

**香港特別行政區
立法會
議事規則委員會**

**Committee on Rules of Procedure
of the Legislative Council
of the Hong Kong Special Administrative Region**

2016 年 10 月至 2017 年 7 月的工作進度報告

**Progress Report for the period
October 2016 to July 2017**

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1. Introduction

1.1 The Committee on Rules of Procedure ("the Committee") is a committee of the Legislative Council established under Rule 74 of the Rules of Procedure of the Council. The functions of the Committee are to review the Rules of Procedure of the Council and the committee system, and to propose to the Council any amendments or changes as are considered necessary. The Committee may examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President, or raised by its own members.

1.2 The Committee consists of 12 members, including the Chairman Hon Paul TSE Wai-chun, the Deputy Chairman Hon Kenneth LEUNG and 10 other members, appointed by the President in accordance with the recommendations of the House Committee. The membership list is in **Appendix I**.

1.3 This report covers the period from October 2016 to July 2017, during which four meetings were held. Members considered and deliberated on the following issues:

- (a) procedural arrangements relating to Council meetings;
- (b) election of the President of the Legislative Council;
- (c) rationalization of terms of reference of Panels following the establishment of the Innovation and Technology Bureau; and
- (d) minor amendments to the Rules of Procedure and House Rules.

1.4 A complete list of the issues studied by the Committee in the current session is in **Appendix II**.

2. Review of the procedural arrangements relating to meetings of the Council and its committees

2.1 During the reporting period, the Committee examined a number of issues on the procedural arrangements relating to meetings of the Council, including:

- (a) formalizing the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings;
- (b) arrangements for asking and answering oral questions at Council meetings;
- (c) procedures for dealing with filibusters; and
- (d) order at Council and committee meetings.

Formalizing the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings

2.2 Under the Rules of Procedure and House Rules, before a division or a vote is held, division or voting bells shall be rung for a specified period to allow time for Members who are not in the meeting venue but are within the precincts of the Chamber to return to the meeting to vote. In 2011 when the Legislative Council was relocated to the present Legislative Council Complex, Members generally considered that a longer duration for both division bell and voting bell was necessary as the size of the Legislative Council Complex was much larger than the former Legislative Council Building. As a result, the Legislative Council passed a motion on 19 October 2011 to suspend Rule 47(1)(c), Rule 47(2)(c) as well as Rule 49(8) of the Rules of Procedure regarding the duration of the ringing of the division bell at meetings of the Council

or committee of the whole Council.¹ During the suspension of the Rules, a division shall be held after the division bell has been rung for five minutes (instead of three minutes under Rule 47(1)(c) and Rule 47(2)(c) of the Rules of Procedure). In the event that the division bell does not function, the division shall be held 10 minutes (instead of six minutes under Rule 49(8) of the Rules of Procedure) after the President or the Chairman orders the Council or the committee, as the case may be, to proceed to a division.

2.3 For voting bell at committee meetings, the Deputy Chairman of House Committee also moved a motion at the House Committee meeting held on 7 October 2011 to suspend rules 24(i) and (j) of the House Rules regarding the duration of voting bell at meetings of committees, including Panels, Bills Committees and their subcommittees.² The House Committee also agreed that if the chairman of a committee orders that members of the committee be notified of the voting, the committee shall proceed to vote forthwith immediately after the bell has been rung for five minutes (instead of two minutes under rule 24(i) of the House Rules). Where no voting bell is provided for the meeting venue or if

¹ According to Rule 47(1)(c) and Rule 47(2)(c) of the Rules of Procedure, when a Member claims a division before the President or Chairman of the committee of the whole Council declares how a question has been decided, then the President or Chairman shall order the Council or the committee, as the case may be, to proceed to a division; and the division shall be held forthwith immediately after a division bell has been rung for three minutes. According to Rule 49(8) of the Rules of Procedure, if the division bell does not function, the President or Chairman shall order the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division. The division shall be held six minutes after the order has been made. The purpose of these Rules is to allow time for Members who are not in the meeting venue but are within the precincts of the Chamber to return to the meeting to vote.

² According to Rule 24(i) of the House Rules, before a matter is voted upon at a meeting of a committee, a voting bell shall be rung if the chairman orders, on his own motion or upon request of a member of the committee, that the members of the committee be notified of the voting. The committee shall proceed to vote forthwith immediately after the bell has been rung for two minutes. Under Rule 24(j) of the House Rules, where no voting bell is provided for the venue where a committee meets or if the bell does not function or may not be rung, the chairman of the committee concerned shall order the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting. The voting shall be held four minutes after the order has been made.

the bell does not function or may not be rung, 10 minutes (instead of four minutes under rule 24(j) of the House Rules) should be provided for the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting.

2.4 Similar arrangements were adopted by the Finance Committee and its subcommittees.³

2.5 At the beginning of the Sixth Legislative Council, the Committee noted that the interim arrangements on the duration of the ringing of the division bell and voting bell had been in force for five years with satisfactory feedbacks from Members.⁴

2.6 In the course of considering a proposal to formalize the interim arrangements by amending the relevant provisions in the Rules of Procedure and the House Rules, the Committee noted that while the majority of members agreed with the proposal, a member was concerned about the adequacy of the interim arrangement of providing 10 minutes for the Clerk to the Legislative Council ("the Clerk") to arrange for Members within the precincts of the Chamber to be notified if the relevant bell did not function. The Committee notes that the manner in which Members are informed of a division/voting, whether it is through the bell system or by text messaging and manual public broadcast, is on a "one-to-many" basis. That is, all Members are informed of the division/voting at the same time. Having considered the multiple safeguards arranged by the Legislative Council Secretariat to ensure that Members would be notified of a division/voting, the Committee recommended the following amendments to the Rules of Procedure and the House Rules to formalize the interim arrangements:

³ The interim arrangements to suspend part of paragraphs 46 and 47 of the Finance Committee Procedure were adopted by the Finance Committee at its meeting on 4 November 2011. The arrangements were also applicable to the Establishment Subcommittee and the Public Works Subcommittee.

⁴ The Committee of the Fourth Legislative Council consulted all Members on the interim arrangements in December 2011 and the Committee of the Fifth Legislative Council also revisited the issue at its meeting held on 13 November 2012. On both occasions, a majority of Members considered the interim arrangements in practice appropriate.

(a) Rules of Procedure

- (i) replacing "three minutes" by "five minutes" in Rule 47(1)(c) and Rule 47(2)(c) of the Rules of Procedure; and
- (ii) replacing "six minutes" by "10 minutes" in Rule 49(8).

(b) House Rules

- (i) replacing "two minutes" by "five minutes" in rule 24(i) of the House Rules; and
- (ii) replacing "four minutes" by "10 minutes" in rule 24(j) of the House Rules.

2.7 The Committee also recommended the introduction of similar amendments to the Finance Committee Procedure and the procedures of its subcommittees.⁵

2.8 On recommendation of the Committee, the House Committee endorsed the amendments to the House Rules as proposed at its meeting on 20 January 2017 (paragraph 2.6(b) above). The Committee Chairman moved a resolution at the Council meeting on 8 February 2017 to amend the Rules of Procedure to formalize the interim arrangements (paragraph 2.6(a) above), which was passed by the Council.⁶ 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.

⁵ Rule 71(13) of the Rules of Procedure provides that subject to the Rules of Procedure, the practice and procedure of the Finance Committee and its subcommittees shall be determined by the committee.

⁶ L.N. 23 of 2017.

Arrangements for asking and answering oral questions at Council meetings

2.9 Under Article 73(5) of the Basic Law, one of the powers and functions of the Legislative Council is to raise questions on the work of the Government. The Government shall, under Article 64 of the Basic Law, answer questions raised by Members and, under Article 62(6) of the Basic Law, designate officials to sit in on the meetings of the Council and speak on behalf of the Government.⁷

2.10 A review of the arrangements for asking and answering oral questions at Council meetings has been carried out by the Committee in the current session of the Sixth Legislative Council, upon suggestions by members and a request by the President.⁸

Review of the current arrangement for oral questions at Council meetings

2.11 The Committee noted that towards the end of the Fifth Legislative Council and at the beginning of the current session of the

⁷ The Rules of Procedure provide four channels for Members to raise questions on the work of the Government at Council meetings: (a) asking questions for oral replies at a Council meeting (Rule 22 of the Rules of Procedure); (b) asking questions for written replies at a Council meeting (Rule 22 of the Rules of Procedure); (c) asking urgent questions without notice at a Council meeting (Rule 24(4) of the Rules of Procedure); and (d) putting questions to the Chief Executive when he or she attends a Council meeting (Rule 8(b) of the Rules of Procedure).

⁸ On 29 March 2017, 26 Members jointly wrote to the President concerning the asking of urgent questions at Council meetings. They expressed concerns that despite many requests made by Members since the beginning of the Sixth Legislative Council for asking urgent questions under Rule 24(4) of the Rules of Procedure, the President had not given permission to any of such questions. In his reply through the Clerk to the Legislative Council, the President noted that the Rules of Procedure do not provide for arrangements to facilitate Members seeking timely responses from the Government on topical issues which are of widespread public concerns, but have not yet met the conditions required of an urgent question. As such, the President has requested the Secretariat to study arrangements which would facilitate Members to ask questions on topical issues in a timely manner at Council meetings in order to improve the efficiency in monitoring the work of the Government by the legislature.

Sixth Legislative Council, public officers and Members had given long replies and raised lengthy supplementary questions to oral questions.⁹ While most of the Members raising oral questions read out their main question within three minutes, public officers often took longer than seven minutes to deliver the main reply. As many supplementary questions and their replies were rather lengthy, only a few Members were able to ask supplementary questions for each oral question. Very often, less than five Members were able to ask supplementary questions to each oral question.

2.12 In considering options¹⁰ to enhance the arrangements for asking and answering oral questions at Council meetings and to facilitate the asking of questions by Members in a timely manner, the Committee had studied the rules and practices of selected overseas legislatures.¹¹ The Committee notes that among the legislatures studied, oral questions are normally raised for the purposes of calling on the government to account for its actions, usually through lively and heated partisan exchanges. Oral questions usually do not seek detailed information from the respective governments. A common feature in some of these legislatures is that Members are provided with the opportunities to ask questions on topical issues with very short notice or without notice, and government officials have to provide spontaneous responses on the spot. Where Members wish to obtain detailed information from the

⁹ Under rule 9A of the House Rules, the time taken by an oral question should not exceed 22 minutes in total, of which not more than: (a) three minutes should be used to ask the main question; (b) seven minutes should be used to give the main reply; and (c) one minute should be used to ask a supplementary or follow-up question. The time limit in part (c) above does not include the Government's reply in part (b) above.

¹⁰ Options considered by the Committee include: (a) dispensing with the requirement for Members and officials to read out an oral question and reply; (b) limiting the length of an oral question; (c) restricting the duration for each supplementary question; and (d) discounting the time of the Government's main reply from the 22 minutes time limit for each oral question.

¹¹ The legislatures include: the House of Commons of the Parliament of the United Kingdom, the House of Commons of the Parliament of Canada, the House of Representatives of the Parliament of Australia, House of Representatives of the Parliament of New Zealand, the Parliament of Singapore, the Legislative Yuan of Taiwan and Lok Sabha of India.

government on certain policy issues or specific topics, Members may do so by raising questions for written replies.

2.13 The Committee considers that there is a need to review the notice requirements for questions, in order to facilitate Members to ask questions on topical issues in a timely manner. Such improvements would enable the legislature to better carry out its functions to call on the Government to account for its actions. The Committee further notes that any changes to the arrangements concerning Question Time should aim at facilitating Members' seeking replies from the Government on the one hand, and to ensure more effective use of the Council's time on the other.

Consultation on the arrangements for asking and answering oral questions at Council meetings

2.14 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 to consider the proposals set out in **Appendix III**.

2.15 In making the proposals, 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. Since public officers would no longer be required to make available written replies ahead of their oral response at the Council meeting, they may include the most up-to-date developments in their replies. It is expected that the proposal would make the questions and answers more focused and this would increase opportunities for Members to ask supplementary questions. The proposal would also enable more frequent attendance by the Chief Executive ("CE") to answer questions at Council meetings. The Committee considers that this would improve the efficiency in monitoring the work of the Government by Members. In order to implement the proposals, consequential amendments will be proposed to the relevant Rules of the Rules of Procedure and House Rules.

2.16 The Committee will consider the outcome of the consultation in the next legislative session.

Procedures for dealing with filibusters

2.17 Examinations of the procedural and legal aspects of filibusters and quorum at Council meetings were conducted by the Committee since the Fourth Legislative Council. At the beginning of the current legislative session, the Committee received a request jointly made by two Members¹² to examine the quorum requirements for Council meetings and the proceedings of the committee of the whole Council. Noting that in many situations the efficiency of the proceedings of the Council was affected by frequent quorum calls, the Committee considers that procedures for dealing with filibusters and matters related to quorum warranted more in-depth study.

Procedures for dealing with filibusters

2.18 In the Fifth Legislative Council, the Committee examined the procedure for handling voluminous amendments to bills as well as issues relating to the President's decision to end a debate on a bill in a committee of the whole Council. Three procedural options to deal with filibusters were proposed. All Members were consulted on these options in June 2014. As there was no consensus on the options, the Committee decided not to study the matter further.

2.19 Noting the previous studies conducted on the procedural issues relating to filibusters, the Committee of the current term has revisited the topic and agreed that, as a practical way forward, Members should be consulted on the following proposals, which are based on procedural options of June 2014:

- (a) time allocation procedure – procedure for allocation of time to debates at Committee stage of a bill;
- (b) extending application of the "frivolous or meaningless" restriction to "a series of amendments"; and
- (c) facilitating the President to select amendments for the purposes of debate and/or voting.

¹² The two Members are Hon CHAN Hak-kan and Hon CHEUNG Kwok-kwan.

Details of these proposals are in **Appendix IV**.

2.20 A consultation circular was issued to all Members on 29 March 2017 vide LC Paper No CROP 34/16-17. The consultation originally lasted until 5 April 2017 but was subsequently extended to 25 April 2017 by the Chairman of the Committee, having taken into account Members' request for more time to consider the matter in view of the significance and complexity of the issues under consultation. 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. Members' views on the three procedural options are summarized in the ensuing paragraphs:

Proposal 1 - Time allocation procedure – Procedure for allocation of time to debates at Committee stage of a bill.

- (a) Three Members supported in principle the proposed procedure;
- (b) 54 Members did not support the proposed procedure; and
- (c) Four Members had no comment.

*Proposal 2 - Rule 57(4)(d) of the Rules of Procedure be revised to expressly provide that an amendment **or a series of amendments** which is in the opinion of the Chairman of the committee of the whole Council frivolous or meaningless may not be moved.*

- (a) Four Members supported in principle the proposal;
- (b) 54 Members did not support the proposal; and
- (c) Three Members had no comment.

Proposal 3 – The Rules of Procedure be amended to confer on the President the power to select amendments for debate and/or voting at the Committee stage, with reference to the relevant arrangements of the House of Commons of the United Kingdom and those of the House of Commons of Canada.

- (a) Eight Members supported in principle the proposal;
- (b) 49 Members did not support the proposal; and
- (c) Four Members had no comment.

2.21 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.

Matters relating to quorum calls at Council meetings

2.22 In the last legislative session of the Fifth Legislative Council, the Committee had examined matters related to quorum requirements for Council meetings under the Basic Law, and proposals to deal with incessant quorum calls.¹³ In examining these issues, references had been made to the legal opinion from Lord LESTER of Herne Hill, QC, on the law, practice and procedure to which the President might make reference when dealing with incessant quorum calls triggered for the purpose of filibustering. The details of the legal advice, and the Committee's consideration of it, are contained in Chapter 2 of the Committee's Progress Report for the 2015-2016 legislative session of the Fifth Legislative Council. After making reference to the rules and practices of other legislatures and taking into account Lord LESTER's legal advice, the Committee concluded at the end of the last legislative

¹³ Article 75 of the Basic Law provides that "[t]he quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be not less than one half of all its members" ("香港特別行政區立法會舉行會議的法定人數為不少於全體議員的二分之一"). Rule 17 of the Rules of Procedure governs the procedures regarding the quorum of the Council and of a committee of the whole Council. Under Rule 17(2), (3) and (4) of the Rules of Procedure, the President or Chairman of a committee of the whole Council is obliged to count the Members present to ascertain the presence of a quorum (a) whenever his attention is drawn to the absence of a quorum during a Council meeting, and (b) when the absence of a quorum is demonstrated at the time of a division.

session that it was not viable at that time to conduct a further review regarding the application of Rule 17 of the Rules of Procedure, due to a lack of consensus among Members.

2.23 The Committee revisited matters relevant to quorum of the Council at the beginning of the current legislative term, and deliberated on several additional aspects of quorum requirements. 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. Noting the Committee's request and in accordance with the established practices, the President instructed a local Senior Counsel ("Counsel"), in February 2017 to give written advice on the relevant issues. Counsel provided his advice in May 2017 to the President, who has made it available to the Committee for perusal.

2.24 In gist, Counsel is of the opinion that the quorum requirement under Article 75 of the Basic Law applies throughout a Council meeting and there is no room to argue that the quorum requirement could be limited to particular junctures or stages of a Council meeting. Counsel is also of the opinion that the relevant provisions of the Rules of Procedure, as interpreted, suggest that so long as the absence of a quorum has not been drawn to the attention of the President, the business transacted at the meeting of the Council will not be affected and the meeting may continue to transact the business on the agenda. Further, Counsel is of the opinion that it is most unlikely that the drafters of the Basic Law intended the quorum requirement to cover only Council meetings but not the meetings of the committee of the whole Council.

2.25 The Committee notes the Counsel's advice and agrees to put it on record for future reference.

Order at Council and committee meetings

2.26 Rule 45(2) of the Rules of Procedure empowers the President, the Chairman of a committee of the whole Council or the chairman of any committee to order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting. However, there is no provision in the Rules of Procedure that deals with repeated or persistent disorderly conduct of

Members at Council or committee meetings or provides specific sanction against such conduct.

2.27 Since the Fourth Legislative Council, the Committee conducted several studies on the matters relating to the maintenance of order as a result of a number of incidents of Members behaving in a disorderly manner at Council and committee meetings. In June 2014, the Committee consulted all Members on the issue of whether the Rules of Procedure should be amended to deal with repeated grossly disorderly conduct of Members at Council meetings, based on a proposal made by Mr IP Kwok-him.¹⁴ Under the proposal, a Member who has been ordered a second time during the same term under Rule 45(2) of the Rules of Procedure to withdraw from a Council meeting is prohibited from attending the following Council meeting if a motion to sanction such is passed by the Council. The outcome of the consultation showed that most Members of the pan-democratic camp considered it unnecessary to amend the Rules of Procedure to provide for a specific sanction against repeated or persistent grossly disorderly conduct. As a result, the Chairman of the Committee decided that he would not move a motion in the Council to amend the Rules of Procedure, as there was little chance that such a motion would be passed.

2.28 At the beginning of the current legislative session, the Committee revisited the issues concerning order in Council and committees at the request of the President. Since the commencement of the Sixth Legislative Council, there have been a number of incidents involving some Members having been ordered by the President to withdraw immediately from the Council for the remainder of the relevant meetings due to their grossly disorderly conduct at those meetings. On some occasions, the Members concerned, with the support of some other Members, refused to comply with the order made by the President to withdraw from the relevant meetings, resulting in interruptions of the meetings. In November 2016, the Chief Secretary for Administration wrote to the President expressing the Government's "utmost regret about the grossly disorderly behaviour" of a Member, who crossed the floor at a committee meeting and grabbed the folder of an official, before passing it to another Member who read the contents contained in the folder

¹⁴ Details of the proposal is in LC Paper No. CROP 70/13-14 issued to all Members on 5 June 2014.

without permission. In the reply to the Chief Secretary for Administration, the President said that he would request the Chairman of the Committee to consider whether the relevant issues ought to be revisited in the Sixth Legislative Council.

Assessing the adequacy of current measures to maintain order at Council and committee meetings

2.29 In considering the subject, the Committee assessed the adequacy of current measures to maintain order in Council and committee meetings. Members expressed diverse views on whether it was necessary to introduce more stringent sanctions against disorderly conduct.

2.30 The Committee notes that some members are of the view that in order to maintain the solemnity of the legislature's proceedings, it is necessary to prevent Members from behaving disorderly during meetings. Furthermore, without effective deterrence, disorderly conduct by Members in open defiance against the President's authority would persist. However, the present options available for the Council to penalize Members for disorderly conduct are at the two extremities of the scale. On the lighter end of the scale, the sanction for a Member who has acted grossly disorderly at a meeting could be his or her immediate withdrawal from the Council or the committee for the remainder of the meeting. At the other extreme, a Member could be censured upon the passage of a motion under Rule 49B(1A) of the Rules of Procedure, which would result in his or her disqualification under Article 79(7) of the Basic Law for misbehavior or breach of oath. Some members are of the view that in order to formulate more effective deterrent measures against disorderly conduct, different levels of sanctions commensurate with the gravity of the disorderly conduct of Members should be available. These members consider that without effective deterrence, disorderly conduct by Members in open defiance against the President's authority would persist.

2.31 The Committee also notes that some other members are of the view that it is unnecessary to amend the Rules of Procedures to introduce more stringent sanctions, because any suspension of Members from attending meetings might adversely impact on the operation of the Council given its relatively small size of membership. Furthermore, the deterrent effect of suspension is questionable. Some members note that

as Members abide by the Rules of Procedure under an honour system, any forceful enforcement of the order of the President could be counter-productive, as it could incite radical reaction from the Member(s) concerned.

2.32 The Committee notes that as views of Members were 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.

Possible areas of studies for proposals to impose sanctions or penalties on Members whose conduct had been grossly disorderly during meetings

2.33 In consideration of the subject, the Committee made references to the relevant rules and practices of selected legislatures.¹⁵ The Committee notes that the rules of procedure or standing orders of these legislatures studied invariably contain sanctions against Members' misconduct. Some of these rules or standing orders have expressly defined what constitutes disorderly conduct. For rules or standing orders of certain legislatures where "disorderly conduct" is not expressly specified, provisions are often included to disallow certain specific behaviours and to empower the Speaker or the chairperson to maintain order at meetings. It is a common feature in the relevant rules of the legislatures studied that when a Member who has persistently breached a rule or order, or has disregarded the authority of the Speaker, he or she will usually be considered as behaving grossly disorderly and subject to sanctions.

2.34 The Committee also notes that some of the legislatures studied have imposed certain form of financial penalties against Members' disorderly conduct, including forfeiture of salaries for the Members concerned, or the withholding of part of their salaries or allowances, when they are suspended from the service of the legislature as a result of breaching rules to maintain order. In general, the penalties are in force for the whole duration of their suspension. Sometimes, heavier

¹⁵ These legislatures include: (a) the House of Commons of the Parliament of the United Kingdom; (b) the House of Representatives of the Parliament of Australia; (c) the Bundestag of the Federal Republic of Germany; (d) Lok Sabha of India; (e) the National Assembly of the Parliament of South Africa; (f) the National Assembly of South Korea; and (g) the Legislative Yuan of Taiwan.

financial penalties lasting longer than the duration of suspension may be imposed on Members who have committed disorderly conduct of a more serious nature.

2.35 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 consideration by the Committee before seeking views of all Members regarding the options.

3. Election of the President of the Legislative Council

3.1 Article 71(1) of the Basic Law provides that the President of the Legislative Council shall be elected by and from among Legislative Council Members. Article 71(2) of the Basic Law also provides that the President shall be a Chinese citizen of not less than 40 years of age, who is a permanent resident of the Region with no right of abode in any foreign country, and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years.

3.2 The procedure for election of the President is prescribed under Rule 4(1) (Election of President) of and Schedule 1 (Procedure for the Election of the President of the Legislative Council) to the Rules of Procedure. Paragraph 2 of Schedule 1 to the Rules of Procedure provides that, in not less than seven clear days before the day of the election, the Clerk shall invite Members to make nominations for the office of the President and distribute the nomination forms as provided in Annex I of Schedule 1 to the Rules of Procedure.

3.3 The Committee notes that at the beginning of the Sixth Legislative Council, some Members expressed concerns over the election of the President conducted at the first Council meeting of this legislative session held on 12 October 2016. In particular, they queried whether prior vetting and inquiries were required as to whether the qualifications of candidates running for the office of the President had met the requirements under Article 71(2) of Basic Law. In the light of these concerns and queries, the Committee considered a proposed requirement for Members running for the office of the President to declare his/her nationality and length of residency in Hong Kong in the nomination process.

3.4 In considering the subject matter, the Committee notes that the Rules of Procedure do not require or oblige the Member being nominated for the office of President to declare or provide any evidence, documentary or otherwise, to prove that he or she meets the requirements provided in Rule 4(2) of the Rules of Procedure (which mirrors Article 71(2) of the Basic Law). Nor do the Rules of Procedure empower or require the Secretariat to verify anything that is stated in the nomination form, or to check whether a candidate running for the office of the President meets the requirements of Article 71(2) of the Basic Law.

The same honour system is adopted for registration of Members' interests under Rule 83 of the Rules of Procedure.

3.5 In considering the need to introduce a declaration requirement for the election of the President, the Committee considers that the procedures for election of the President should reflect the constitutional importance of the President, which is comparable to the position of CE in terms of their importance to Hong Kong's constitutional structure. The Committee notes under section 16(7) of the Chief Executive Elections Ordinance (Cap. 569), a nomination of a candidate shall be accompanied by a declaration, among others, as to his nationality and as to whether he has a right of abode in any foreign country. The Committee also notes that the candidate is required to declare in a statutory declaration, among others, that he or she is a Chinese citizen with no right of abode in any foreign country.¹⁶ The Committee further notes that knowingly and wilfully making a false statement in a statutory declaration is an offence under section 36 of the Crimes Ordinance (Cap. 200).

3.6 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.

¹⁶ Part IV of the Nomination Form.

4. Rationalization of terms of reference of Panels following the establishment of the Innovation and Technology Bureau

4.1 At the end of the 2015-2016 legislative session, the Committee of the Fifth Legislative Council had recommended that the proposals to rationalize the terms of reference of Panels and the renaming of the Panel on Information Technology and Broadcasting, which were made in response to the establishment of the Innovation and Technology Bureau in November 2015,¹⁷ should be resubmitted for consideration by this Committee at the beginning of the Sixth Legislative Council.

4.2 At the beginning of the current legislative session, the Committee reconsidered the following proposals to rationalize the terms of reference of three Panels in the light of the changes in the organizational structure of the Government Secretariat and their possible effects on the work of the relevant Panels:

- (a) issues related to "innovation and technology" be transferred from the Panel on Commerce and Industry to the Panel on Information Technology and Broadcasting;
- (b) issues related to "consumer protection" and "competition policy" be transferred from the Panel on Economic Development to the Panel on Commerce and Industry; and
- (c) the Panel on Information Technology and Broadcasting be renamed to reflect the changes in the terms of reference of the Panel.

4.3 The Committee had considered the views of the Government on the proposals. While the Director of Administration indicated general support for transferring issues related to innovation and technology to one single Panel, it made a counter proposal that:

- (a) discussions on innovation and technology policies and initiatives relating to "reindustrialization" and support for small and medium enterprises, which are closely related to

¹⁷ Details of the proposals are in paragraphs 3.18 to 3.25 of the Progress Report of the Committee on Rules of Procedure of the 2015 to 2016 session.

commerce and industry development, should remain in the Panel on Commerce and Industry;

- (b) issues relating to creative industries, which include design, digital entertainment, advertising, architecture, film, broadcasting, music, publishing and printing, carry a strong "industry" dimension, have cross sectoral collaboration with other industries and should be transferred from the Panel on Information Technology and Broadcasting to the Panel on Commerce and Industry; and
- (c) "competition policy" and "consumer protection" are highly related to the promotion of economic development in Hong Kong. Discussion of these issues should remain in the Panel on Economic Development.

4.4 The Chairmen of the three Panels had also been consulted. The Panel Chairmen were of the view that the status quo should be maintained, as there was a wide difference between the Government's counter proposal and what Members intended to achieve.

4.5 The Committee considers that if the terms of the three Panels are to be rationalized, a more thorough review may be necessary and the opportunities should be taken to re-examine how the various subject areas should be distributed among Panels. Any changes should be considered mainly from the point of view of how best the Legislative Council could discharge its functions to monitor the work of the Government. The Committee considers that there should be no change to the respective terms of references of the three Panels for the time being, pending the consultation of all Members on any new proposals.

5. Minor amendments to the Rules of Procedure and House Rules

5.1 During the current legislative session, the Committee had considered the following 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. These amendments had been approved by the House Committee and received support in the Council. Details of the amendments are highlighted in the following paragraphs.

Referencing to the Basic Law

5.2 The current format adopted for the Chinese version of the Rules of Procedure in referring to Articles of the Basic Law is that the number of the relevant Article is quoted in Chinese numerals, followed by the number of subparagraphs in brackets in Chinese numerals. This format is different from that adopted for the Chinese version of most recently drafted Hong Kong laws. For example, a reference to Article 73(9) of the Basic Law in Rule 46(1) of the Rules of Procedure is expressed as "《基本法》第七十三(九)條", while in section 31AA(2) and sections 31AB(1) to (4) of the Chinese version of the Prevention of Bribery Ordinance (Cap. 201), reference to the same Article is expressed as "《基本法》第七十三條第(九)項".

5.3 As it is sometimes necessary to quote Rules of the Rules of Procedure in the same document as the text of specific ordinances, it is desirable to align the way that Basic Law is referenced in the Rules of Procedure with that of Hong Kong laws. Accordingly, the Committee recommended that amendments be made to the Chinese version of the five Rules in the Rules of Procedure where subparagraphs of Articles of

the Basic Law are referenced.¹⁸ The proposed amendments were approved by the Council on 18 January 2017.

Textual amendments to Rule 6(5A)(a), Rule 89(1) and Rule 90(1) of the Rules of Procedure

5.4 The English version of Rule 6(5A)(a) of the Rules of Procedure states that "The Clerk ***shall conduct*** the review referred to in paragraph (b) of the Policy on Access to the Legislature's Documents and Records in Schedule 2 within 25 years of the existence of the document or record as to whether access should be made available at an earlier time, and ***to conduct*** a further review of the document or record, if not already made available for public access, at least once every four years from the last review." The Committee recommended that the word "to conduct" as highlighted should be amended to read "shall conduct" for the sake of syntactic consistency. The Committee also recommended that the Chinese version of Rule 89(1) and Rule 90(1) of the Rules of Procedure regarding their references to the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) be amended to maintain accuracy of the text. The proposed amendments were approved by the Council on 18 January 2017.

Maximum number of subcommittees on policy issues that may be in operation under the House Rules

5.5 Under rule 26(a) of the House Rules, the maximum number of subcommittees on policy issues that may be in operation at any one time

¹⁸ These five Rules are: (a) Rule 30(1) of the Rules of Procedure, which specifies the manner by which the notice of a motion or an amendment should be given, refers to Article 73(9) of the Basic Law; (b) Rule 46(1) of the Rules of Procedure, which provides that, subject to certain exceptions, the passage of all motions before the Council or a committee of the whole Council require a majority vote of the Members present, refers to Articles 52(2) and 73(9) of the Basic Law; (c) Rule 47(2) of the Rules of Procedure, which prescribes the voting procedure for a motion or bill introduced by a Member or an amendment thereto, refers to Articles 52(2) and 73(9) of the Basic Law; (d) Rules 49B(1) and (1A) of the Rules of Procedure, which prescribe motions related to disqualification of Members from office, refer to Articles 79(6) and 79(7) of the Basic Law respectively; and (e) Rule 93(c) of the Rules of Procedure, which gives the interpretation of "designated public officer", refers to Article 62(5) of the Basic Law.

is eight. With additional resources being allocated to the Secretariat since 2013, the House Committee endorsed the Secretariat's proposal to utilize such resources to service up to 10 subcommittees on policy issues instead of eight at any one time. This arrangement took effect from 1 April 2014. The Committee recommended that a technical amendment to replace the word "eight" with "10" in rule 26(a) of the House Rules, and consequential amendments to paragraph 6.5 of the Handbook for Chairmen of Panels, should be made. The proposed amendments were approved by the House Committee on 16 December 2016.

6. Acknowledgement

6.1 The Committee wishes to record their appreciation of Members of the Council for their support for the work of the Committee.

Appendix I**Membership list****Committee on Rules of Procedure**

Chairman Hon Paul TSE Wai-chun, JP

Deputy Chairman Hon Kenneth LEUNG

Members Hon James TO Kun-sun
Hon Tommy CHEUNG Yu-yan, GBS, JP
Hon CHAN Hak-kan, BBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Michael TIEN Puk-sun, BBS, JP
Hon KWOK Wai-keung, JP
Hon Dennis KWOK Wing-hang
Hon Alvin YEUNG
Dr Hon Junius HO Kwan-yiu, JP
Hon CHEUNG Kwok-kwan, JP

(Total : 12 Members)

Clerk Mr Daniel SIN

Legal Advisers Mr Stephen LAM
Ms Clara TAM

Appendix II**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	Formalizing the interim arrangements relating to the ringing of the division bell at Council meetings and voting bell at committee meetings	<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.</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			<p>A resolution was passed by the Legislative Council at the 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>Arrangements for asking and answering oral questions in Council meetings</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>

Item	Issue	Relevant rule(s)	Progress/remarks
			The Committee will consider the outcome of the consultation in the next legislative session.
3	Procedures for dealing with filibusters	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</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			<p>opinion should be sought from a local senior counsel. 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	Order in Council and committee meetings	Rule 45(2) of the Rules of Procedure	<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</p>

Item	Issue	Relevant rule(s)	Progress/remarks
			penalties for Members, may be drawn up for further consideration by the Committee before seeking views of all Members regarding the options.
5	Election of the President of the Legislative Council	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	Rationalization of terms of reference of Panels following the establishment of the Innovation and Technology Bureau	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

Item	Issue	Relevant rule(s)	Progress/remarks
			the Panels for the time being, pending the consultation of all Members on any new proposals.
7	Minor amendments to the Rules of Procedure and House Rules	<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>

Appendix III

Proposed arrangements to improve topicality of oral questions at Council meetings

I. Proposal to simplify notice requirements for oral questions

		Current arrangements	Proposed arrangements
1	Notice period/deadline	- Seven clear days (i.e. usually the second Monday before the Council meeting)	- The deadline falls at noon on the day which is three clear days before the Council meeting (i.e. noon on the Friday immediately before the Council meeting if there is no intervening public holiday except Sunday)
2	Form of questions shown on the Agenda	- Contents of questions	- Only the titles of questions will be shown on the Agenda - Contents of questions submitted by Members will be provided to the President and the Administration in advance for reference - The President may exercise discretion to disallow a question to be asked, if in his opinion the content of an oral question raised at a Council meeting deviates from the wording provided by the Member and forwarded to the Administration
3	Written main reply (in both Chinese and English) provided by the Administration	- The Administration provides written replies to oral and written questions to the Legislative Council ("LegCo") Secretariat by 9:30 am on the day of the Council meeting	- No written reply to oral questions is required

II. Proposal to facilitate more focused questions and answers with increased opportunities for Members to ask supplementary questions

		Current arrangements	Proposed arrangements
4	Form of questions	<ul style="list-style-type: none"> - Contain not more than three parts (In the Fifth LegCo, 487 characters on average) 	<ul style="list-style-type: none"> - Single-barrelled question of not more than 120 Chinese characters or 100 words in English. The question should be accompanied by a title of not more than 15 Chinese characters or 12 words in English - The title of an oral question should be sufficiently clear to identify the subject matter and the scope of the question - It is not recommended that the above word limits should be specified in the Rules of Procedure ("RoP") or House Rules ("HR"). A new rule in HR may be added to allow the House Committee to make recommendation on word limits
5	Number of main oral questions allowed to be asked at a Council meeting	<ul style="list-style-type: none"> - Six questions (total 132 minutes with around 22 minutes for each question) - Three minutes for the main question and seven minutes for the Administration's reply. One minute for supplementary question (HR 9A) 	<ul style="list-style-type: none"> - Six questions (total 132 minutes with 22 minutes for each question) with restrictions as follows: <ul style="list-style-type: none"> (a) three minutes should be allowed for the asking and answering of each main question; and (b) one minute should be used to ask a supplementary or any follow-up question, and one minute should be allowed for reply
6	Estimated number of Members able to ask supplementary questions to each main question	<ul style="list-style-type: none"> - Four to five Members on average 	<ul style="list-style-type: none"> - Nine to 10 Members

III. Consequential arrangements

		Current arrangements	Proposed arrangements
7	Registration of questions/question titles	<ul style="list-style-type: none"> - By midnight of the third Friday (i.e. about 19 calendar days) before the Council meeting - When a question is submitted for registration, the draft wording should be sufficiently clear to identify the subject matter and the scope of the question (HR 5(b)) - The above arrangement is applied to both oral and written questions 	<ul style="list-style-type: none"> - Members may signify interests to ask oral questions: <ul style="list-style-type: none"> (a) from 9:00 am on the day which is seven clear days before the Council meeting (i.e. the second Monday before the Council meeting if there is no intervening public holiday except Sunday); and (b) before noon on the day which is five clear days before the Council meeting (i.e. noon on the Wednesday immediately before the Council meeting if there is no intervening public holiday except Sunday) - No question or its title needs to be provided when registering an oral question - The current arrangement for written question will remain unchanged
8	Allocation of question slots	<ul style="list-style-type: none"> - Two criteria in descending order: <ul style="list-style-type: none"> (a) Members who have been allocated the least question slots in a session have priority (HR7(c)); and (b) In case of equal priority, the Member who registered the question earlier 	<ul style="list-style-type: none"> - Oral question slots will be allocated to Members in accordance with the following two criteria in descending order: <ul style="list-style-type: none"> (a) Members who have been allocated the least question slots in a session have priority (HR 7(c)); and (b) In case of equal priority, ballot will be conducted to determine the allocation - Members will be informed of the results of allocation within two to three hours after the deadline of

		Current arrangements	Proposed arrangements
		has priority (HR7(c))	registration
9	Rules on the contents of questions	<ul style="list-style-type: none"> - RoP 22 and 25 applied - For main questions, ruled by the President before Council meetings. For supplementary questions, enforced by the President during Council meetings 	<ul style="list-style-type: none"> - Basically no change. RoP 25(1) and (2) should be amended to include the title of oral questions. RoP 25(3)(a) and HR 5(c) should be amended to exclude oral questions - For both the main and supplementary questions, the rules will be enforced by the President at Council meetings - The President may group questions of the same or similar subject matters together for answers to ensure effective use of Council's time
10	Restriction on the number of questions under RoP 24(3) and HR 7(b)	<ul style="list-style-type: none"> - Each Member is normally limited to asking only one oral and one written or alternatively two written questions at any one Council meeting 	<ul style="list-style-type: none"> - To relax the restriction and allow each Member to ask a maximum of one oral question and two written questions at a Council meeting subject to the availability of question slots

IV. Proposal to facilitate the attendance of the Chief Executive at regular Council meetings to answer questions put to him/her on the work of the Government by Members

		Current arrangements	Proposed arrangements
11	Attendance of the Chief Executive ("CE")	<ul style="list-style-type: none"> - CE's Question and Answer Session 	<ul style="list-style-type: none"> - 30 minutes for CE's Question Time and the number of oral questions at that Council meeting will be reduced to five (total time for questions: 140 minutes) - Frequency of CE's Question Time is to be confirmed (i.e. once or twice a month) - The acting CE may attend the Question Time in the absence of CE, for example due to overseas duty visits or vacation leave - Similar to the current CE's Question and Answer Session, Members are not required to provide questions in advance for CE's Question Time - Two minutes should be allowed for the asking and answering of each question at CE's Question Time - The current CE's Question and Answer Session will not be affected

Appendix IV

Proposed procedures for dealing with filibusters

**(Extracts from the consultation circular
LC Paper No CROP 34/16-17 issued on 29 March 2017)**

Time allocation procedure – Procedure for allocation of time to debates at Committee stage of a bill

4. It is proposed that a time allocation motion may be moved to –
 - (a) close a debate immediately or after a certain period of time;
 - (b) close a number of debates after a certain period of time; or
 - (c) close the whole Committee stage after a certain period of time.
5. Details of the proposed procedure and its rationale are as follows –

Consideration of proposals by the House Committee

- (a) Any proposal to move a time allocation motion at Committee stage for consideration by the House Committee should be made jointly by not less than a certain number of Members,¹ and a limit should be

¹ Examples of proceedings in the Legislative Council that require a certain number of Members to jointly initiate include:

- (a) presentation of petitions under Rule 20(6) of the Rules of Procedure: If, immediately after a petition has been presented, a Member rises in his place and requests that the petition be referred to a select committee, the President shall call upon those Members who support the request to rise in their places. If not less than 20 Members then rise the petition shall stand referred to a select committee; and

imposed on the number of proposals each Member (as an individual or jointly with other Members) may propose for consideration by the House Committee on any one occasion.

- (b) Any decision of the House Committee that a time allocation motion be moved at Committee stage should require a high threshold, such as a two-thirds majority vote of all the members of the House Committee,² in order to address the concern that Members in the minority may not be given adequate protection of their right to speak.

Moving a time allocation motion in Council

- (c) Pursuant to a relevant decision of the House Committee, a Member (normally the Chairman of the House Committee) may move a time allocation motion without notice at Committee stage with the leave of the Chairman of the committee of the whole Council.
- (d) In order that procedural certainty and orderliness are to be achieved, any time allocation motion should be worded in a prescribed form which would be designed to cater for different possible scenarios of time allocation as decided by the House Committee.
- (e) A time allocation motion should not be subject to amendment or debate so that the motion could be put to

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- (b) disqualification of Member from office under Rule 49B(1A) of the Rules of Procedure: Under Rule 30(1A) of the Rules of Procedure, notice of a motion moved under Rule 49B(1A) of the Rules of Procedure shall be signed by the Member wishing to move the motion and three other Members.

² Under Rule 75(12AA) of the Rules of Procedure, all matters for the decision of the House Committee shall be decided by a majority of the members voting. Under Rules 75(12B) and (12E) of the Rules of Procedure, the Chairman of the House Committee, or any other member presiding at the House Committee, has a casting vote, but not an original vote except in the election of chairman or deputy chairman of the committee.

vote forthwith without unnecessarily lengthening the Council proceedings.³

- (f) In accordance with Annex II to the Basic Law, passage of the motion requires a majority vote of each of the two groups of Members present, i.e. Members returned by functional constituencies and those returned by geographical constituencies.
- (g) If such a motion is passed, the Chairman of the committee of the whole Council will order that the relevant debate(s) be concluded upon the expiry of the specified duration.

Procedures for handling voluminous amendments

6. The experience in the legislative process in recent years shows that where a Member has the intention to filibuster the proceedings on a bill, the Member can propose voluminous amendments in various ways, such as drawing up amendments using different permutations, etc. Not only will voluminous amendments prolong the proceedings on debates, they will also consume a substantial amount of the Council's time to complete the voting process. The following two procedural options for handling voluminous amendments are proposed for Members' consideration.

Option I: Extending application of the "frivolous or meaningless" restriction to "a series of amendments"

7. Under the existing Rule 57(4)(d) of the Rules of Procedure, the President, acting as the Chairman of the committee of the whole Council, may rule out of order an amendment which he/she considers to be

³ In the House of Commons of the United Kingdom, a time allocation motion can be debated for up to three hours, while in the House of Commons of Canada and the House of Representatives of Australia, the debate may last for not more than 30 and 20 minutes respectively. It should however be noted that unlike the present proposed procedure with prior deliberation in HC, in these overseas parliaments there is no prior deliberation on a time allocation motion in an open forum before the motion is moved at a House sitting.

frivolous or meaningless. However, it is not explicitly provided that this restriction may apply to a series of amendments.⁴

8. It is proposed that Rule 57(4)(d) of the Rules of Procedure be revised to expressly provide that an amendment *or a series of amendments* which is in the opinion of the Chairman of the committee of the whole Council frivolous or meaningless may not be moved.

Option II: Facilitating the President to select amendments for the purposes of debate and/or voting

9. Under this option, the Rules of Procedure can be amended to confer on the President the power to select amendments for debate and/or voting at the Committee stage, after considering factors such as whether or not an amendment or a series of amendments would serve merely to prolong the proceedings unnecessarily. Reference may be made to the relevant arrangements of the House of Commons of the United Kingdom⁵ and those of the House of Commons of Canada⁶.

⁴ The President had applied Rule 57(4)(d) of the Rules of Procedure to Committee stage amendments proposed by 14 Members to the Appropriation Bill 2014 in his ruling on 17 April 2014, on the ground that the moving of sequential Committee stage amendments achieved no purpose other than taking up the Council's time in completing the necessary proceedings.

⁵ In the House of Commons of the United Kingdom, the Speaker has the power to select amendments to bills or to motions for debate and voting in the House. Selection is made in such a way as to bring out the salient points of criticism, to prevent repetition and overlapping, and where several amendments deal with the same point, to choose the more effective and the better drafted. The practice is that the Speaker does not give reason for his/her decision in individual cases.

⁶ In the House of Commons of Canada, the Speaker has the power to select or to combine amendments or clauses to be proposed to a bill at the report stage. A Note is appended to the relevant Standing Order stating that the Speaker should not select for debate an amendment or series of amendments of a repetitive, frivolous or vexatious nature or of a nature that would serve merely to prolong unnecessarily proceedings at the report stage. The practice is that the Speaker will inform the House of his/her relevant decisions with reasons stated.