

## Committee on Rules of Procedure

### List of issues studied during the period from October 2016 to July 2017

Item	Issue	Relevant rule(s)	Progress/remarks
1	<b>Formalizing the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings</b>	<p>Rule 47(1)(c), Rule 47(2)(c), and Rule 49(8) of the Rules of Procedure</p> <p>Rule 24(i) and rule 24(j) of House Rules</p>	<p>The Committee recommends the following amendments to the Rules of Procedure and the House Rules to formalize the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings:</p> <p><u>Rules of Procedure</u></p> <p>(i) replacing "three minutes" by "five minutes" in Rule 47(1)(c) and Rule 47(2)(c) of the Rules of Procedure; and</p> <p>(ii) replacing "six minutes" by "10 minutes" in Rule 49(8) of the Rules of Procedure.</p> <p><u>House Rules</u></p> <p>(i) replacing "two minutes" by "five minutes" in rule 24(i) of House Rules; and</p> <p>(ii) replacing "four minutes" by "10 minutes" in rule 24(j) of House Rules.</p> <p>The House Committee endorsed the amendments to the House Rules as proposed at its meeting on 20 January 2017. A resolution was passed by the Legislative Council at the</p>

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			<p>Council meeting on 8 February 2017 to amend the Rules of Procedure to formalize the interim arrangements. At its meeting on 25 March 2017, the Finance Committee approved the relevant proposals to formalize the interim arrangement regarding the ringing of division bell in meetings of the Finance Committee and its subcommittees.</p>
2	<p><b>Arrangements for asking and answering oral questions in Council meetings</b></p>	<p>Rule 8(b), Rule 10, Rule 14, Rule 18, Rule 19, and Rules 22 to 27 of the Rules of Procedure</p> <p>Rules 4 to 12 of the House Rules</p>	<p>The Committee considers that the proposed shortening of the notice period for oral questions would enable Members to have maximum flexibility to ask questions on topical issues. The proposal to have more focused questions and answers would increase opportunities for Members to ask supplementary questions. The proposal to enable more frequent attendance by the CE to answer questions in Council meetings was aimed to improve the efficiency in monitoring the work of the Government by Members.</p> <p>After reviewing the current arrangements for the asking of oral questions by Members, the Committee issued a consultation circular to all Members on 30 June 2017 vide LC Paper No. CRoP 45/16-17.</p> <p>The Committee will consider</p>

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			the outcome of the consultation in the next legislative session.
3	<b>Procedures for dealing with filibusters</b>	Rule 57(4)(d) and Rule 17 of the Rules of Procedure	<p><u>Procedures for dealing with filibusters</u></p> <p>The Committee issued a consultation circular to all Members on 29 March 2017. By the close of the consultation period, with the exception of the President, a total of 61 Members responded to the questionnaire. Six Members did not respond. The Committee notes that an overwhelming majority of Members did not support the three proposals. The Committee holds the view that the Secretariat should conduct further studies for the consideration by the Committee in due course, with a view to codifying the recent experiences gained and new practices developed in the Council and committees to deal with the issues.</p> <p><u>Matters relating to quorum calls at Council meetings</u></p> <p>In order to further clarify the quorum requirements under Article 75 of the Basic Law with a view to identifying viable options to address incessant quorum calls, the Committee agreed that a second legal opinion should be sought from a local senior counsel.</p>

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			<p>Legal advice had been provided by the Counsel to the President May 2017. The Committee notes the Counsel's advice and agrees to put it on record for future reference.</p>
4	<p><b>Order in Council and committee meetings</b></p>	<p>Rule 45(2) of the Rules of Procedure</p>	<p>The Committee assessed the adequacy of current measures to maintain order in Council and committee meetings. The Committee notes that as views of Members are polarized, it would be very difficult for the Council to amend the Rules of Procedure, as it would be highly unlikely that Members would come to a consensus to introduce any sanctions against disorderly conduct.</p> <p>After studying the experiences of other legislatures and assessing the adequacy of current measures to maintain order in Council and committee, the Committee considers that the proposal put forward by Mr IP Kwok-him in the Fifth Legislative Council might be used as a starting point for further discussion. The Committee further considers that a framework setting out various options, including the suspension of Members or prohibition from attending meetings, and the introduction of some forms of financial penalties for Members, may be drawn up for further</p>

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			consideration by the Committee before seeking views of all Members regarding the options.
5	<b>Election of the President of the Legislative Council</b>	Rule 4 and Schedule 1 of the Rules of Procedure	<p>The Committee notes concerns by Members on whether prior vetting and inquiries should be required on whether the qualifications of candidates running for the office of the President had met the requirements under Article 71(2) of Basic Law.</p> <p>The Committee concludes that a consultation should be conducted to seek the views of all Members on whether Members running for the office of President should be required to make a statutory declaration to affirm that they have satisfied the requirements of nationality and residency in Hong Kong under Article 71(2) of the Basic Law during the nomination process, or whether it would be sufficient for the candidates to make a written declaration based on the existing honour system.</p>
6	<b>Rationalization of terms of reference of Panels following the establishment of the Innovation and Technology Bureau</b>	Rule 77(2) of the Rules of Procedure	The Committee notes that there could be changes in the Government organization after the fifth term of the Government was inaugurated. The Committee considers that there should be no change to the respective terms of references of the Panels for the time being, pending the consultation of all

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			Members on any new proposals.
7	<b>Minor amendments to the Rules of Procedure and House Rules</b>	<p>Rule 6(5A)(a), Rule 30(1), Rule 46(1), Rule 47(2), Rule 49B(1) and (1A), Rule 89(1), Rule 90(1), and Rule 93(c) of the Rules of Procedure</p> <p>Rule 26(a) of House Rules</p>	<p>The Committee proposes minor amendments to the provisions of the Rules of Procedure and the House Rules, as well as consequential amendments to the Handbook for Chairmen of Panels on the following issues:</p> <p>a) referencing to the Basic Law;</p> <p>b) textual amendments to Rule 6(5A)(a), Rule 89(1) and Rule 90(1) of the Rules of Procedure; and</p> <p>c) the maximum number of subcommittees on policy issues that may be in operation under the House Rules.</p> <p>These amendments had been supported by the House Committee at its meeting held on 16 December 2016 and at the Council meeting on 18 January 2017.</p>