LC Paper No. CB(3) 198/17-18(01)

12 proposed resolutions and 23 amending motions to amend the Rules of Procedure under Article 75 of the Basic Law

Debate and voting arrangements

Joint debate		Gist of amendment
Proposed resolutions:		
 Hon Paul TSE Hon Alvin YEUNG Hon Tanya CHAN Hon WU Chi-wai Hon Charles Peter MOK Hon Kenneth LEUNG 	 Dr Hon Fernando CHEUNG Hon Jeremy TAM Hon Dennis KWOK Dr Hon KWOK Ka-ki Hon CHAN Chi-chuen Hon Martin LIAO 	Annex 1
Amending motions to the proposed reso	lution of Hon Martin LIAO:	
 Hon Alvin YEUNG Hon Jeremy TAM Dr Hon KWOK Ka-ki Hon CHU Hoi-dick Hon CHU Hoi-dick Hon James TO Dr Hon Helena WONG Dr Hon Fernando CHEUNG Hon LAM Cheuk-ting Dr Hon Helena WONG Hon WU Chi-wai Hon IP Kin-yuen 	13. Hon James TO 14. Hon CHU Hoi-dick 15. Hon CHU Hoi-dick 16. Hon CHU Hoi-dick 17. Hon Andrew WAN 18. Hon WU Chi-wai 19. Hon WU Chi-wai 20. Hon WU Chi-wai 21. Hon WU Chi-wai 22. Hon LAM Cheuk-ting 23. Hon LAM Cheuk-ting	- Annex 2
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Voting arrangement

- 1. First, vote on proposed resolutions Nos. 1 to 11 **one by one** according to the sequence of the above proposed resolutions (Hon Martin LIAO's proposed resolution will not be voted upon at this stage).
- 2. Then, based on the sequence of the above amending motions to Mr LIAO's proposed resolution, vote on amending motions Nos. 1 to 23 **one by one**.
- 3. Finally, vote on Hon Martin LIAO's proposed resolution (i.e. No. 12) or the proposed resolution as amended.

Proposed resolutions of Hon Paul TSE, Hon Alvin YEUNG, Hon Tanya CHAN, Hon WUChi-wai. Hon Charles Peter MOK. Hon Kenneth LEUNG. Hon Fernando CHEUNG, Hon Jeremy TAM. **Dennis** KWOK. Hon Dr Hon KWOK Ka-ki, Hon CHAN Chi-chuen and Hon Martin LIAO (set out in LC Paper No. <u>CB(3) 176/17-18</u> issued on 27 November 2017)

Amending motions of Hon Alvin YEUNG, Hon Jeremy TAM, Dr Hon KWOK Ka-ki, Hon CHU Hoi-dick, Hon James TO, Dr Hon Helena WONG, Dr Hon Fernando CHEUNG, Hon LAM Cheuk-ting, Hon WU Chi-wai, Hon IP Kin-yuen and Hon Andrew WAN

(set out in LC Paper No. CB(3) 186/17-18 issued on 4 December 2017)

Council Business Division 3
<u>Legislative Council Secretariat</u>
5 December 2017

Annex 1

12 admissible proposed resolutions to amend the Rules of Procedure of the Legislative Council (comprising 49 proposals)

1. Hon Paul TSE (1 proposal)

Rule(s) involved	Gist of proposal
1, 4, 10, 12, 13, 14, 15, 18, 19, 23, 27, 40, 42, 46, 47, 49, 49E, 54, 71, 72, 73, 73A, 74, 74A, 75, 76, 77, 79, 79A, 79B, 83, 88, 89, 93 and Schedule 1	To amend all the references to "舉" to "舉" in the Rules of Procedure ("RoP").

2. Hon Alvin YEUNG (3 proposals)

Rule(s) involved	Gist of proposal
New 3A	To add Rule 3A to provide that the President, in discharging his duties, shall preserve and defend the autonomy of the Legislative Council ("LegCo") at all times.
New 79C	To add Rule 79C to provide that all meetings of a committee and subcommittee shall be conducted in an open manner except in specified circumstances. If a meeting is to be held in camera, it shall be so decided by two-thirds majority of the members of that committee or subcommittee.
92	To amend Rule 92 to provide that in any matter not provided for in RoP, the President may also consult the Committee on the Rules of Procedure.

3. Hon Tanya CHAN (2 proposals)

Rule(s) involved	Gist of proposal
6	To amend Rule 6(5A)(a) to provide that the Clerk shall conduct a review of the documents or records under his custody within 20 years (instead of 25 years) to determine whether access to such documents or records should be made available to the public at an earlier time.
83AA	To amend Rule 83AA to provide that the Clerk must ensure that Members are provided with the necessary facilities and resources within LegCo for the proper execution of their duties.

4. Hon WU Chi-wai (2 proposals)

Rule(s) involved	Gist of proposal
1A	To amend Rule 1A to provide that the order of precedence of a Member shall be determined according to the period of time for which he has held office in the Council, and it is not necessary for him to hold office for a continuous period of time.
14	To add Rule 14(6) to provide that Council meetings shall continue to be held during the annual plenary sessions of the National People's Congress and the Chinese People's Political Consultative Conference unless the President orders otherwise.

5. Hon Charles Peter MOK (2 proposals)

Rule(s) involved	Gist of proposal
6	To amend Rule 6(5) to provide that the Clerk to LegCo shall also be responsible for the custody of video recording.
8	To add Rule 8(d) to provide that the Chief Executive may at his discretion attend meetings of the Council or any committee or subcommittee upon the invitation of the Council, any committee, subcommittee or Member; and to make corresponding changes.

6. Hon Kenneth LEUNG (2 proposals)

Rule(s) involved	Gist of proposal
6	To amend Rule 6(7) to provide that the Clerk shall provide every committee and subcommittee of the Council with a clerk and, unless the Clerk orders otherwise, a deputy clerk.
14	To amend Rule 14(2) to shorten the period of written notice of every Council meeting (expect in specified circumstances) to be given to Members from at least 14 clear days to 12 clear days before the day of the meeting.

7. Dr Hon Fernando CHEUNG (2 proposals)

Rule(s) involved	Gist of proposal
2	To amend Rule 2 to allow a Member to address the Council in sign language.
5	To amend Rule 5(1) to specify that the chairman of HC must be a Member elected from the geographical constituency.

8. Hon Jeremy TAM (1 proposal)

Rule(s) involved	Gist of proposal
New 11A	To add Rule 11A to provide that all Council meetings shall be conducted in an open manner, subject to Rule 88 or otherwise as required by RoP or by law.

9. Hon Dennis KWOK (2 proposals)

Rule(s) involved	Gist of proposal
3	To add Rule 3(1A) to provide that the duties of the President require the balancing of the rights and interests of the majority and minority in the Council, and the interests of all parts of the Council are advocated and protected against the use of arbitrary authority.
7	To add Rule 7(3) to provide that the Deputy Counsel shall assist Counsel to the Legislature in discharge of his duties under RoP 7(1) and (2).

10. Dr Hon KWOK Ka-ki (4 proposals)

Rule(s) involved	Gist of proposal
24	To amend Rule 24(4) to the effect that the President may permit a question to be asked without notice if it meets either one of the following two conditions: (a) it is of an urgent character and (b) it relates to a matter of public importance.
44	To amend Rule 44 to provide for procedure for Members to explain their objection to any decision of the President or the Chairman of a committee of the whole Council on a point of order if it is objected by more than one Member.
71	To amend Rule 71(5A) to provide that one third of the number of the members including the chairman (instead of the chairman and 8 other members) shall form a quorum of the Finance Committee.
75	To amend Rule 75(12A) to provide that one third of the number of the members including the chairman (instead of 20 members including the chairman) shall form a quorum of HC.

11. Hon CHAN Chi-chuen (4 proposals)

Rule(s) involved	Gist of proposal
New 1B	To add Rule 1B to provide that Members (including the President), in carrying out their duties at the Council, shall respect the fundamental rights of Hong Kong residents enshrined in Chapter III of the Basic Law and give due consideration to the provisions of relevant international covenants and international human rights instruments.
2	To amend Rule 2 to allow a Member to chair a meeting in either Putonghua, Cantonese or the English language.
New 9A	To add Rule 9A to provide that the Council may invite foreign dignitaries to attend meetings of the Council, any committee or subcommittee from time to time when the President thinks fit.
24	To amend Rule 24(4) to provide for procedure for, among others, not more than two questions without notice to be asked by Members at any one Council meeting and a Member to ask not more than one question without notice in a session.

12. Hon Martin LIAO (24 proposals)

Rule(s) involved	Gist of proposal
New 1B	To add Rule 1B to provide that the powers and functions of the President are set out in Article 72 of the Basic Law, the laws of Hong Kong and RoP.
3	To make corresponding amendments to Rule 3(1) in view of the addition of Rule 1B.
12	To amend Rule 12(3) to provide that the Council meeting shall be adjourned after all Members present have taken oath.
14	To amend Rule 14(4) to provide that when the President considers it necessary for the proper completion of the business on the Agenda at a Council meeting to continue any unfinished business, the President may order that the meeting continue at any hour or on any day for that purpose.
17	To amend Rule 17 to revise the quorum of a committee of the whole Council from not less than one half of all its members to 20 members; and to make corresponding changes.
19	To amend Rule 19 to provide that the President or the Chairman of a committee of the whole Council shall have the power to select amendments, new clauses or new schedules to be proposed to a motion or a bill, and the power to direct motions or amendments considered by him to be cognate to be combined; and to make corresponding changes.
20	To amend Rule 20(6) to provide that a petition shall stand referred to the House Committee ("HC") if not less than one half of all Members support the request.
30	To amend Rule 30 to make corresponding changes relating to selection of amendments to motions and bills, and combination of motions and amendments.
38	To amend Rule 38(3) to provide that a Member who has spoken on a question may again be heard to explain some part of his speech which has been misunderstood, but he shall only speak on the part which has been misunderstood.
40	To amend Rule 40(4) to provide that where the Chairman of a committee of the whole Council is of the opinion that the moving of the adjournment of proceedings is an abuse of procedure, he may decide not to propose the question or to put the question forthwith without debate.
45	To amend Rule 45(1) to the effect that this provision would apply to any committee instead of standing and select committees only.
49	To amend Rule 49(4) and (6) to provide that the question on the motion to shorten the ringing of the division bell shall be put without debate.
54	To amend Rule 54(4) to provide that the motion that the bill (which has been read the second time) shall not be referred to HC shall only be moved with the consent of the President.

Rule(s) involved	Gist of proposal
55	To amend Rule 55(1)(a) to provide that the motion that the bill (which has been read the second time) shall be committed to a select committee shall only be moved with the consent of the President.
57	To amend Rule 57(4)(d) to provide an additional restriction that a Member shall not move a series of two or more amendments which are in the opinion of the Chairman frivolous or meaningless.
58	To amend Rule 58(12) to provide that when all the proceedings upon the bill have been concluded in committee, the Council shall resume and the Member or the public officer in charge of the bill shall report the bill to the Council with or without amendment as the case may be.
59	To amend Rule 59 to provide for procedure on reporting of bill from committee of the whole Council under which the Council would have to vote on a motion seeking the Council's approval to adopt the report of the committee of the whole Council.
66	To amend Rule 66(4) to provide that the motion that the bill returned for reconsideration shall not be referred to HC shall only be moved with the consent of the President.
68	To amend Rule 68(7) to provide that when the question upon every clause of an Appropriation Bill has been decided, the Council shall resume and the public officer in charge of the bill (instead of a Member) shall report the bill to the Council with or without amendment.
New 69A	To add Rule 69A to provide for procedure on reporting of Appropriation Bill from committee of the whole Council under which the Council would have to vote on a motion seeking the Council's approval to adopt the report of the committee of the whole Council.
75	To add Rule 75(10)(d) to provide that HC shall decide the manner of consideration of petitions referred to it under RoP 20(6); and to make corresponding changes.
New 79C	To add Rule 79C to provide that the agenda of a meeting of any committee shall be determined by its chairman, except where its deputy chairman has made a determination in accordance with Rule 79B.
88	To amend Rule 88(1) to provide that the motion that members of the press and of the public do withdraw shall only be moved with the consent of the President, the Chairman of a committee of the whole Council or the chairman of a committee or subcommittee.
Schedule 1	To amend Schedule 1 on procedure for the election of the President under which the election would not be conducted at a Council meeting and the Clerk to LegCo would be responsible for conducting the election.

Annex 2

23 admissible amending motions (comprising 54 proposed amendments) to amend Hon Martin LIAO's proposed resolution

Amending motion No. 1 (Hon Alvin YEUNG - 11 amendments)

Rule(s) involved	Gist of amendments
1B	To amend new Rule 1B to add a requirement that the President, in discharging of his duties, must preserve and defend the autonomy of the Legislative Council at all times.
3	To amend Rule 3(1) to add a requirement that the President, in discharging his duties, must balance the rights and interests of the majority and minority in the Council and ensure that the interests of all parts of the Council are advocated and protected against the use of arbitrary authority.
14	To amend Rule 14(4) to provide that when the President considers it necessary for the proper completion of the business on the Agenda at a Council meeting to continue any unfinished business, the President may order that the meeting continue at any hour or on any day (but excluding the day which the meeting was suspended) for that purpose.
19	To amend new Rule 19(1A) to provide that the consent of the mover of the motion or bill is required for the President or the Chairman of a committee of the whole Council to direct two or more motions or amendments considered by him to be cognate to be combined or be disjoined.
	To amend Rule 19(1) to provide that all items of business for a meeting of which notice has been given shall be placed on the Agenda for that meeting in the order required by Rule 18, subject to Rule 19(1A) and the existing Rule 19(3).
20	To amend Rule 20(6) to provide that a petition shall stand referred to the select committee consisting of every member of the House Committee ("HC") if one-third of the Members returned by geographical constituencies through direct elections or one-third of the Members returned by functional constituencies support the request, which shall submit a report on the petition to HC.
30	To amend Rule 30(3)(b) and (d) to provide that alterations directed by the President to a motion or an amendment (including alterations resulting from combined motions or amendments) or returning notice to Member who signed it shall be consented by the mover of the motion or the amendment.
30	To amend the new Rule 30(3A) to provide that suggestions by the President to combine motions or amendments must not be moved without the consent of the mover of the motion or amendment, and the Member who gave the earliest notice and which has not been withdrawn shall be the mover of the combined motions and amendments.
75	To amend new Rule 75(10)(d) to provide that HC shall decide the manner of consideration of the following item: report of a petition referred to HC under RoP 20(6), and to make corresponding changes to Rule 75(10A).

Amending motion No. 2 (Hon Jeremy TAM - 7 amendments)

Rule(s) involved	Gist of amendments
1B	To amend new Rule 1B to add a requirement that the President, in discharging of his duties, must defend the freedoms and rights as set out in the Basic Law.
14	To amend Rule 14(4) to provide that when the President considers it necessary for the proper completion of the business on the Agenda at a Council meeting to continue any unfinished business, the President may order that the meeting continue at the relevant time for that purpose.
20	To amend Rule 20(6) to provide that a petition shall stand referred to the select committee consisting of all members of HC if no less than one-third of the Members returned by geographical constituencies through direct elections or one-third of the Members returned by functional constituencies support the request.
40	Mr LIAO proposes that where the Chairman is of the opinion that the moving of the adjournment of proceeding is an abuse of procedure, he may decide not to propose the question or to put the question. The amending motion amends Rule 40(4) to provide that an abuse of procedure refers to the situation in which a Member has already moved the adjournment of proceedings once.
49	To amend Rule 49(4) and (6) to provide that if a Member demands that a debate to be held on the motion to shorten the ringing of the division bell, a debate shall be held in the Council or a committee of the whole Council, and the division shall be held immediately after a division bell has been rung for five minutes.

Amending motion No. 3 (Dr Hon KWOK Ka-ki - 8 amendments)

Rule(s) involved	Gist of amendments
1B	To amend new Rule 1B to add a requirement that the President, in discharging his duties, must respect the tradition of the Council.
14	To amend Rule 14(4) to provide that when the President considers it necessary for the proper completion of the business on the Agenda at a Council meeting to continue any unfinished business, the President may order that the meeting continue at the relevant time for that purpose.
20	To amend Rule 20(6) to provide that a petition shall stand referred to the select committee consisting of all members of HC if no less than a quarter of the Members returned by geographical constituencies through direct elections or a quarter of the Members returned by functional constituencies support the request.
38	To amend Rule 38(3) to provide that a Member who has spoken on a question shall only speak up to twice on the part of his speech which has been misunderstood.
40	To amend Rule 40(4) to provide that where the Chairman of a committee of the whole Council is of the opinion that the moving of the adjournment of proceedings is an abuse of procedure, he must immediately propose a question that whether the Member concerned has abused the procedure, debate may then take place on that question. A division shall be held immediately after a division bell has been rung for five minutes. If the question is passed, the motion for adjournment of the Council will not be entertained.
59	To amend new Rule 59(2) relating to the proceeding on the motion that the report of bill from committee of the whole Council be adopted.
79	To amend new Rule 79C to provide that the agenda of a meeting of any committee shall be determined by its chairman in liaison with its deputy chairman.

Amending motion No. 4 (Hon CHU Hoi-dick - 1 amendment)

1	Rule(s) involved	Gist of amendment	
	14	To delete Mr LIAO's proposal regarding continuation of a Council meeting when, in the opinion of the President, it is necessary for the proper completion of the unfinished business.	

Amending motion No. 5 (Hon CHU Hoi-dick - 2 amendments)

Rule(s) involved	Gist of amendments
14	To delete Mr LIAO's proposal regarding continuation of a Council meeting when, in the opinion of the President, it is necessary for the proper completion of the unfinished business.
40	To delete Mr LIAO's proposal to amend Rule 40(4) regarding the Chairman of the whole Council dealing with the moving of the adjournment of proceedings of a committee of the whole Council on the ground of an abuse of procedure.

Amending motion No. 6 (Hon James TO - 2 amendments)

Rule(s) involved	Gist of amendments
17	To amend new Rule 17(1A) to provide that the quorum of a committee of the whole Council is not less than 35 members including the Chairman.
17	To amend Rule 17(3) relating to the proceeding of handling the absence of a quorum in committee of the whole Council.

Amending motion No. 7 (Dr Hon Helena WONG - 1 amendment)

Rule(s) involved	Gist of amendment
19	To amend new Rule 19(1A) to provide that the President or the Chairman of a committee of the whole Council shall have the consent of movers of the motions or amendments to the bill to cause the motions or amendments, new clauses or new schedules to the bill to be combined.

Amending motion No. 8 (Dr Hon Fernando CHEUNG - 3 amendments)

Rule(s) involved	Gist of amendments
19	To amend new Rule 19(1A) to provide that the President or the Chairman of a committee of the whole Council shall obtain the consent from all the Members moving the motions or amendments before directing two or more motions or amendments considered by him to be cognate to be combined.
20	To amend Rule 20(6) to revise the number of Members required for supporting the request for a petition to stand referred to HC.

Amending motion No. 9 (Hon LAM Cheuk-ting - 2 amendments)

Rule(s) involved	Gist of amendments
20	To amend Rule 20(6) to provide that if Members request that a petition be referred to a subcommittee that is given the power to summon persons to give evidence or to produce documents, and if no less than one quarter of all Members support the request, the petition shall stand referred to HC.

Amending motion No. 10 (Dr Hon Helena WONG - 1 amendment)

Rule(s) involved	Gist of amendment	
20	To amend Rule 20(6) to provide that a petition shall stand referred to HC if no less than 17 Members support the request.	

Amending motion No. 11 (Hon WU Chi-wai - 1 amendment)

Rule(s) involved	Gist of amendment
20	To amend Rule 20(6) to provide that a petition shall stand referred to HC if no less than 18 Members support the request.

Amending motion No. 12 (Hon IP Kin-yuen - 3 amendments)

Rule(s) involved	Gist of amendments
20	To amend Rule 20(6) to revise the number of Members required for supporting the request for a petition to stand referred to HC.
59	To amend new Rule 59(2) relating to the proceeding on the motion that the report of bill from committee of the whole Council be adopted.

Amending motion No. 13 (Hon James TO - 1 amendment)

Rule(s) involved	Gist of amendment
20	To amend Rule 20(6) to provide that a petition shall stand referred to HC if no less than one-fifth of all Members support the request.

Amending motion No. 14 (Hon CHU Hoi-dick - 1 amendment)

Rule(s) involved	Gist of amendment
40	To delete Mr LIAO's proposal to amend Rule 40(4) regarding the Chairman of the whole Council dealing with the moving of the adjournment of proceedings of a committee of the whole Council on the ground of an abuse of procedure.

Amending motion No. 15 (Hon CHU Hoi-dick - 1 amendment)

Rule(s) involved	Gist of amendments
40	To amend Rule 40(4) to provide that where the Chairman of a committee of the whole Council is of the opinion that the moving of the adjournment of proceedings is an abuse of procedure, he may decide to put the question without debate.

Amending motion No. 16 (Hon CHU Hoi-dick - 1 amendment)

Rule(s) involved	Gist of amendment
40	To amend Rule 40(4) to provide that where the Chairman of a committee of the whole Council is of the opinion that the moving of the adjournment of proceedings is an abuse of procedure, he may decide to put the question without debate.

Amending motion No. 17 (Hon Andrew WAN - 2 amendments)

Rule(s) involved	Gist of amendments
49	To amend Rule 49(4) and (6) to provide that the question on the motion to shorten the ringing of the division bell shall be put without debate unless Members raise objection. If there is objection raised by a Member, the President shall propose the question on that motion after debate.

Amending motion No. 18 (Hon WU Chi-wai - 1 amendment)

Rule(s) involved	Gist of amendment
57	To amend Rule 57(4)(d) to provide that a Member shall not move a series of two or more meaningless amendments.

Amending motion No. 19 (Hon WU Chi-wai - 1 amendment)

Rule(s) involved	Gist of amendment
58	To amend Rule 58(12) to provide that when all the proceedings upon the bill have been concluded in committee of the whole Council, the Council shall resume and, apart from the Member or the public officer in charge of the bill, the chairman or deputy chairman (if any) or any member of the bills committee shall report the bill to the Council with or without amendment as the case may be.

Amending motion No. 20 (Hon WU Chi-wai - 1 amendment)

Rule(s) involved	Gist of amendment
59	To amend new Rule 59(2) relating to the proceeding on a motion seeking the Council's approval to adopt the report of the committee of the whole Council on a bill.

Amending motion No. 21 (Hon WU Chi-wai - 1 amendment)

Rule(s) involved	Gist of amendment
69A	To amend new Rule 69A relating to the proceeding on a motion seeking the Council's approval to adopt the report of the committee of the whole Council on Appropriation Bill.

Amending motion No. 22 (Hon LAM Cheuk-ting - 1 amendment)

Rule(s) involved	Gist of amendment
75	To delete new Rule 75(10)(d) regarding the manner of consideration of a petition referred to HC under Rule 20(6) and the corresponding amendments to Rule 75(10A).

Amending motion No. 23 (Hon LAM Cheuk-ting - 1 amendment)

Rule(s) involved	Gist of amendment
79C	To amend new Rule 79C to provide that the agenda of a meeting of any committee shall be determined by its chairman, and where not less than one-third of the Members jointly request a particular item to be included in the agenda before 7 clear days of the meeting, the Chairman shall include that particular item to the meeting.