

**立法會**  
***Legislative Council***

LC Paper No. CB(3) 135/05-06

Ref. : CB(3)/M/MR

Tel : 2869 9205

Date : 14 November 2005

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

---

**Council meeting of 23 November 2005**

**Proposed resolution under Article 75 of the Basic Law of the Hong Kong  
Special Administrative Region of the People's Republic of China**

I forward for Members' consideration a proposed resolution which Hon Jasper TSANG Yok-sing will move at the Council meeting of 23 November 2005 under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

2. The President has waived the required notice of the proposed resolution and directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

(Ray CHAN)  
for Clerk to the Legislative Council

Encl.

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF  
THE PEOPLE'S REPUBLIC OF CHINA

---

**RESOLUTION**

(Under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of  
the People's Republic of China)

---

RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

RESOLVED that the Rules of Procedure of the Legislative Council of the Hong Kong  
Special Administrative Region be amended —

- (a) in Rule 10(2), by repealing “and (8)” and substituting “, (5A), (5B) and (5C)”;
- (b) in Rule 71

- (i) in subrule (2), by repealing everything after “such absence.”;
  - (ii) by adding

“(5A) The chairman and 8 other members shall form a quorum  
of the committee.

(5B) All matters before the committee or its subcommittees  
shall be decided by a majority of the members voting. Neither the  
chairman of, nor any other member presiding at, the committee or its  
subcommittees shall vote, unless the votes of the other members are  
equally divided, in which case he shall give a casting vote.

(5C) Notwithstanding the provision in subrule (5B), the  
chairman or the member presiding, as the case may be, shall have an  
original vote in addition to his casting vote in the election of the  
chairman or deputy chairman of the committee or its  
subcommittees.”;

- (iii) by repealing subrule (8);

- (c) in Rule 72

- (i) in subrule (3), by repealing everything after “House Committee.”;

(ii) by adding

“(3A) The chairman and 2 other members shall constitute a quorum of the committee.

(3B) In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence.

(3C) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote.”;

(iii) by repealing subrule (7);

(d) in Rule 73

(i) in subrule (2), by repealing everything after “House Committee.”;

(ii) by adding

“(2A) The chairman and 2 other members shall constitute a quorum of the committee.

(2B) In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence.

(2C) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote.”;

(iii) by repealing subrule (5);

(e) in Rule 73A

(i) in subrule (6), by adding a comma after “deputy chairman”;

(ii) in subrule (9), by repealing “have” and substituting “give”;

(f) in Rule 74

(i) in subrule (2), by repealing everything after “the Council.”;

(ii) by adding

“(2A) The chairman and 3 other members shall constitute a quorum of the committee.

(2B) In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence.

(2C) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote.”;

(iii) by repealing subrule (5);

(g) in Rule 75

(i) by repealing subrule (10) and substituting

“(10) The committee shall decide the manner of consideration of the following matters

(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 paragraph (a) or (b).”;

(ii) in subrule (12A), by repealing everything after “a quorum of the committee.”;

(iii) by adding

“(12AA) All matters for the decision of the committee or its subcommittees shall be decided by a majority of the members voting.”;

(iv) in subrule (12B), by repealing everything after “in the consideration of” and substituting “a matter referred to in subrule (10)) shall not

vote, unless the votes of the other members are equally divided, in which case he shall give a casting vote.”;

(v) in subrule (12C), by repealing “subsidiary legislation” and substituting “a matter”;

(vi) by repealing subrule (12D);

(vii) in subrule (12E), by adding “In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.” after “its subcommittees.”;

(h) in Rule 76

(i) by repealing subrule (8A);

(ii) in subrule (8B), by adding “In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.” after “its subcommittees.”;

(i) in Rule 77

(i) in subrule (5), by adding a comma after “any deputy chairman”;

(ii) by repealing subrule (13A);

(iii) in subrule (13B), by adding “In the event that two or more nominees receive the same highest number of valid votes in such election, the chairman or the member presiding, as the case may be, shall give his casting vote.” after “or deputy chairman.”;

(j) in Rule 79

(i) in subrule (3), by adding a comma after “deputy chairman”;

(ii) in subrule (6), by repealing “have” and substituting “give”;

(k) By adding

**“79A. Exercise of Voting Rights of Chairmen of Committees**

(1) Where the Rules in this Part provide that the chairman of, or any other member presiding at, a committee shall give a casting vote, the chairman or the member presiding, in exercising his casting vote on a matter

before the committee (other than exercising the vote in the election of the chairman or deputy chairman, as the case may be), shall not exercise the vote in such a way as to produce a majority vote in favour of the question put.

(2) Where two or more nominees receive the same highest number of valid votes in the election of the chairman or deputy chairman of a committee, as the case may be, lots will be drawn in respect of these nominees, and the chairman or the member presiding, as the case may be, shall exercise his casting vote in accordance with the lot drawn by him.

(3) Where the Rules in this Part provide that the chairman of, or any other member presiding at, a committee shall have an original vote, and if the chairman or the member presiding wishes to exercise his original vote on a matter before the committee, the vote shall only be exercised at the same time as other members of the committee exercise their votes; otherwise, he shall be regarded as having given up his right to vote on the relevant matter.

(4) Notwithstanding the definition of “committee” in Rule 93(e) (Interpretation), in this Rule, “committee” includes a joint subcommittee appointed under Rule 77(9A) (Panels) and a joint meeting referred to in Rule 77(10) (Panels).”.