a decision is to be made on whether a meeting or any part of it should be held in private, the decision should be made at an open meeting.

2.26 The public should be admitted to all open meetings of a subcommittee as long as there are seats in the public galleries of the meeting venue. *[HR 24(q)]*

## **Support service**

### Clerk

2.27 A Clerk is assigned to each subcommittee. The Clerk together with his/her team provide secretariat services for the subcommittee. The Clerk is the procedural adviser to the Chairman and the subcommittee, as well as the resource person on the subjects discussed by the subcommittee. The Clerk follows up decisions of the subcommittee and prepares background briefs, minutes of meetings, and reports, etc. The Clerk also oversees logistical arrangements for meetings and visits of the subcommittee.

### Legal adviser

2.28 A legal adviser is assigned to each subcommittee to provide legal advice and support to the subcommittee.

2.29 Amendments to the subsidiary legislation/instrument to be moved by the subcommittee are drafted by the legal adviser. Amendments to be moved by the Administration are scrutinised by the legal adviser to ascertain that the drafting reflects what has been discussed at meetings. The drafting of amendments which an individual member is considering to move is the responsibility of the member concerned. The legal adviser may provide assistance if necessary.

### Research support

2.30 The Research and Library Services Division provides research support for subcommittees. On the instruction of a subcommittee, the Division undertakes an in-depth study and analysis of a subject and produces a report for the subcommittee. References to overseas practices and experiences in other places outside Hong Kong are normally made in such a study.

2.31 The subcommittee should have regard to the fact that such types of studies normally take two to three months to complete, before deciding whether a study should be undertaken.

2.32 The Division also produces short information notes or fact sheets on topical issues or issues of concern on its own initiative or as suggested by a subcommittee. Such information notes or fact sheets may also make reference to experiences and practices of other places.

## CHAPTER 3 SCRUTINISING SUBSIDIARY LEGISLATION/OTHER INSTRUMENTS

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### Stages

3.1 The scrutiny work of an item of subsidiary legislation/instrument normally comprises the following stages –

- (a) first, to consider the policy aspect of the subsidiary legislation/instrument;
- (b) second, to consider the drafting and legal aspects through examining the detailed provisions of the subsidiary legislation/instrument;
- (c) third, to consider amendments, if any, to the subsidiary legislation/instrument; and
- (d) fourth, to consider any relevant procedural matters.

Individual subcommittees may make adjustment, if necessary, to the sequence of the above stages to suit its circumstances.

3.2 The stages of scrutiny are discussed in greater detail in the paragraphs 3.10 to 3.27 below.

## **Inviting public views**

3.3 It is for the subcommittee to decide whether public views on the subsidiary legislation/instrument should be invited. It should be noted that on occasions, the Administration may have consulted selected organisations/bodies in the course of formulating details of the subsidiary legislation/instrument. However, these organisations/bodies may not have the opportunity to express their views on the draft or final text of the subsidiary legislation/instrument.

3.4 There is no standard practice as to whether views should be obtained first before the subcommittee proceeds to scrutinise the subsidiary legislation/instrument, or whether obtaining views and scrutinising the subsidiary legislation/instrument should proceed in parallel. It is also for individual subcommittees to decide.

3.5 Arrangements in respect of inviting deputations are discussed in paragraphs 4.23 to 4.32 below.

## **Work progress**

3.6 The Chairman should regularly review the progress of the scrutiny of the subsidiary legislation/instrument with the Clerk and the legal adviser to the subcommittee, and consult the subcommittee on the way forward. For instance, the subcommittee may need more time to scrutinise the subsidiary legislation/instrument, or scrutiny of the subsidiary legislation/instrument may need to be expedited.

3.7 Arrangements for extending the scrutiny period of an item of subsidiary legislation subject to the negative vetting procedure are discussed in paragraphs 1.11 to 1.15 above.

3.8 Arrangements for extending the period provided for the making of an amendment to an instrument are discussed in paragraphs 1.18 to 1.21 above.

3.9 As a last resort, an item of subsidiary legislation subject to the negative vetting procedure or an instrument may have to be repealed, if it is considered by the subcommittee that time does not allow proper scrutiny of it.

### **Policy aspect**

3.10 As discussed in paragraph 3.1 above, in scrutinising a subsidiary legislation/instrument, it is the normal practice to first consider its policy aspect.

3.11 If the subsidiary legislation/instrument is complex, the subcommittee should draw up a work plan to guide its work. The work plan should set out the subject areas or policy issues to be studied as well as the order of and timeframe for studying these areas or issues.

3.12 Normally, the Chairman, with the assistance of the Clerk and the legal adviser, prepares a draft work plan for the consideration of the subcommittee.

### **Examination of provisions**

3.13 In examining the detailed provisions of the subsidiary legislation/instrument, the Chairman should invite the subcommittee to first examine either the English text or Chinese text of the subsidiary legislation/instrument. Where applicable, a marked-up copy of the relevant legislative item to be amended by the subsidiary legislation/instrument will be prepared by the Legal Service Division to assist the subcommittee in its scrutiny.

3.14 In examining each provision, the Chairman should invite the Administration to explain the provision and, if necessary, the related provisions. The Chairman should also invite the legal adviser to give his/her views, if any, on the legal or drafting aspects of the provisions and the related provisions.

3.15 After examination of the text of the subsidiary legislation/instrument in one language has been completed, the subcommittee should move on to consider the text in the other language. Alternatively, the subcommittee may request the legal adviser to examine the text in the other language, and to alert the subcommittee if issues are identified at this stage of work which require the subcommittee to consider.

### **Amendments**

3.16 It is the normal practice for a subcommittee to consider any amendments proposed by the Administration, the subcommittee and individual members to the subsidiary legislation/instrument, and to attach the text of the amendments to its written report to the House Committee (see paragraph 8.15 below).

3.17 To facilitate the subcommittee to consider the proposed amendments, the Administration is normally invited to provide the following papers –

- (a) explanation on the amendments proposed by the Administration; and
- (b) the Administration's written response to the amendments proposed by the subcommittee or individual members.

3.18 The Administration or the legal adviser is normally invited to provide a marked-up copy of the subsidiary legislation/instrument showing the proposed amendments.

3.19 It may be necessary for the subcommittee to invite deputations, such as the relevant professional bodies or trade associations, to give views on important or controversial amendments.

3.20 In the situation where the Administration does not agree to move certain amendments and there is agreement among the majority of the members on the amendments, the subcommittee should consider whether the Chairman should move the amendments on behalf of the subcommittee.

3.21 If the Chairman is not in favour of the proposed amendments, he/she should invite the subcommittee to consider whether the Deputy Chairman (if any) or any other member who is in favour of the amendments should move the amendments on behalf of the subcommittee.

3.22 Amendments to be moved by the subcommittee are drafted by the legal adviser to the subcommittee. The drafting of amendments which an individual member is considering to move is the responsibility of the member concerned. The legal adviser may provide assistance if necessary.

3.23 Rule 31(1) of the Rules of Procedure provides that a Member cannot propose an amendment, the object or effect of which may, in the opinion of the President, dispose of or charge any part of the revenue or other public moneys of Hong Kong, except where the Chief Executive consents in writing to the proposal. *[RoP 31(1)]*

## **Notice periods for amendments**

### Subsidiary legislation subject to the positive vetting procedure

3.24 As discussed in paragraph 1.6 above, upon completion of its scrutiny work, the subcommittee formed to study an item of subsidiary legislation subject to the positive vetting procedure will report to the House Committee. The public officer may then give fresh notice to the Clerk to LegCo. The notice period is not less than 12 clear days before the day on which the motion is to be considered by the Council, unless the President dispenses with such notice. *[RoP 29(1)]*

3.25 Notice of a motion to amend the item of subsidiary legislation is to be given not less than five clear days before the relevant Council meeting, unless the President dispenses with such notice. *[RoP 29(6)]*

Subsidiary legislation subject to the negative vetting procedure and other instruments

3.26 Notice of a motion to amend an item of subsidiary legislation subject to negative vetting procedure or an instrument is to be given not less than five clear days before the relevant Council meeting, unless the President dispenses with such notice. *[RoP 29(2)]*

3.27 The notice period required for any amendment to a motion referred to in paragraph 3.26 above shall be decided by the President according to his/her discretion. *[RoP 29(4)]*

**Dissolution of a subcommittee**

3.28 The Rules of Procedure and House Rules do not explicitly state when a subcommittee on subsidiary legislation/other instrument is dissolved. Generally speaking, a subcommittee is regarded to be dissolved –

- (a) when the motion on the subsidiary legislation is disposed of in Council, in relation to an item of subsidiary legislation which is subject to the positive vetting procedure;
- (b) when the scrutiny period expires, in relation to an item of subsidiary legislation which is subject to the negative vetting procedure;
- (c) when the period provided for the making of any amendment expires, in relation to other instruments; or
- (d) when the House Committee so decides.

## CHAPTER 4 PREPARATIONS FOR A MEETING

	<i>Paragraphs</i>
<b>First meeting</b>	4.1 – 4.2
<b>Subsequent meetings</b>	4.3 – 4.9
<b>Notice of meeting</b>	4.10 – 4.11
<b>Agenda</b>	4.12 – 4.19
<b>Inviting attendees</b>	4.20 – 4.22
<b>Deputations</b>	4.23 – 4.32
<b>Background briefs</b>	4.33 – 4.34
<b>Papers from the Administration</b>	4.35 – 4.37
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<b>Research reports</b>	4.39 – 4.40
<b>Personal data</b>	4.41
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<b>Meeting with the Clerk</b>	4.46

### **First meeting**

4.1 The member who has the highest precedence on the preliminary membership list sets the date and time of the first meeting. The preliminary membership list comprises those Members who have indicated their intention to join the subcommittee at the House Committee meeting.

4.2 The election of the Chairman and Deputy Chairman takes place at the first meeting. The procedures for the election of Chairman and Deputy Chairman are provided in Appendix IV to the House Rules. After the election, the subcommittee will normally –

- (a) meet with the Administration to commence discussion on the subsidiary legislation/instrument;
- (b) consider whether it is necessary to invite deputations to give views on the subsidiary legislation/instrument;

- (c) determine the frequency of meetings; and
- (d) set the dates and time of subsequent meetings.

## **Subsequent meetings**

### Meeting schedule

4.3 It is the normal practice for the Chairman to set the date and time of a meeting. Whenever feasible, the subcommittee should meet frequently.

4.4 If the subcommittee has agreed on a meeting schedule, the Chairman should set the date and time of a meeting according to the schedule, unless there is reason to re-schedule the meeting. Members should be informed of the reason for re-scheduling.

4.5 If a member of a subcommittee makes a request for holding a meeting to discuss a specific issue of urgent importance and the Chairman cannot be contacted for considering the request within 48 hours, the Deputy Chairman will then decide whether to convene the meeting and, if convened, the date, time and place of it. *[RoP 79B]*

4.6 To enable the Clerk to convey a request for holding an urgent meeting of a subcommittee, the Chairman and Deputy Chairman should provide the Clerk with adequate information on how they can be contacted.

### Clash of meetings

4.7 Efforts should be made, as far as practicable, to avoid scheduling two meetings within the same time slot. *[HR 24(b)]*

4.8 If a clash of two meetings cannot be avoided, there should be no or minimum overlapping of membership between the two committees, or no member of the subcommittee is expected to attend the other meeting.

### Lunch time meetings

4.9 Where necessary, a meeting during lunch time, normally from 1:00 pm to 2:15 pm, may be scheduled.

### **Notice of meeting**

4.10 Notice of the date, time and venue of a meeting should be given by the Clerk at least three days before the meeting unless the Chairman agrees that shorter notice be given. *[HR 24(c)]*

4.11 The agenda for a meeting should be issued together with the notice of that meeting.

### **Agenda**

#### Deciding on agenda items

4.12 There are no rules in the Rules of Procedure and House Rules on who decides on the agenda items for a meeting. It is the normal practice for the Chairman to decide on the agenda and consult the subcommittee, if necessary.

4.13 The agenda items of a subcommittee meeting are normally couched in general terms, such as “Meeting with the Administration”, “Continue discussion with the Administration” or “Meeting with deputations”. If the subcommittee has drawn up a work plan setting out the subject areas and policy issues to be studied and the order of studying these areas or issues, the Chairman should consider whether the specific areas or issues to be discussed at a particular meeting should be stated in the agenda to facilitate members to prepare for the meeting and to bring along the relevant papers to the meeting.

4.14 The agenda, after clearance with the Chairman on the order and wording of items and time allowed for each item, should be issued to members together with the notice of meeting.

4.15 It is the normal practice for the Chairman, upon the request of the Administration or individual members, to decide whether a special/urgent item or subject area/policy issue should be added to the agenda of a meeting. In considering whether to accede to the request, the Chairman should have regard to –

- (a) whether sufficient time can be allotted to the item/subject area/policy issue;
- (b) whether sufficient notice can be given to members, the Administration and other parties concerned; and
- (c) whether relevant information about the item/subject area/policy issue can be provided to members at a reasonable time before the meeting to facilitate discussion on it.

4.16 Where there is a request to defer discussion on an item/subject area/policy issue, the Chairman should consult the subcommittee on whether the request should be acceded to, if there is urgency in discussing the item/subject area/policy issue or the item/subject area/policy issue is controversial (also see paragraph 4.37 below regarding late submission of papers and amendments).

4.17 Where there is a request to alter the order of items/subject areas/policy issues on an agenda, the Chairman should consider whether there is good reason for the request, whether the change will cause inconvenience for other attendees, and whether reasonable notice can be given to members about the change, before making a decision on the request.

#### Revised agenda

4.18 Where subsequent changes are made to the agenda of a meeting, a revised agenda should be issued as soon as possible by the Clerk, to ensure that members are given notice of what will be discussed at the meeting.

### Time allowed for each item

4.19 The Chairman should decide beforehand the time allowed for discussion on each item/subject area/policy issue, and instruct the Clerk to have the time indicated on the agenda. *[HR 24(m)]*

## **Inviting attendees**

### The Administration

4.20 It is the normal practice for the policy bureau concerned to coordinate the attendance of public officers for discussion on a certain item/subject area/policy issue.

4.21 The Chairman or the subcommittee may request that a certain public officer be invited. *[RoP 9(4)]*

### Other organisations

4.22 Representatives, other than those from the Administration, such as representatives of public bodies, may be invited by a subcommittee to attend its meeting for discussion on a certain item/subject area/policy issue on the agenda.

## **Deputations**

### Invitation

4.23 A subcommittee may invite deputations to make written submissions and oral representations to the subcommittee on the subsidiary legislation/instrument. The Chairman normally invites members to give views on which organisations or individuals should be approached.

4.24 If the subsidiary legislation/instrument in question is of wide public concern, it is the normal practice for the subcommittee to invite views from the public by issuing press releases and/or posting a notice on the LegCo website. Advertisements may also be placed in one English newspaper and one Chinese newspaper as decided by the Chairman or the subcommittee, but consideration should be given to the cost involved. If a subcommittee decides to invite views by any one of the three approaches mentioned above, the subcommittee should also invite the 18 District Councils to give views on the subsidiary legislation/instrument.

### Submissions

4.25 In the case of Panels or Bills Committees, about two to three weeks are normally allowed for deputations to send in their submissions to the Secretariat, and the deadline for submissions is normally one to two weeks prior to the relevant meeting. In determining the time allowed for deputations to send in their submissions, the subcommittee should have regard to the scrutiny period, in the case of subsidiary legislation subject to negative vetting, or the period for making amendment, in the case of other instruments.

4.26 The Chairman decides whether requests for making oral representations, which are received after the deadline, should be acceded to.

4.27 Deputations who have put in written submissions prior to the meeting may make further submissions after the meeting on points not covered in their earlier submissions. *[HR 25(c)]*

4.28 The Chairman decides whether translation into Chinese should be arranged for submissions made in English. Summary translation into Chinese may be considered for very lengthy submissions made in English. Submissions are circulated to members and made available to the public, unless the deputations concerned raise objection.

4.29 Submissions are also forwarded to the Administration for its response to the issues and concerns raised in the submissions.

4.30 Where necessary, the Clerk prepares summaries of issues and concerns raised in the submissions received from deputations and the Administration's response to these issues and concerns.

#### Speaking order

4.31 The Chairman determines the speaking order of deputations by applying the following criteria –

- (a) in the order of the receipt of the submissions; and/or
- (b) by groups having regard to the background or nature of the deputations; and/or
- (c) preference of the deputations.

#### Speaking time

4.32 The Chairman determines the speaking time limit for deputations. In principle, equal speaking time should be allotted to deputations attending the same meeting.

### **Background briefs**

4.33 The Clerk prepares a background brief on the relevant subsidiary legislation/instrument to facilitate the subcommittee's discussion at the first meeting of the subcommittee.

4.34 Where practicable and considered necessary by the Chairman, the Clerk prepares background briefs on specific subjects, particularly those involving important, complex, and/or controversial issues, to facilitate the subcommittee's discussion. The Chairman's consent is sought by the Clerk before issuance of the brief to members.

## **Papers from the Administration**

4.35 It is the normal practice to request the Administration to respond in writing to the issues and concerns raised by members, and to provide other relevant discussion papers for a subcommittee meeting.

4.36 Unlike the provision of discussion papers for Panels, there are no agreed deadlines with the Administration for the provision of papers for subcommittee meetings, because the frequency of subcommittee meetings varies from case to case.

4.37 Since a subcommittee invariably consults the Administration's representatives in fixing the date of its next meeting, the Administration should have assessed its ability to provide discussion papers or draft amendments at a reasonable time before the meeting. In line with the practice of Panels, the Chairman should invite the subcommittee to consider whether discussion on papers or amendments that arrive too late before a meeting should be deferred, if the situation warrants.

## **Information notes/fact sheets**

4.38 The consent of the Chairman is sought for issuance of an information note or fact sheet produced by the Research and Library Services Division.

## **Research reports**

4.39 Upon the endorsement of the subcommittee for a study to be carried out, an outline of the study is prepared for members' comments and endorsement at a meeting or by circulation. The Chairman's consent is sought before issuance of the outline to members.

4.40 The Chairman and interested members of the subcommittee are invited to comment on the draft research report before it is finalised for presentation to the subcommittee. Internal deliberation may be held to consider whether the draft report has covered all the aspects expected to be covered in the study.

## **Personal data**

4.41 Personal data contained in a document is normally obliterated before issuance.

## **Defamatory expressions**

4.42 If a document, e.g. submission from a deputation, contains defamatory remarks/expressions made against or which may be embarrassing to any person or body, etc, the Chairman should instruct the Clerk on how such a document should be dealt with. It may be necessary to restrict the circulation of such a document to members only, or to obliterate the remarks/expressions before circulation.

## **Other papers**

4.43 The Chairman decides whether certain documents sent to the subcommittee, which are not related to any agenda item, subject area or policy issue to be discussed, should be circulated to members.

## **Chairman's Brief**

4.44 A Brief for the Chairman is prepared by the Clerk for every meeting (other than the first meeting), and is normally sent to the Chairman not less than one working day before the meeting. The Brief usually contains the following information –

- (a) the number of members required to form a quorum of the meeting;
- (b) a list of the members of the subcommittee, representatives of the Administration and other organisations and Secretariat staff attending the meeting;

- (c) date of the meeting the minutes of which are to be confirmed;
- (d) outstanding issues and concerns raised at previous meetings to be followed up and new issues to be discussed by the subcommittee;
- (e) titles of papers for the meeting;
- (f) matters requiring the subcommittee's attention/decision;
- (g) a reminder of the date of the next meeting; and
- (h) any procedural or other matters to which the Chairman's attention should be drawn.

4.45 The following information is also included in the Brief when it is anticipated that the subcommittee is about to conclude its deliberation –

- (a) in the case of an item of subsidiary legislation subject to positive vetting, the deadline for giving notice of the motion on the subsidiary legislation;
- (b) the deadline for giving notice of amendments; and
- (c) the respective dates of the relevant House Committee meeting and Council meeting (if applicable).

### **Meeting with the Clerk**

4.46 Where necessary, the Chairman and Deputy Chairman (if any) meet with the Clerk before the meeting to receive an update on the items to be discussed and to consider any procedural points which may be brought up at the meeting.

## CHAPTER 5 CONDUCTING A MEETING

	<i>Paragraphs</i>
<b>Chairing meetings</b>	5.1 – 5.4
<b>Quorum</b>	5.5 – 5.8
<b>Venue not available</b>	5.9
<b>Keeping time</b>	5.10 – 5.11
<b>Order of agenda items</b>	5.12
<b>Privileges and immunities</b>	5.13 – 5.14
<b>Order of speaking</b>	5.15 – 5.16
<b>Pecuniary interest</b>	5.17 – 5.18
<b>Voting</b>	5.19 – 5.25
<b>Decisions</b>	5.26 – 5.27
<b>Voting right of Chairman</b>	5.28 – 5.29
<b>Conduct</b>	5.30 – 5.36
<b>Motion without notice</b>	5.37 – 5.53
<b>Extension of meetings</b>	5.54 – 5.58
<b>Language</b>	5.59 – 5.60

### **Chairing meetings**

5.1 The Chairman of a subcommittee chairs all its meetings. In his/her absence, the Deputy Chairman (if one has been elected) takes over as the Chair.

5.2 In the temporary absence of the Chairman or Deputy Chairman (if one has been elected), the subcommittee may elect a Chairman to act during the absence.

5.3 Although the Chairman has the same rights, in principle, as any other member to give his/her views, the Chairman should intervene as little as possible in the discussion and should not usually express personal opinions, in order to avoid giving the impression or being accused of taking sides.

5.4 Where the Chairman of a subcommittee considers that there may be concern about conflict of interest or conflict of roles in his/her chairing the meeting for discussion on a certain item, he/she should make a declaration of the matter which is the cause for the concern and invite the subcommittee to consider whether he/she should preside over the discussion on the item. The subcommittee may decide whether the Deputy Chairman or another member should preside.

## **Quorum**

5.5 The quorum of a subcommittee is three members including the Chairman or one-third of its members including the Chairman (a fraction of the whole number being disregarded), whichever is the greater.

5.6 If a quorum is not present within 15 minutes of the appointed time, the Chairman should cancel the meeting. *[HR 24(g)]*

5.7 In the case where a meeting has just been cancelled, and then all the members of the subcommittee are present and the public officers are still available, the Chairman may, with the agreement of all the members, call another meeting to be held immediately. *[HR 24(c)]*

5.8 If the attention of the Chairman is drawn to the fact that a quorum is not present during a meeting, he/she should ask that members be summoned. Unless a quorum is present within 15 minutes, the Chairman should close the meeting. *[HR 24(h)]*

## **Venue not available**

5.9 In the situation where a quorum is present but the venue for a meeting is not available at the appointed meeting time, because the meeting held in the same venue in an earlier time slot has overrun, the following arrangement may be adopted: the Chairman of the meeting in progress should suspend the meeting to enable the other Chairman to declare the meeting open and then immediately suspend the meeting. The earlier meeting can then resume and the other meeting can be held after the earlier meeting has ended.

## **Keeping time**

5.10 The Chairman should have regard to the time allotted to each item and should keep tight time control to ensure that business on the agenda is dealt with before the appointed ending time of the meeting. The Chairman may extend the meeting or allow the meeting to continue for not more than 15 minutes beyond the appointed ending time of the meeting, provided that the meeting venue is available. [HR 24A(a)]

5.11 Further extension of the meeting is subject to the conditions detailed in paragraphs 5.55 to 5.58 below.

## **Order of agenda items**

5.12 Items should be taken in the order in which they appear on the agenda. If there is a request for the order of an item to be varied, the Chairman should consult members of the subcommittee as well as representatives of the Administration and/or other parties concerned, such as deputations. If no objection is raised, the request may be acceded to.

## **Privileges and immunities**

5.13 At meetings of the Council or its committees, the privileges and immunities provided by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) are available to all Members, the Chief Executive and any public officer designated by the Chief Executive for the purpose of attending such meetings. A list of the public officers so designated is in *Appendix I*.

5.14 Where discussion on an item is attended by persons who are not covered by the privileges and immunities provided under Cap. 382, e.g. deputations, the Chairman should remind them, at the beginning of the discussion, that when addressing the subcommittee they do not have such protection and their written submissions are also not protected.

## **Order of speaking**

5.15 Members should register their intention to speak at a meeting by raising their hands. The Chairman should call upon Members to speak in turn, having regard to the order in which they have raised their hands.

5.16 Where there are differences of opinion, the Chairman should, as far as possible, give each side an equal chance to express its views.

## **Pecuniary interest**

5.17 A Member should not move any motion or amendment relating to a matter in which he/she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he/she discloses the nature of that interest. *[RoP 83A]*

5.18 A Member should not vote on any question in which he/she has a direct pecuniary interest, except where his/her interest is in common with the rest or a sector of the population of Hong Kong, or his/her vote is given on a matter of Government policy. *[RoP 84(1) and (1A)]*

## **Voting**

5.19 Matters for the decision of a subcommittee are decided by a majority of the members voting. Non-subcommittee Members do not have voting right in respect of the business of the subcommittee. *[RoP 75(12AA), HR 24(d)]*

5.20 Before a matter is voted upon at a meeting of a subcommittee, a voting bell will be rung if the Chairman orders, on his own motion or upon the request of a member of the subcommittee, that the members of the subcommittee be notified of the voting. The subcommittee will proceed to vote immediately after the bell has been rung for five minutes. However, if the meeting is held simultaneously with a Council meeting, the bell will not be rung. *[HR 24(i)] [Procedural motion passed by the House Committee on 7 October 2011]*

5.21 Where no voting bell is provided for the venue where a subcommittee meets or if the bell does not function or may not be rung, the Chairman should order the Clerk to arrange for members of the subcommittee within the precincts of the Chamber to be notified of the voting. The voting will be held 10 minutes after the order has been made. *[HR 24(j)] [Procedural motion passed by the House Committee on 7 October 2011]*

5.22 Voting by members at a meeting of a subcommittee is by a show of hands.

5.23 A question put to vote will be regarded as agreed to if more members voted in favour of it than those who voted against it. It is the normal practice to record the number of members who abstained from voting, but the number of abstentions is not counted for the purpose of determining the result of the vote.

5.24 If a member wishes to claim a division of the votes, the member must make the request before the Chairman declares the result of the vote.

5.25 When the Chairman orders a division, the Clerk will record the names of members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then instruct the Clerk to read out the names of the members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then declare the result of the vote. The number of abstentions is not counted for the purpose of determining the result of the vote, as detailed in paragraph 5.23 above.

## **Decisions**

5.26 The Chairman may instruct that a matter for the decision of a subcommittee be considered by circulation of papers to its members. The matter will be deemed to be approved by the subcommittee, if a majority of the members of the subcommittee have signified approval, and no member has signified disapproval or has requested that the matter should be discussed at a meeting.

5.27 The decisions of a subcommittee should not be re-opened for discussion, unless with the permission of the subcommittee. *[HR 24(n)]*

## **Voting right of Chairman**

5.28 Except in an election of the Chairman and Deputy Chairman of a subcommittee, the Chairman or any presiding member has an original vote but not a casting vote. *[RoP 75(12C) and (12E)]*

5.29 If the Chairman or the member presiding wishes to exercise his/her original vote on a matter before the subcommittee, the vote must be exercised at the same time as other members of the subcommittee exercise their vote; otherwise, the Chairman or the member presiding will be regarded as having given up his/her right to vote on the relevant matter. *[RoP 79A(3)]*

## **Conduct**

### Members

5.30 The Chairman is responsible for maintaining order at meetings to ensure the business on the agenda is conducted properly and efficiently. His/her decision on a point of order shall be final. *[RoP 44]*

5.31 Some of the rules in the Rules of Procedure which govern the order of Members at Council meetings are applicable to committee meetings, unless the Chairman of the committee decides otherwise. These rules are –

- (a) a Member should not interrupt another Member who is speaking except to raise a point of order or to seek elucidation *[RoP 39]*
- (b) a Member should restrict his/her observations to the subject under discussion and should not introduce matters irrelevant to that subject *[RoP 41(1)]*

- (c) a Member should not make reference to a case pending in a court of law in such a way as, in the opinion of the Chairman, might prejudice that case *[RoP 41(2)]*
- (d) a Member should not use offensive or insulting language about other Members *[RoP 41(4)]*
- (e) a Member should not impute improper motives to another Member *[RoP 41(5)]*
- (f) the name of the Chief Executive should not be used to influence the Council *[RoP 41(6)]*
- (g) the conduct of the Chief Executive, a Member of the Executive Council or a Member of the Legislative Council otherwise than in the performance of his/her official duties shall not be raised *[RoP 41(7)]*
- (h) the conduct of judges and other persons performing judicial functions should not be raised *[RoP 41(8)]*
- (i) all Members should enter or leave the meeting venue properly attired and with decorum; no Member should cross the floor of the meeting venue unnecessarily; Members should not read newspapers, books or other document except if the contents of such documents are related to the business of the Council; and while a Member is speaking all Members should be silent and should not make unseemly interruptions *[RoP 42]*

5.32 The Chairman of a subcommittee does not have the power conferred under Rule 45(1) of the Rules of Procedure to order a Member to discontinue his/her speech.

5.33 Under Rule 45(2) of the Rules of Procedure, the Chairman of a subcommittee has the power to order a Member whose conduct is grossly disorderly to withdraw from a meeting.

5.34 The Chairman of a subcommittee may also adopt the following approaches in dealing with controversies concerning Members' conduct or points of order at meetings –

- (a) remind the Member that his/her conduct is inappropriate;
- (b) persuade the Member not to continue to behave in the manner which is the subject of the controversy;
- (c) suspend the meeting to let the controversy die down, if necessary; and/or
- (d) seek the view of the subcommittee on how the controversy should be dealt with.

*Use of offensive or insulting language by a Member*

5.35 In relation to paragraph 5.31(d) above, a list of expressions which have been ruled by the President and committee chairmen to be offensive and insulting about Members or public officers attending the relevant meeting or unparliamentary in the context in which the expressions were used are set out in Appendix II. The list is not exhaustive and will be updated as and when new rulings are made. Expressions on the list may be deleted having regard to cultural changes and developments in society. Subcommittee Chairmen are invited to note that -

- (a) whether an expression is offensive and insulting or unparliamentary depends on the context in which it is used;
- (b) the Chairman of the Subcommittee may order the Member using such expression to withdraw the expression or stop using the expression; and

- (c) the mere utterance of the expression at a meeting does not constitute grossly disorderly conduct. However, if the Member refuses to withdraw the expression or stop using the expression after he/she has been so ordered, such conduct may be regarded by the Chairman to be grossly disorderly. In such circumstances, the Subcommittee Chairman may exercise the power conferred under Rule 45(2) of the Rules of Procedure to order withdrawal of the Member, or adopt the approaches set out in paragraph 5.34 above.

### Public

5.36 If a member of the press or the public is behaving or is likely to behave in a disorderly manner, the Chairman may order the removal of the person from the meeting. *[RoP 87, HR 24(s)]*

## **Motion without notice**

### Substantive motions

5.37 The procedure for the moving of a motion at subcommittee meetings is not provided in the Rules of Procedure and House Rules. Subcommittees may follow the procedure provided for Panels in rule 22(p) of the House Rules.

5.38 Under rule 22(p), if a motion is moved without notice by a member in relation to an agenda item, the Chairman should deal with in accordance with the following steps –

- (a) to decide whether the motion is directly related to the agenda item;
- (b) to invite the members present to consider whether the motion should be dealt with, if the motion is ruled directly related to the agenda item; and
- (c) to proceed to deal with the motion, if agreed to by a majority of the members voting.

*[HR 22(p)]*

These steps are discussed in greater detail below.

5.39 The Chairman should first decide whether the motion is directly related to an agenda item of that meeting. This is to ensure that members are aware of the possibility that a motion may be moved without notice on the subject matter of an agenda item. For this reason, a motion moved under “Any other business” or under a newly added discussion item under “Any other business” should not be ruled admissible by the Chairman.

5.40 The proposed motion or any amendment to the motion should be presented to the subcommittee in written form. *[HR 22(p)]*

5.41 The Chairman or the Clerk should read out the wording of the motion and any amendment. If necessary, the Chairman should instruct the Clerk to arrange for the wording of the proposed motion and any amendment to be copied to members.

5.42 If the Chairman rules that the motion is directly related to the agenda item, the Chairman should invite members present to consider whether the motion should be proceeded with. The motion will be proceeded with if agreed to by a majority of the members voting, and it should be dealt with under the agenda item to which it relates. The Chairman may, with the agreement of the subcommittee, decide to deal with the motion later at the same meeting.

5.43 No new motion, however, may be proposed during the period of extension or continuation of the meeting allowed by the Chairman or the period of extension agreed to by the subcommittee (see paragraphs 5.54 to 5.58 below). *[HR 24A(f)]*

5.44 The Chairman should allow members to give views on the motion and any amendment before they are put to vote.

5.45 After members have expressed their views, the amendment should be voted on first. If the amendment is voted down, the original motion should be put to vote.

5.46 If there are two or more amendments, the Chairman should call on the members concerned to move their amendments in the order in which these amendments relate to the text of the motion, or in cases of doubt in the order decided by the Chairman.

5.47 In the case of two amendments being inconsistent with each other, if the amendment which is voted on first is passed, the other amendment is deemed to be negated.

5.48 If there are two or more motions moved by members which have been ruled by the Chairman to be directly related to the agenda item and decided by the subcommittee that they should be proceeded with, a joint discussion on the motions should be held.

5.49 After members have given their views, the motions should be voted on in the order in which they were presented to the subcommittee.

5.50 In the case of two motions being inconsistent with each other, if the motion which is voted on first is passed, the other motion is deemed to be negated.

5.51 A Member should not move any motion or amendment relating to a matter in which he/she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he/she discloses the nature of that interest. *[RoP 83A]*

### Procedural motions

#### *Motion to adjourn*

5.52 If during the discussion on a substantive motion, a member moves a procedural motion to adjourn the discussion, the procedural motion should be dealt with first. If the motion is supported, the Chairman will adjourn the discussion. If the motion is voted down, discussion on the substantive motion may continue.

#### *Motion to take vote immediately*

5.53 If during the discussion on a substantive motion, a member moves a procedural motion that a vote on the substantive motion be taken immediately, the procedural motion should be dealt with first. If the motion is supported, a vote on the substantive motion will be taken immediately. If the motion is voted down, discussion on the substantive motion may continue.

## **Extension of meetings**

5.54 As detailed in paragraph 5.10 above, the Chairman may extend a meeting or allow a meeting of the subcommittee to continue for not more than 15 minutes beyond the appointed ending time of the meeting, provided that the meeting venue is available. *[HR 24A(a)]*

5.55 The meeting may be extended for more than 15 minutes beyond the appointed ending time or the period of extension/continuation of meeting referred to in paragraph 5.54 above, provided that –

- (a) such a proposal is put forward during the original appointed meeting time or the period of extension/continuation of meeting referred to in paragraph 5.54 above;
- (b) no member of the subcommittee present at the meeting raises objection to the proposal; and
- (c) the meeting venue is available.

*[HR 24A(b)(i) to (iii)]*

5.56 Subject to the availability of the meeting venue, the period of extension referred to in paragraph 5.55 above may be extended for a further specified period, provided that such a proposal is put forward during that extended period and no member of the subcommittee present at the meeting raises objection to the proposal. *[HR 24A(c)]*

5.57 The Chairman shall ascertain whether any member of the subcommittee present at the meeting raises objection to a proposal put forward under paragraph 5.55 or 5.56 above without debate or discussion. *[HR 24A(d)]*

5.58 Where a motion has been proposed and agreed to be dealt with during the original appointed meeting time but has not been so dealt with, the motion may be dealt with during the period of extension or continuation of meeting allowed by the Chairman under paragraph 5.54 above or the period of extension decided by the subcommittee under paragraph 5.55 or 5.56 above. However, no new motion may be proposed during such period of extension or continuation of meeting referred to in paragraphs 5.54, 5.55 and 5.56 above. *[HR 24A(e)and (f)]*

## **Language**

5.59 Members and other attendees of a meeting may speak in either Cantonese, Putonghua or English. However, prior notification to address the subcommittee in Putonghua must be given to the Clerk so that appropriate simultaneous interpretation service can be arranged.

5.60 The Chairman, whenever necessary, should remind Members, representatives of the Administration and deputations to refrain from using “cocktail” language at meetings so as to facilitate the work of the simultaneous interpreters. *[HR 24(o)]*

## CHAPTER 6 VISITS

	<i>Paragraphs</i>
<b>Purpose</b>	6.1
<b>Visits outside Hong Kong</b>	6.2 – 6.11
<b>Visits outside Hong Kong in response to invitations</b>	6.12 – 6.21
<b>Visits in Hong Kong</b>	6.22 – 6.24

### **Purpose**

6.1 Visits may be conducted by subcommittees to enable Members to gain first-hand information on issues or organisations of interest to them in connection with Council business. *[HR 29(a) and 29A(a)]*

### **Visits outside Hong Kong**

#### Permission of the House Committee

6.2 Should a subcommittee consider it necessary to undertake any activities outside Hong Kong under the name of the subcommittee and/or funding for the visit is to be charged to individual Members' Overseas Duty Visit accounts, the prior permission of the House Committee is required. *[HR 29A(a)]*

6.3 In considering whether to undertake a visit outside Hong Kong, the subcommittee should have regard to, among other things, the time required to make logistical arrangements and other preparatory work for the visit.

6.4 The Chairman presents a paper on the proposed visit to the House Committee. The paper is drafted by the Clerk.

### Forming the delegation

6.5 The broad guidelines for determining the size and membership of a delegation are –

- (a) members of the subcommittee should have priority in participating in the visit; and
- (b) the delegation should be of a manageable size in order not to create difficulties in logistical arrangements.

6.6 Non-subcommittee members may join a duty visit outside Hong Kong with the consent of the subcommittee.

6.7 Members joining the visit should participate in the entire programme. *[HR 29A(b)]*

6.8 The Chairman of the subcommittee is normally the leader of the delegation. If the Chairman does not participate in the visit, the Deputy Chairman (if any) is normally the leader and if he/she also does not participate in the visit, the delegation may choose a leader and inform the subcommittee of its choice.

### Funding

6.9 Visits outside Hong Kong are funded in accordance with the prevailing arrangements approved by The Legislative Council Commission.

### Preparatory work

6.10 Prior to the visit, the delegation should discuss the matters to be studied during the visit, the programme and the parties to be visited. Background briefs for the visit are prepared by the Clerk jointly with the Research and Library Services Division. Questions are also drawn up by the Clerk in consultation with the delegation, to facilitate discussion with the parties to be visited.

## Role of the Clerk

6.11 There will be Secretariat staff, normally the Clerk, accompanying the delegation. The Clerk (or the staff concerned) is responsible for making the logistical arrangements and will draft the report of the visit in consultation with the delegation. The report, after clearance with the delegation, is presented to the subcommittee and then, with suitable adaptation, to the House Committee.

## **Visits outside Hong Kong in response to invitations**

6.12 Any proposed visit outside Hong Kong extended to all Members of the Council in response to an invitation should first be discussed by the relevant committee(s) to determine if the visit is related to the business of the Council. The relevant committee(s) should convene a meeting to discuss the invitation and all other non-committee Members should be invited to attend the meeting. There should be transparency in the deliberation on logistical arrangements, including the Members to take part in the visit, the itinerary, matters to be studied and places to be visited. *[HR 29A(c)]*

6.13 If the committee(s) concerned proposes to accept the invitation, all Members should be invited to indicate their interest in joining the proposed visit. The committee(s) should submit a paper on its proposal to the House Committee. If the House Committee agrees to accept the invitation, and a quota is prescribed on the number of participating Members by the relevant organisation, the House Committee should consider the composition of the delegation which should normally be broadly representative of the membership of the Council. *[HR 29A(c), (d) and Appendix VI]*

6.14 If the invitation is extended to one committee only, the Chairman of the committee concerned should convene a meeting to discuss whether to accept the invitation and the details of the proposed visit. If the invitation is extended to members of more than one committee, the Chairmen of the committees concerned should discuss and agree as to whether a joint meeting should be convened or whether the committee having a prominent interest in the subject matter should convene a meeting and invite members of the other committee(s) to attend. The notice of meeting should be copied to all other non-committee Members who are welcome to attend the meeting and participate in the discussion, but they do not have any voting right in respect of the issues under discussion. At the meeting, members should discuss whether to accept the invitation and the details of the proposed visit. *[HR 29A(c) and Appendix VI]*

6.15 Any views or requests made by Members at the meeting should be relayed to the relevant organisation for consideration, and Members should be informed of any feedback received. *[Appendix VI to HR]*

6.16 If the invitation is not accepted, the relevant organisation should be so informed. *[Appendix VI to HR]*

6.17 If the invited committee(s) considers that the proposed visit is related to Council business and agrees to accept the invitation, it should issue a circular to invite members to indicate whether they will join the visit. The committee(s) should submit a paper on the detailed arrangements of the visit to the House Committee. *[HR 29A(d) and Appendix VI]*

6.18 Where the funding of a visit in response to an invitation is to be charged to individual Members' Overseas Duty Visit accounts, the House Committee's endorsement is required. *[HR 29A(d) and Appendix VI]*

6.19 If the endorsement of the House Committee on the financial arrangement is not obtained, members may join the visit on a self-financing basis or claim reimbursement of the expenses incurred for the visit under the Operating Expenses Reimbursement system.

*[Appendix VI to HR]*

6.20 Papers submitted in the name of the Council to an inviting organisation should be circulated to all Members for comments.

6.21 A report on a visit that has been approved by the House Committee should be submitted to the House Committee after the visit.

*[HR 29A(f) and Appendix VI]*

### **Visits in Hong Kong**

6.22 The timing and programme of a visit are decided by the Chairman in consultation with members of the subcommittee and the host organisations. The duration of a visit should be kept to within three hours as far as possible. *[HR 29(b)]*

6.23 The Chairman, in consultation with other Members or the host organisation, determines whether a scheduled visit should be cancelled or postponed if the visiting party consists of less than three Members.

*[HR 29(d)]*

6.24 The Chairman and the host organisation are consulted as to whether the visit should be open to the media.

## CHAPTER 7 POWERS TO SUMMONS WITNESSES

	<i>Paragraphs</i>
<b>Powers to summons witnesses</b>	7.1 – 7.5
<b>Proposal to appoint a select committee</b>	7.6 – 7.8

### **Powers to summons witnesses**

7.1 A subcommittee may exercise the powers conferred by section 9(1) of Cap. 382 to order any person to testify or give evidence or to produce any paper, book, record or document in his/her possession, if authorised by the Council to do so.

7.2 If a subcommittee member proposes that the subcommittee should exercise the powers conferred by section 9(1) of Cap. 382 in connection with its work, a motion on the proposal should be put to the subcommittee for consideration and decision. If the subcommittee supports the motion, the House Committee should be informed of the subcommittee's decision.

7.3 The relevant motion in Council is normally moved by the Chairman of the subcommittee.

7.4 If a subcommittee is authorised to exercise powers conferred by section 9(1) of Cap. 382, the subcommittee should, similar to Panels, make a report to the Council after it has completed its consideration, although there is no such a requirement under the Rules of Procedure and House Rules.

7.5 There is no precedent of a subcommittee being authorised by the Council to exercise powers conferred by section 9(1) of Cap. 382 in connection with its work.

## **Proposal to appoint a select committee**

7.6 If a subcommittee decides to recommend the appointment of a select committee to conduct an enquiry and for the select committee to exercise the powers conferred by section 9(1) of Cap. 382 for the purpose of the enquiry, a paper should be presented to the House Committee. The Clerk prepares the paper and clears it with the Chairman before issuance.

7.7 If the House Committee supports the proposal of the appointment of a select committee, the relevant motion in Council is normally moved by the Chairman of the House Committee or the Chairman of the subcommittee, if one is formed to undertake preparatory work for the appointment of the select committee.

7.8 There is no precedent of a subcommittee recommending the appointment of a select committee to conduct an enquiry.

## CHAPTER 8 FOLLOW-UP WORK OF A MEETING

	<i>Paragraphs</i>
<b>Decisions</b>	8.1 – 8.4
<b>Minutes</b>	8.5 – 8.9
<b>Verbatim records</b>	8.10 – 8.11
<b>Reports for the House Committee</b>	8.12 – 8.17
<b>Reporting the subcommittee’s deliberations in Council</b>	8.18 – 8.30
<b>Debates on subsidiary legislation and other instruments to which no amendments have been proposed</b>	8.31 – 8.37
<b>Tabling a report in Council and speaking on the report</b>	8.38 – 8.43
<b>Addressing the Council on an item of subsidiary legislation or instrument</b>	8.44 – 8.47
<b>Adjournment debate</b>	8.48 – 8.50

### Decisions

8.1 Decisions made by the subcommittee are followed up by the Clerk in consultation with the Chairman.

8.2 Where a motion passed by the subcommittee requires the Administration’s follow-up action or response, the Clerk writes to inform the Bureau Secretary (or other public officers) concerned of the motion and to request him/her (or the public officer) to take follow-up action or provide a response to the motion, as appropriate.

8.3 The Clerk also writes to the relevant bureau if there are other follow-up actions required of the Administration.

8.4 The Clerk undertakes other necessary follow-up work according to the decisions of the subcommittee including –

- (a) seeking the House Committee’s permission to undertake a visit outside Hong Kong (paragraphs 6.2 to 6.4 above refer);

- (b) informing the House Committee of the subcommittee's decision to seek the Council's authorisation to exercise the powers conferred by section 9(1) of Cap. 382 (paragraph 7.2 above refers); and
- (c) recommending to the House Committee that a select committee be appointed (paragraph 7.6 above refers).

## **Minutes**

8.5 The Clerk to the subcommittee prepares the minutes of the meetings of the subcommittee.

8.6 The minutes of a subcommittee meeting are presented in condensed form. The minutes should record the decisions of the subcommittee, outstanding matters to be followed up at future meetings, undertakings made by the Administration, declarations of interest by members, and decisions of members to move amendments, etc. The format of the minutes should follow that agreed to by the House Committee meeting on 5 October 2001.

8.7 The audio records of the proceedings are indexed, and the index is annexed to the minutes to facilitate easy retrieval of such records. The format of the index should follow that agreed to by the House Committee meeting on 14 June 2002.

8.8 The minutes of a meeting with the Administration and other outside parties need not normally be cleared with them. The Chairman has the discretion to decide whether the draft minutes or any part of the draft minutes should be shown to those who have attended the meeting if, in the Chairman's view, it will facilitate the work of the subcommittee.

*[HR 25(d) and (e)]*

8.9 The draft minutes are cleared with the Chairman before issuance to members for confirmation at a meeting or by circulation.

*[HR 25(f)]*

## **Verbatim records**

8.10 Verbatim records are not normally prepared for a meeting, except where the subcommittee is conducting an enquiry and has been authorised to summons witnesses to give evidence. *[HR 25(b)]*

8.11 The Chairman may, with the agreement of the subcommittee, determine that a verbatim record of a meeting be made. The request should be justified on the grounds of need. Such a request should be submitted to The Legislative Council Commission with justifications for record.

## **Reports for the House Committee**

### Report to seek an extension of scrutiny period

8.12 Where the Chairman of the subcommittee is to move a motion to extend the scrutiny period of the subsidiary legislation if it is subject to negative vetting, or the period for making amendments in the case of other instruments, this should be so stated in the relevant “Position Report on Bills Committees and subcommittees” for the House Committee.

### Report upon completion of scrutiny work

8.13 A subcommittee should, as soon as it has completed its work, advise the House Committee in writing of the subcommittee’s deliberations and recommendations. It is the normal practice to submit the report before the expiry of the deadline for giving notice of amendments.

8.14 Under exceptional circumstances where a written report cannot be provided to the House Committee before the deadline for giving notice of amendments, the Chairman may make a verbal report, and provide a written report at the earliest opportunity, e.g. at the following House Committee meeting.

8.15 The Clerk drafts the report to the House Committee. The report of a subcommittee normally contains the following information –

- (a) a brief description of the subsidiary legislation/instrument;
- (b) the membership of the subcommittee;
- (c) the number of meetings held and visit(s) conducted, if any, as well as submissions received and deputations met, if any, by the subcommittee;
- (d) the deliberations of the subcommittee, including issues and concerns raised in relation to the objects of the subsidiary legislation, the majority and minority views of members, and the Administration's response to issues raised at meetings;
- (e) the Administration's undertakings, if any;
- (f) the respective amendments to be moved by the Administration, the subcommittee and/or individual members, if any;
- (g) other recommendations of the subcommittee, if any;
- (h) follow-up actions to be taken by the Administration or other committees of the Council, if any; and
- (i) any other matters or points to which the House Committee's attention should be drawn.

#### Comments by the Administration and Chairman

8.16 The draft report of the subcommittee is normally sent to the Administration for comments. It will then be cleared with the Chairman for issuance to the House Committee. The draft report will be circulated to members of the subcommittee before issuance to the House Committee, if so requested by members.

### Speaking note

8.17 Where the Chairman is to make a verbal report to the House Committee, the Clerk prepares a speaking note for the Chairman. If necessary and subject to the agreement of the Chairman of the subcommittee and that of the Chairman of the House Committee, the speaking note may be tabled at the House Committee meeting.

## **Reporting the subcommittee's deliberations in Council**

### Subsidiary legislation subject to positive vetting

8.18 For a subcommittee scrutinising an item of subsidiary legislation under the positive vetting procedure, it is the normal practice for the Chairman to make a speech to report on the deliberations of the subcommittee, after the public officer concerned has moved his/her motion. The speech is drafted by the Clerk. The Chairman may add his/her personal view after reporting the work of the subcommittee. The total speaking time is 15 minutes. *[RoP 36(5)]*

8.19 If the Chairman is to move an amendment to the motion on behalf of the subcommittee, he/she will need to move and speak on the amendment, in addition to reporting on the deliberations of the subcommittee and speaking on his/her personal view, within the speaking time limit of 15 minutes.

8.20 There is no requirement in the Rules of Procedure and House Rules for the subcommittee to table a report on its deliberations in Council, as in the case of a Bills Committee. However, a subcommittee may do so under Rule 21(1) and (2) of the Rules of Procedure, if the subcommittee considers it necessary. *[RoP 21(1) and (2)]*

8.21 Where the subcommittee decides to table its report in Council, the Chairman may seek the permission of the President to address the Council on the report. This will obviate the need for the Chairman to report the deliberations of the subcommittee during the debate on the relevant motion on the subsidiary legislation, as discussed in paragraphs 8.18 and 8.19 above. [RoP 21(1), (2) and (3)]

8.22 The arrangement for a subcommittee to table its report in Council is discussed in paragraphs 8.38 to 8.43 below.

### Subsidiary legislation subject to negative vetting or other instruments

#### *Where amendments have been proposed*

8.23 For a subcommittee scrutinising an item of subsidiary legislation under the negative vetting procedure or an instrument on which amendments are proposed by the Administration, it is the normal practice for the Chairman to make a speech to report on the deliberations of the subcommittee in relation to the amendments, after the public officer concerned has moved his/her motion. The speech is drafted by the Clerk. The Chairman may add his/her personal view after reporting the work of the subcommittee. The total speaking time is 15 minutes. [RoP 36(5)]

8.24 If the Chairman is to move a motion to amend the subsidiary legislation, he/she will have 15 minutes to move and speak on the report on the deliberations of the subcommittee in relation to the amendments, plus another 15 minutes in reply. If there is an amendment to the motion, the Chairman will have another 15 minutes to speak on the amendment.

8.25 As discussed in paragraph 8.20 above and paragraphs 8.38 to 8.43 below, the Chairman of a subcommittee may table a report on its deliberations in Council and seek the President's permission to speak on the report.

8.26 Alternatively, the Chairman may seek the permission of the President to address the Council on the subsidiary legislation under Rule 21(5) and (6) of the Rules of Procedure provided that the scrutiny period of the subsidiary legislation has not expired. Further details are given in paragraphs 8.44 to 8.47 below. *[RoP 21(5) and (6)]*

8.27 If the Chairman chooses to address the Council in the manner discussed in paragraphs 8.25 and 8.26 above, this will obviate the need for the Chairman to report on the deliberations of the subcommittee in relation to the amendments during the debate, if any, as discussed in paragraphs 8.23 and 8.24 above.

*Where no amendments have been proposed*

8.28 For a subcommittee scrutinising an item of subsidiary legislation under the negative vetting procedure or an instrument to which no amendments have been proposed, the Chairman or any other Member may notify the House Committee that he/she wishes to speak on the subsidiary legislation or instrument at a debate on a motion to take note of the relevant report of the House Committee on consideration of subsidiary legislation and other instruments. The Chairman should report on the deliberations of the subcommittee during the debate. Further details are given in paragraphs 8.31 to 8.37 below. *[RoP 49E]*

8.29 If there is no debate on a motion to take note of a House Committee report in relation to the subsidiary legislation or instrument, the Chairman may seek the permission of the President to address the Council on that subsidiary legislation under Rule 21(5) and (6) of the Rules of Procedure provided that the scrutiny period of the subsidiary legislation has not expired. *[RoP 21(5), (6) and (7)]*

8.30 Alternatively, the Chairman of a subcommittee may table a report on its deliberations and seek the President's permission to speak on the report (see paragraphs 8.38 to 8.43 below).

## **Debates on subsidiary legislation and other instruments to which no amendments have been proposed**

8.31 Rule 49D of the Rules of Procedure provides that the Chairman of the House Committee may present a report on the subsidiary legislation and other instruments that the House Committee has considered (“House Committee report”) to the Council at its meeting immediately before the expiry of the scrutiny period or extended scrutiny period of such subsidiary legislation and instruments, irrespective of whether or not subcommittees have been appointed to study them. *[RoP 49D and 75(10A)]*

8.32 Under Rule 49E(1) of the Rules of Procedure, a Member who wishes to speak on any item of subsidiary legislation or instrument included in a House Committee report should notify the Clerk to the House Committee of his/her intention to do so at a debate on the House Committee report. Such a notification should be conveyed to the Clerk to the House Committee before the deadline for proposing agenda items for the House Committee meeting preceding the Council meeting at which the House Committee report is tabled. *[RoP 49E(1)(a)]*

8.33 If there is no House Committee meeting in the week preceding the Council meeting at which the House Committee report is tabled, the notification should be conveyed to the Clerk to the House Committee not later than six clear days before that Council meeting. *[RoP 49E(1)(b)]*

8.34 The Chairman of the House Committee will give notice of a motion to take note of the House Committee report in relation to the item(s) of subsidiary legislation or instrument(s). The notice period is two clear days before the relevant Council meeting. No amendment to the motion may be moved. *[RoP 49E(2), (5) and HR 17(a)(i)]*

8.35 If a motion to take note of a House Committee report covers more than one item of subsidiary legislation or instruments, the debate on the motion may be divided into separate sessions, with each session focusing on one or more items of subsidiary legislation or instruments which are related, as decided by the House Committee. *[RoP 49E(7)]*

8.36 If there is a motion to amend an item of subsidiary legislation or instrument, no motion to take note of the House Committee report on such subsidiary legislation or instrument should be moved. This is to avoid having the same item of subsidiary legislation or instrument being debated twice in Council. [RoP 49E(6)]

8.37 If a subcommittee has been formed to scrutinise the item of subsidiary legislation or instrument covered in the debate, the Chairman of the subcommittee, if he/she so wishes, may speak on the subsidiary legislation or instrument immediately after the mover has moved and spoken on the motion, or at the start of the respective session if the debate is divided into sessions. The Clerk is responsible for drafting the speech. The Chairman may add his/her personal view after reporting on the work of the subcommittee. The total speaking time for the Chairman is 15 minutes. [RoP 36(5), HR 17(b) and 20(1)]

### **Tabling a report in Council and speaking on the report**

8.38 As discussed in paragraph 8.20 above, unlike Bills Committees, there is no requirement in the Rules of Procedure and House Rules for a subcommittee to table its report in Council. However, a subcommittee may do so, if considered necessary by the subcommittee. Past cases of subcommittees on subsidiary legislation/other instruments tabling their respective reports in Council are in *Appendix III*.

8.39 Irrespective of the number of reports made to the House Committee, the subcommittee should present only one report to the Council for Members' easy reference. The report of the subcommittee to the Council should be based on the report of the subcommittee to the House Committee, as detailed in paragraph 8.15 above. However, there is no need to attach the relevant amendments, if any. The report should also contain the following information –

- (a) the date on which the subcommittee's report was presented to the House Committee; and

- (b) any recommendations of the House Committee or relevant points raised at the discussion of the House Committee on the report.

8.40 Under Rule 21(3) of the Rules of Procedure, the Chairman of the subcommittee may, with the permission of the President, address the Council on the report. [RoP 21(3) and (6), HR 2]

8.41 The Clerk is responsible for drafting the address.

8.42 After clearance with the Chairman, the Clerk provides an advance copy of the intended address to the President to enable the President to decide whether the address may provoke a debate. [RoP 21(3) and (6), HR 2]

8.43 The speaking time limit of 15 minutes does not apply to such an address. [RoP 36(6)]

### **Addressing the Council on an item of subsidiary legislation or instrument**

8.44 Under Rule 21(5) of the Rules of Procedure, a Member may, with the consent of President, address the Council on an item of subsidiary legislation or instrument, provided that the scrutiny period of the subsidiary legislation or instrument has not expired and no motion is moved to take note of the House Committee report in relation to the subsidiary legislation or instrument. [RoP 21(5),(6) and (7), HR 2]

8.45 If the address is to be made by the Chairman of a subcommittee, the Clerk is responsible for drafting the address. Some past cases of Chairmen of subcommittees addressing the Council on subsidiary legislation are in *Appendix IV*.

8.46 After clearance with the Chairman, the Clerk provides an advance copy of the intended address to the President to enable the President to decide whether the address may provoke a debate. [RoP 21(5) and (6), HR 2]

8.47 The speaking time limit of 15 minutes applies to such an address. *[RoP 36(5)]*

### **Adjournment debate**

8.48 There were past occasions where a motion to adjourn the Council under Rule 16(4) of the Rules of Procedure was moved at a Council meeting for the purpose of enabling Members to debate certain issues relating to an item of subsidiary legislation. Details are given in *Appendix V*.

8.49 Under the Rules of Procedure and the House Rules, the duration of an adjournment debate will be kept within one and a half hours (75 minutes for speeches by Members and 15 minutes for replies by designated public officers) unless extended by the President. Each Member, including the proposer, may speak for up to five minutes in the debate. *[RoP 16(4), (6) and (7), HR 18(b)]*

8.50 The subject matter and scope of an adjournment debate must be specified at the time of application. The Member concerned must not subsequently seek to change the subject matter of the debate. *[HR 18(a)]*



行政長官委派出席立法會或  
立法會轄下委員會會議的官員名單  
**List of public officers designated by  
the Chief Executive for the purpose of attending meetings of  
the Legislative Council or its committees**

政府總部  
香港下亞厘畢道



GOVERNMENT SECRETARIAT  
LOWER ALBERT ROAD  
HONG KONG

本函檔號 Our Ref.: CSO/ADM/CR 5/5/1136/91(05)

來函檔號 Your Ref.:

Tel No. : 2810 3838

Fax No. : 2804 6870

31 March 2008

Mr Ricky C C Fung, J.P.  
Secretary General  
Legislative Council  
8 Jackson Road, Central  
Hong Kong

Dear *Ricky*,

**Attendance of Officials at Meetings of  
the Legislative Council, its Committees and Subcommittees**


With the creation of the posts of Under Secretaries and Political Assistants under the Political Appointment System, the Chief Executive has made new designations under Article 62(6) of the Basic Law as regards attendance of officials at meetings of the Legislative Council (LegCo), its committees and subcommittees.

Article 62(6) of the Basic Law provides that the Government of the HKSAR shall exercise the powers and functions to designate officials to sit in on the meetings of the LegCo and to speak on behalf of the Government. By virtue of the power vested therein and as the Head of the Government of the HKSAR, the Chief Executive has designated –

- (a) officials in Annex A to attend meetings of the LegCo, its committees and subcommittees; and
- (b) officials in Annex B to attend meetings of committees and subcommittees of the LegCo, if so directed by officials in Annex C who are authorized by the Chief Executive to give such directions.

The designations are applicable to officials who from time to time either substantially occupy or act in the posts specified in the Annexes.

The designations shall take effect from **1 April 2008** and continue in force, unless revoked by the Chief Executive.

Yours sincerely,  


( Miss Jennifer Mak )  
Director of Administration

Encl.

Annex A

**Officials Designated by the Chief Executive to Attend Meetings of the  
Legislative Council, its Committees or Subcommittees**

The Chief Secretary for Administration

The Financial Secretary

The Secretary for Justice

All Directors of Bureaux

Permanent Secretary for the Civil Service

All Under Secretaries

All Law Officers in the Department of Justice

Annex B

**Officials Designated by the Chief Executive to Attend Meetings of the Committees and Subcommittees of the Legislative Council**

1. All directorate officers.
2. And without prejudice to the generality of item 1 above, the following specific categories of officials –
  - (a) Officials at the ranks of Assistant Secretary, Principal Assistant Secretary, Deputy Secretary and Permanent Secretary in the Government Secretariat;
  - (b) Under Secretaries and officials at the rank of Political Assistant to Director of Bureau; and
  - (c) Officials at the ranks of Government Counsel, Senior Government Counsel, Deputy Principal Government Counsel, Principal Government Counsel and Law Officer in the Department of Justice.
3. The Director of the Chief Executive's Office.
4. The Commissioner, Independent Commission Against Corruption and all directorate officers in the Office of the Independent Commission Against Corruption.
5. The Chief Executive and all Heads of Division or above of the Hong Kong Monetary Authority.

**Officials Authorised by the Chief Executive  
to Direct Officials to Attend Meetings  
of Committees and Subcommittees of the Legislative Council**

The Chief Secretary for Administration

The Financial Secretary

The Secretary for Justice

All Directors of Bureaux

The Director of the Chief Executive's Office

All Permanent Secretaries

All Under Secretaries

All Heads of Departments or Agencies

All Law Officers in the Department of Justice

The Commissioner, Independent Commission Against Corruption

The Chief Executive of the Hong Kong Monetary Authority



被裁定為在其使用的語境下  
對議員或出席有關會議的官員具冒犯性  
及侮辱性的言詞或不適宜在議會使用的言詞  
**Expressions which have been ruled to be offensive  
and insulting about Members or public officers  
attending the relevant meeting or unparliamentary in the context in  
which the expressions were used**

**Expressions which have been ruled to be offensive  
and insulting language about Members or public officers  
attending the relevant meeting<sup>1</sup> or unparliamentary in the context  
in which the expressions were used**

*(as at 27 January 2011)*

	<u>Date of meeting</u>
(a) <u>Expressions which have been ruled to be offensive and insulting language about Members or public officers attending the relevant meeting<sup>1</sup></u>	
“as the saying goes, ‘foul grass grows out of a foul ditch’. The Chinese Government had hand-picked the members of the Preparatory Committee, who then selected the 400 members of the Selection Committee. This same group of people will then nominate candidates for the Chief Executive.”	13 November 1996 <sup>2</sup>
“You are all stupid. Who are you trying to fool?”	27 September 1997 <sup>2</sup>
“they have a sufficient number of rubber stamps here”	16 July 1999 <sup>2</sup>
Member A <sup>3</sup> “has acted impudently and shamelessly”	13 October 2004 <sup>2</sup>
Member B <sup>3</sup> “delivered his speech, he was so shameless as to insist that there were justifications”	16 March 2005 <sup>2</sup>
people like Member C <sup>3</sup> “among the ‘dog class’ are helping the tyrant in his evildoing.....”	8 November 2006 <sup>2</sup>
“that is the two so-called proverbs I said yesterday— ‘stumbling to death on the street’ and.....”	27 March 2009 <sup>4</sup>
“some Members of this Council sought to realize their personal desires under the banner of justice ..... especially the Members representing the legal profession”	9 December 2009 <sup>2</sup>
“It is those ‘castrati’, like ‘Eunuch LAM’, Stephen LAM, who are obstructing constitutional development .....	9 June 2010 <sup>2</sup>
“Lackey”	26 January 2011 <sup>2</sup>

<sup>1</sup> By virtue of Rule 10(2) of the Rules of Procedure (“RoP”), the scope of prohibition against the use of offensive and insulting language about Members under Rule 41(4) of RoP is expanded to cover the use of such language about public officers attending the meeting concerned for the relevant item of business.

<sup>2</sup> Date of the relevant Council meeting

<sup>3</sup> ‘A’, ‘B’ and ‘C’ represent the names of the Members concerned

<sup>4</sup> Date of the relevant Finance Committee meeting

	<u>Date of meeting</u>
(b) <u>Expressions which have been ruled to be unparliamentary</u>	
“these two words ‘仆街’ (stumbling to death on the street) are certainly not foul language, it is just that you twisted ( <i>The buzzer sounded</i> ) .....”	1 April 2009 <sup>2</sup>
“especially a so-called teacher of ‘dog shit’ law .....” <sup>5</sup>	13 January 2010 <sup>2</sup>

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<sup>5</sup> The President stated at the Council meeting that such remarks were offensive and insulting and were inappropriate. However, as these remarks were not specifically about Members of this Council, he therefore could not rule that the remarks were in breach of Rule 41(4) of RoP.



過往附屬法例／其他文書小組委員會  
向立法會提交報告的情況

**Previous cases of subcommittees on subsidiary legislation/  
other instruments tabling their respective reports in Council**

**Previous cases of subcommittees on subsidiary legislation/  
other instruments tabling their respective reports in Council**

<u>Date of Council meeting</u>	<u>Name of subcommittee</u>	<u>Remarks</u>
20 August 1997	Subcommittee on the Court of Final Appeal Rules and the Hong Kong Court of Final Appeal Fees Rules	Hon Ronald ARCULLI, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.
10 February 1999	Subcommittee on Ozone Layer Protection (Controlled Refrigerants) Regulation (Commencement) Notice 1998	Hon Ronald ARCULLI, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.
4 May 2005	Subcommittee to Study the Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005	Hon LAU Kong-wah, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.
19 October 2005	Subcommittee to Study Tate's Cairn Tunnel Ordinance (Replacement of Schedule) Notice 2005 and Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Replacement of Schedule 1) Notice 2005	Hon LAU Kong-wah, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.

<u>Date of Council meeting</u>	<u>Name of subcommittee</u>	<u>Remarks</u>
23 November 2005	Subcommittee on Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order	Hon Miriam LAU, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.
30 November 2005	Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005	Hon Fred LI, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.
29 March 2006	Subcommittee on Waste Disposal Ordinance (Amendment of Fourth Schedule) Notice 2006 and Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006	The Secretary for Health, Welfare and Food moved a motion on the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2006 at the Council meeting. Hon Fred LI spoke on the motion as Chairman of the Subcommittee during the debate.
26 November 2008	Subcommittee on Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008	Hon Miriam LAU, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.

<u>Date of Council meeting</u>	<u>Name of subcommittee</u>	<u>Remarks</u>
10 December 2008	Subcommittee on Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences	Hon Audrey EU, Chairman of the Subcommittee, addressed the Council on the report of the Subcommittee.



過往小組委員會主席／委員就附屬法例  
向立法會發言的情況

**Previous cases of Chairmen/members of subcommittees  
addressing the Council on subsidiary legislation**

**Previous cases of Chairmen/members of  
subcommittees addressing the Council on subsidiary legislation  
(since the First Legislative Council)**

<u>Date of Council meeting</u>	<u>Name of subcommittee</u>	<u>Remarks</u>
5 May 1999	Subcommittee on the Public Revenue Protection (Revenue) Order 1999	Hon Margaret NG, Chairman of the Subcommittee, addressed the Council on the Public Revenue Protection (Revenue) Order 1999 (tabled on 31 March 1999).
21 June 2000	Subcommittee on Road Traffic (Safety Equipment) (Amendment) Regulation 2000 and Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2) Regulation 2000	Hon Miriam LAU, Chairman of the Subcommittee, addressed the Council on the Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No.2) Regulation 2000 (tabled on 24 May 2000).
31 October 2001	Subcommittee on Solicitors (Professional Indemnity) (Amendment) Rules 2001	Hon Margaret NG, Chairman of the Subcommittee, addressed the Council on the Solicitors (Professional Indemnity) (Amendment) Rules 2001 (tabled on 11 July 2001).

<u>Date of Council meeting</u>	<u>Name of subcommittee</u>	<u>Remarks</u>
5 January 2005	Subcommittee on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 and Waste Disposal (Charges for Disposal of Construction Waste) Regulation	Hon CHOY So-yuk, Chairman of the Subcommittee, addressed the Council on Waste Disposal (Designated Waste Disposal Facility) (Amendment) Regulation 2004 and Waste Disposal (Charges for Disposal of Construction Waste) Regulation (tabled on 3 November 2004).
4 May 2005	Subcommittee to Study the Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005	Hon WONG Kwok-hing, Hon Andrew CHENG and Hon Miriam LAU addressed the Council on the Eastern Harbour Crossing Ordinance (Amendment of Schedule) Notice 2005 (tabled on 6 April 2005).
18 May 2005	Subcommittee on Town Planning (Amendment) Ordinance 2004 (Commencement) Notice	Hon Alan LEONG, Chairman of the Subcommittee, addressed the Council on the Town Planning (Amendment) Ordinance 2004 (Commencement) Notice (tabled on 20 April 2005).

<u>Date of Council meeting</u>	<u>Name of subcommittee</u>	<u>Remarks</u>
30 November 2005	Subcommittee on Harmful Substances in Food (Amendment) Regulation 2005	Hon Tommy CHEUNG and Hon Vincent FANG addressed the Council on Harmful Substance in Food (Amendment) Regulation 2005 (tabled on 12 October 2005).
7 November 2007	Subcommittee on Merchant Shipping (Prevention of Air Pollution) Regulation	Hon Miriam LAU Kin-ye, Chairman of the Subcommittee, Hon WONG Yung-kan and Hon SIN Chung-kai, members of the Subcommittee, addressed the Council on the Merchant Shipping (Prevention of Air Pollution) Regulation (tabled on 11 July 2007).
18 June 2008	Subcommittee on Draft Subsidiary Legislation Relating to the Civil Justice Reform	Hon Margaret NG, Chairman of the Subcommittee, addressed the Council on subsidiary legislation relating to the Civil Justice Reform (tabled on 11 June 2008).

過往舉行休會辯論以便議員就  
與附屬法例有關的事宜進行辯論的情況

**Previous cases where adjournment debates were held for the  
purpose of enabling Members to debate  
issues relating to subsidiary legislation**

**Previous cases where adjournment debates were held  
for the purpose of enabling Members to debate  
issues relating to subsidiary legislation**

<u>Date of Council meeting</u>	<u>Details</u>
19 October 2005	Hon LAU Kong-wah, Chairman of the Subcommittee to Study Tate's Cairn Tunnel Ordinance (Replacement of Schedule) Notice 2005 and Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Replacement of Schedule 1) Notice 2005, moved a motion to adjourn the Council under Rule 16(4) of the Rules of Procedure at the Council meeting for the purpose of enabling Members to speak on the toll adjustment issues of Tate's Cairn Tunnel and Route 3 (Country Park Section).
23 November 2005	Hon Miriam LAU, Chairman of the Subcommittee on Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order, moved a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting, for the purpose of debating the security and public order issues relating to the Sixth Ministerial Conference.
2 July 2008	Hon Tommy CHEUNG moved a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting, for the purpose of debating the issue on predicament faced by the live poultry trade in relation to the Food Business (Amendment) Regulation 2008.

Date of  
Council meeting

Details

- 26 November 2008 Hon Miriam LAU, Chairman of the Subcommittee on Road Traffic (Public Service Vehicles) (Amendment) Regulation 2008, moved a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting, for the purpose of debating the adjustment of fares for the hiring of Lantau and urban taxis.
- 6 May 2009 Hon LAU Kong-wah, Chairman of the Subcommittee on Independent Police Complaints Council Ordinance (Commencement) (No. 2) Notice 2009, moved a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting, for the purpose of debating the commencement of the Independent Police Complaints Council Ordinance.
- 7 July 2010 Dr Hon Margaret NG, Chairman of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions, moved a motion for adjournment under Rule 16(4) of the Rules of Procedure at the Council meeting, for the purpose of debating the current arrangement of implementing in Hong Kong sanctions resolved by the Security Council of the United Nations.