

Committee on Rules of Procedure

List of issues studied during the period from October 2017 to July 2018

Item	Issue	Relevant rule(s)	Progress/remarks
1	Amendments to the Rules of Procedure proposed by Members	See Appendix III of this report.	The proposed amendments were debated at the Council meeting of 13 December 2017. At the conclusion of the Council meeting on 15 December 2017, the Council passed the resolutions by the Chairman of the Committee and the resolutions by Hon Martin LIAO, resulting in the amendments of 50 Rules in the Rules of Procedure.
2	Arrangements relating to the attendance of the Chief Executive at Council meetings	Rule 8 of the Rules of Procedure Rule 4 of the House Rules	The Committee endorsed the following revised proposals: (a) in addition to the current four Chief Executive's Question and Answer Sessions, one additional Question Time lasting 30 minutes should be held each month (when the Council is in session) at a separate Council meeting at which no other business will be transacted; (b) each additional Question Time should be held before the commencement of the first or second regular Council meeting in that month; and (c) the procedure for Members to put questions to Chief Executive during

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			<p>the additional Question Time should follow the arrangements currently in force for Chief Executive's Question and Answer Sessions, except that the Chief Executive will only answer Members' questions and will not make any opening remark at the additional Question Time.</p> <p>The Committee decides that these arrangements be reviewed after 12 months.</p>
3	<p>Arrangements for asking and answering oral questions at Council meetings</p>	<p>Rules 22 to 27 of the Rules of Procedure</p> <p>Rules 5 to 12 of the House Rules</p>	<p>The Committee noted that Members' views on the Proposals appeared to be divided, and that there was no majority support for the proposals. The Committee further noted that while some Members had expressed reservation to some parts of the proposals in the consultation, they had also reacted positively to other parts of the proposals. Having taken into account the outcome of the consultation, the Committee considers that it would be beneficial to divide the proposals into individual components, in order to identify areas which could gain broad support among Members. The Committee concluded that this topic should be revisited together with the review of the arrangements for the attendance of the Chief Executive at</p>

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			Council meetings in due course.
4	Handling of proposals for asking urgent questions at Council meetings under rule 10 of the House Rules	Rules 10 and 20(f) of the House Rules	<p>The Committee considers that rules 10 and 20(f) of the House Rules already provide the Chairman of the House Committee with discretion to decide whether or not to accede to a request by a Member who wishes to raise an urgent item after the deadline for proposing agenda items has expired, and to decide whether it would be practicable for an item to be discussed at a House Committee meeting, taking account of factors such as the total number of items on the agenda.</p> <p>The Committee concludes that this topic could be revisited together with the review of the arrangements for the attendance of the Chief Executive at Council meetings in due course.</p>
5	Election of the President of the Legislative Council	Schedule 1 of the Rules of Procedure	<p>A consultation of all Members had been conducted in April 2018. The options proposed for Members' consideration were as follows:</p> <p>Option 1: Candidates for the office of the President should be required to make a statutory declaration in compliance with the requirements under the Oaths and Declarations Ordinance (Cap. 11) as regards his/her nationality and length of residency in Hong Kong similar to that required in the Chief</p>

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			<p>Executive election as prescribed in the Chief Executive Election Ordinance (Cap. 569). This arrangement would deviate from the existing honour system; or</p> <p>Option 2: It would be sufficient for candidates for the office of the President to make a written declaration of his/her nationality and length of residency in Hong Kong based on the existing honour system.</p> <p>The consultation shows that a majority of Members responding to the questionnaire have in principle supported Option 1. Among those who have supported Option 2, seven Members from the Democratic Party were of the view that a standard declaration form for candidates should be drawn up by the Legislative Council Secretariat.</p> <p>Having considered the outcome of the consultation, the Committee requests the Secretariat to examine how the preferred option, i.e., Option 1, should be implemented. Details of the implementation and the proposed amendments to the Rules of Procedure would be submitted for the Committee's consideration in due course.</p>
6	Members' conduct during and outside	Rules 42, 45 and 85 of the Rules of	The Legislative Council Commission requested the

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	meetings of the Council and committees	Procedure	<p>Committee to examine the need for the establishment of an effective mechanism to deal with Members' improper behaviour.</p> <p>At its meeting on 10 January 2017 in the last legislative session, the Committee requested the Legislative Council Secretariat to draw up a framework setting out various options of sanctions, including the suspension of Members or prohibition from attending meetings, and the introduction of some forms of financial penalties for Members, for further consideration.</p> <p>The Committee considered the coverage of existing rules governing Members' conduct, and reviewed past deliberations in the Council and its committees on Members' conduct.</p> <p>The Committee notes that key elements of the sanction mechanisms common among legislatures studied include the: (a) Prohibition from attending future meeting(s); (b) Progressive escalation of penalties; and (c) Financial penalty.</p> <p>As members of the Committee expressed diverse views, the Committee concludes that all Members should be consulted on</p>

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			<p>(a) whether they would agree in principle the need to impose new sanctions against Members for misconduct committed both during and outside meetings; and (b) if they agree, their views on the types and implementation details of various sanctions. The Committee will consider this topic again in the next legislative session.</p>