

**立法會**  
*Legislative Council*

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**Paper for the House Committee meeting  
on 13 November 2015**

**Proposed amendments to the  
Handbook for Chairmen of Panels,  
Handbook for Chairmen of Bills Committees and  
Handbook for Chairmen of Subcommittees on Subsidiary  
Legislation/Other Instruments**

**Purpose**

This paper invites the House Committee ("HC") to approve the proposals to amend the Handbook for Chairmen of Panels, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments (collectively known as "the Handbooks for Chairmen")<sup>1</sup> with a view to -

- (a) spelling out clearly the arrangement relating to amendments to a motion proposed during the period of extension or the continuation of meeting beyond the appointed ending time of a committee meeting;
- (b) specifying the principles for the disclosure of pecuniary interests by Members in a matter under consideration by a committee; and

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<sup>1</sup> The Handbooks for Chairmen provide quick references to the relevant rules and practices as well as general guidelines to assist chairmen of committees 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.

- (c) providing guidelines on the number of oral representation that a member of the public may make at committee meetings held for the purpose of receiving public views on a subject.

2. At the meeting of the Committee on Rules of Procedure ("CRoP") held on 10 November 2015, members considered and endorsed the above proposals and recommended their approval by HC.

**Arrangement relating to amendments to a motion proposed during the period of extension**

3. Rule 22(p) of the House Rules ("HR") provides guidelines for dealing with a motion proposed during a Panel meeting. The Rule provides that "[d]uring a Panel meeting, a motion may be proposed if it is considered by the chairman of the Panel as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting. Any proposed motion or amendment to a motion should be presented to the Panel in written form". Under rule 24A(e) of HR, where a motion which 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 and disposed of during the 15-minute period beyond the appointed ending time of the meeting extended or allowed to continue by the chairman under rule 24A(a) of HR, or during the extension of a meeting beyond the appointed ending time decided by the committee under rule 24A(b) and rule 24A(c) of HR ("period of extension"). Rule 24A(f) of HR further provides that no new motion shall be proposed during the period of extension. However, it is not spelt out in HR whether amendments may be proposed to a motion when such motion is to be dealt with during the period of extension.

4. Rule 22(p) of HR was recommended by CRoP and endorsed by HC to provide Panels with flexibility to decide on the stance which the committee as a whole adopts on a specific issue where necessary without being inhibited by rigid rules. To ensure that members will not be caught by surprise by new motions proposed during the period of extension, rule 24A(f) of HR disallows new motions to be proposed during the period of extension, as some members may have left the meeting before the period of extension has begun and are therefore unable to decide whether to participate in the discussion and vote on the new motions.

5. In accordance with rule 26(f) of HR, the practices and procedures set out in rules 20 to 25 (including rule 22(p)) shall apply, where appropriate, to subcommittees of HC, Bills Committees or Panels,

including joint subcommittees appointed by two or more Panels. However, the procedure for dealing with a motion at a Bills Committee meeting is not provided for in the Rules of Procedure ("RoP") nor HR. As a matter of practice, Chairmen of Bills Committees have been advised to apply rule 22(p) of HR in such circumstances as stated in paragraph 4.37 of the Handbook for Chairmen of Bills Committees.

6. As rule 24A(e) of HR provides for motions already proposed and agreed to be dealt with during the original appointed meeting time to be dealt with during the period of extension, CRoP considers that members of a committee should be allowed to propose amendments to such motions during the period of extension. The arrangement is in line with the principle of flexibility but no element of surprise, as any motion to be dealt with during the period of extension has already been made known to members during the original appointed meeting time. Any proposed amendment to a motion may be moved as such only if the proposed amendment is related to the scope of the motion.

7. In order to spell out clearly the arrangement relating to amendments to a motion proposed during the period of extension, CRoP proposes to amend the relevant paragraphs of the Handbooks for Chairmen. The proposed amendments to the Handbook for Chairmen of Panels are set out in **Appendix I**<sup>2</sup>. Subject to the comments and approval of HC on the proposed amendments in the appendices, similar amendments would correspondingly be made to the relevant paragraphs of the other two handbooks.

### **Disclosure of pecuniary interests by Members in a matter under consideration by a committee**

8. Rule 83A of RoP provides that "[i]n the Council or in any committee or subcommittee, a Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he discloses the nature of that interest".

9. RoP does not provide specifically the circumstances under which a Member does or does not have a pecuniary interest in a matter that is before

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<sup>2</sup> All appendices to this paper only set out the proposed amendments to the Handbook for Chairmen of Panels as the other two handbooks, namely, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments, contain substantially the same provisions.

the Council or a committee, be it direct or indirect. It is for individual Members to judge whether they have a direct or indirect pecuniary interest in the matter under consideration at the relevant meeting of the Council and committees. The basic principle adopted by the Committee on Members' Interests ("CMI") of the Legislative Council ("LegCo") in determining whether a pecuniary interest should be disclosed is whether the interest might reasonably be thought by others to influence the Member's action or speech in the matter being considered. It has been the view of CMI that for a pecuniary interest to be direct, it should be immediate and not merely of a remote or general character. As regards "indirect pecuniary interest", it is an interest not immediate and personal to a Member, but does have a certain relationship with the Member which would make a reasonable person to consider that such interest might have certain influence on the action or speech of the Member.

10. Based on the principle that it is a Member's responsibility to disclose his pecuniary interest in a matter being considered to enable other people to judge if his views on the matter have been influenced by his interest, it has been the view of CMI that a Member should disclose the nature of his pecuniary interest at the beginning of his speech on that matter.

11. The requirement for disclosure of pecuniary interest by Members under Rule 83A is distinct from the requirement for registration of interests by Members under Rule 83. An interest registered is still required to be disclosed if it falls within Rule 83A.

12. Rule 84(1) of RoP provides that "[i]n the Council or in any committee or subcommittee, a Member shall not vote upon any question in which he has a direct pecuniary interest except where his interest is in common with the rest of the population of Hong Kong or a sector thereof or his vote is given on a matter of Government policy". Also, under Rule 84(4), any Member may move without notice a motion to disallow the vote of a Member before the result of the voting is declared.

13. Under Rule 85 of RoP, any Member who fails to comply with Rule 83A on disclosure of pecuniary interest, or Rule 84(1) on voting in case of direct pecuniary interest may be admonished, reprimanded or suspended by the Council on a motion to that effect. It should be noted that it is within the purview of CMI to deal with a complaint against a Member for non-compliance with the disclosure requirement.

14. CRoP agrees that the principles set out in paragraphs 8 and 9 above should be highlighted in the Handbooks for Chairmen so as to facilitate the

chairmen in dealing with issues relating to disclosure of pecuniary interests when chairing meetings. The proposed amendments to the Handbook for Chairmen of Panels are set out in **Appendix II**. Subject to the comments and approval of HC on the proposed amendments in **Appendix II**, similar amendments would correspondingly be made to the relevant paragraphs of the other two handbooks.

**Number of oral representation that a member of the public may make at committee meetings held for the purpose of receiving public views on a subject**

15. Currently, a member of the public may register to make oral representation to a committee<sup>3</sup> in his/her personal capacity or as a representative of a group/organisation. Each registered member of the public is allowed to make oral representation only once, but some individual members of the public may request to make oral representation more than once in different capacities. In the absence of relevant guidelines in HR or the Handbooks for Chairmen, these requests are considered on a case-by-case basis by the chairmen concerned.

16. In recent years, there has been a growing trend for organisations or concern groups to be formed on an ad hoc basis to make oral representations at meetings of a committee. Requests from members of the public to make oral representations more than once in different capacities may become more frequent in future. Also, the lack of consistency in the practices among committees in handling such requests might give rise to uncertainty and disputes. To facilitate chairmen of committees to handle such requests and to ensure consistency in the practices among committees, CROp proposes to provide specific guidelines in the Handbooks for Chairmen that a member of the public should not be allowed to make oral representation more than once either as a representative of an organisation/group or in his/her personal capacity at committee meetings held for the purpose of receiving public views on a subject. However, chairmen of committees should have the discretion to handle special requests flexibly. The proposed amendments to the Handbook for Chairmen of Panels are set out in **Appendix III (new paragraph 2.30)**. Subject to the comments and approval of HC on the proposed amendments in the appendices, similar amendments would

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<sup>3</sup> For the purpose of this and the next part of the paper, a "committee" includes a Panel (and its subcommittee(s)), a Bills Committee and a subcommittee under the House Committee.

correspondingly be made to the relevant paragraphs of the other two handbooks.

**Advice sought**

17. Members are invited to approve the proposals to amend the Handbook for Chairmen of Panels as set out in **Appendices I to III**, and corresponding amendments to the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments.

Council Business Division 4  
Legislative Council Secretariat  
11 November 2015

**Proposed amendments to the paragraphs relating to  
"Motion without notice" and "Extension of meetings" of  
the Handbook for Chairmen of Panels**

**Motion without notice**

Substantive motions

3.44 If a motion is moved without notice by a member in relation to an agenda item, the Chairman should deal with it 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.

3.45 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.

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

3.47 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.

3.48 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 Panel, decide to deal with the motion later at the same meeting.

3.49 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 Panel (see paragraphs 3.61 to 3.65 below). *[HR 24A(f)]*

3.50 As in the case of a motion to be dealt with during the original appointed meeting time, amendments may be proposed to a motion to be dealt with during the period of extension or continuation of the meeting allowed by the Chairman or the period of extension agreed to by the Panel (see paragraphs 3.61 to 3.66 below).

~~3.50~~3.51 The Chairman should allow members to give views on the motion and any amendment before they are put to vote.

~~3.51~~3.52 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.

~~3.52~~3.53 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.

~~3.53~~3.54 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.

~~3.54~~3.55 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 Panel that they should be proceeded with, a joint discussion on the motions should be held.

~~3.55~~3.56 After members have given their views, the motions should be voted on in the order in which they were presented to the Panel.



~~3.56~~3.57 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.

~~3.57~~3.58 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*

~~3.58~~3.59 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*

~~3.59~~3.60 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**

~~3.60~~3.61 As detailed in paragraph 3.10 above, the Chairman may extend a meeting or allow a meeting of the Panel 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)]

~~3.61~~3.62 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 3.61 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 3.61 above;

(b) no member of the Panel present at the meeting raises objection to the proposal; and

(c) the meeting venue is available.

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

~~3.62~~3.63 Subject to the availability of the meeting venue, the period of extension referred to in paragraph 3.62 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 Panel present at the meeting raises objection to the proposal. *[HR 24A(c)]*

~~3.63~~3.64 The Chairman shall ascertain whether any member of the Panel present at the meeting raises objection to a proposal put forward under paragraph 3.62 or 3.63 above without debate or discussion. *[HR 24A(d)]*

~~3.64~~3.65 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 3.61 above, or the period of extension decided by the Panel under paragraph 3.62 or 3.63 above. However, no new motion may be proposed during such period of extension or continuation of meeting referred to in paragraphs 3.61, 3.62 and 3.63 above. *[HR 24A(e)and (f)]*

3.66 As in the case of a motion to be dealt with during the original appointed meeting time, amendments may be proposed to a motion to be dealt with under paragraph 3.65 above during the period of extension or continuation of meeting allowed by the Chairman under paragraph 3.61 above, or the period of extension decided by the Panel under paragraph 3.62 or 3.63 above.

## Language

~~3.65~~3.67 Members and other attendees of a meeting may speak in either Cantonese, Putonghua or English.

~~3.66~~3.68 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)]*

Legend:

Texts proposed to be added are shown in underline.

Texts proposed to be deleted are shown with deletion lines.

Note:

- (i) The other two handbooks, namely, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments have the same provisions as above relating to the section on "Extension of meetings".
- (ii) The paragraphs will be renumbered accordingly in this section.

### Proposed amendments to the paragraphs relating to "Pecuniary interest" of the Handbook for Chairmen of Panels

#### Pecuniary interest

3.18 It is a Member's responsibility to disclose the nature of his/her pecuniary interest in a matter being considered by a Panel to other people to judge, whether direct or indirect, if his/her views on the matter have been influenced by his/her interest. A Member should disclose the nature of his pecuniary interest at the beginning of his/her speech on that matter. ~~He/she~~~~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]

3.19 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)]

3.20 For a pecuniary interest to be direct, it should be immediate and not merely of a remote or general character. As regards "indirect pecuniary interest", it is an interest not immediate and personal to a Member, but does have a certain relationship with the Member which would make a reasonable person to consider that such interest might have certain influence on the action or speech of the Member.

#### Legend:

Texts proposed to be added are shown in underline.

Texts proposed to be deleted are shown with deletion lines.

#### Note:

- (i) The other two handbooks, namely, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments have the same provisions as above relating to the section on "Pecuniary interest".
- (ii) The paragraphs will be renumbered accordingly in this section.

### Proposed amendment to the paragraphs relating to "Deputations" of the Handbook for Chairmen of Panels

#### Deputations<sup>4</sup>

##### Invitation

2.22 A Panel may invite deputations to make written submissions and oral representations to the Panel on a certain subject. The Chairman normally invites members to give views on which organisations or individuals should be approached.

2.23 If the subject in question is of wide public concern, it is the normal practice for the Panel 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 Panel, but consideration should be given to the cost involved. If a Panel decides to invite views by any one of the three approaches mentioned above, the Panel should also invite the 18 District Councils to give views on the subject.

##### Submission of views

2.24 Unless there is great urgency in obtaining views from deputations, it is the normal practice to allow two to three weeks for deputations to send in their written submissions. The deadline for submissions and requests for making oral representations is normally one to two weeks prior to the relevant meeting.

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

2.26 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)]*

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<sup>4</sup> In this Handbook, deputations include groups/organisations as well as individual members of the public who are interested in submitting their views to a Panel on a certain subject.

2.27 The Chairman decides whether translation into Chinese should be arranged for written 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.

2.28 Written sSubmissions are also forwarded to the Administration for its response to the issues and concerns raised in the submissions.

2.29 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.

2.30 To ensure fairness to participating deputations, each deputation should not be allowed to make oral representation more than once at meetings of the Panel held for the purpose of receiving public views on a subject. However, the Chairman has the discretion to accede to special requests from deputations to make oral representation to the Panel more than once (not necessarily in different capacities) on a subject if the situation so warrants and the Chairman considers that such requests are justified.

#### Speaking order

~~2.30~~2.31 The Chairman determines the speaking order of deputations by applying the following criteria –

- (a) in the order of receipt of the reply slips; or
- (b) by groups having regard to the background or nature of the deputations; or
- (c) preference of the deputations, if any.

#### Speaking time

~~2.31~~2.32 The Chairman determines the speaking time limit for deputations. In principle, equal speaking time should be allotted to deputations attending the same meeting.

Legend:

Texts proposed to be added are shown in underline.

Texts proposed to be deleted are shown with deletion lines.

Note:

- (i) The other two handbooks, namely, the Handbook for Chairmen of Bills Committees and the Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments have similar provisions as above relating to the section on "Deputations".
- (ii) The paragraphs will be renumbered accordingly in this section.