

法案委員會  
主席手冊

**HANDBOOK FOR  
CHAIRMEN OF  
BILLS COMMITTEES**



## 主席手冊的目的

本手冊以便覽方式，載述相關的規則和慣例，並提供一般指引，協助法案委員會主席了解本身的職責、權力和權限，以及籌備會議、主持會議及處理會議的跟進工作。本手冊載述的慣例只供參考。

本手冊亦在適當之處援引《議事規則》及《內務守則》的有關條文，方便參考。

## PURPOSE OF THE CHAIRMAN HANDBOOK

This Handbook provides quick reference to the relevant rules and practices as well as general guidelines to assist Chairmen of Bills Committees in understanding their responsibilities, powers and authority; and making preparations for a meeting, chairing a meeting and undertaking the follow-up work of a meeting. The practices set out in this Handbook are for reference only.

For easy reference, the relevant rules in the Rules of Procedure (“RoP”) and House Rules (“HR”) are cited where appropriate.

---

2022年4月修訂  
Amended in April 2022

---

# **TABLE OF CONTENTS**

## **Page**

### **CHAPTERS**

|          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>GENERAL</b>                          | <b>1 – 13</b>  |
| <b>2</b> | <b>SCRUTINIZING A BILL</b>              | <b>14 – 22</b> |
| <b>3</b> | <b>PREPARATIONS FOR A MEETING</b>       | <b>23 – 33</b> |
| <b>4</b> | <b>CONDUCTING A MEETING</b>             | <b>34 – 45</b> |
| <b>5</b> | <b>VISITS</b>                           | <b>46 – 50</b> |
| <b>6</b> | <b>SUBCOMMITTEES AND WORKING GROUPS</b> | <b>51 – 53</b> |
| <b>7</b> | <b>POWERS TO SUMMON WITNESSES</b>       | <b>54 – 55</b> |
| <b>8</b> | <b>FOLLOW-UP WORK OF A MEETING</b>      | <b>56 – 64</b> |

### **CHAPTER 1 GENERAL**

|  |         |
|--|---------|
| Work of a Bills Committee                          | 1       |
| Procedures and practices                           | 2       |
| Election of Chairman and Deputy Chairman           | 2 – 3   |
| Chairman   | 4 – 9   |
| • Responsibilities                                 | 4       |
| • Powers and authority                             | 4 – 8   |
| • Guiding principles                               | 9       |
| Membership   | 9 – 10  |
| Non-Bills Committee Members' attendance            | 10      |
| Meeting schedule                                   | 11      |
| Public's attendance                                | 11      |
| Support service                                    | 12 – 13 |
| • Clerk  | 12      |
| • Legal adviser                                    | 12      |
| • Research support provided by the Research Office | 12 – 13 |

### **CHAPTER 2 SCRUTINIZING A BILL**

|                       |         |
|-----------------------|---------|
| Stages                | 14 – 15 |
| Inviting public views | 15      |
| Work progress         | 15 – 16 |

|  | <b>Page</b> |
|--|-------------|
| Merits and principles  | 16          |
| Clause-by-clause examination   | 16 – 17     |
| Amendments   | 17 – 18     |
| Procedural matters relating to resumption of Second Reading debate on a bill | 19 – 20     |
| Holding work in abeyance   | 20          |
| Subsidiary legislation   | 21          |
| Notice for resumption of Second Reading debate on a bill                     | 21 – 22     |
| Withdrawal of bill   | 22          |
| Dissolution of a Bills Committee   | 22          |

### **CHAPTER 3     PREPARATIONS FOR A MEETING**

|                                |         |
|--------------------------------|---------|
| First meeting                  | 23 – 24 |
| Subsequent meetings            | 24 – 25 |
| • Meeting schedule             | 24      |
| • Clash of meetings            | 24      |
| • Lunch time meetings          | 25      |
| Notice of meeting              | 25      |
| Agenda                         | 25 – 27 |
| • Deciding on agenda items     | 25 – 26 |
| • Revised agenda               | 27      |
| • Time allowed for each item   | 27      |
| Inviting attendees             | 27      |
| • The Administration           | 27      |
| • Other organizations          | 27      |
| Deputations                    | 28 – 30 |
| • Invitation                   | 28      |
| • Submission of views          | 28 – 29 |
| • Speaking order               | 29      |
| • Speaking time                | 30      |
| Background briefs              | 30      |
| Papers from the Administration | 30      |
| Research papers                | 31      |
| Personal data                  | 31      |
| Defamatory expressions         | 31      |

|                        | <b>Page</b> |
|------------------------|-------------|
| Other papers           | 31          |
| Chairman's Brief       | 32 – 33     |
| Meeting with the Clerk | 33          |

## **CHAPTER 4     CONDUCTING A MEETING**

|                           |         |
|---------------------------|---------|
| Chairing meetings         | 34 – 35 |
| Quorum                    | 35      |
| Venue not available       | 36      |
| Keeping time              | 36      |
| Order of agenda items     | 36      |
| Privileges and immunities | 37      |
| Order of speaking         | 37      |
| Pecuniary interest        | 37 – 38 |
| Voting                    | 38 – 39 |
| Decisions                 | 39      |
| Voting right of Chairman  | 40      |
| Conduct                   | 40 – 43 |
| • Members                 | 40 – 43 |
| • Public                  | 43      |
| Extension of meetings     | 44      |
| Language                  | 45      |

## **CHAPTER 5     VISITS**

|   |         |
|---|---------|
| Purpose   | 46      |
| Visits outside Hong Kong                            | 46 – 47 |
| • Permission of the House Committee                 | 46      |
| • Forming the delegation                            | 46 – 47 |
| • Funding   | 47      |
| • Preparatory work                                  | 47      |
| • Role of the Clerk                                 | 47      |
| Visits outside Hong Kong in response to invitations | 48 – 49 |
| Visits in Hong Kong                                 | 50      |

## **CHAPTER 6 SUBCOMMITTEES AND WORKING GROUPS**

|                                    |         |
|------------------------------------|---------|
| Subcommittees                      | 51 – 52 |
| • Appointment                      | 51      |
| • Terms of reference               | 51      |
| • Voting and decisions             | 51      |
| • Voting right of Chairman         | 52      |
| • Procedures and practices         | 52      |
| • Reporting to the Bills Committee | 52      |
| • Dissolution                      | 52      |
| Working groups                     | 53      |
| • Formation                        | 53      |
| • No privileges and immunities     | 53      |
| • Terms of reference               | 53      |
| • Reporting to the Bills Committee | 53      |
| • Dissolution                      | 53      |

## **CHAPTER 7 POWERS TO SUMMON WITNESSES**

|  |    |
|--|----|
| Powers to summon witnesses             | 54 |
| Proposal to appoint a select committee | 55 |

## **CHAPTER 8 FOLLOW-UP WORK OF A MEETING**

|   |         |
|---|---------|
| Decisions   | 56      |
| Minutes   | 57      |
| Verbatim records  | 57 – 58 |
| Reports for the House Committee                               | 58 – 61 |
| • Report of a Bills Committee on holding its work in abeyance | 58      |
| • Report upon completion of scrutiny work                     | 58 – 60 |
| • Report on a bill which is to be withdrawn                   | 60      |
| • Comments by the Administration and Chairman                 | 60      |
| • Speaking note   | 61      |

|   | <b>Page</b> |
|---|-------------|
| Reporting to the Legislative Council  | 61 – 63     |
| • Resumption of Second Reading debate   | 61 – 62     |
| • No indication of resumption of Second Reading debate                            | 62          |
| • Resumption of Second Reading debate on a bill for the purpose of withdrawing it | 62 – 63     |
| Addressing the Council  | 63 – 64     |

## **APPENDICES**

|     |   |          |
|-----|---|----------|
| I   | Critical dates for Bills Committees to report to the House Committee for resumption of Second Reading debate on Bills under Rule 54(5) of the Rules of Procedure of the Legislative Council   | 65 – 66a |
| II  | List of public officers designated by the Chief Executive for the purpose of attending meetings of the Legislative Council or its committees  | 67 – 72  |
| III | Key rules/guidelines for voting at committee meetings (including meetings of the House Committee, Panels, Bills Committees and their subcommittees)   | 73 – 74  |
| IV  | Expressions which have been ruled at meetings of the Council, House Committee and Finance Committee to be offensive and insulting language about Members or public officers attending the relevant meeting or unparliamentary in the context in which the expressions were used | 75 – 77  |



## CHAPTER 1 GENERAL

|   | <i>Paragraphs</i> |
|---|-------------------|
| <b>Work of a Bills Committee</b>                | 1.1 – 1.3         |
| <b>Procedures and practices</b>                 | 1.4               |
| <b>Election of Chairman and Deputy Chairman</b> | 1.5 – 1.11        |
| <b>Chairman</b>                                 | 1.12 – 1.18       |
| <b>Membership</b>                               | 1.19 – 1.25       |
| <b>Non-Bills Committee members' attendance</b>  | 1.26              |
| <b>Meeting schedule</b>                         | 1.27 – 1.29       |
| <b>Public's attendance</b>                      | 1.30 – 1.32       |
| <b>Support service</b>                          | 1.33 – 1.37       |

### Work of a Bills Committee

1.1 A Bills Committee may be formed by the House Committee to scrutinize any bill, except Appropriation Bills and bills not referred by the Legislative Council (“LegCo”) to the House Committee. *[RoP 54(4), 75(4) and 76(1)]*

1.2 A Bills Committee is a deliberative forum for studying the policy aspect of the bill under scrutiny, its merits and principles, detailed provisions and any proposed amendments to it. *[RoP 76(7)]*

1.3 A Bills Committee does not have the power to summon witnesses to give evidence, unless it has been authorised by the Council to do so. *[RoP 80(b)]*

## **Procedures and practices**

1.4 The procedures and practices of a Bills Committee are determined by that Bills Committee. In any such determination, a Bills Committee shall take into account any directions or guidelines given or provided by the House Committee under Rule 75(8) (House Committee) of the Rules of Procedure. *[RoP 75(8) and 76(11)]*

## **Election of Chairman and Deputy Chairman**

1.5 The Chairman of a Bills Committee is elected by and from among members of the Bills Committee. If there are two or more valid nominations for the office of Chairman of a Bills Committee, the election shall be conducted at a meeting of the Bills Committee. If there is only one valid nomination for the office of Chairman, the nominee shall be deemed to be elected as Chairman. If there is no valid nomination for the office of Chairman, the member who has the highest precedence in the Bills Committee shall be deemed to be elected as Chairman. The Bills Committee may, after the Chairman is elected or deemed elected, decide whether there is a need to elect a Deputy Chairman. The procedure for election of the Chairman and Deputy Chairman is in Appendix IV to the House Rules. *[RoP 75(3A) and 76(2), HR 20(ka), 21(e) and Appendix IV to HR]*

1.6 Normally, nominations for the offices of Chairman and Deputy Chairman of a Bills Committee shall be submitted to the Secretariat via electronic means at least one clear day<sup>1</sup> before the meeting at which the election is scheduled to be conducted (“the scheduled meeting”). However, the deadline for submission of nomination may be set at 5:00 pm on the day before the scheduled meeting if circumstances so require. The election is normally conducted at the first meeting of the Bills Committee. Upon the close of the nomination period, the Clerk shall distribute a list of valid nominations for the offices of Chairman and Deputy Chairman (if any) and inform members of the arrangements for the scheduled meeting.<sup>2</sup>

*[Appendix IV to HR]*

---

<sup>1</sup> According to Rule 93(b) (Interpretation) of the Rules of Procedure, the expression “clear days” as a period of time excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays, and ends at 5:00 pm on the last day of that period.

<sup>2</sup> The cases where the election of the Chairman and/or Deputy Chairman of a Bills Committee will not be required to be conducted at a scheduled meeting are set out in Appendix IV to the House Rules.

1.7 If there are two or more valid nominations for the office of Chairman of a Bills Committee, an election by secret ballot will be held. The member presiding has both an original vote and a casting vote. Where two or more nominees receive the same highest number of valid votes in the election, lots will be drawn in respect of these nominees, and the member presiding shall exercise his/her casting vote in accordance with the lot drawn by him/her. To ensure the secrecy of the ballot papers, the Clerk will supervise the shredding of the ballot papers immediately after the meeting at which the election(s) is held. *[RoP 76(8B) and 79A(2), Appendix IV to HR]*

1.8 During the election of Chairman, the presiding member shall proceed straight to balloting and shall not hear points of order or entertain any motion. Nominees shall not present election platforms or answer questions from members. *[Appendix IV to HR]*

1.9 After the Chairman is elected or deemed elected, if any valid nomination is received for the office of Deputy Chairman by the deadline specified in paragraph 1.6 above, the Bills Committee may decide at a meeting whether there is a need to elect a Deputy Chairman. If the Bills Committee so decides, the election of the Deputy Chairman shall be held in accordance with the relevant procedures in Appendix IV to the House Rules. Where there is only one valid nomination for the office of Deputy Chairman, the nominee shall be declared elected as Deputy Chairman. Where there is no valid nomination for the office of Deputy Chairman, the Bills Committee shall be deemed to have decided that there is no need to elect a Deputy Chairman. In any case, the nomination shall not be reopened. *[Appendix IV to HR]*

1.10 The Chairman and Deputy Chairman (if any) hold office until the dissolution of the Bills Committee. *[HR 21(e)]*

1.11 A Member whose application for late membership of a Bills Committee is accepted may not seek a re-election of the Chairman or Deputy Chairman of the Bills Committee by reason only of his/her admission to the Bills Committee (see paragraphs 1.20, 1.21 and 1.22 below). *[HR 23(c)]*

## **Chairman**

### Responsibilities

1.12 The responsibilities of the Chairman of a Bills Committee are not explicitly stipulated in the Rules of Procedure or House Rules. However, it is generally accepted by Members that the Chairman has the following responsibilities –

- (a) steering the work of the Bills Committee in consultation with its members;
- (b) chairing meetings and ensuring that the business on the agenda is transacted in a proper and efficient manner;
- (c) maintaining order at meetings;
- (d) presenting the report of the Bills Committee to the House Committee;
- (e) tabling and speaking on the report of the Bills Committee in Council; and
- (f) moving proposed amendments to a bill agreed to by the Bills Committee on its behalf.

1.13 The responsibilities of the Chairman are discussed in greater detail in the following chapters.

### Powers and authority

1.14 The Chairman of a Bills Committee has certain powers and authority. Some of these are provided or reflected in the Rules of Procedure and House Rules. Others are exercised by the Chairman based on practices generally accepted by Members.

1.15 The powers and authority of a Chairman are summarized below –

(a) Preparations for a meeting

*Rules*

- (i) determining the date, time and place of a meeting [*RoP 76(5)*]
- (ii) directing that written notice shorter than three days for a meeting may be given [*RoP 76(5), HR 24(c)*]
- (iii) determining the agenda for a meeting [*RoP 79C*]
- (iv) deciding on the time allotted for discussion on each item on the agenda for a meeting [*HR 24(m)*]
- (v) determining whether a meeting should be cancelled if a Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal or a territory-wide extreme conditions announcement is issued or in force within two hours before the appointed time of the meeting [*HR 28(b)*]

*Practices*

- (vi) deciding on the deadline for submissions, the order of speaking of deputations and their speaking time
- (vii) deciding whether translation into Chinese should be arranged for submissions made in English
- (viii) deciding whether certain documents should be circulated to members
- (ix) deciding how documents containing defamatory remarks/expressions should be dealt with
- (x) giving direction to the Clerk on logistical arrangements for meetings of the Bills Committee

(xi) consenting to the issuance of background briefs and other papers of the Bills Committee prepared by the Clerk to members

(xii) consenting to the issuance of information notes and fact sheets to members

(b) Conducting a meeting

*Rules*

(i) directing a Member, who is interrupting another Member by rising to a point of order, to discontinue speaking if the Chairman is of the opinion that the interruption is an abuse of procedure pursuant to Rule 39(2) (Interruptions) of the Rules of Procedure, unless the Chairman orders under Rule 43 (Application of Rules to Committees) of the Rules of Procedure that Rule 39(2) does not apply to the proceedings of the Bills Committee [*RoP 39(2) and 43*]

(ii) determining whether the sign, graphics, message or any other information on an object displayed by a Member under Rule 42(e) (Behaviour of Members during Meeting) of the Rules of Procedure for illustrating a point in his/her speech while he/she is speaking conforms to Rule 41 (Contents of Speeches) of the Rules of Procedure and rule 19B of the House Rules, unless the Chairman orders under Rule 43 (Application of Rules to Committees) of the Rules of Procedure that Rule 42(e) does not apply to the proceedings of the Bills Committee [*RoP 42(e) and 43, HR 19B*]

(iii) determining whether the provisions under Part H (Rules of Speaking) of the Rules of Procedure which govern the rules of speaking and behaviour of Members at Council meetings should apply to meetings of the Bills Committee [*RoP 36 to 43*]

- (iv) deciding on a point of order and such decision shall be final. Where the Chairman is of the opinion that the raising of a point of order is an abuse of procedure, he/she may decide when and how he/she would deal with the point of order so raised. Such power may also be exercised by the Deputy Chairman of a Bills Committee but not by any other member presiding at that Bills Committee *[RoP 44]*
- (v) directing a Member, who persists in irrelevance or tedious repetition of his/her own or other Members' arguments in the debate, to discontinue his/her speech, after calling the attention of the Bills Committee to the conduct of that Member *[RoP 45(1)]*
- (vi) ordering a Member whose conduct is grossly disorderly to withdraw from a meeting *[RoP 45(2)]*
- (vii) having an original vote, and having a casting vote in addition to his/her original vote in an election of the Chairman and Deputy Chairman of the Bills Committee *[RoP 76(8) and (8B), Appendix IV to HR]*
- (viii) before the appointed ending time of a meeting, deciding whether to extend the meeting, or allowing the meeting to continue for not more than 15 minutes beyond the appointed ending time of the meeting, subject to the availability of the meeting venue *[HR 24A(a)]*
- (ix) closing a meeting when a quorum is not present *[HR 24(g) and (h)]*
- (x) closing a meeting if a Tropical Cyclone Warning Signal No. 8 is issued when the meeting is in progress *[HR 28(c)]*
- (xi) deciding whether to close or continue with a meeting if a Black Rainstorm Warning Signal is issued when the meeting is in progress *[HR 28(d)]*
- (xii) ordering the removal of a member of the press or the public who behaves, or who appears likely to behave, in a disorderly manner from a meeting *[RoP 87, HR 24(s)]*

- (xiii) deciding whether to give consent to a member who has risen without notice to move a motion that members of the press and of the public do withdraw for the remainder of the day's meeting or during the consideration of certain business as specified by the member [RoP 88(1)]

*Practices*

- (xiv) ruling on procedural matters either on his/her own motion or in response to a point of order raised at a meeting

(c) Visits of a Bills Committee

*Rules*

- (i) deciding, in consultation with other Members or the host organization, whether a scheduled visit in Hong Kong should be cancelled or postponed if less than three Members have signed up for the visit [HR 29(d)]

*Practices*

- (ii) giving direction to the Clerk on logistical arrangements for visits of the Bills Committee

(d) Follow-up work of a meeting

*Rules*

- (i) deciding whether the comments of the Administration and other attendees on the minutes of a meeting or any part of the minutes should be sought [HR 25(d) and (e)]

*Practices*

- (ii) clearing reports and minutes of meetings of the Bills Committee prepared by the Clerk

1.16 The powers and authority of a Chairman are discussed in greater detail in the following chapters.



## Guiding principles

1.17 As the Chairman chairs meetings and has the responsibility to ensure that the business on the agenda is transacted in a proper and efficient manner, he/she should be familiar with the relevant rules in the Rules of Procedure and House Rules and practices of Bills Committees. The Chairman should consult the Bills Committee on the course of action to be taken regarding a certain matter, if there are no relevant rules or practices.

1.18 The Chairman should conduct himself/herself with impartiality in discharging his/her responsibilities. He/she should ensure that members have adequate opportunities to take part in the deliberations of the Bills Committee. Where there are differences of opinion, the Chairman should give each side an equal chance to express its views.

## **Membership**

1.19 Members of a Bills Committee are those Members (other than the President) who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee as set out in Appendix IIIB to the House Rules. A Bills Committee shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the Chairman.  
*[RoP 75(3A) and (7), and 76(1A) and (3), HR 20(ka), 21(b) and (cc), and Appendix IIIB to HR]*

1.20 An application for late membership of a Bills Committee shall be considered in accordance with rule 23 of the House Rules after the election of the Chairman and Deputy Chairman (if any) of the Bills Committee, provided that the number of Bills Committee members does not exceed 15 or any maximum number decided by the House Committee. The raising of questions which relate to the signification of membership of the Bills Committee, after the time when a Member should signify his/her membership, shall be deemed to be an application for late membership.  
*[HR 23(a)]*

1.21 It is for a Bills Committee to decide whether an application for late membership should be accepted and such application shall only be accepted if there exist sufficient grounds for doing so. *[HR 23(b)]*

1.22 Any Member who has failed to be admitted as a member of a Bills Committee may put his/her case to the House Committee for decision. *[HR 23(d)]*

1.23 A Member who joins the Council after the start of a session may join a Bills Committee by submission of a return to the Secretariat within one month of the date on which he/she is declared elected as Member of the Council, provided that the number of members of the Bills Committee does not exceed 15 or any maximum number decided by the House Committee. His/her membership of the Bills Committee shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a Bills Committee exceeds the number of committee seat(s) of that Bills Committee available for allocation, lots will be drawn for determining the allocation of the committee seat(s) in that Bills Committee in accordance with the mechanism set out in Appendix IIIB to the House Rules. *[HR 21(d) and Appendix IIIB to HR]*

1.24 Members of a Bills Committee should try to attend all meetings and stay through each meeting. *[HR 21(i)(ii)]*

1.25 In the event that a vacancy in a Bills Committee arises before its completion of work, such vacancy will not be filled. *[Appendix IIIB to HR]*

### **Non-Bills Committee Members' attendance**

1.26 A Member may attend any meeting of any Bills Committee, regardless of whether he/she is a member of that Bills Committee. A non-Bills Committee Member, however, does not have any voting right in respect of the business of the Bills Committee. *[HR 24(d)]*

## **Meeting schedule**

1.27 At the first meeting of a Bills Committee, the Chairman should invite the Bills Committee to consider whether it is necessary to anticipate the number of subsequent meetings and set tentative dates for these meetings. Whenever feasible, a Bills Committee should meet frequently.

*[HR 21(i)(i) and 24(l)]*

1.28 In normal circumstances, a Bills Committee should not book more than three time slots at a time. *[HR 24(l)]*

1.29 If a Bills Committee, however, decides to meet very frequently or it has difficulties in finding meeting slots, it may be necessary to book more than three time slots in advance.

## **Public's attendance**

1.30 Meetings of a Bills Committee are held in public unless the Chairman otherwise orders in accordance with any decision of the Bills Committee. *[RoP 76(6)]*

1.31 Where a decision is to be made on whether a meeting or any part of it should be held in private, the decision should be made at an open meeting.

1.32 The public should be admitted to all open meetings of a Bills Committee as long as there are seats in the public galleries of the meeting venue. *[HR 24(q)]*

## **Support service**

### Clerk

1.33 A Clerk is assigned to each Bills Committee. The Clerk together with his/her team provide secretariat services for the Bills Committee and its subcommittees/working groups. The Clerk is the procedural adviser to the Chairman and the Bills Committee, as well as the resource person on the subjects discussed by the Bills Committee. The Clerk follows up decisions of the Bills Committee and prepares background briefs, minutes of meetings, and reports, etc. The Clerk also oversees logistical arrangements for meetings and visits of the Bills Committee.

### Legal adviser

1.34 A legal adviser is assigned to each Bills Committee to provide legal advice and support to the Bills Committee and its subcommittees/working groups.

1.35 Amendments proposed to be moved by the Chairman, Deputy Chairman (if any) or any other member on behalf of the Bills Committee to the bill allocated to it are drafted by the legal adviser. Amendments proposed to be moved by the Administration are scrutinized by the legal adviser to ascertain that the drafting reflects what has been discussed at meetings of the Bills Committee. Individual members are responsible for drafting the amendments proposed to be moved by him/her. The legal adviser may provide assistance to the member(s) if necessary.

### Research support provided by the Research Office

1.36 The Research Office provides research support for Bills Committees. On the instruction of a Bills Committee, the Office undertakes an in-depth study and analysis of a subject and produces a research paper for the Bills Committee, usually in the format of information note or fact sheet. References to policy practices and experiences in Hong Kong and other places are normally made in such a study.

1.37 The Bills Committee should have regard to the fact that such types of studies normally take about four to six weeks to complete, before deciding whether a study should be undertaken.

## CHAPTER 2 SCRUTINIZING A BILL

|   | <i>Paragraphs</i> |
|---|-------------------|
| <b>Stages</b>   | 2.1 – 2.2         |
| <b>Inviting public views</b>  | 2.3 – 2.5         |
| <b>Work progress</b>  | 2.6 – 2.9         |
| <b>Merits and principles</b>  | 2.10 – 2.12       |
| <b>Clause-by-clause examination</b>   | 2.13 – 2.16       |
| <b>Amendments</b>   | 2.17 – 2.25       |
| <b>Procedural matters relating to resumption of<br/>Second Reading debate on a bill</b> | 2.26 – 2.31       |
| <b>Holding work in abeyance</b>   | 2.32 – 2.34       |
| <b>Subsidiary legislation</b>   | 2.35              |
| <b>Notice for resumption of Second Reading<br/>debate on a bill</b>                     | 2.36 – 2.39       |
| <b>Withdrawal of bill</b>   | 2.40 – 2.41       |
| <b>Dissolution of a Bills Committee</b>   | 2.42              |

### Stages

2.1 The scrutiny work of a Bills Committee normally comprises the following stages –

- (a) first, to consider the general merits and principles of the bill under scrutiny, including its policy aspect [RoP 76(7)];
- (b) second, to consider the drafting and legal aspects of the bill through clause-by-clause examination of the bill [RoP 76(7)];
- (c) third, to consider proposed amendments, if any, to the bill [RoP 76(7)]; and
- (d) fourth, to consider procedural matters relating to the resumption of Second Reading debate on the bill.

A Bills Committee may make adjustment, if necessary, to the sequence of the above stages to suit its circumstances. For instance, to expedite scrutiny of an urgent bill, the Bills Committee concerned may decide to immediately proceed to the clause-by-clause examination of the bill, and consider the general merits and principles of the bill in the course of the clause-by-clause examination.

2.2 The stages of scrutiny are discussed in greater detail in paragraphs 2.10 to 2.31 below.

### **Inviting public views**

2.3 It is for the Bills Committee to decide whether public views on the bill under its study should be invited. It should be noted that on occasions, the Administration may have consulted selected organizations/bodies in the course of formulating details of the bill. However, these organizations/bodies may not have the opportunity to express their views on the draft or final text of the bill.

2.4 There is no standard practice as to whether views should be obtained first before the Bills Committee proceeds to scrutinize the bill, or whether obtaining views and scrutinizing the bill should proceed in parallel. It is also for individual Bills Committees to decide.

2.5 Arrangements in respect of inviting deputations are discussed in paragraphs 3.23 to 3.34 of Chapter 3.

### **Work progress**

2.6 The scrutiny of a bill should be conducted quickly and, whenever possible, be completed within three months of its commencement. Should there be the need for a Bills Committee to work beyond this period, the House Committee should be informed of an extension of the period. *[HR 21(h)]*

2.7 The Chairman of a Bills Committee should monitor closely the progress of the bill under consideration. *[HR 21(i)(iv)]*

2.8 The Chairman should regularly review the progress of the scrutiny of the bill with the Clerk and the legal adviser to the Bills Committee, and consult the Bills Committee on the way forward. For instance, whether the Bills Committee needs more time to scrutinize the bill, or whether the scrutiny of the bill needs to be expedited.

2.9 Reopening of discussion on issues on which there has been full deliberation should not be allowed. *[HR 21(i)(iii)]*

### **Merits and principles**

2.10 As discussed in paragraph 2.1 above, in scrutinizing a bill, it is the normal practice to first consider the general merits and principles of the bill, including its policy aspect. *[RoP 76(7)]*

2.11 If the bill is complex, the Bills Committee should draw up a work plan to guide its work. The work plan should set out the subject areas or policy issues to be studied as well as the order of and timeframe for studying these areas or issues.

2.12 Normally, the Chairman, with the assistance of the Clerk and the legal adviser, prepares a draft work plan for the consideration of the Bills Committee.

### **Clause-by-clause examination**

2.13 In conducting clause-by-clause examination of a bill, the Chairman should invite the Bills Committee to first examine either the English text or the Chinese text of the bill. In the case of an amendment bill, a marked-up copy of the relevant Ordinance(s) to be amended by the bill will be prepared by the Legal Service Division to assist the Bills Committee in its scrutiny. *[RoP 76(7)]* In the case of a lengthy or urgent amendment bill, the Administration may be requested to provide a marked-up copy of the relevant Ordinance(s) to be amended by the bill to facilitate the work of the Bills Committee.



2.14 At the commencement of the clause-by-clause examination of the bill, the Administration should brief members on the overall structure of the bill. The Bills Committee should first examine the long title and preamble (if any) of the bill, and then examine the clauses and schedules (if any) one by one, in accordance with their serial number.

2.15 In examining a clause, the Chairman should invite the Administration to explain the clause and, if necessary, the relevant clauses or schedules. The Chairman should also invite the legal adviser to give his/her views, if any, on the legal and drafting aspects of the clause and the relevant clauses or schedules.

2.16 After the examination of the text of the bill in one language has been completed, the Bills Committee should move on to consider the text in the other language. Alternatively, the Bills Committee may request the legal adviser to examine the text in the other language, and to alert the Bills Committee if issues are identified at this stage of work which require the Bills Committee to consider.

## **Amendments**

2.17 It is the normal practice for a Bills Committee to consider any amendments proposed by the Administration, the Bills Committee and individual members to the bill, and to attach to its written report for the House Committee the text of the proposed amendments (see paragraph 8.18 of Chapter 8). *[RoP 76(7)]*

2.18 To facilitate the Bills Committee to consider the proposed amendments, the Administration is normally invited to provide the following papers –

- (a) explanation on the amendments proposed by the Administration;  
and
- (b) the Administration's written response to the amendments proposed by the Bills Committee and/or individual members.

2.19 The Administration or the legal adviser is normally invited to provide a marked-up copy of the relevant bill and/or Ordinance(s) showing the proposed amendments.

2.20 It may be necessary for the Bills Committee to invite deputations, such as the relevant professional bodies or trade associations, to give views on important or controversial proposed amendments to the bill.

2.21 In the situation where the Administration does not agree to move certain proposed amendments to the bill and there is agreement among the majority of the members on such proposed amendments, the Bills Committee should consider whether the Chairman should move the amendments on behalf of the Bills Committee.

2.22 If the Chairman is not in favour of the proposed amendments, he/she should invite the Bills Committee to consider whether the Deputy Chairman (if any) or any other member who is in favour of the proposed amendments should move the amendments on behalf of the Bills Committee.

2.23 Amendments proposed to be moved by the Chairman, Deputy Chairman (if any) or any other member to the bill on behalf of the Bills Committee are drafted by the legal adviser to the Bills Committee. Individual members are responsible for drafting the amendments proposed to be moved by him/her. The legal adviser may provide assistance to the member(s) if necessary.

2.24 Notice of amendments proposed to be moved to a bill shall be given not less than 7 clear days before the relevant Council meeting (see paragraph 2.26(b) below). The Chairman of a committee of the whole Council has the discretion to dispense with the notice. *[RoP 57(2)]*

2.25 Amendments proposed to be moved to a bill are subject to certain restrictions set out in Rule 57 (Amendments to Bills) of the Rules of Procedure. Amendments proposed by the Administration, Bills Committees and individual Members to bills are subject to the ruling of the President or the Chairman of a committee of the whole Council on whether they may be moved. *[RoP 19(1A) and 57(4) to (6)]*

## **Procedural matters relating to resumption of Second Reading debate on a bill**

2.26 At an appropriate juncture, e.g. when a Bills Committee is about to conclude its deliberations, the Chairman of the Bills Committee should request the Administration or the Member in charge of the bill to indicate the date of the resumption of the Second Reading debate on the bill, to enable the Bills Committee to –

- (a) plan when it will provide a report on its deliberations to the House Committee (see paragraphs 8.13 to 8.18 of Chapter 8); and
- (b) ascertain the deadline for giving notice of amendments to the bill (paragraph 2.24 above refers).

2.27 The Chairman of the Bills Committee normally invites members to give views on the resumption date and may request the Administration or the Member in charge of the bill to consider the Bills Committee's views about the date.

2.28 A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the House Committee of its deliberations and then further report to the Council (see paragraphs 8.22 to 8.26 of Chapter 8). A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill as specified in paragraph 2.24 above. *[RoP 76(9), HR 21(j)]* In the situation where a Bills Committee has completed its work, but the Administration has not yet decided on the resumption date, the Bills Committee should proceed to provide its report to the House Committee (see paragraphs 8.13 to 8.18 of Chapter 8).

2.29 If a Bills Committee states in its report that it has completed consideration of the bill allocated to it and the report has been received by the House Committee, subject to Rule 75(17A) (House Committee) of the Rules of Procedure, the bill is regarded as ready for resumption of Second Reading debate in the Council, and the Chairman of the House Committee or, in his/her absence, the Deputy Chairman of the House Committee, shall arrange for the public officer or Member in charge of the bill to be so notified whereupon the public officer or Member may give notice in writing to the Clerk to LegCo to resume the Second Reading debate on the bill in accordance with Rule 54(5) (Second Reading) of the Rules of Procedure. *[HR 20(g)]*

2.30 The critical dates for Bills Committees to report to the House Committee for resumption of Second Reading debate on Bills under Rule 54(5) (Second Reading) of the Rules of Procedure in the current session are detailed in *Appendix I*.

2.31 The requisite notice period for the resumption of Second Reading debate on bills is discussed in paragraphs 2.36 to 2.39 below.

### **Holding work in abeyance**

2.32 On its own initiative or at the request of the Administration, a Bills Committee may decide to hold its work in abeyance and release its slot to the House Committee. For instance, a Bills Committee may hold its work in abeyance to allow the Administration time (e.g. a few months or more) to conduct consultation or to respond to issues or queries raised by the Bills Committee.

2.33 If the Bills Committee decides to hold its work in abeyance, a report should be made to the House Committee (see paragraphs 8.11 and 8.12 of Chapter 8). *[HR 21(g) and (i)(iv)]*

2.34 Upon receiving such a report from the Bills Committee, the House Committee decides whether the next Bills Committee on the waiting list should be activated. A Bills Committee held in abeyance will not normally be reactivated until a vacant slot arises to accommodate its reactivation. *[HR 21(g)]*

## **Subsidiary legislation**

2.35 Normally, a Bills Committee does not study the draft subsidiary legislation to be made under the bill after its enactment, except if the Bills Committee considers that studying the draft subsidiary legislation is essential to the scrutiny of the bill.

## **Notice for resumption of Second Reading debate on a bill**

2.36 If the resumption of Second Reading debate on a bill is to take place 9 clear days after the meeting of House Committee at which the bill was considered as ready for resumption of debate, notice of resumption shall be given no later than 2 clear days after that House Committee meeting.

*[RoP 54(5)(a) and (e)]*

2.37 If the House Committee recommends that the Second Reading debate be resumed at the following Council meeting, resumption may take place with the permission of the President and notice of resumption is to be given no later than 2 clear days after that House Committee meeting.

*[RoP 54(5)(c) and (e)]*

2.38 In other situations, notice of resumption of Second Reading debate is to be given by the public officer or Member in charge of the bill not less than 12 clear days before the day on which the debate is to be resumed. *[RoP 54(5)(d)]*

2.39 The President has the discretion to dispense with the notice for resumption of Second Reading debate referred to in paragraphs 2.36, 2.37 and 2.38 above. *[RoP 54(5)]*

### **Withdrawal of bill**

2.40 In the situation where the public officer or Member in charge of a bill decides not to proceed with the bill, he/she may give notice to resume the Second Reading debate on the bill for the purpose of making an announcement for the withdrawal of the bill. The public officer or the Member may address the Council on matters relevant to the withdrawal but no debate may arise on such an address. *[RoP 64(2) and (3)]*

2.41 The Bills Committee concerned should provide a report to the House Committee (see paragraphs 8.18 and 8.19 of Chapter 8).

### **Dissolution of a Bills Committee**

2.42 A Bills Committee is dissolved as soon as the bill it has considered passes through the Council, or when the House Committee so decides. *[HR 21(r)]*

## CHAPTER 3 PREPARATIONS FOR A MEETING

|                                       | <i>Paragraphs</i> |
|---------------------------------------|-------------------|
| <b>First meeting</b>                  | 3.1 – 3.2         |
| <b>Subsequent meetings</b>            | 3.3 – 3.9         |
| <b>Notice of meeting</b>              | 3.10 – 3.11       |
| <b>Agenda</b>                         | 3.12 – 3.19       |
| <b>Inviting attendees</b>             | 3.20 – 3.22       |
| <b>Deputations</b>                    | 3.23 – 3.34       |
| <b>Background briefs</b>              | 3.35 – 3.36       |
| <b>Papers from the Administration</b> | 3.37 – 3.39       |
| <b>Research papers</b>                | 3.40 – 3.41       |
| <b>Personal data</b>                  | 3.42              |
| <b>Defamatory expressions</b>         | 3.43              |
| <b>Other papers</b>                   | 3.44              |
| <b>Chairman’s Brief</b>               | 3.45 – 3.46       |
| <b>Meeting with the Clerk</b>         | 3.47              |

### First meeting

3.1 The member who has the highest precedence on the preliminary membership list sets the date and time of the first meeting of a Bills Committee. The preliminary membership list comprises Members who have indicated their intention to join the Bills Committee by a show of hands at a meeting of the House Committee at which a bill is allocated to the Bills Committee. Members may also inform the Chairman of the House Committee of such intention before the close of that House Committee meeting. *[HR 21(c) and (ca)]*

3.2 The election of the Chairman and Deputy Chairman (where applicable) of a Bills Committee normally takes place at the first meeting of the Bills Committee. The procedure for election of the Chairman and Deputy Chairman is provided in Appendix IV to the House Rules. After the election, if any, the Bills Committee will –

- (a) meet with the Administration to commence discussion on the bill allocated to it;

- (b) consider whether it is necessary to invite deputations to give views on the bill;
- (c) determine the frequency of meetings; and
- (d) set the dates and time of subsequent meetings.

## **Subsequent meetings**

### Meeting schedule

3.3 The Chairman sets the date and time of a meeting. Whenever feasible, the Bills Committee should meet frequently. *[RoP 76(5), HR 21(i)(i)]*

3.4 If the Bills Committee has agreed on a meeting schedule, the Chairman should set the date and time of a meeting according to the schedule, unless there is reason to reschedule the meeting. Members should be informed of the reason for rescheduling.

3.5 If a member of a Bills Committee makes a request for holding a meeting to discuss a specific issue of urgent importance and the Chairman cannot be contacted for considering the request within 48 hours, the Deputy Chairman (if any) will then decide whether to convene the meeting and, if convened, the date, time and place of it. *[RoP 79B]*

3.6 To enable the Clerk to convey a request for holding an urgent meeting of a Bills Committee, the Chairman and Deputy Chairman (if any) should provide the Clerk with adequate information on how they can be contacted.

### Clash of meetings

3.7 Efforts should be made, as far as practicable, to avoid scheduling two meetings within the same time slot. *[HR 24(b)]*

3.8 If a clash of two meetings cannot be avoided, there should be no or minimum overlapping of membership between the two committees, or no member of the Bills Committee is expected to attend the other meeting.



### Lunch time meetings

3.9 Where necessary, a meeting during lunch time, normally from 1:00 pm to 2:15 pm, may be scheduled.

### **Notice of meeting**

3.10 Notice of the date, time and place of a meeting should be given by the Clerk at least three days before the day of the meeting unless the Chairman directs that shorter notice be given. *[RoP 76(5), HR 24(c)]*

3.11 The agenda for a meeting should be issued together with the notice of that meeting.

### **Agenda**

#### Deciding on agenda items

3.12 The agenda for a meeting of a Bills Committee shall be determined by its Chairman, except where its Deputy Chairman (if any) has made a determination in accordance with Rule 79B (Determining the Time and the Place of a Meeting of a Committee by the Deputy Chairman of the Committee) of the Rules of Procedure. *[RoP 79C]* It is the normal practice for the Chairman to consult members at a Bills Committee meeting on the agenda items for future meetings.

3.13 The agenda items of a Bills Committee meeting are normally couched in general terms, such as “Meeting with the Administration”, “Continue discussion with the Administration”. “Meeting with deputations” or “Clause-by-clause examination”. If the Bills Committee has drawn up a work plan setting out the subject areas and policy issues to be studied and the order of studying these areas or issues, the Chairman should consider whether the specific areas or issues to be discussed at a particular meeting should be stated in the agenda to facilitate members to prepare for the meeting and to bring along the relevant papers to the meeting.

3.14 The agenda, as determined by the Chairman, should be issued to members together with the notice of meeting.

3.15 Upon the request of the Administration or individual members, it is for the Chairman to decide whether a special/urgent item or subject area/policy issue should be added to the agenda for a meeting. In considering whether to accede to the request, the Chairman should have regard to –

- (a) whether sufficient time can be allotted to the item/subject area/policy issue;
- (b) whether sufficient notice can be given to members, the Administration and other parties concerned; and
- (c) whether relevant information about the item/subject area/policy issue can be provided to members at a reasonable time before the meeting to facilitate discussion on it.

3.16 Where there is a request to defer discussion on an item/subject area/policy issue, it is for the Chairman to decide whether the request should be acceded to, having regard to relevant factors such as whether there is urgency in discussing the item/subject area/policy issue or whether the item/subject area/policy issue is controversial (see paragraph 3.39 below regarding late submission of papers and proposed amendments). The Chairman may consult, if he/she considers it appropriate, members of the Bills Committee before making his/her decision.

3.17 Where there is a request to alter the order of items/subject areas/policy issues on an agenda, the Chairman should consider whether there is good reason for the request, whether the change will cause inconvenience for other attendees, and whether reasonable notice can be given to members about the change, before making a decision on the request.

### Revised agenda

3.18 Where subsequent changes are made to the agenda for a meeting, a revised agenda should be issued as soon as possible by the Clerk, to ensure that members are given notice of what will be discussed at the meeting.

### Time allowed for each item

3.19 It is for the Chairman to decide beforehand the time allowed for discussion on each item/subject area/policy issue, and instruct the Clerk to have the time indicated on the agenda. *[HR 24(m)]*

## **Inviting attendees**

### The Administration

3.20 It is the normal practice for the policy bureau concerned to coordinate the attendance of public officers for discussion on a certain item/subject area/policy issue.

3.21 The Chairman or the Bills Committee may request that a certain public officer be invited. *[RoP 9(4)]*

### Other organizations

3.22 Representatives, other than those from the Administration, such as representatives of public bodies, may be invited by a Bills Committee to attend its meeting for discussion on a certain item/subject area/policy issue on the agenda.

## **Deputations<sup>3</sup>**

### Invitation

3.23 A Bills Committee may invite deputations to make written submissions and oral representations to the Bills Committee on the bill under scrutiny. The Chairman normally invites members to give views on which organizations or individuals should be approached.

3.24 If the bill in question is of wide public concern, it is the normal practice for the Bills Committee to invite views from the public by issuing press releases and/or posting a notice on the LegCo website. The 18 District Councils will be notified of the invitation.

### Submission of views

3.25 Unless there is great urgency in obtaining views from deputations, it is the normal practice to allow two to three weeks for deputations to send in their written submissions. The deadline for submissions and requests for making oral representations is normally one to two weeks prior to the relevant meeting.

3.26 The Chairman has the discretion to obliterate names of groups/organizations with connotation that might compromise the dignity or solemnity of the proceedings of the Bills Committee.

3.27 The Chairman decides whether requests for making oral representations, which are received after the deadline, should be acceded to.

3.28 Deputations who have put in written submissions prior to the meeting may make further submissions after the meeting on points not covered in their earlier submissions. *[HR 25(c)]*

---

<sup>3</sup> In this Handbook, deputations include groups/organizations as well as individual members of the public who are interested in submitting their views to a Bills Committee on a certain subject.

3.29 The Chairman decides whether translation into Chinese should be arranged for written submissions made in English. Summary translation into Chinese may be considered for very lengthy submissions made in English. Submissions are circulated to members and made available to the public, unless the deputations concerned raise objection.

3.30 Written submissions are also forwarded to the Administration for its response to the issues and concerns raised in the submissions.

3.31 Where necessary, the Clerk prepares summaries of issues and concerns raised in the submissions received from deputations and the Administration's response to these issues and concerns.

3.32 To ensure fairness to participating deputations, each deputation should not be allowed to make oral representation more than once at meetings of the Bills Committee held for the purpose of receiving public views on a subject. However, the Chairman has the discretion to accede to special requests from deputations to make oral representation to the Bills Committee more than once (not necessarily in different capacities) on a subject if the situation so warrants and the Chairman considers that such requests are justified.

#### Speaking order

3.33 The Chairman determines the speaking order of deputations by applying the following criteria –

- (a) in the order of receipt of the replies; or
- (b) by groups having regard to the background or nature of the deputations; or
- (c) preference of the deputations, if any.

### Speaking time

3.34 The Chairman determines the speaking time limit for deputations. In principle, equal speaking time should be allotted to deputations attending the same meeting.

### **Background briefs**

3.35 The Clerk prepares a background brief on the relevant bill to facilitate the Bills Committee's discussion at the first meeting of the Bills Committee.

3.36 Where practicable and considered necessary by the Chairman, the Clerk prepares background briefs on specific subjects, particularly those involving important, complex, and/or controversial issues, to facilitate the Bills Committee's discussion. The Chairman's consent is sought by the Clerk before issuance of the brief to members.

### **Papers from the Administration**

3.37 It is the normal practice to request the Administration to respond in writing to the issues and concerns raised by members, and to provide other relevant discussion papers for a Bills Committee meeting.

3.38 Unlike the provision of discussion papers for Panels, there are no agreed deadlines with the Administration for the provision of papers for Bills Committee meetings, because the frequency of Bills Committee meetings varies from case to case.

3.39 As a Bills Committee invariably consults the Administration's representatives in fixing the date of its next meeting, the Administration should have assessed its ability to provide discussion papers or proposed amendments at a reasonable time before the meeting. In line with the practice of Panels, the Chairman should invite the Bills Committee to consider whether discussion on papers or proposed amendments that arrive too late before a meeting should be deferred, if the situation warrants.

## **Research papers**

3.40 The consent of the Chairman is sought for the issuance of an information note or fact sheet produced by the Research Office.

3.41 If necessary, the Chairman can comment on the draft research paper (and may also invite interested members of the Bills Committee to provide comments) before it is finalized for circulation to all members of the Bills Committee. Internal deliberation may be held to consider whether the draft paper has covered all the aspects expected to be covered in the study.

## **Personal data**

3.42 Personal data contained in a document is normally obliterated before issuance.

## **Defamatory expressions**

3.43 If a document, e.g. submission from a deputation, contains defamatory remarks/expressions made against or which may be embarrassing to any person or body, etc, the Chairman of a Bills Committee should instruct the Clerk on how such a document should be dealt with. It may be necessary to restrict the circulation of such a document to members only, or to obliterate the remarks/expressions before circulation.

## **Other papers**

3.44 The Chairman of a Bills Committee decides whether certain documents sent to the Bills Committee, which are not related to any agenda item, subject area or policy issue to be discussed, should be circulated to members.

## **Chairman's Brief**

3.45 A Brief for the Chairman of a Bills Committee is prepared by the Clerk for every meeting (other than the first meeting), and is normally sent to the Chairman not less than one working day before a meeting. The Brief usually contains the following information –

- (a) the number of members required to form a quorum of the meeting;
- (b) a list of the members of the Bills Committee, representatives of the Administration and other organizations and Secretariat staff attending the meeting;
- (c) date of the meeting the minutes of which are to be confirmed;
- (d) outstanding issues and concerns raised at previous meetings to be followed up and new issues to be discussed by the Bills Committee;
- (e) titles of papers for the meeting;
- (f) matters requiring the Bills Committee's attention/decision;
- (g) a reminder of the date of the next meeting; and
- (h) any procedural or other matters to which the Chairman's attention should be drawn.

3.46 The following information is also included in the Brief when it is anticipated that the Bills Committee is about to conclude its deliberation –

- (a) the date of the Council meeting at which the Second Reading debate on the bill is to resume;
- (b) the date of the House Committee meeting at which the Bills Committee is to provide a written report;



- (c) the deadline for giving notice of resumption of Second Reading debate on the bill; and
- (d) the deadline for giving notice of amendments to the bill.

### **Meeting with the Clerk**

3.47 Where necessary, the Chairman and Deputy Chairman (if any) of a Bills Committee may meet with the Clerk before a meeting to receive an update on the items to be discussed and to consider any procedural points which may be brought up at the meeting.

## CHAPTER 4 CONDUCTING A MEETING

|                                  | <i>Paragraphs</i> |
|----------------------------------|-------------------|
| <b>Chairing meetings</b>         | 4.1 – 4.4         |
| <b>Quorum</b>                    | 4.5 – 4.8         |
| <b>Venue not available</b>       | 4.9               |
| <b>Keeping time</b>              | 4.10 – 4.11       |
| <b>Order of agenda items</b>     | 4.12              |
| <b>Privileges and immunities</b> | 4.13 – 4.14       |
| <b>Order of speaking</b>         | 4.15 – 4.16       |
| <b>Pecuniary interest</b>        | 4.17 – 4.19       |
| <b>Voting</b>                    | 4.20 – 4.26       |
| <b>Decisions</b>                 | 4.27 – 4.28       |
| <b>Voting right of Chairman</b>  | 4.29 – 4.30       |
| <b>Conduct</b>                   | 4.31 – 4.37       |
| <b>Extension of meetings</b>     | 4.38 – 4.41       |
| <b>Language</b>                  | 4.42 – 4.43       |

### Chairing meetings

4.1 The Chairman of a Bills Committee chairs the meetings of the Bills Committee. In his/her absence, the Deputy Chairman (if any) takes the chair at the meeting.

4.2 In the temporary absence of the Chairman and Deputy Chairman (if any), the Bills Committee may elect a Chairman to act during their absence. [RoP 76(2)]

4.3 Although the Chairman has the same rights, in principle, as any other member to give his/her views, the Chairman should intervene as little as possible in a discussion and should not usually express personal opinions, in order to avoid giving the impression or being accused of taking sides.

4.4 Where the Chairman of a Bills Committee considers that there may be concern about conflict of interest or conflict of roles in his/her chairing a meeting for discussion on a certain item, he/she should make a declaration of the matter which is the cause for the concern and invite the Bills Committee to consider whether he/she should preside over the discussion on the item. The Bills Committee may decide whether the Deputy Chairman (if any) or another member should preside.

## **Quorum**

4.5 The quorum of a Bills Committee is three members including the Chairman or one-third of its members including the Chairman (a fraction of the whole number being disregarded), whichever is the greater.

*[RoP 76(3)]*

4.6 If a quorum is not present within 15 minutes of the appointed time, the Chairman should cancel the meeting. *[HR 24(g)]*

4.7 In the case where a meeting has just been cancelled, and then all members of the Bills Committee are present and the public officers are still available, the Chairman may, with the agreement of all members, call another meeting to be held immediately. *[RoP 76(5), HR 24(c)]*

4.8 If the attention of the Chairman is drawn by a member of the Bills Committee to the fact that a quorum is not present during a meeting, he/she should ask that members be summoned. Unless a quorum is present within 15 minutes, the Chairman shall close the meeting without question put. *[HR 24(h)]*

## **Venue not available**

4.9 In the situation where a quorum of a Bills Committee is present but the venue for a meeting is not available at the appointed meeting time, because the meeting held in the same venue in an earlier time slot has overrun, the following arrangement may be adopted: the Chairman of the meeting in progress should suspend the meeting to enable the other Chairman to declare the meeting open and then immediately suspend the meeting. The earlier meeting can then resume and the other meeting can be held after the earlier meeting has ended.

## **Keeping time**

4.10 The Chairman of a Bills Committee should have regard to the time allotted to each item and should keep tight time control to ensure that business on the agenda is dealt with before the appointed ending time of a meeting. The Chairman may, before the appointed ending time of the meeting, decide to extend the meeting or allow the meeting to continue for not more than 15 minutes beyond the appointed ending time of the meeting, provided that the meeting venue is available. *[HR 24A(a)]*

4.11 Further extension of the meeting is subject to the conditions detailed in paragraphs 4.39, 4.40 and 4.41 below.

## **Order of agenda items**

4.12 Items should be taken in the order in which they appear on the agenda. If there is a request for the order of an item to be varied, it is for the Chairman of a Bills Committee to decide whether the request should be acceded to. The Chairman may consult, if he/she considers it appropriate, members of the Bills Committee as well as representatives of the Administration and/or other parties concerned, such as deputations, before making his/her decision.

## **Privileges and immunities**

4.13 At meetings of the Council or its committees, the privileges and immunities provided by the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) are available to all Members, the Chief Executive and any public officer designated by the Chief Executive for the purpose of attending such meetings. A list of the public officers so designated is in *Appendix II*.

4.14 Where discussion on an item is attended by persons who are not covered by the privileges and immunities provided under Cap. 382, e.g. deputations, the Chairman of a Bills Committee should remind them, at the beginning of the discussion, that when addressing the Bills Committee they do not have such protection and their written submissions are also not protected.

## **Order of speaking**

4.15 Members should register their intention to speak at a meeting by raising their hands or through the “Request To Speak” System. The Chairman of a Bills Committee should call upon Members to speak in turn, having regard to the order in which they have raised their hands or pressed the button requesting to speak.

4.16 Where there are differences of opinion, the Chairman should, as far as possible, give each side an equal chance to express its views.

## **Pecuniary interest**

4.17 It is a Member’s responsibility to disclose the nature of his/her pecuniary interest in a matter being considered by a Bills Committee to other people to judge, whether direct or indirect, if his/her views on the matter have been influenced by his/her interest. A Member should disclose the nature of his/her pecuniary interest at the beginning of his/her speech on that matter. He/she should not move any motion or amendment relating to a matter in which he/she has a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he/she discloses the nature of that interest. [RoP 83A]

4.18 A Member should not vote on any question in which he/she has a direct pecuniary interest, except where his/her interest is in common with the rest or a sector of the population of Hong Kong, or his/her vote is given on a matter of Government policy. *[RoP 84(1)]*

4.19 “Direct pecuniary interest” should be immediate and not merely of a remote or general character. As regards “indirect pecuniary interest”, it is an interest not immediate and personal to a Member, but does have a certain relationship with the Member which would make a reasonable person to consider that such interest might have certain influence on the action or speech of the Member.

## **Voting**

4.20 Matters for the decision of a Bills Committee are decided by a majority of the members voting. Non-Bills Committee Members do not have voting right in respect of the business of the Bills Committee. *[RoP 76(8), HR 24(d)]*

4.21 Before a matter is voted upon at a meeting of a Bills Committee, a voting bell will be rung if the Chairman orders, on his/her own motion or upon the request of a member of the Bills Committee, that the members of the Bills Committee be notified of the voting.<sup>4</sup> The Bills Committee will proceed to vote immediately after the bell has been rung for five minutes. However, if a Council meeting is being held at that time, the bell will not be rung. *[HR 24(i)]*

4.22 Where no voting bell is provided for the venue where a Bills Committee meets or if the bell does not function or may not be rung, the Chairman should order the Clerk to arrange for members of the Bills Committee within the precincts of the Chamber to be notified of the voting. The voting will be held 10 minutes after the order has been made. *[HR 24(j)]*

---

<sup>4</sup> The voting bell may be rung irrespective of whether the Bills Committee concerned is proceeding to a division; and a Bills Committee may proceed to a division without ringing a voting bell.

4.23 Voting by members at a meeting of a Bills Committee is by a show of hands. When a division is claimed, members may, with the consent of the Chairman, cast their votes in the division through an Electronic Voting System if it is provided.

4.24 A question put to vote will be regarded as agreed to if more members voted in favour of it than those who voted against it. It is the normal practice to record the number of members who abstained from voting, but the number of abstentions is not counted for the purpose of determining the result of the vote. The key rules/guidelines for voting at committee meetings are set out in *Appendix III*.

4.25 If a member wishes to claim a division of the votes, the member must make the request before the Chairman declares the result of the vote.

4.26 When the Chairman orders a division, the Clerk will record the names of members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then instruct the Clerk to read out the names of the members who are in favour of the question put, those who are not in favour of the question put, and those who abstain from voting. The Chairman should then declare the result of the vote. The number of abstentions is not counted for the purpose of determining the result of the vote, as detailed in paragraph 4.24 above.

## **Decisions**

4.27 The Chairman may instruct that a matter for the decision of a Bills Committee be considered by circulation of papers to its members. The matter will be deemed to be approved by the Bills Committee, if a majority of the members of the Bills Committee have signified approval, and no member has signified disapproval or has requested that the matter should be discussed at a meeting.

4.28 The decisions of a Bills Committee should not be reopened for discussion, unless with the permission of the Bills Committee. [HR 24(n)]

## **Voting right of Chairman**

4.29 Except in an election of the Chairman and Deputy Chairman (if any) of a Bills Committee, the Chairman or any presiding member has an original vote but not a casting vote. *[RoP 76(8) and (8B)]*

4.30 If the Chairman or the member presiding wishes to exercise his/her original vote on a matter before a Bills Committee, the vote must be exercised at the same time as other members of the Bills Committee exercise their votes; otherwise, the Chairman or the member presiding will be regarded as having given up his/her right to vote on the relevant matter. The voting rights of the Chairmen of Bills Committees are summarized in part (c) of *Appendix III*. *[RoP 79A(3)]*

## **Conduct**

### Members

4.31 The Chairman is responsible for maintaining order at meetings to ensure the business on the agenda is conducted properly and efficiently. His/her decision on a point of order shall be final. *[RoP 44]*

4.32 Except for the attire requirement laid down in Rule 42(a) (Behaviour of Members during Meeting) of the Rules of Procedure, the provisions under Part H (Rules of Speaking) of the Rules of Procedure which govern the behaviour of Members at Council meetings apply to Bills Committee meetings, unless the Chairman of the Bills Committee orders otherwise. *[RoP 43]* These provisions are –

- (a) a Member should not interrupt another Member who is speaking except to raise a point of order or to seek elucidation. The Member raising a point of order may be directed by the Chairman to discontinue speaking if the Chairman is of the opinion that the interruption is an abuse of procedure *[RoP 39]*
- (b) a Member should restrict his/her observations to the subject under discussion and should not introduce matters irrelevant to that subject *[RoP 41(1)]*



- (c) a Member should not make reference to a case pending in a court of law in such a way as, in the opinion of the Chairman, might prejudice that case *[RoP 41(2)]*
- (d) a Member should not use offensive or insulting language about other Members *[RoP 41(4)]*
- (e) a Member should not impute improper motives to another Member *[RoP 41(5)]*
- (f) the name of the Chief Executive should not be used to influence the Council *[RoP 41(6)]*
- (g) the conduct of the Chief Executive, a Member of the Executive Council or a Member of LegCo otherwise than in the performance of his/her official duties shall not be raised *[RoP 41(7)]*
- (h) the conduct of judges and other persons performing judicial functions should not be raised *[RoP 41(8)]*
- (i) all Members should behave with decorum; no Member should cross the floor of the meeting venue unnecessarily; Members should not read newspapers, books, letters or other documents except if the contents of such documents are directly related to the business of the Council; and while a Member is speaking all Members should be silent and should not make unseemly interruptions *[RoP 42(a) to (d)]*
- (j) subject to the following requirements or restrictions as recommended by the House Committee, a Member may display an object for illustrating a point in his/her speech only while he/she is speaking provided that any sign, graphics, message or any other information displayed on the object conforms to Rule 41 (Contents of Speeches) of the Rules of Procedure –
  - (i) the display of the object is related to the item(s) of business set out in the relevant Agenda of the Council;

- (ii) the display of the object does not and will not disturb the proceedings of the meeting or cause obstruction to other Members or designated public officers in their participation in the proceedings, or block the President's view of those present in the Chamber;
- (iii) the display of the object does not and will not pose danger or nuisance to any person present in the Chamber;
- (iv) the display of the object is confined to the seating area of the Member displaying the object; and
- (v) the display of the object does not and will not have a negative impact on the public's perception of the Council, tarnish the dignity of the Council, or bring discredit upon the Council. *[RoP 42(e), HR 19B]*

4.33 The Chairman of a Bills Committee, after having called the attention of the Bills Committee to the conduct of a Member who persists in irrelevance or tedious repetition of his/her own or other Members' arguments in the debate, may direct him/her to discontinue his/her speech. *[RoP 45(1)]*

4.34 The Chairman of a Bills Committee has the power to order a Member whose conduct is grossly disorderly to withdraw from a meeting. *[RoP 45(2)]*

4.35 The Chairman of a Bills Committee may also adopt the following approaches in dealing with controversies concerning Members' conduct or points of order at meetings –

- (a) remind the Member that his/her conduct is inappropriate;
- (b) persuade the Member not to continue to behave in the manner which is the subject of the controversy;
- (c) suspend the meeting to let the controversy die down, if necessary; and/or
- (d) seek the view of the Bills Committee on how the controversy should be dealt with.

### *Use of offensive or insulting language by a Member*

4.36 In relation to paragraph 4.32(d) above, a list of expressions which have been ruled by the President and the Chairmen of the House Committee and the Finance Committee to be offensive and insulting about Members or public officers attending the relevant meeting or unparliamentary in the context in which the expressions were used are set out in *Appendix IV*. The list is not exhaustive and will be updated as and when new rulings are made. Expressions on the list may be deleted having regard to cultural changes and developments in society. Please refer to [https://www.legco.gov.hk/general/english/procedur/list\\_of\\_offensive-e.pdf](https://www.legco.gov.hk/general/english/procedur/list_of_offensive-e.pdf) for the latest version of the list. Bills Committee Chairmen are invited to note that –

- (a) whether an expression is offensive and insulting or unparliamentary depends on the context in which it is used;
- (b) the Chairman of a Bills Committee may order the Member using such expression to withdraw the expression or stop using the expression; and
- (c) the mere utterance of the expression at a meeting does not constitute grossly disorderly conduct. However, if the Member refuses to withdraw the expression or stop using the expression after he/she has been so ordered, such conduct may be regarded by the Chairman to be grossly disorderly. In such circumstances, the Bills Committee Chairman may exercise the power conferred under Rule 45(2) (Order in Council and Committee) of the Rules of Procedure to order withdrawal of the Member, or adopt the approaches set out in paragraph 4.35 above.

### Public

4.37 If a member of the press or the public is behaving or is likely to behave in a disorderly manner, the Chairman may order the removal of the person from the meeting. [*RoP 87, HR 24(s)*]

## **Extension of meetings**

4.38 As detailed in paragraph 4.10 above, the Chairman of a Bills Committee may, before the appointed ending time of the meeting of the Bills Committee, decide to extend the meeting or allow the meeting to continue for not more than 15 minutes beyond the appointed ending time of the meeting, provided that the meeting venue is available. *[HR 24A(a)]*

4.39 The meeting may be extended for more than 15 minutes beyond the appointed ending time or the period of extension/continuation of meeting referred to in paragraph 4.38 above, provided that –

- (a) such a proposal is put forward before the original appointed meeting ending time or during the period of extension/continuation of meeting referred to in paragraph 4.38 above;
- (b) no member of the Bills Committee present at the meeting raises objection to the proposal; and
- (c) the meeting venue is available.

*[HR 24A(b)]*

4.40 Subject to the availability of the meeting venue, the period of extension referred to in paragraph 4.39 above may be extended for a further specified period, provided that such a proposal is put forward during that period of extension and no member of the Bills Committee present at the meeting raises objection to the proposal. *[HR 24A(c)]*

4.41 The Chairman shall ascertain whether any member of the Bills Committee present at the meeting raises objection to a proposal put forward under paragraph 4.39 or 4.40 above without debate or discussion.

*[HR 24A(d)]*

## **Language**

4.42 Members and other attendees of a meeting may speak in either Cantonese, Putonghua or English.

4.43 The Chairman, whenever necessary, should remind Members, representatives of the Administration and deputations to refrain from using “cocktail” language at meetings so as to facilitate the work of the simultaneous interpreters. *[HR 24(o)]*

## CHAPTER 5 VISITS

|  | <i>Paragraphs</i> |
|--|-------------------|
| <b>Purpose</b>   | 5.1               |
| <b>Visits outside Hong Kong</b>                            | 5.2 – 5.10        |
| <b>Visits outside Hong Kong in response to invitations</b> | 5.11 – 5.20       |
| <b>Visits in Hong Kong</b>                                 | 5.21 – 5.23       |

### **Purpose**

5.1 Visits may be conducted by Bills Committees to enable Members to gain first-hand information on issues or organizations of interest to them in connection with Council business. *[HR 29(a) and 29A(a)]*

### **Visits outside Hong Kong**

#### Permission of the House Committee

5.2 Should a Bills Committee consider it necessary to undertake any activities outside Hong Kong under the name of the Bills Committee and/or funding for the visit is to be charged to individual Members' Overseas Duty Visit accounts, the prior permission of the House Committee is required. *[HR 29A(a)]*

5.3 The Chairman of the Bills Committee presents a paper on the proposed visit to the House Committee. The paper is drafted by the Clerk to the Bills Committee.

#### Forming the delegation

5.4 The broad guidelines for determining the size and membership of a delegation are –

- (a) members of the Bills Committee should have priority in participating in the visit; and

- (b) the delegation should be of a manageable size in order not to create difficulties in logistical arrangements.

5.5 Non-Bills Committee Members may join a duty visit outside Hong Kong with the consent of the Bills Committee.

5.6 Members joining the visit should participate in the entire programme. *[HR 29A(b)]*

5.7 The Chairman of the Bills Committee is normally the leader of the delegation. If the Chairman does not participate in the visit, the Deputy Chairman (if any) is normally the leader and if he/she also does not participate in the visit, the delegation may choose a leader and inform the Bills Committee of its choice.

#### Funding

5.8 Visits outside Hong Kong are funded in accordance with the prevailing arrangements approved by The Legislative Council Commission.

#### Preparatory work

5.9 Prior to the visit, the delegation should discuss the matters to be studied during the visit, the programme and the parties to be visited. Background briefs for the visit are prepared by the Clerk jointly with the Research Office. Questions are also drawn up by the Clerk in consultation with the delegation, to facilitate discussion with the parties to be visited.

#### Role of the Clerk

5.10 There will be Secretariat staff, normally the Clerk, accompanying the delegation. The Clerk (or the staff concerned) is responsible for making the logistical arrangements and will draft the report of the visit in consultation with the delegation. The report, after clearance with the delegation, is presented to the Bills Committee and then, with suitable adaptation, to the House Committee.

## **Visits outside Hong Kong in response to invitations**

5.11 Any proposed visit outside Hong Kong extended to all Members of the Council in response to an invitation should first be discussed by the relevant committee(s) to determine if the visit is related to the business of the Council. The relevant committee(s) should convene a meeting to discuss the invitation and all other non-committee Members should be invited to attend the meeting. There should be transparency in the deliberation on logistical arrangements, including the Members to take part in the visit, the itinerary, matters to be studied and places to be visited.

*[HR 29A(c)]*

5.12 If the committee(s) concerned proposes to accept the invitation, all Members should be invited to indicate their interest in joining the proposed visit. The committee(s) should submit a paper on its proposal to the House Committee. If the House Committee agrees to accept the invitation, and a quota is prescribed on the number of participating Members by the relevant organization, the House Committee should consider the composition of the delegation which should normally be broadly representative of the membership of the Council. *[HR 29A(c) and (d), and Appendix VI to HR]*

5.13 If the invitation is extended to one committee only, the Chairman of the committee concerned should convene a meeting to discuss whether to accept the invitation and the details of the proposed visit. If the invitation is extended to members of more than one committee, the Chairmen of the committees concerned should discuss and agree as to whether a joint meeting should be convened or whether the committee having a prominent interest in the subject matter should convene a meeting and invite members of the other committee(s) to attend. The notice of meeting should be copied to all other non-committee Members who are welcome to attend the meeting and participate in the discussion, but they do not have any voting right in respect of the issues under discussion. At the meeting, members should discuss whether to accept the invitation and the details of the proposed visit. *[HR 29A(c) and Appendix VI to HR]*



5.14 Any views or requests made by Members at the meeting should be relayed to the relevant organization for consideration, and Members should be informed of any feedback received. *[Appendix VI to HR]*

5.15 If the invitation is not accepted, the relevant organization should be so informed. *[Appendix VI to HR]*

5.16 If the invited committee(s) considers that the proposed visit is related to Council business and agrees to accept the invitation, it should issue a circular to invite members to indicate whether they will join the visit. The committee(s) should submit a paper on the detailed arrangements of the visit to the House Committee. *[HR 29A(d) and Appendix VI to HR]*

5.17 Where the funding of a visit in response to an invitation is to be charged to individual Members' Overseas Duty Visit accounts, the House Committee's endorsement is required. *[HR 29A(d) and Appendix VI to HR]*

5.18 If the endorsement of the House Committee on the financial arrangement is not obtained, members may join the visit on a self-financing basis or claim reimbursement of the expenses incurred for the visit under the Operating Expenses Reimbursement system. *[Appendix VI to HR]*

5.19 Papers submitted in the name of the Council to an inviting organization should be circulated to all Members for comments.

5.20 A report on a visit that has been approved by the House Committee should be submitted to the House Committee after the visit. *[HR 29A(f) and Appendix VI to HR]*

## **Visits in Hong Kong**

5.21 The timing and programme of a visit are decided by the Chairman in consultation with members of the Bills Committee and the host organizations. The duration of a visit should be kept to within three hours as far as possible. *[HR 29(b)]*

5.22 The Chairman, in consultation with other Members or the host organization, determines whether a scheduled visit should be cancelled or postponed if the visiting party consists of less than three Members. *[HR 29(d)]*

5.23 The Chairman and the host organization are consulted as to whether the visit should be open to the media.

## CHAPTER 6 SUBCOMMITTEES AND WORKING GROUPS

|                       |                   |
|-----------------------|-------------------|
|                       | <i>Paragraphs</i> |
| <b>Subcommittees</b>  | 6.1 – 6.7         |
| <b>Working groups</b> | 6.8 – 6.12        |

### Subcommittees

#### Appointment

6.1 A Bills Committee may appoint a subcommittee for the purpose of assisting the Bills Committee in the performance of its functions. Members of the subcommittee shall be those members of that Bills Committee who have signified membership and are allocated committee seats in accordance with the mechanism decided by the House Committee as set out in Appendix IIIB to the House Rules. A subcommittee shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including its Chairman.<sup>5</sup>

*[RoP 75(3A) and 76(4), HR 20(ka) and Appendices IIIB and IV to HR]*

#### Terms of reference

6.2 The terms of reference of a subcommittee of a Bills Committee may be proposed by the subcommittee. They should be within the scope and purpose decided by the Bills Committee and should be submitted by the subcommittee to the Bills Committee for endorsement.

#### Voting and decisions

6.3 All matters for the decision of a subcommittee of a Bills Committee are decided by a majority of the members of the subcommittee voting. *[RoP 76(8)]*

---

<sup>5</sup> The procedure for election of Chairman and Deputy Chairman of a subcommittee of a Bills Committee is in Appendix IV to the House Rules.

### Voting right of Chairman

6.4 Except in an election of the Chairman and Deputy Chairman (if any) of a subcommittee, the Chairman or any presiding member has an original vote but not a casting vote. If the Chairman or the member presiding wishes to exercise his/her original vote on a matter before the subcommittee, the vote must be exercised at the same time as other members of the subcommittee exercise their votes; otherwise, the Chairman or the member presiding will be regarded as having given up his/her right to vote on the relevant matter. The voting rights of the Chairmen of subcommittees of Bills Committees are summarized in part (c) of *Appendix III*. [RoP 76(8) and (8B), and 79A(3), *Appendix IV to HR*]

### Procedures and practices

6.5 The procedures and practices of a subcommittee of a Bills Committee are determined by that Bills Committee. In any such determination, the Bills Committee shall take into account any directions or guidelines given or provided by the House Committee under Rule 75(8) (House Committee) of the Rules of Procedure. The procedures and practices set out in rules 20 to 25 of the House Rules apply, where appropriate, to a subcommittee of a Bills Committee. [RoP 75(8) and 76(11), *HR 20 to 25 and 26(f)*]

### Reporting to the Bills Committee

6.6 When a subcommittee of a Bills Committee has completed its work, a report detailing its deliberations and recommendations/conclusions should be submitted to the Bills Committee. The Clerk to the subcommittee drafts the report and clears it with the Chairman (and members, if so requested) of the subcommittee before issuance.

### Dissolution

6.7 A subcommittee of a Bills Committee is dissolved upon its submission of report to the Bills Committee, or when the Bills Committee so decides, or when the Bills Committee is dissolved.

## **Working groups**

### Formation

6.8 A Bills Committee may form a working group for the purpose of assisting the Bills Committee in the performance of its functions, such as undertaking preparatory work to facilitate the consideration of a subject by the Bills Committee. Members of the working group should be members of that Bills Committee.

### No privileges and immunities

6.9 Meetings of a working group are informal and are held in closed sessions. The privileges and immunities provided under Cap. 382 are not available to members of the working group because it is not a LegCo committee. The procedures and practices of Bills Committees do not normally apply to the operation of a working group.

### Terms of reference

6.10 The terms of reference of a working group of a Bills Committee are determined by that Bills Committee. The working group may also propose its terms of reference to the Bills Committee for endorsement. Such proposed terms of reference should be within the scope and purpose decided by the Bills Committee.

### Reporting to the Bills Committee

6.11 The Clerk is responsible for drafting the report of the working group to report its deliberations and recommendations/conclusions to the Bills Committee. The Clerk clears the report with the Chairman (and members, if so requested) of the working group before issuance.

### Dissolution

6.12 A working group of a Bills Committee is dissolved upon its submission of report, or when the Bills Committee so decides, or when the Bills Committee is dissolved.

## CHAPTER 7 POWERS TO SUMMON WITNESSES

|   |                   |
|---|-------------------|
|   | <i>Paragraphs</i> |
| <b>Powers to summon witnesses</b>             | 7.1 – 7.5         |
| <b>Proposal to appoint a select committee</b> | 7.6 – 7.8         |

### **Powers to summon witnesses**

7.1 A Bills Committee may exercise the powers conferred by section 9(1) of Cap. 382 to order any person to testify or give evidence or to produce any paper, book, record or document in his/her possession, if authorized by the Council to do so. *[RoP 80(b)]*

7.2 If a Bills Committee member proposes that the Bills Committee should exercise the powers conferred by section 9(1) of Cap. 382 in connection with its work, a motion on the proposal should be put to the Bills Committee for consideration and decision. If the Bills Committee supports the motion, the House Committee should be informed of the Bills Committee's decision.

7.3 The relevant motion in Council is normally moved by the Chairman of the Bills Committee.

7.4 If a Bills Committee is authorized to exercise powers conferred by section 9(1) of Cap. 382, the Bills Committee should, similar to Panels, make a report to the Council after it has completed its consideration, although there is no such a requirement under the Rules of Procedure and House Rules.

7.5 There is no precedent of a Bills Committee being authorized by the Council to exercise the powers conferred by section 9(1) of Cap. 382 in connection with its work.

## **Proposal to appoint a select committee**

7.6 If a Bills Committee decides to recommend the appointment of a select committee to conduct an inquiry and for the select committee to exercise the powers conferred by section 9(1) of Cap. 382 for the purpose of the inquiry, a paper should be presented to the House Committee. The Clerk prepares the paper and clears it with the Chairman before issuance.

7.7 If the House Committee supports the proposal of the appointment of a select committee, the relevant motion in Council is normally moved by the Chairman of the House Committee or the Chairman of the subcommittee, if one is formed to undertake preparatory work for the appointment of the select committee.

7.8 There is no precedent of a Bills Committee recommending the appointment of a select committee to conduct an inquiry.

## CHAPTER 8 FOLLOW-UP WORK OF A MEETING

|   | <i>Paragraphs</i> |
|---|-------------------|
| <b>Decisions</b>                            | 8.1 – 8.3         |
| <b>Minutes</b>                              | 8.4 – 8.8         |
| <b>Verbatim records</b>                     | 8.9 – 8.10        |
| <b>Reports for the House Committee</b>      | 8.11 – 8.21       |
| <b>Reporting to the Legislative Council</b> | 8.22 – 8.30       |
| <b>Addressing the Council</b>               | 8.31 – 8.34       |

### Decisions

8.1 Decisions made by a Bills Committee are followed up by the Clerk in consultation with the Chairman.

8.2 The Clerk writes to the relevant bureau if there are follow-up actions required of the Administration.

8.3 The Clerk undertakes other necessary follow-up work according to the decisions of a Bills Committee including –

- (a) seeking the House Committee's permission to undertake a visit outside Hong Kong (paragraphs 5.2, 5.3 and 5.12 to 5.17 of Chapter 5 refer);
- (b) informing the House Committee of the Bills Committee's decision to seek the Council's authorization to exercise the powers conferred by section 9(1) of Cap. 382 (paragraph 7.2 of Chapter 7 refers); and
- (c) recommending to the House Committee that a select committee be appointed (paragraph 7.6 of Chapter 7 refers).



## **Minutes**

8.4 The Clerk to a Bills Committee prepares the minutes of the meetings of the Bills Committee. *[HR 25(a)]*

8.5 The minutes of a Bills Committee meeting are presented in condensed form. *[HR 25(a)]* The minutes should record the decisions of the Bills Committee, outstanding matters to be followed up at future meetings, undertakings made by the Administration, declarations of interest by members, and decisions of members to move proposed amendments, etc. The format of the minutes should follow that agreed to by the House Committee on 5 October 2001.

8.6 The broadcasting records of the proceedings are indexed, and the index is annexed to the minutes to facilitate easy retrieval of such records. The format of the index should follow that agreed to by the House Committee on 14 June 2002.

8.7 The minutes of a meeting with the Administration and other outside parties need not normally be cleared with them. The Chairman has the discretion to decide whether the draft minutes or any part of the draft minutes should be shown to those who have attended the meeting if, in the Chairman's view, it will facilitate the work of the Bills Committee. *[HR 25(d) and (e)]*

8.8 The draft minutes are cleared with the Chairman before issuance to members for confirmation at a meeting or by circulation. *[HR 25(f)]*

## **Verbatim records**

8.9 Verbatim records are not normally prepared for a meeting of a Bills Committee, except where a Bills Committee is conducting an inquiry and has been authorized to summon witnesses to give evidence. *[HR 25(b)]*

8.10 The Chairman of a Bills Committee may, with the agreement of the Bills Committee, determine that a verbatim record of a meeting be made. The request should be justified on the grounds of need. Such a request should be submitted to The Legislative Council Commission with justifications for record.

## **Reports for the House Committee**

### Report of a Bills Committee on holding its work in abeyance

8.11 If a Bills Committee decides to hold its work in abeyance, a report should be made to the House Committee. *[HR 21(g) and (i)(iv)]*

8.12 The report, which may be a written or verbal report, should explain the reason(s) for the Bills Committee holding its work in abeyance.

### Report upon completion of scrutiny work

8.13 As stated in paragraph 2.28 of Chapter 2, a Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the House Committee of the Bills Committee's deliberations and where appropriate, the majority and minority views, and confirm that it has completed its consideration of the bill. A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill under Rule 57(2) (Amendments to Bills) of the Rules of Procedure. The Bills Committee shall then further report to the Council. *[RoP 76(9), HR 21(j)]* The Clerk is responsible for drafting the report to the House Committee.

8.14 The deliberations of a Bills Committee on a bill may be discussed by the House Committee for the purpose of informing Members of the resumption of the Second Reading debate on the bill in Council. The deliberations are not binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee. *[RoP 75(9) and 76(10)]*

8.15 Where there is urgency to resume the Second Reading debate on a bill and a written report cannot be provided to the House Committee before the deadline for giving notice of resumption, the Chairman of the Bills Committee may make a verbal report (see paragraph 8.21 below), and provide a written report at the earliest opportunity, e.g. at the following House Committee meeting.

8.16 If there are new developments relating to the bill after the Bills Committee has issued its written report to the House Committee, the Chairman of the Bills Committee may make a verbal report on the new developments at the House Committee meeting. Consideration should be given to preparing an addendum to the report of the Bills Committee detailing the new developments (see paragraph 8.21 below).

8.17 If a Bills Committee needs to hold further meeting(s) after presenting a written report to the House Committee, the Bills Committee should provide another written report to the House Committee after the Bills Committee has concluded its deliberations.

8.18 The report of a Bills Committee normally contains the following information –

- (a) a brief description of the bill;
- (b) the membership of the Bills Committee;
- (c) the number of meetings held and visit(s) conducted, if any, as well as submissions received and deputations met, if any, by the Bills Committee;
- (d) the deliberations of the Bills Committee, including issues and concerns raised in relation to the objects of the bill, the majority and minority views of members, and the Administration's response to issues raised at meetings;
- (e) the Administration's undertakings, if any;

- (f) the respective amendments proposed to be moved by the Administration, the Bills Committee and/or individual members, if any;
- (g) the date of resumption of the Second Reading debate on the bill, if available, and the view of the Bills Committee regarding the resumption date;
- (h) other recommendations of the Bills Committee, if any;
- (i) completion of consideration of the bill;
- (j) follow-up actions to be taken by the Administration or other committees of the Council, if any; and
- (k) any other matters or points to which the House Committee's attention should be drawn.

#### Report on a bill which is to be withdrawn

8.19 In the situation where the Bills Committee is to provide a report on a bill which is to be withdrawn by the public officer or Member in charge of the bill at the resumption of the Second Reading debate on the bill, suitable adaptations should be made to the topics detailed in paragraph 8.18 above. The reason(s) for the withdrawal should be explained in the report.

#### Comments by the Administration and Chairman

8.20 The draft report of a Bills Committee is normally sent to the Administration for comments. It will then be cleared with the Chairman of the Bills Committee for issuance to the House Committee. The draft report will be circulated to members of the Bills Committee before issuance to the House Committee, if so requested by members.

### Speaking note

8.21 Where the Chairman of a Bills Committee is to make a verbal report to the House Committee (paragraphs 8.12, 8.15 and 8.16 above refer), the Clerk prepares a speaking note for the Chairman. If necessary and subject to the agreement of the Chairman of the Bills Committee and that of the Chairman of the House Committee, the speaking note may be tabled at the House Committee meeting.

## **Reporting to the Legislative Council**

### Resumption of Second Reading debate

8.22 After presenting its report to the House Committee, the Bills Committee shall then further report to the Council. A Bills Committee should table a report on its deliberations at the same Council meeting at which the resumption of the Second Reading debate on the bill takes place. Under Rule 21(1) (Presentation of Papers) of the Rules of Procedure, a Member may, with the permission of the President, present a paper to the Council by giving a notice of not less than 2 clear days before the Council meeting at which the paper is to be presented, provided that the President may in his discretion dispense with such notice. *[RoP 21(1) and 76(9), HR 21(j) and (l)]*

8.23 Irrespective of the number of reports a Bills Committee made to the House Committee, the Bills Committee should present only one report to the Council for Members' easy reference.

8.24 The report of the Bills Committee to the Council should be based on the report of the Bills Committee to the House Committee, as detailed in paragraph 8.18 above. However, there is no need to attach to the report of the Bills Committee any proposed amendments relevant to the bill. The report should also contain the following information –

- (a) the date on which the Bills Committee's report was presented to the House Committee; and
- (b) any recommendations of the House Committee or points raised at the discussion of the House Committee on the report which would facilitate the Council's debate on the bill.

8.25 The Chairman of a Bills Committee, when reporting to the Council on the work of the Bills Committee, addresses the Council at the resumption of the Second Reading debate on the bill. With the permission of the President, the Chairman may be the first Member to speak at the debate. *[RoP 21(4) and 54(7), HR 21(k), (l), (m) and (o)]*

8.26 The Chairman may speak a second time during the same debate on his/her own views on the bill. *[RoP 38(2)]*

#### No indication of resumption of Second Reading debate

8.27 In the situation where there is no indication that the Second Reading debate on a bill will resume within a reasonable time after completion of the Bills Committee's work, the Chairman should, if the Bills Committee so determines, table a written report in the Council and seek the President's permission to address the Council. *[RoP 21(1), (2), (3) and (6), HR 2 and 21(q)]*

8.28 The report should be based on the report of the Bills Committee to the House Committee, as detailed in paragraph 8.18 above. The report should also contain the following information –

- (a) the date on which the Bills Committee's report was presented to the House Committee; and
- (b) any relevant points raised at the discussion of the House Committee on the report.

#### Resumption of Second Reading debate on a bill for the purpose of withdrawing it

8.29 Where the purpose of the resumption of the Second Reading debate on a bill is for making an announcement for the withdrawal of the bill (paragraphs 2.40 and 2.41 of Chapter 2 refer), the Chairman of the Bills Committee may present a report of the Bills Committee at the Council meeting at which such an announcement is to be made, and may, with the permission of the President, address the Council on the report. *[RoP 21(1), (2), (4A) and (6), HR 2 and 21(n)]*

8.30 The report should be based on the report of the Bills Committee to the House Committee, as detailed in paragraphs 8.18 and 8.19 above. The report should also contain the following information –

- (a) the date on which the Bills Committee’s report was presented to the House Committee; and
- (b) any relevant points raised at the discussion of the House Committee on the report.

### **Addressing the Council**

8.31 The Clerk is responsible for drafting the address of the Chairman referred to in paragraphs 8.27 and 8.29 above. After clearance with the Chairman, the Clerk provides an advance copy of the intended address to the President to enable the President to decide whether the address may provoke a debate. *[RoP 21(6) and 36(6), HR 2 and 21(p)]*

8.32 The Clerk is also responsible for drafting the following speeches –

- (a) a speech for the Chairman to speak on the report of the Bills Committee at the commencement of the resumption of the Second Reading debate on the bill referred to in paragraph 8.25 above; and
- (b) speech(es) for the Chairman to move proposed amendment(s), on behalf of the Bills Committee, to the bill.

8.33 Regarding paragraph 8.32(a) above, the Chairman may speak on the report with no time limit. If the Chairman wishes to state his/her own views on the bill immediately after speaking on the report, he/she may speak a second time subject to a 10-minute time limit. *[RoP 36(5) and (6), 37 and 38(2), HR 17(b), 21(p) and Appendix IIIA to HR]*

8.34        Regarding paragraph 8.32(b) above, a speaking time limit of five minutes applies to such speech(es), although there is no limit to the number of speeches allowed for individual Members in each debate during the consideration by a committee of the whole Council. *[RoP 37 and 38(1)(a), HR 17(b) and Appendix IIIA to HR]*



**法案委員會**

**因應根據立法會《議事規則》第 54(5)條恢復法案**

**二讀辯論向內務委員會作出報告的關鍵日期**

**Critical dates for Bills Committees to report to the House Committee for  
resumption of Second Reading debate on Bills under  
Rule 54(5) of the Rules of Procedure of the Legislative Council**

**Critical dates for Bills Committees to report to the House Committee (“HC”) for  
resumption of Second Reading debate on Bills under Rule 54(5)  
of the Rules of Procedure (“RoP”) of the Legislative Council (“LegCo”)**

**2024 Session**

| <b>(A)<br/>Target LegCo<br/>meeting where<br/>Second Reading<br/>debate is to be<br/>resumed</b> |       | <b>(B)<br/>Date of HC meeting<br/>to consider Bills<br/>Committee report<sup>△+</sup></b> |       | <b>(C)<br/>Date for HC<br/>Chairman to give<br/>notification to<br/>Public Officers</b> |       | <b>(D)<br/>Deadline<sup>®</sup> for Public<br/>Officers to give notice<br/>for resumption</b> |       |
|--|-------|---|-------|---|-------|---|-------|
| 10 Jan 2024  | (Wed) | 8 Dec 2023  | (Fri) | 9 Dec 2023  | (Sat) | *22 Dec 2023  | (Fri) |
| 17 Jan 2024  | (Wed) | 5 Jan 2024  | (Fri) | 6 Jan 2024  | (Sat) | #8 Jan 2024   | (Mon) |
| 24 Jan 2024  | (Wed) | 12 Jan 2024   | (Fri) | 13 Jan 2024   | (Sat) | #15 Jan 2024  | (Mon) |
| 31 Jan 2024  | (Wed) | 19 Jan 2024   | (Fri) | 20 Jan 2024   | (Sat) | #22 Jan 2024  | (Mon) |
| 21 Feb 2024  | (Wed) | 26 Jan 2024   | (Fri) | 27 Jan 2024   | (Sat) | *2 Feb 2024   | (Fri) |
| 13 Mar 2024  | (Wed) | 1 Mar 2024  | (Fri) | 2 Mar 2024  | (Sat) | #4 Mar 2024   | (Mon) |
| 20 Mar 2024  | (Wed) | 1 Mar 2024  | (Fri) | 2 Mar 2024  | (Sat) | *5 Mar 2024   | (Tue) |
| 27 Mar 2024  | (Wed) | 15 Mar 2024   | (Fri) | 16 Mar 2024   | (Sat) | #18 Mar 2024  | (Mon) |
| 10 Apr 2024  | (Wed) | 15 Mar 2024   | (Fri) | 16 Mar 2024   | (Sat) | *21 Mar 2024  | (Thu) |
| 22 May 2024  | (Wed) | 26 Apr 2024   | (Fri) | 27 Apr 2024   | (Sat) | *6 May 2024   | (Mon) |
| 29 May 2024  | (Wed) | 17 May 2024   | (Fri) | 18 May 2024   | (Sat) | #20 May 2024  | (Mon) |
| 5 Jun 2024   | (Wed) | 24 May 2024   | (Fri) | 25 May 2024   | (Sat) | #27 May 2024  | (Mon) |
| 12 Jun 2024  | (Wed) | 24 May 2024   | (Fri) | 25 May 2024   | (Sat) | *27 May 2024  | (Mon) |
| 19 Jun 2024  | (Wed) | 31 May 2024   | (Fri) | 1 Jun 2024  | (Sat) | *3 Jun 2024   | (Mon) |
| 26 Jun 2024  | (Wed) | 14 Jun 2024   | (Fri) | 15 Jun 2024   | (Sat) | #17 Jun 2024  | (Mon) |
| 3 Jul 2024   | (Wed) | 14 Jun 2024   | (Fri) | 15 Jun 2024   | (Sat) | *17 Jun 2024  | (Mon) |
| 10 Jul 2024  | (Wed) | 21 Jun 2024   | (Fri) | 22 Jun 2024   | (Sat) | *24 Jun 2024  | (Mon) |
| 17 Jul 2024  | (Wed) | 5 Jul 2024  | (Fri) | 6 Jul 2024  | (Sat) | #8 Jul 2024   | (Mon) |
| 16 Oct 2024  | (Wed) | 12 Jul 2024   | (Fri) | 13 Jul 2024   | (Sat) | *28 Sep 2024  | (Sat) |
| 23 Oct 2024  | (Wed) | 4 Oct 2024  | (Fri) | 5 Oct 2024  | (Sat) | *7 Oct 2024   | (Mon) |
| 30 Oct 2024  | (Wed) | 18 Oct 2024   | (Fri) | 19 Oct 2024   | (Sat) | #21 Oct 2024  | (Mon) |

| (A)<br>Target LegCo<br>meeting where<br>Second Reading<br>debate is to be<br>resumed |       | (B)<br>Date of HC meeting<br>to consider Bills<br>Committee report <sup>△+</sup> |       | (C)<br>Date for HC<br>Chairman to give<br>notification to<br>Public Officers |       | (D)<br>Deadline <sup>@</sup> for Public<br>Officers to give notice<br>for resumption |       |
|--|-------|--|-------|--|-------|--|-------|
| 6 Nov 2024   | (Wed) | 25 Oct 2024  | (Fri) | 26 Oct 2024  | (Sat) | #28 Oct 2024   | (Mon) |
| 13 Nov 2024  | (Wed) | 1 Nov 2024   | (Fri) | 2 Nov 2024   | (Sat) | #4 Nov 2024  | (Mon) |
| 20 Nov 2024  | (Wed) | 8 Nov 2024   | (Fri) | 9 Nov 2024   | (Sat) | #11 Nov 2024   | (Mon) |
| 27 Nov 2024  | (Wed) | 15 Nov 2024  | (Fri) | 16 Nov 2024  | (Sat) | #18 Nov 2024   | (Mon) |
| 4 Dec 2024   | (Wed) | 22 Nov 2024  | (Fri) | 23 Nov 2024  | (Sat) | #25 Nov 2024   | (Mon) |
| 11 Dec 2024  | (Wed) | 29 Nov 2024  | (Fri) | 30 Nov 2024  | (Sat) | #2 Dec 2024  | (Mon) |
| 18 Dec 2024  | (Wed) | 6 Dec 2024   | (Fri) | 7 Dec 2024   | (Sat) | #9 Dec 2024  | (Mon) |

- △ In general, Bills Committees (“BC”) will report to HC at its meetings. If considered necessary in special circumstances, the HC chairman may ascertain the collective view of HC by circulation of papers in accordance with RoP 75(17A). Unless a majority of the members of HC have in writing submitted to the HC chairman raised objection to the proposed resumption arrangement before the expiry of the period specified by the HC Chairman, the bill is regarded as ready for resumption of debate. In this case, notice of resumption shall be given not less than **12 clear days** before the target LegCo meeting under RoP 54(5)(d).
- + Date of Chief Executive (“CE”)’s presentation of the Policy Address to be advised by the Administration. Subject to the dates of the Council for holding the debate on CE’s Policy Address, the meeting schedule of HC will be adjusted accordingly.
- @ In accordance with RoP 93(b), the relevant deadlines shall be **5:00 pm** on the dates specified below.
- \* Notice of resumption of debate shall be given not less than **12 clear days** before the day on which the debate is to be resumed (RoP 54(5)(d)).
- # Where resumption of debate is to take place 9 clear days or less after the HC meeting at which the bill is considered as ready for resumption of debate, the notice of resumption of debate shall be given no later than **2 clear days** after that meeting (RoP 54(5)(e)). **In case the bill is considered as ready for resumption of debate at an HC meeting earlier than that stated in Column B**, notice of resumption shall be given not less than **12 clear days** before the target LegCo meeting under RoP 54(5)(d).

**行政長官委派出席立法會或  
立法會轄下委員會會議的官員名單**

**List of public officers designated by  
the Chief Executive for the purpose of attending meetings of  
the Legislative Council or its committees**

香港特別行政區政府  
政務司司長辦公室轄下行政署



The Government of  
The Hong Kong Special Administrative Region  
Administration Wing,  
Chief Secretary for Administration's Office

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: AW-325-010-005-001

Tel No. : 2810 3838

來函檔號 Your Ref.:

Fax No.: 2804 6870

4 July 2022

Mr Kenneth Chen, SBS  
Secretary General  
Legislative Council Secretariat  
Legislative Council Complex  
1 Legislative Council Road, Central  
Hong Kong

Dear *Kenneth*,

**Designations of officials for attendance at meetings of  
Legislative Council, its Committees and Subcommittees**

Article 62(6) of the Basic Law provides that the Government of the Hong Kong Special Administrative Region ("HKSAR") shall exercise the powers and functions to designate officials to sit in on the meetings of the Legislative Council ("LegCo") and to speak on behalf of the Government. By virtue of the power vested therein and as the Head of the Government of the HKSAR, the Chief Executive has updated the designations and authorisations for attendance at meetings of LegCo, its committees and subcommittees.

In gist, the Chief Executive has -

- (a) included the three Deputy Secretaries of Departments, namely Deputy Chief Secretary for Administration ("DCS"), Deputy Financial Secretary ("DFS") and Deputy Secretary for Justice ("DSJ"), in the list of "Officials Designated by the Chief Executive to Attend Meetings of LegCo, its Committees and Subcommittees";

- (b) included DCS, DFS and DSJ in the list of "Officials Authorised by the Chief Executive to Direct Officials to Attend Meetings of Committees and Subcommittees of LegCo"; and
- (c) included officials at the rank of Political Assistant to Secretary of Department or Political Assistant to Deputy Secretary of Department in the list of "Officials Designated by the Chief Executive to Attend Meetings of Committees and Subcommittees of LegCo".

The updated designations and authorisations, which supersede all previous designations and authorisations for attendance at meetings of LegCo, its committees and subcommittees, are at **Annex**. The designations and authorisations are applicable to officials who from time to time either substantially occupy or act in the posts specified.

Yours sincerely,



( Brian Lo )  
Director of Administration

Encl.

**Officials designated by the Chief Executive to attend meetings of  
Legislative Council, its Committees and Subcommittees**

The Chief Secretary for Administration  
The Financial Secretary  
The Secretary for Justice  
Deputy Chief Secretary for Administration  
Deputy Financial Secretary  
Deputy Secretary for Justice  
All Directors of Bureaux  
Permanent Secretary for the Civil Service  
All Under Secretaries  
All Law Officers in the Department of Justice

**Officials designated by the Chief Executive to attend meetings of  
Committees and Subcommittees of the Legislative Council**

1. All directorate officers.
2. And without prejudice to the generality of item 1 above, the following specific categories of officials –
  - (a) Officials at the ranks of Assistant Secretary, Principal Assistant Secretary, Deputy Secretary and Permanent Secretary in the Government Secretariat;
  - (b) Under Secretaries and officials at the rank of Political Assistant to Director of Bureau;
  - (c) Officials at the rank of Political Assistant to Secretary of Department or Political Assistant to Deputy Secretary of Department; and
  - (d) Officials at the ranks of Government Counsel, Senior Government Counsel, Assistant Principal Government Counsel, Deputy Principal Government Counsel, Principal Government Counsel and Law Officer in the Department of Justice.
3. The Director of the Chief Executive's Office.
4. The Commissioner, Independent Commission Against Corruption and all directorate officers in the Office of the Independent Commission Against Corruption.
5. The Director of Audit and all directorate officers in the Audit Commission.
6. The Chief Executive and all Heads of Division or above of the Hong Kong Monetary Authority.



**Officials authorised by the Chief Executive  
to direct designated officials to attend meetings  
of Committees and Subcommittees of the Legislative Council**

The Chief Secretary for Administration  
The Financial Secretary  
The Secretary for Justice  
Deputy Chief Secretary for Administration  
Deputy Financial Secretary  
Deputy Secretary for Justice  
All Directors of Bureaux  
The Director of the Chief Executive's Office  
All Permanent Secretaries  
All Under Secretaries  
All Heads of Departments or Agencies  
All Law Officers in the Department of Justice  
The Commissioner, Independent Commission Against Corruption  
The Director of Audit  
The Chief Executive of the Hong Kong Monetary Authority

**有關在委員會會議(包括內務委員會、事務委員會、  
法案委員會及上述委員會轄下小組委員會的會議)上  
進行表決的主要規則／指引**

**Key rules/guidelines for voting at committee meetings  
(including meetings of the House Committee, Panels,  
Bills Committees and their subcommittees)**

**Key rules/guidelines for voting at committee meetings  
(including meetings of the House Committee (“HC”), Panels,  
Bills Committees (“BCs”) and their subcommittees)**

- (a) As a general rule:
- all matters for the decision of a committee shall be decided by **a majority of the members voting** (RoP 75(12AA), RoP 76(8) & RoP 77(13); HP 3.21; HBC 4.20; HSc 5.20);
  - a question put to vote will be regarded as agreed to if more members voted in favour of it than those who voted against it (HP 3.25; HBC 4.24; HSc 5.24);
  - it is the normal practice to record the number of members who abstained from voting, but **the number of abstentions is not counted** for the purpose of determining the result of the vote (HP 3.25; HBC 4.24; HSc 5.24).
- (b) Specifically, on amendments to bills or subsidiary legislation proposed by member(s) of the committee concerned:
- where the Administration does not agree to move the proposed amendments and there is agreement among the majority of the members on the amendments (i.e. more members voted in favour of the amendments than those who voted against them, disregarding those who abstained), the Bills Committee/Subcommittee on Subsidiary Legislation should consider whether the Chairman should move the amendments on behalf of the committee (HBC 2.21; HSc 3.20);
  - if the Chairman is not in favour of the proposed amendments, the Bills Committee/Subcommittee on Subsidiary Legislation should be invited to consider whether the Deputy Chairman (if any) or any other member who is in favour of the amendments should move them on behalf of the committee (HBC 2.22; HSc 3.21).
- (c) Voting rights of Chairmen of committees:

| Committee  | Matters requiring a decision of the committee<br>(except election of Chairman or Deputy Chairman) |                           | Election of Chairman or Deputy Chairman |                    |
|--|---|---------------------------|---|--------------------|
|  | Original vote <sup>1</sup>  | Casting vote <sup>2</sup> | Original vote <sup>1</sup>              | Casting vote       |
| BCs and their subcommittees                            | Yes<br>RoP 76(8)  | No<br>RoP 76(8)           | Yes<br>RoP 76(8B)                       | Yes<br>RoP 76(8B)  |
| Panels and their subcommittees and joint subcommittees | Yes<br>RoP 77(13)   | No<br>RoP 77(13)          | Yes<br>RoP 77(13B)                      | Yes<br>RoP 77(13B) |
| Joint meetings of Panels                               | Yes<br>RoP 77(13)   | No<br>RoP 77(13)          | Yes<br>RoP 77(13B)                      | Yes<br>RoP 77(13B) |
| HC   | No<br>RoP 75(12B)   | Yes<br>RoP 75(12B)        | Yes<br>RoP 75(12E)                      | Yes<br>RoP 75(12E) |
| Subcommittees on subsidiary legislation under HC       | Yes<br>RoP 75(12C)  | No<br>RoP 75(12C)         | Yes<br>RoP 75(12E)                      | Yes<br>RoP 75(12E) |
| Other subcommittees under HC                           | No<br>RoP 75(12B)   | Yes<br>RoP 75(12B)        | Yes<br>RoP 75(12E)                      | Yes<br>RoP 75(12E) |

1. In exercising his/her original vote on a matter before the committee, the chairman or member presiding shall exercise his/her vote at the same time as other members of the committee exercise their votes; otherwise, he/she shall be regarded as having given up his/her right to vote on the matter (RoP 79A(3); HP 3.32; HBC 4.30; HSc 5.30).
2. In exercising the casting vote on a matter before the committee (other than exercising the vote in the election of the chairman or deputy chairman), the chairman or member presiding shall not exercise the vote in such a way as to produce a majority vote in favour of the question put (RoP 79A(1)).

“RoP” : Rules of Procedure

“HP” : Handbook for Chairmen of Panels

“HBC” : Handbook for Chairmen of Bills Committees

“HSc” : Handbook for Chairmen of Subcommittees on Subsidiary Legislation/Other Instruments

**在立法會、內務委員會及財務委員會的會議上  
被裁定為在其使用的語境下**

**對議員或出席有關會議的官員具冒犯性  
及侮辱性的言詞或不適宜在議會使用的言詞**

**Expressions which have been ruled at meetings of the Council,  
House Committee and Finance Committee  
to be offensive and insulting language about Members or  
public officers attending the relevant meeting or  
unparliamentary in the context in which the expressions were used**

**Expressions which have been ruled at meetings of the Council,  
House Committee and Finance Committee  
to be offensive and insulting language about Members or  
public officers attending the relevant meeting<sup>1</sup> or  
unparliamentary in the context in which the expressions were used**

*(as at 26 May 2020)*

(a) Expressions which have been ruled to be offensive and insulting language about Members or public officers attending the relevant meeting<sup>1</sup>

|   |                                |
|---|--------------------------------|
| “as the saying goes, ‘foul grass grows out of a foul ditch’. The Chinese Government had hand-picked the members of the Preparatory Committee, who then selected the 400 members of the Selection Committee. This same group of people will then nominate candidates for the Chief Executive.” | 13 November 1996 <sup>2</sup>  |
| “You are all stupid. Who are you trying to fool?”   | 27 September 1997 <sup>2</sup> |
| “they have a sufficient number of rubber stamps here”   | 16 July 1999 <sup>2</sup>      |
| Member A <sup>3</sup> “has acted impudently and shamelessly”  | 13 October 2004 <sup>2</sup>   |
| Member B <sup>3</sup> “delivered his speech, he was so shameless as to insist that there were justifications”   | 16 March 2005 <sup>2</sup>     |
| people like Member C <sup>3</sup> “among the ‘dog class’ are helping the tyrant in his evildoing.....”  | 8 November 2006 <sup>2</sup>   |
| “that is the two so-called proverbs I said yesterday— ‘stumbling to death on the street’ and.....”  | 27 March 2009 <sup>4</sup>     |
| “some Members of this Council sought to realize their personal desires under the banner of justice ..... especially the Members representing the legal profession”  | 9 December 2009 <sup>2</sup>   |
| “It is those ‘castrati’, like ‘Eunuch LAM’, Stephen LAM, who are obstructing constitutional development .....   | 9 June 2010 <sup>2</sup>       |
| “Lackey”  | 26 January 2011 <sup>2</sup>   |
| Member D <sup>3</sup> has “kissed the wrong ass”  | 9 January 2013 <sup>2</sup>    |

<sup>1</sup> By virtue of Rule 10(2) of the Rules of Procedure (“RoP”), the scope of prohibition against the use of offensive and insulting language about Members under Rule 41(4) of RoP is expanded to cover the use of such language about public officers attending the meeting concerned for the relevant item of business.

<sup>2</sup> Date of the relevant Council meeting.

<sup>3</sup> ‘A’, ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H’, ‘I’ and ‘J’ represent the names of the Members concerned.

<sup>4</sup> Date of the relevant Finance Committee meeting.

|  |                               |
|--|-------------------------------|
| Member E <sup>3</sup> was “like a dog running around, snapping at people”  | 7 May 2014 <sup>2</sup>       |
| “Members of the pro-establishment camp were chickens”  | 25 November 2016 <sup>5</sup> |
| “Do you know how many people have viewed, on the Internet, the clip of your style of deliberating politics like ‘a shrew hurling abuse on the street’ ?” | 20 January 2017 <sup>4</sup>  |
| “You are ‘dickhead(s)’, bullying us ‘egghead(s)’.”   | 2 May 2017 <sup>4</sup>       |
| “Member F <sup>3</sup> as part of a ‘flunkey’ ”  | 14 December 2017 <sup>2</sup> |
| “Member G <sup>3</sup> was ‘low-down’ ”  | 3 May 2019 <sup>5</sup>       |
| “Member G <sup>3</sup> was ‘despicable and low-down’ ”   | 3 May 2019 <sup>5</sup>       |
| “Member H <sup>3</sup> was ‘a lackey and a slave’ ”  | 26 June 2019 <sup>2</sup>     |
| “habitually eat foreign sausage”   | 15 October 2019 <sup>6</sup>  |
| “PK”   | 12 December 2019 <sup>2</sup> |
| “Member I <sup>3</sup> was ‘a scumbag’ ”   | 12 December 2019 <sup>2</sup> |
| “the phoney Chair”   | 20 May 2020 <sup>2</sup>      |
| “You, the self-proclaimed Chair”   | 20 May 2020 <sup>2</sup>      |
| “Member J <sup>3</sup> was ‘ignoble’ ”   | 21 May 2020 <sup>2</sup>      |

(b) Expressions which have been ruled to be unparliamentary

|   |                               |
|---|-------------------------------|
| “these two words ‘仆街’ (stumbling to death on the street) are certainly not foul language, it is just that you twisted ( <i>The buzzer sounded</i> ) ..... | 1 April 2009 <sup>2</sup>     |
| “especially a so-called teacher of ‘dog shit’ law .....” <sup>7</sup>   | 13 January 2010 <sup>2</sup>  |
| “The Chief Executive ‘is lying’ ”   | 9 May 2019 <sup>2</sup>       |
| “President, ‘you had better chop off that Member’s head’ ”  | 27 June 2019 <sup>2</sup>     |
| “Dog official”  | 19 December 2019 <sup>2</sup> |

<sup>5</sup> Date of the relevant House Committee meeting.

<sup>6</sup> Date of the relevant special House Committee meeting.

<sup>7</sup> The President stated at the Council meeting that such remarks were offensive and insulting and were inappropriate. However, as these remarks were not specifically about Members of this Council, he therefore could not rule that the remarks were in breach of Rule 41(4) of RoP.