

Committee on Rules of Procedure

List of issues studied during the period from October 2018 to July 2019

Item	Issue	Relevant rule(s)	Progress/remarks
1	Statutory declaration requirements for the nationality and residency status of Members running for the office of the President	Annex I to Schedule 1 to the Rules of Procedure	<p>The outcome of the Committee's consultation had shown that the majority of Members indicated support for the proposal to require Members running for the office of the President to make a statutory declaration in respect of their nationality and residency status, similar to that required for candidates running in the Chief Executive election. The Committee had therefore proposed amendments to the relevant nomination form annexed to Schedule 1 to the Rules of Procedure to impose such requirement.</p> <p>The proposed amendments were endorsed by the House Committee and approved by the Council on 18 January and 20 February 2019 respectively.</p>
2	Proposed consequential amendments to the House Rules on the arrangements relevant to the election of the President	Rule 1A of the House Rules	<p>Arising from earlier amendments to the Rules of Procedure relating to the election of the President, the Committee had proposed consequential amendments to rule 1A of the House Rules to the effect that: (a) the election of the President, which is not a Council meeting, will be conducted by the Clerk as soon as practicable following the adjournment of the first Council meeting of a term; (b) the Clerk</p>

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			<p>may do such acts and things as he considers necessary to ensure that the election is held in an orderly and effective manner; and (c) the procedure for the election of the President set out in Schedule 1 to the Rule of Procedure also applies to a re-election of the President.</p> <p>The proposed consequential amendments were endorsed by the House Committee at its meeting on 18 January 2019.</p>
3	<p>Holding of directorship in a listed company by the President of the Legislative Council</p>	<p>Rule 83 of the Rules of Procedure</p>	<p>The Committee consulted all Members on Hon Kenneth LEUNG's proposal to add a new rule to the Rules of Procedure to prohibit the President "from acting as director of any listed company in Hong Kong, whether the directorship is paid or unpaid". The outcome of the consultation showed that more than half of the respondents did not support the proposal. The Committee will discuss the outcome of the consultation and decide on the way forward at its meeting to be held in the 2019–2020 session.</p>
4	<p>Outcome of consultation on mechanisms for dealing with Members' misconduct</p>	<p>Rules 42, 45 and 85 of the Rules of Procedure</p>	<p>The outcome of the consultation showed that, inter alia, more than half of the respondents supported the establishment of a mechanism to deal with various types of Members' misconduct in general. The Committee decided that it should further study the need to establish an</p>

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			effective mechanism to deal with various types of Members' misconduct in general, and that there was no need to refer it to the Committee on Members' Interests for the time being.
5	Proposed sanctions against grossly disorderly conduct of Members in Council or committee of the whole Council	Rules 42, 45 and 85 of the Rules of Procedure	The outcome of the aforesaid consultation also showed that more than half of the respondents supported in principle the introduction of new sanctions against grossly disorderly conduct of Members in Council or committee of the whole Council. The Committee will make reference to the sanction mechanism in the House of Commons of the United Kingdom Parliament and consider, at its meeting to be held in the 2019–2020 session, whether (and if so, how) the Legislative Council should impose similar sanctions, having regard to any legal and practical difficulties that might arise in Hong Kong.
6	Procedural arrangements for the moving of a motion under Article 73(5) and (10) of the Basic Law or section 9 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382)	Article 73(5) and (10) of the Basic Law Section 9 of Cap. 382 Rules 18 and 19 of the Rules of Procedure Rules 13 and 15 of the House Rules	The Committee agreed that the Secretariat should explore if information could be provided to assist members in examining the cause(s) of the reduced opportunities for the moving of motions with no legislative effect; and the Committee should explore options to address the President's concerns about the "queue-jumping effect". The subject matter will be further discussed at a

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			Committee meeting to be held in the 2019–2020 session.
7	Legislative Council's power to summon the Chief Executive to attend before the Council or its committees	Article 73(5) and (10) of the Basic Law	The Committee took the view that the admissibility of a motion to summon the Chief Executive was a matter for the President to decide. It would not draw up principles to facilitate the President's consideration of such admissibility.
8	Arrangements regarding pregnant Members' attendance of meetings and their discharge of duties and related issues	Rules 6(2), 6(6), 17(4), 46 to 49 of the Rules of Procedure	<p>The Committee concluded that since the voting procedure was clearly stipulated in the Basic Law, it was not appropriate to consider the introduction of voting by proxy in Council or its committees.</p> <p>The Committee also decided not to pursue change to the current practice in recording Members' attendance and considered that the Legislative Council should adopt an accommodating approach towards Members' need to take care of their infants in the Legislative Council Complex.</p>