

**Proposed Amendments to Rules of Procedure**

**PART F**

**STATEMENTS AND PERSONAL EXPLANATIONS**

**28. Statements by Designated Public Officers**

(1) A designated public officer who wishes to make a statement on any issue concerning public interest shall inform the President of his wish before the beginning of the meeting at which he wishes to make the statement.

(2) No debate may arise on such a statement but the President may in his discretion allow short questions to be put to the public officer making the statement for the purpose of elucidating it.

**28A. Personal Explanations**

(1) A Member who wishes to make an explanation of personal matters shall inform the President of his wish, and provide an advance copy of the intended explanation to the President for agreement to ensure that the explanation will not provoke a debate and that the contents are appropriate. [If leave is given by the President for making the explanation, the Member shall not depart from the agreed contents.](#)

(2) No debate may arise on such an explanation but the President may in his discretion allow short questions to be put to the Member making the explanation for the purpose of elucidation.

(3) Where the explanation is made in relation to a motion moved under Part JA (Procedures for Particular Motions) and the Member is unable to attend the meeting at which it is intended to be made, the President may direct that a copy of the explanation be sent to every Member and the text of the explanation be taken as read.

**32. Motions on Previous Decisions of Council**

(1) Where the Council has taken a decision on a specific question and the question has been decided in the affirmative, no further motion shall be moved in relation to that question during the current session except a motion to rescind the decision, moved with the permission of the President.

(2) Where the Council has taken a decision on a specific question and the question has been decided in the negative, no further motion shall be moved in relation to that question during the current session.

### **37. Recommendations of House Committee as to Time of Speaking**

(1) In relation to any motion or amendment to a motion (other than a motion intended to have legislative effect or to which Part JA applies) to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may recommend –

- (a) that the mover of the motion should not speak for more than a specified number of minutes (such period to be inclusive of any speech in reply under Rule 38(4) (Occasions when a Member may Speak more than once));
- (b) that the mover of an amendment to the motion should not speak for more than a specified number of minutes; and
- (c) that other Members each should not speak for more than a specified number of minutes.

(2) Where the House Committee so recommends under subrule (1) the Chairman shall cause the President to be notified in writing of the Committee's recommendations.

(3) Any recommendations of the House Committee under subrule (1), if accepted by the President (in which event he shall so inform Members as soon as practicable prior to calling upon the Member to move the motion), shall be binding upon all Members, but not upon designated public officers, and the President shall direct any Member speaking in excess of the recommended specified time to discontinue his speech.

### **41. Contents of Speeches**

(1) A Member shall restrict his observations to the subject under discussion and shall not introduce matter irrelevant to that subject.

(2) Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the President or Chairman, might prejudice that case.

(3) Except as otherwise provided in Rule 66 (Bills Returned for Reconsideration), it shall be out of order to attempt to reconsider a specific question on which the Council has taken a decision during the session, except in debate on a motion to rescind that decision moved with the permission of the President.

(4) It shall be out of order to use offensive and insulting language about Members of the Council.

(5) A Member shall not impute improper motives to another Member.

(6) The name of the Chief Executive shall not be used to influence the Council.

(7) Except where his conduct is the subject of a motion to which Part JA (Procedures for Particular Motions) applies, the conduct of the Chief Executive, a Member of the Executive Council or a Member of the Legislative Council otherwise than in the performance of his official duties shall not be raised.

(8) The conduct of Judges or other persons performing judicial functions shall not be raised.

#### **46. Decision on Motions**

(1) Except as otherwise provided in Rules 49B (Relieving a Member of His Duties) and 66 (Bills Returned for Reconsideration) and Articles 52(2), 73(9) (in respect of a motion of impeachment), 79(7) and 159 of the Basic Law, the passage of all motions before the Council or a committee of the whole Council shall, subject to subrule (2), require a majority vote of the Members present.

(2) The passage of a motion (other than a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in subrule (1)) or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present -

(a) Members returned by functional constituencies (Group I); and

(b) Members returned by geographical constituencies through direct elections and by the Election Committee (Group II).

(3) Any motion not passed shall be deemed to be decided in the negative.

**47. Decision of Council and Committee of the Whole Council**

(1) Except where subrule (2) applies, when the President or Chairman puts a question to the Council or to the committee of the whole Council for its decision -

- (a) the President or Chairman shall first call upon those Members who are in favour of the question to raise their hands, and shall then call upon those who are against the question to raise their hands;
- (b) the President or Chairman shall then, according to his judgment, state whether or not he thinks the required majority of the Members present are in favour of the question and, subject to any challenges to his statement being dealt with under paragraph (c) below, he shall declare the question to have been so decided;
- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order the Council or the committee, as the case may be, to proceed to a division; and, subject to Rule 49 (4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for three minutes.

(2) Other than in relation to a motion moved under Rule 49B (Relieving a Member of His Duties) or 66 (Bills Returned for Reconsideration) or Article 52(2), 73(9) (in respect of a motion of impeachment), 79(7) or 159 of the Basic Law, when the President or Chairman puts a question to the Council or to a committee of the whole Council for its decision in relation to a motion or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill -

- (a) the President or Chairman shall first call upon Members who are in favour of the question to raise their hands, and shall then call upon those who are against the question to raise their hands;
- (b) the President or Chairman shall then, according to his judgment, state whether or not he thinks that a majority of each of the two groups of Members present, referred to in Rule 46(2) (Decision on Motions), are in favour of the question; subject to any challenge to his statement being dealt with under paragraph (c), he shall declare the question to have been so decided;
- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order Members to proceed to a division; and, subject to Rule 49(4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for three minutes.

## **PART JA**

### **PROCEDURES FOR PARTICULAR MOTIONS**

#### **49A. Application of the Part**

In any matter not provided for in this Part, the Rules in other Parts shall apply as appropriate.

#### **49B. Relieving a Member of His Duties**

(1) A motion to relieve a Member of his duties as a Member under Article 79(6) of the Basic Law shall be moved in the following form:

“That whereas (name of Member) was convicted on (date) in (court) in (place) of a criminal offence(s) and was sentenced on (date) by (court) to imprisonment for one month or more (as particularized in the Schedule), this Council relieves (name of Member) of his/her duties as a Member of the Legislative Council.”

(2) No amendment may be moved to a motion moved under subrule (1).

(3) The passage of a motion moved under subrule (1) shall require a two-thirds majority vote of the Members present.

(4) Where the Council has decided to relieve a Member of his duties, the President shall declare forthwith that the Member is no longer qualified for his office.