

事務委員會

主席手冊

**HANDBOOK FOR  
CHAIRMEN OF PANELS**



## 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，協助事務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 Panels 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.

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## CHAPTER 1 GENERAL

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### Work of a Panel

1.1 Panels are deliberative forums for discussing and giving views to the Administration on policy matters and issues of public concern within their respective terms of reference.

1.2 Panels also consider major and/or potentially controversial legislative and financial proposals before they are formally introduced into the Legislative Council (“LegCo”) or the Finance Committee. A Member may only give notice of his/her intention to present a bill to the Council after he/she has consulted the relevant Panel on a draft of the bill. *[RoP 51(1) and (1A), HR 22(q) and (qa)]*

1.3 A Panel 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)]*

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

1.4 The Chairman and Deputy Chairman of a Panel are elected by and from among members of the Panel at its first meeting in a session. The procedure for election of the Chairman and Deputy Chairman is in Appendix IV to the House Rules. *[RoP 75(3A) and 77(5), HR 20(ka), 22(f) and (g), and Appendix IV to HR]*

1.5 Nominations for the offices of Chairman and Deputy Chairman of a Panel 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”). Upon the close of the nomination period, the Clerk shall distribute a list of valid nominations for the offices of Chairman and Deputy Chairman before the scheduled meeting. *[Appendix IV to HR]*

1.6 If there are two or more valid nominations for the office of Chairman or Deputy Chairman of a Panel, an election by secret ballot will be held. The Chairman or 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 Chairman or 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 77(13B) and 79A(2), Appendix IV to HR]*

1.7 During the election of Chairman or Deputy Chairman, the presiding member or the Chairman, as the case may be, 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]*

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<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.

1.8 The Chairman and Deputy Chairman of a Panel hold office until the election in the next session. The Chairman and the Deputy Chairman in office shall have all the powers that may be exercised by a Chairman and Deputy Chairman of a Panel, as the case may be, until the election in the next session. *[RoP 77(5) and 79D, HR 22(f)]*

1.9 The Chairman and Deputy Chairman of a Panel may not be the chairman or deputy chairman of a Government advisory body in respect of matters which the Panel considers to be directly related to its terms of reference. *[RoP 77(6), HR 22(h)]*

1.10 The Clerk to the Panel keeps a list of such advisory bodies.

1.11 The Chairman or Deputy Chairman of a Panel may not be the Chairman or Deputy Chairman of more than one Panel at the same time. *[RoP 77(7), HR 22(i)]*

1.12 A Member whose application for late membership of a Panel is accepted may not seek a re-election of the Chairman or Deputy Chairman of the Panel by reason only of his/her admission to the Panel (see paragraphs 1.23, 1.24 and 1.25 below). *[HR 23(c)]*

## **Chairman**

### **Responsibilities**

1.13 The responsibilities of the Chairman of a Panel 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 Panel 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 papers of the Panel to the House Committee;
- (e) tabling and speaking on reports of the Panel in Council; and
- (f) moving motions for debate in Council on behalf of the Panel.

1.14 The Chairman decides whether he/she will meet with the relevant Bureau Secretary at the beginning of each new session to discuss and draw up tentative work schedules of and agenda for meetings for the Panel in the session.

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

#### Powers and authority

1.16 The Chairman of a Panel 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.

1.17 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 77(11)]
- (ii) directing that written notice shorter than three days for a meeting may be given [RoP 77(11), 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)]
- (vi) deciding whether a motion to express a view or stance on a specific issue to be proposed by a member of the Panel is directly related to an agenda item of that meeting, provided that a notice in writing for moving the motion has been given not less than 2 clear days before the meeting. The motion will be proceeded with if agreed by a majority of the members voting [HR 22(p)]

### *Practices*

- (vii) deciding on the deadline for submissions, the order of speaking of deputations and their speaking time
- (viii) deciding whether translation into Chinese should be arranged for submissions made in English
- (ix) deciding whether certain documents should be circulated to members
- (x) deciding how documents containing defamatory remarks/expressions should be dealt with
- (xi) giving direction to the Clerk on logistical arrangements for meetings of the Panel
- (xii) directing the Clerk to issue the motion(s) considered directly related to an agenda item of a meeting to members before that meeting
- (xiii) consenting to the issuance of background briefs and other papers of the Panel prepared by the Clerk to members

- (xiv) 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 Panel [*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 Panel [*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 Panel [*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 Panel but not by any other member presiding at that Panel [*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 Panel 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 Panel *[RoP 77(13) and (13B), Appendix IV to HR]*
- (viii) if there is no valid nomination for the office of Deputy Chairman, directing that another meeting be scheduled for conducting the election of the Deputy Chairman in accordance with the procedures set out in Appendix IV to the House Rules *[Appendix IV to HR]*
- (ix) 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)]*
- (x) closing a meeting when a quorum is not present  
*[HR 24(g) and (h)]*
- (xi) closing a meeting if a Tropical Cyclone Warning Signal No. 8 is issued when the meeting is in progress *[HR 28(c)]*
- (xii) 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)]*

(xiii) 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)]

(xiv) 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*

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

(xvi) inviting the Panel to give its view, normally at the end of deliberation of an agenda item, on whether a relevant financial proposal is ready for submission to the Establishment Subcommittee/Public Works Subcommittee/Finance Committee and whether the Panel supports the proposal in principle

#### (c) Visits of a Panel

##### *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 Panel



(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 Panel prepared by the Clerk

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

Guiding principles

1.19 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 Panels. The Chairman should consult the Panel on the course of action to be taken regarding a certain matter, if there are no relevant rules or practices.

1.20 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 Panel. Where there are differences of opinion, the Chairman should give each side an equal chance to express its views.

## Membership

1.21 Membership of a Panel is invited at the beginning of a new session, and members of a Panel 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. The term of office of the members of a Panel shall be one session unless the Member resigns from that Panel. A Panel shall consist of not less than 6 members and not more than 20 members including the Chairman. *[RoP 75(3A) and 77(4) and (8), HR 20(ka), 22(b) and (c), and Appendix IIIB to HR]*

1.22 Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately following the first Council meeting of a new term, and for the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. If the number of Members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB to the House Rules. No Member shall be a member of more than six Panels at the same time. In the event that a vacancy in a Panel arises before the end of a session, the vacancy is to be filled in accordance with the mechanism set out in Appendix IIIB to the House Rules. *[HR 22(c), (ca) and (cb), and Appendix IIIB to HR]*

1.23 An application for late membership of a Panel shall be considered in accordance with rule 23 of the House Rules after the election of the Chairman and Deputy Chairman of the Panel, provided that the number of Panel members does not exceed 20. The raising of questions which relate to the signification of membership of the Panel, after the time when a Member should signify his/her membership, shall be deemed to be an application for late membership. *[RoP 77(8), HR 23(a)]*

1.24 It is for a Panel 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)]*

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

1.26 A Member who joins the Council after the start of a session may join a Panel 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 Panel does not exceed 20. His/her membership of the Panel shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a Panel exceeds the number of committee seat(s) of that Panel available for allocation, lots will be drawn for determining the allocation of the committee seat(s) in that Panel in accordance with the mechanism set out in Appendix IIIB to the House Rules. *[HR 22(d) and Appendix IIIB to HR]*

## **Non-Panel Members' attendance**

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

## **Meetings**

### **Regular meetings**

1.28 Every Panel holds regular monthly meetings when the Council is in session. It is the normal practice for these regular meetings to be held at pre-determined meeting time slots agreed to by the Panel at its first meeting in a session. This is to facilitate Members to plan their work commitments and to avoid a clash of meetings.

### Special meetings

1.29 A Panel may hold special meetings in addition to regular meetings to discuss urgent subject matters or issues as and when necessary, or to discuss subject matters or issues which members do not have adequate time to deal with at regular meetings. For example, a special meeting may be held to receive an urgent briefing by the Administration (paragraph 1.32 below refers).

### Joint meetings

1.30 A Panel may hold a joint meeting with any other Panel(s) to discuss a subject which straddles the policy areas of the relevant Panels. If there is disagreement between the Chairmen as to whether one of the Panels should take up the subject or whether the Panels should hold a joint meeting, the Chairman of the House Committee (or in his/her absence, the Deputy Chairman) should be consulted. *[RoP 77(10), HR 22(1)]*

### Inviting other Panels

1.31 A Panel may invite members of other Panels to its regular or special meetings for discussion on certain agenda items.

## **Urgent briefings**

1.32 It is the agreement with the Administration that when public announcements on important matters of wide public concern are to be made by the Administration, it should consult the Chairman and Deputy Chairman of the relevant Panel in the first instance whether and, if so, how the Panel should be briefed on the matter.

## **Briefings following Policy Address**

1.33 Bureau Secretaries brief the relevant Panels on the policy commitments of their respective bureaux following the delivery of the Policy Address by the Chief Executive but before the debate on the Motion of Thanks. All policy briefings are held at meetings of Panels, and all Members are notified of the schedule of policy briefings.

## **Public's attendance**

1.34 Meetings of a Panel are held in public unless the Chairman otherwise orders in accordance with any decision of the Panel.

*[RoP 77(12)]*

1.35 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.

1.36 The public should be admitted to all open meetings of a Panel as long as there are seats in the public galleries of the meeting venue.

*[HR 24(q)]*

## **Support service**

### Clerk

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

### Legal adviser

1.38 A legal adviser is assigned to each Panel to provide legal advice and support to the Panel and its subcommittees/working groups.

1.39 Where necessary, the Clerk consults the Chairman before a meeting whether the attendance of the legal adviser is required.

### Research support provided by the Research Office

1.40 The Research Office provides research support for Panels. On the instruction of a Panel, the Office undertakes an in-depth study and analysis of a subject and produces a research paper for the Panel, 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.

1.41 The Panel 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.

### Specialist advisers

1.42 A Panel may seek the assistance of an independent specialist adviser to gain more knowledge about a subject, so as to facilitate members' consideration of the policy proposals put forward by the Administration and views of deputations. The detailed arrangements are set out in *Appendix I*.

## CHAPTER 2 PREPARATIONS FOR A MEETING

	<i>Paragraphs</i>
<b>Date and time of meeting</b>	2.1 – 2.7
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<b>Agenda</b>	2.12 – 2.18
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### **Date and time of meeting**

#### Regular meeting

2.1 The Chairman should set the date and time of a regular meeting in accordance with the pre-determined schedule agreed to by the Panel, unless there is reason to reschedule the meeting. Members should be informed of the reason for rescheduling.

#### Special meeting

2.2 Except for urgent briefings by the Administration (paragraph 1.32 of Chapter 1 refers), it may be necessary to consult members on the date and time if the subject to be discussed is very important or controversial, or there is concern about the availability of members to attend the meeting.

2.3 If a member of a Panel 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 will then decide whether to convene the meeting and, if convened, the date, time and place of it. *[RoP 79B]*

2.4 To enable the Clerk to convey a request for holding an urgent meeting of a Panel, the Chairman and Deputy Chairman should provide the Clerk with adequate information on how they can be contacted.

#### Clash of meetings

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

2.6 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 Panel is expected to attend the other meeting.

#### Lunch time meeting

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

### **Notice of meeting**

2.8 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 77(11), HR 24(c)]*

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



2.10 Where the Administration has indicated difficulties in providing the details of a discussion item, the Chairman should request the Administration to provide the nature and scope of the subject matter to be discussed for inclusion in the notice of meeting. Details of the item should be included in the agenda once they are available. The agenda should be issued to members within a reasonable time before the meeting, so as to allow time for members to prepare for the meeting.

2.11 If details of a discussion item are only made available to members shortly before the meeting, the relevant item should be regarded as a briefing by the Administration and another meeting should be scheduled as soon as practicable to facilitate more in-depth discussion on the item.

## **Agenda**

### Deciding on agenda items

2.12 The agenda for a meeting of a Panel 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 Panel meeting on the agenda items for future meetings. The Clerk prepares a “List of outstanding items for discussion” to assist the Panel.

2.13 The agenda, as determined by the Chairman, should be issued to members together with the notice of meeting (also see paragraphs 2.9, 2.10 and 2.11 above).

2.14 Upon the request of the Administration or individual members, it is for the Chairman to decide whether a special or urgent item 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;

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

2.15 Where there is a request to defer discussion on an item, 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 or whether the item is controversial (also see paragraph 2.36 below regarding late submission of papers for an item). The Chairman may consult, if he/she considers it appropriate, members of the Panel before making his/her decision.

2.16 Where there is a request to alter the order of items 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

2.17 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

2.18 It is for the Chairman to decide beforehand the time allowed for discussion on each item and instruct the Clerk to have the time indicated on the agenda. *[HR 24(m)]*

## **Inviting attendees**

### The Administration

2.19 It is the normal practice for the policy bureau concerned to coordinate the attendance of public officers for discussion on a certain item.

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

### Other organizations

2.21 Representatives, other than those from the Administration, such as representatives of public bodies, may be invited by a Panel to attend its meeting for discussion on a certain item of business on the agenda.

## **Deputations<sup>2</sup>**

### Invitation

2.22 A Panel may invite deputations to make written submissions and oral representations to the Panel on a certain subject. The Chairman normally invites members to give views on which organizations or individuals should be approached.

2.23 If the subject in question is of wide public concern, it is the normal practice for the Panel 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

2.24 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.

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<sup>2</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 Panel on a certain subject.

2.25 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 Panel.

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

2.27 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)]*

2.28 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.

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

2.30 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.

2.31 To ensure fairness to participating deputations, each deputation should not be allowed to make oral representation more than once at meetings of the Panel 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 Panel 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

2.32 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

2.33 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**

2.34 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 Panel's discussion. The Chairman's consent is sought by the Clerk before issuance of the brief to members.

## **Papers from the Administration**

2.35 It is the normal practice for the Administration to be requested to provide a paper for each discussion item at a Panel meeting. A deadline is normally set for the receipt of such papers in accordance with the arrangements agreed with the Administration as set out in *Appendix II*.

2.36 If the required papers are not received by the agreed deadline, the Chairman may, after consulting the Panel, remove the relevant item from the agenda. If the Chairman decides to leave the item on the agenda, the Chairman should consult the Panel at the meeting whether the item should be discussed or removed from the agenda, and allow time for a short discussion on the matter.

## **Research papers**

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

2.38 If necessary, the Chairman can comment on the draft research paper (and may also invite interested members of the Panel to provide comments) before it is finalized for circulation to all members of the Panel. 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**

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

## **Defamatory expressions**

2.40 If a document, e.g. a submission from a deputation, contains defamatory remarks/expressions made against or which may be embarrassing to any person or body, etc, the Chairman 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**

2.41 The Chairman decides whether certain documents sent to the Panel, which are not related to any agenda item or subject to be discussed, should be circulated to members.

## **Chairman's Brief**

2.42 A Brief for the Chairman is prepared by the Clerk for every 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 Panel, representatives of the Administration and other organizations and Secretariat staff attending the meeting;
- (c) date of the meeting the minutes which are to be confirmed;
- (d) titles of the information papers issued since the last meeting;
- (e) proposed changes to the “List of outstanding items for discussion”;
- (f) response received from the Administration relating to the “List of follow-up actions”;
- (g) titles of papers for each agenda item;
- (h) brief description of the main issues of concern of each discussion item;
- (i) motion(s) and any amendment(s) thereto proposed by member(s) and considered by the Chairman to be directly related to an agenda item of that meeting;
- (j) matters requiring the Panel's attention/decision;
- (k) a reminder of the date of the next meeting; and
- (l) any procedural or other matters to which the Chairman's attention should be drawn.

## **Meeting with the Clerk**

2.43 Where necessary, the Chairman and Deputy Chairman 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 3 CONDUCTING A MEETING

	<i>Paragraphs</i>
<b>Chairing meetings</b>	3.1 – 3.4
<b>Quorum</b>	3.5 – 3.8
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<b>Privileges and immunities</b>	3.13 – 3.14
<b>Order of speaking</b>	3.15 – 3.17
<b>Pecuniary interest</b>	3.18 – 3.20
<b>Voting</b>	3.21 – 3.27
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<b>Voting right of Chairman</b>	3.31 – 3.32
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<b>Motion moved by Chairman</b>	3.40 – 3.44
<b>Motion proposed by members</b>	3.45 – 3.62
<b>Extension of meetings</b>	3.63 – 3.68
<b>Language</b>	3.69 – 3.70

### Chairing meetings

3.1 The Chairman of a Panel chairs the meetings of the Panel. In his/her absence, the Deputy Chairman takes the chair at the meeting.

3.2 In the temporary absence of the Chairman and Deputy Chairman, the Panel may elect a Chairman to act during their absence. [*RoP 77(5), HR 22(j)*]

3.3 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.

3.4 Where the Chairman of a Panel 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 Panel to consider whether he/she should preside over the discussion on the item. The Panel may decide whether the Deputy Chairman or another member should preside.

## **Quorum**

3.5 The quorum of a Panel 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 77(8)]*

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

3.7 In the case where a meeting has just been cancelled, and then all the members of the Panel are present and the public officers are still available, the Chairman may, with the agreement of all the members, call another meeting to be held immediately. *[RoP 77(11), HR 24(c)]*

3.8 If the attention of the Chairman is drawn by a member of the Panel 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**

3.9 In the situation where a quorum is present but the venue for the 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**

3.10 The Chairman 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)]*

3.11 Further extension of the meeting is subject to the conditions detailed in paragraphs 3.64 to 3.68 below.

## **Order of agenda items**

3.12 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 to decide whether the request should be acceded to. The Chairman may consult, if he/she considers it appropriate, members of the Panel as well as representatives of the Administration and/or other parties concerned, such as deputations, before making his/her decision.

## **Privileges and immunities**

3.13 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 III*.

3.14 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 should remind them, at the beginning of the discussion, that when addressing the Panel they do not have such protection and their written submissions are also not protected.

## **Order of speaking**

3.15 Members should register their intention to speak at a meeting by raising their hands or through the “Request to Speak” System. The Chairman 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.

3.16 In the situation where there is limited time and there is a long queue of Members waiting to speak, it may be necessary for the Chairman to –

- (a) allow a Member to ask only one question and a short follow-up;  
or
- (b) set a time limit, e.g. five minutes, within which a Member asks his/her question and the Administration responds to the question;  
and
- (c) not to invite a Member to speak again until other Members wishing to speak have spoken.

3.17 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**

3.18 It is a Member’s responsibility to disclose the nature of his/her pecuniary interest in a matter being considered by a Panel 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]*

3.19 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)]*

3.20 “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**

3.21 Matters for the decision of a Panel are decided by a majority of the members voting. Such voting, however, is not binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee. Non-Panel Members do not have voting right in respect of the business of the Panel. *[RoP 77(13), HR 24(d)]*

3.22 Before a matter is voted upon at a meeting of a Panel, a voting bell will be rung if the Chairman orders, on his/her own motion or upon the request of a member of the Panel, that the members of the Panel be notified of the voting.<sup>3</sup> The Panel 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)]*

3.23 Where no voting bell is provided for the venue where a Panel 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 Panel 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)]*

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<sup>3</sup> The voting bell may be rung irrespective of whether the Panel concerned is proceeding to a division; and a Panel may proceed to a division without ringing a voting bell.

3.24 Voting by members at a meeting of a Panel 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.

3.25 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 IV*.

3.26 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.

3.27 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 3.25 above.

## **Decisions**

3.28 The decision of a Panel is binding on the subcommittees/working groups of the Panel, but not any other committees of the Council.

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

3.30 The decisions of a Panel should not be reopened for discussion, unless with the permission of the Panel. *[HR 24(n)]*

## **Voting right of Chairman**

3.31 Except in an election of the Chairman and Deputy Chairman of a Panel, the Chairman or any presiding member has an original vote but not a casting vote. *[RoP 77(13) and (13B)]*

3.32 If the Chairman or the member presiding wishes to exercise his/her original vote on a matter before the Panel, the vote must be exercised at the same time as other members of the Panel 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 Panels and other committees are summarized in part (c) of *Appendix IV*. *[RoP 79A(3)]*

## **Conduct**

### Members

3.33 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]*

3.34 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 Panel meetings, unless the Chairman of the Panel 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]*

3.35 The Chairman of a Panel, after having called the attention of the Panel 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)]*

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

3.37 The Chairman of a Panel 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 Panel on how the controversy should be dealt with.

*Use of offensive or insulting language by a Member*

3.38 In relation to paragraph 3.34(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 V*. 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. Panel 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 the Panel 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 Panel 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 3.37 above.

### Public

3.39 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)]*

### **Motion moved by Chairman**

3.40 If the Panel decides that a motion for debate in Council should be moved by its Chairman, a slot will be allocated to the Chairman provided that –

- (a) the motion is on a consultative document published by the Government and will be debated before the expiry of the consultation period;
- (b) the motion is neutrally-worded without stating any stance; and
- (c) no amendment to the motion will be proposed.

*[HR 14A(a)]*

3.41 The Panel's request together with the wording of the motion should be submitted to the Secretariat before the relevant cut-off date for application for debate slots. *[HR 14A(d)]*

3.42 The priority allocation of a debate slot does not apply to cases in which a Panel requests that a debate slot be allocated to its Chairman for moving a motion not on a consultative document published by the Government. Such requests should be put forward to the House Committee for consideration on a case-by-case basis. *[HR 14A(g) and (h)]*

3.43 The Chairman of the Panel who has been allocated a slot under circumstances described in paragraph 3.40 or 3.42 above may withdraw the notice of motion at any time before it is moved by giving instructions to the Clerk to LegCo. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the Chairman of the Panel is considered to have been allocated a debate slot. *[HR 14A(i)]*

3.44 In the situation where the Chairman of the Panel is not in favour of the motion, or if the Chairman does not wish to move the motion, the Panel should invite its Deputy Chairman or another member who is in favour of the motion to move the motion.

## **Motion proposed by members**

### Substantive motions

3.45 A member who wishes to move a motion to express a view or stance on a specific issue at a meeting of a Panel should give notice in writing not less than 2 clear days before the meeting.<sup>4</sup> The motion may be proposed if it is considered by the Chairman as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting. Any proposed amendment to a motion should be presented to the Panel in written form. *[HR 22(p)]*

The above is elaborated in greater detail below.

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<sup>4</sup> The notice requirement is not applicable to the proposing of any amendment to a motion.

3.46 Upon receiving notice of a motion referred to in paragraph 3.45 given by a member, the Chairman should first decide whether the motion is directly related to an agenda item of the meeting concerned. If the Chairman so decides, the Clerk should issue such motion to members as soon as practicable before that meeting.

3.47 If the proposing member is absent at the time when the motion is supposed to be dealt with at the meeting, the motion would not be proceeded with or moved at that meeting.

3.48 The proposed motion or any amendment to the motion should be presented to the Panel in written form. *[HR 22(p)]*

3.49 Any proposed amendment to a motion may be moved only if the proposed amendment is related to the scope of the motion.

3.50 The Chairman should ensure that a quorum is present before proceeding to deal with motions.

3.51 The Chairman may instruct the Clerk to arrange for the wording of a motion and any amendment thereto to be shown to members.

3.52 The Chairman should invite members present to consider whether the motion should be proceeded with. The motion will be proceeded with if agreed to by a majority of the members voting, and it should be dealt with under the agenda item to which it relates. The Chairman may, with the agreement of the Panel, decide to deal with the motion later at the same meeting. *[HR 22(p)]*

3.53 The Chairman should allow members to give views on the motion and any amendment thereto before they are put to vote.

3.54 After members have expressed their views, the amendment should be voted on first. If the amendment is voted down, the original motion should be put to vote.

3.55 If there are two or more amendments, the Chairman should call on the members concerned to move their amendments in the order in which these amendments relate to the text of the motion, or in cases of doubt in the order decided by the Chairman.

3.56 In the case of two amendments being inconsistent with each other, if the amendment which is voted on first is passed, the other amendment is deemed to be negated.

3.57 If there are two or more motions moved by members which have been ruled by the Chairman to be directly related to the agenda item and decided by the Panel that they should be proceeded with, a joint discussion on the motions should be held.

3.58 After members have given their views, the motions should be voted on in the order in which they were presented to the Panel.

3.59 In the case of two motions being inconsistent with each other, if the motion which is voted on first is passed, the other motion is deemed to be negated.

3.60 A member 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]

### Procedural motions

#### *Motion to adjourn*

3.61 If during the discussion on a substantive motion, a member moves a procedural motion to adjourn the discussion, the procedural motion should be dealt with first. If the motion is supported, the Chairman will adjourn the discussion. If the motion is voted down, discussion on the substantive motion may continue. Where the Chairman is of the opinion that the moving of the motion to adjourn the discussion is an abuse of procedure, he/she may decide not to propose the question on the motion or to put the question forthwith without debate. [RoP 40(1B) and 43]

### *Motion to take vote immediately*

3.62 If during the discussion on a substantive motion, a member moves a procedural motion that a vote on the substantive motion be taken immediately, the procedural motion should be dealt with first. If the motion is supported, a vote on the substantive motion will be taken immediately. If the motion is voted down, discussion on the substantive motion may continue.

### **Extension of meetings**

3.63 As detailed in paragraph 3.10 above, the Chairman of a Panel may, before the appointed ending time of a meeting of the Panel, 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)]*

3.64 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 3.63 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 3.63 above;
- (b) no member of the Panel present at the meeting raises objection to the proposal; and
- (c) the meeting venue is available.

*[HR 24A(b)]*

3.65 Subject to the availability of the meeting venue, the period of extension referred to in paragraph 3.64 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 Panel present at the meeting raises objection to the proposal. *[HR 24A(c)]*

3.66 The Chairman shall ascertain whether any member of the Panel present at the meeting raises objection to a proposal put forward under paragraph 3.64 or 3.65 above without debate or discussion. *[HR 24A(d)]*

3.67 Where a motion has been proposed and agreed to be dealt with during the original appointed meeting time but has not been so dealt with, the motion may be dealt with during the period of extension or continuation of meeting allowed by the Chairman under paragraph 3.63 above, or the period of extension decided by the Panel under paragraph 3.64 or 3.65 above. *[HR 24A(e)]*

3.68 Amendments may be proposed to a motion to be dealt with under paragraph 3.67 above during the period of extension or continuation of meeting allowed by the Chairman under paragraph 3.63 above, or the period of extension decided by the Panel under paragraph 3.64 or 3.65 above.

## **Language**

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

3.70 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 4

## CONDUCTING A JOINT MEETING

	<i>Paragraphs</i>
<b>Procedures and practices</b>	4.1 – 4.2
<b>Election of Chairman</b>	4.3 – 4.4
<b>Quorum</b>	4.5 – 4.7
<b>Decisions</b>	4.8
<b>Voting right of Chairman</b>	4.9

### **Procedures and practices**

4.1 A Panel or its subcommittee may hold a joint meeting with any other Panel or its subcommittee to discuss a subject which straddles the policy areas of the relevant Panels/subcommittees. *[RoP 77(10)]*

4.2 Conducting a joint Panel meeting is similar to conducting a Panel meeting, the procedures and practices of which are discussed in Chapter 3. The arrangements which are only applicable to a joint meeting are set out in this chapter.

### **Election of Chairman**

4.3 The Panels/subcommittees concerned should decide which Chairman should chair the meeting. *[HR 22(k)]*

4.4 If an election needs to be held, the procedure should follow that set out in Appendix IV to the House Rules. *[RoP 79A(4), Appendix IV to HR]*

## **Quorum**

4.5 The quorum of a joint meeting is one-third of the members of all the relevant Panels/subcommittees including the Chairman (a fraction of the whole number being disregarded). A Member who is a member of more than one of the relevant Panels/subcommittees at a joint meeting should be counted as one member of the joint meeting for the calculation of quorum. *[RoP 77(10), HR 22(n)]*

4.6 If a quorum is not present within 15 minutes of the appointed time of the meeting, the Clerk will check if there is a quorum for any one of the Panels participating in the joint meeting. Members present can decide if the meeting should become a meeting of the Panel with a quorum and attended by members of the other Panel.

4.7 Once the meeting has been declared as the meeting of a single Panel, it cannot be regarded as a joint Panel meeting when, subsequently, there is a quorum for a joint meeting. If voting is required at the meeting, the Chairman should remind the meeting that only members of the Panel in session have voting right in the business of that meeting.

## **Decisions**

4.8 Matters for decision at a joint meeting are decided by a majority of the members voting. Such voting is not binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee. *[RoP 77(13), HR 22(o)]*

## **Voting right of Chairman**

4.9 Except in an election of the Chairman of a joint meeting, 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 joint meeting, the vote must be exercised at the same time as other members of the joint meeting 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 joint meetings of Panels are summarized in part (c) of *Appendix IV*. [RoP 77(13) and (13B), and 79A(3)]

## 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 Panels or their subcommittees 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 Panel or its subcommittee consider it necessary to undertake any activities outside Hong Kong under the name of the Panel or the subcommittee 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 22(v) and 29A(a)]*

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

#### Forming the delegation

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

- (a) members of the Panel/subcommittee 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-Panel/subcommittee Members may join a duty visit outside Hong Kong with the consent of the Panel/subcommittee.

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

5.7 The Chairman of the Panel/subcommittee is normally the leader of the delegation. If the Chairman does not participate in the visit, the Deputy Chairman is normally the leader and if he/she also does not participate in the visit, the delegation may choose a leader and inform the Panel/subcommittee 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 to the Panel/subcommittee 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 to the Panel/subcommittee, 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 Panel/subcommittee 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 Panel 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 SUBCOMMITTEE, JOINT SUBCOMMITTEE AND WORKING GROUP

	<i>Paragraphs</i>
<b>Subcommittee of a Panel</b>	6.1 – 6.12
<b>Joint subcommittee formed by two Panels</b>	6.13 – 6.25
<b>Working group</b>	6.26 – 6.30

### Subcommittee of a Panel

#### Appointment

6.1 A Panel may appoint a subcommittee to study a specific issue and to report to the Panel. The members of the subcommittee shall be those members of that Panel 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 not more than 20 members including its Chairman.<sup>5</sup> If a Member who has joined a Panel in a new session wishes to join a subcommittee formed under the Panel in the previous session, the Member may make an application for late membership to the subcommittee for its consideration under rule 23 of the House Rules, provided that the number of members of the subcommittee does not exceed 20. *[RoP 75(3A) and 77(9), HR 20(ka), 22(s), 23(a) and Appendices IIIB and IV to HR]*

6.2 A proposal to appoint a subcommittee should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the Panel concerned. *[HR 22(u)(ii)]*

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

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

## Terms of reference

6.4 The terms of reference of a subcommittee of a Panel should be decided by the Panel, and should be issue-specific or project-specific.

*[HR 22(u)(i)]*

## Activation of subcommittees

6.5 The maximum number of subcommittees appointed by the House Committee to assist the House Committee's consideration of issues of public concern which fall outside the purview of Panels or straddle the purview of a number of Panels or any other matters relating to Council business (other than subsidiary legislation, instruments made under an Ordinance, draft of subsidiary legislation or such instruments, and proposed endorsement of the appointment or removal of senior judges), subcommittees appointed by Panels to study specific issues and joint subcommittees appointed by two Panels to study any matter of common interest to the Panels that may be in operation at any one time is 10.<sup>6</sup> Where the number has reached 10, a queuing system will automatically be activated with a waiting list formed. The order of subcommittees on the waiting list is in the order of their appointment. *[HR 20(j)(ii) and (iii), 22(s), (t) and (u)(iv), and 26(a) and (b)]*

6.6 Where the number of Bills Committees in operation is less than 16, the House Committee may activate subcommittees on the waiting list after having considered the factors set out in rule 26(b) of the House Rules.

*[HR 26(b)]*

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<sup>6</sup> The arrangements for the appointment, operation and servicing of subcommittees under the House Committee and Panels to study specific issues or Council business as endorsed at the House Committee meeting on 2 March 2007 do not apply to the Parliamentary Liaison Subcommittee and the Subcommittee on Members' Remuneration and Operating Expenses Reimbursement, as they are virtually "standing" in nature and manpower resources are deployed separately for their servicing.

## Voting and decisions

6.7 All matters for the decision of a subcommittee of a Panel are decided by a majority of the members of the subcommittee voting. Such voting is not binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee. *[RoP 77(13)]*

## Voting right of Chairman

6.8 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 Panels are summarized in part (c) of *Appendix IV*. *[RoP 77(13) and (13B), and 79A(3), Appendix IV to HR]*

## Procedures and practices

6.9 The procedures and practices of a subcommittee of a Panel are determined by that Panel. In any such determination, the Panel 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 subcommittees of Panels. *[RoP 75(8) and 77(15), HR 20 to 25 and 26(f)]*

## Duration of subcommittees

6.10 A subcommittee should complete its work within 12 months of its commencement and report to the relevant Panel. Should a subcommittee consider it necessary to work beyond that 12 months, it should, after obtaining the endorsement of the relevant Panel, report to the House Committee and give justifications for an extension of the 12-month period. A subcommittee should not hold any meeting after the expiry of the 12-month working period or the extended working period, unless otherwise decided by the House Committee. *[HR 26(c)]*

## Reporting to the Panel

6.11 A subcommittee may report to the Panel at any time when it considers appropriate, but should do so as soon as it has completed its work. The report should set out the deliberations and recommendations/conclusions of the subcommittee, if any. The Clerk to the subcommittee drafts the report and forwards it to the Chairman (and members, if so requested) for clearance before issuance. *[RoP 77(9), HR 22(u)(iii)]*

## Dissolution

6.12 A subcommittee of a Panel is dissolved upon its submission of report, or when the Panel so decides.

## **Joint subcommittee formed by two Panels**

### Appointment

6.13 Two Panels may appoint a joint subcommittee to study a matter of common interest to the Panels and to report to the Panels. Where the number of Panels which wish to appoint a joint subcommittee exceeds two, a proposal shall be made to the House Committee for a subcommittee to be formed under the House Committee. *[RoP 77(9A), HR 22(t)]*

6.14 The members of a joint subcommittee appointed by two Panels shall be those members of the Panels 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 joint subcommittee shall consist of not less than 3 members and not more than 20 members including the Chairman.<sup>7</sup> If a Member who has joined a Panel in a new session wishes to join a joint subcommittee formed under the Panel and another Panel in the previous session, the Member may make an application for late membership to the joint subcommittee for its consideration under rule 23 of the House Rules, provided that the number of members of the joint subcommittee does not exceed 20. *[RoP 75(3A) and 77(9A), HR 20(ka), 22(t), 23(a) and Appendices IIIB and IV to HR]*

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<sup>7</sup> The procedure for election of Chairman and Deputy Chairman of a joint subcommittee formed by two Panels is in Appendix IV to the House Rules.

6.15 A proposal to appoint a joint subcommittee by two Panels should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the Panels concerned. *[HR 22(u)(ii)]*

6.16 In the event that a vacancy in a joint subcommittee formed under two Panels arises before its completion of work, such vacancy will not be filled. *[Appendix IIIB to HR]*

### Terms of reference

6.17 The terms of reference of a joint subcommittee should be decided by the Panels concerned, and should be issue-specific or project-specific. *[HR 22(u)(i)]*

### Activation of joint subcommittees

6.18 The mechanism for activation of subcommittees set out in paragraphs 6.5 and 6.6 above also applies to joint subcommittees appointed under two Panels.

### Quorum

6.19 The quorum of a joint subcommittee is one-third of the membership of the joint subcommittee, including the Chairman (a fraction of the whole number being disregarded).

### Voting and decisions

6.20 All matters for the decision of a joint subcommittee are decided by a majority of the members of the joint subcommittee voting. Such voting is not binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee. *[RoP 77(13)]*

### Voting right of Chairman

6.21 Except in an election of the Chairman and Deputy Chairman (if any) of a joint 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 joint subcommittee, the vote must be exercised at the same time as other members of the joint 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 joint subcommittees of Panels are summarized in part (c) of *Appendix IV*. [RoP 77(13) and (13B), and 79A(3), *Appendix IV to HR*]

### Procedures and practices

6.22 The procedures and practices of a joint subcommittee are determined by the Panels concerned. In any such determination, the Panels concerned 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 joint subcommittees of Panels. [RoP 75(8) and 77(15), *HR 20 to 25 and 26(f)*]

### Duration of joint subcommittees

6.23 A joint subcommittee should complete its work within 12 months of its commencement and report to the Panels concerned. Should a joint subcommittee consider it necessary to work beyond that 12 months, it should, after obtaining the endorsement of the Panels concerned, report to the House Committee and give justifications for an extension of the 12-month period. A joint subcommittee should not hold any meeting after the expiry of the 12-month working period or the extended working period, unless otherwise decided by the House Committee. [HR 26(c)]

### Reporting to the Panels concerned

6.24 A joint subcommittee may report to the Panels concerned at any time when it considers appropriate, but should do so as soon as it has completed its work. The report should set out the deliberations and recommendations/conclusions of the joint subcommittee, if any. The Clerk to the joint subcommittee drafts the report and forwards it to the Chairman (and members, if so requested) for clearance before issuance. The report of the joint subcommittee should be submitted to the Panels concerned for endorsement. *[RoP 77(9A), HR 22(u)(iii)]*

### Dissolution

6.25 A joint subcommittee is dissolved upon the submission of the report, or when the Panels concerned so decide.

## **Working group**

### Formation

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

### No privileges and immunities

6.27 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 Panels do not normally apply to the operation of a working group.

### Terms of reference

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

### Reporting to the Panel

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

### Dissolution

6.30 A working group of a Panel is dissolved upon its submission of report, or when the Panel so decides.



## 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 – 7.7

### **Powers to summon witnesses**

7.1 A Panel 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 Panel member proposes that the Panel 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 Panel for consideration and decision. If the Panel supports the motion, the House Committee should be informed of the Panel's decision.

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

7.4 If a Panel is authorized to exercise powers conferred by section 9(1) of Cap. 382, the Panel should make a report to the Council after it has completed its consideration. *[HR 22(w)]*

7.5 The last occasion on which a Panel was authorized by the Council to exercise the powers conferred by section 9(1) of Cap. 382 was in 1995. At the Council meeting on 13 December 1995, the Panel on Manpower was authorized to use the powers conferred by section 9(1) of Cap. 382 for the purpose of inquiring into the circumstances surrounding the labour disputes involving imported workers under the Special Labour Importation Scheme for the Airport Core Programme Projects and related issues.

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

7.6 If a Panel 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.

## CHAPTER 8 FOLLOW-UP WORK OF A MEETING

	<i>Paragraphs</i>
<b>Decisions</b>	8.1 – 8.5
<b>Minutes</b>	8.6 – 8.9
<b>Verbatim records</b>	8.10 – 8.11
<b>Reporting to the Legislative Council</b>	8.12 – 8.18
<b>Reports for the House Committee</b>	8.19

### Decisions

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

8.2 Where a motion passed by a Panel requires the Administration's follow-up action or response, the Clerk writes to inform the Bureau Secretary (or other public officers) concerned of the motion and to request him/her (or the public officer) to take follow-up action or provide a response to the motion, as appropriate.

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

8.4 The Clerk prepares a "List of follow-up actions" to assist a Panel in keeping track of such matters. The list is updated and put on the agenda for each regular meeting of a Panel.

8.5 The Clerk undertakes other necessary follow-up work according to the decisions of a Panel including –

- (a) seeking allocation of a debate slot (paragraphs 3.41 and 3.42 of Chapter 3);
- (b) 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);

- (c) informing the House Committee of the Panel'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); and
- (d) recommending to the House Committee that a select committee be appointed (paragraph 7.6 of Chapter 7).

## **Minutes**

8.6 The Clerk to a Panel prepares the minutes of the meetings of the Panel. [HR 25(a)]

8.7 The draft minutes of a Panel meeting are presented in detailed form. [HR 25(a)]

8.8 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 Panel. [HR 25(d) and (e)]

8.9 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**

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

8.11 The Chairman of a Panel may, with the agreement of the Panel, 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.

## **Reporting to the Legislative Council**

### Reports

8.12 A Panel is required to make at least one report on its work every session to the Council. *[RoP 77(14), HR 22(w)]*

8.13 Such a report is normally presented to the Council at the end of the session. The Clerk is responsible for drafting the report. Before presenting the report to the Council, the report is cleared with the Chairman and then endorsed by the Panel concerned. The endorsement of the report by the Panel may be sought at a meeting or by circulation.

8.14 A Panel may make other reports to the Council as and when it considers appropriate. *[RoP 77(14)]*

8.15 As discussed in paragraph 7.4 of Chapter 7, if a Panel has been authorized to exercise the powers conferred by section 9(1) of Cap. 382, the Panel should make a report to the Council after it has completed its consideration. *[HR 22(w)]*

### Addressing the Council

8.16 The Chairman, with the permission of the President, may present a report to the Council by giving a notice not less than 2 clear days before the Council meeting at which the report is to be presented. The Chairman may also, with the permission of the President, address the Council on the report. No debate may arise on the Chairman's address. *[RoP 21(1), (3) and (6)]*

8.17 The Chairman provides an advance copy of the intended address to the President to enable the President to decide whether the address may provoke a debate. *[HR 2]*

8.18 The Clerk is responsible for drafting the Chairman's address.

## **Reports for the House Committee**

8.19 A Panel may make a report to or seek the views of the House Committee on a particular matter, or inform the House Committee of the contents of its study report. *[RoP 77(14), HR 22(w)]*

委聘專家顧問  
Appointment of specialist advisers

**立法會**  
**Legislative Council**

LC Paper No. CB(1) 344/03-04

Ref : CB1/PL/G/1  
Tel : 2869 9220  
Date : 18 November 2003  
From : Assistant Secretary General 1  
To : All Members of the Legislative Council

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**Appointment of Specialist Advisers for Panels**

At its meeting on 21 October 2003, The Legislative Council Commission (the Commission) endorsed the arrangements for the appointment of specialist advisers for Panels. This circular provides the background and details of the arrangements.

**Background**

2. A Panel provides a forum for the exchange of views on Government policies and issues of public concern, and for the Administration to consult Members on major legislative and financial proposals before these are formally introduced into the Council or the Finance Committee. In considering a policy matter or an issue of public concern, a Panel requires background information for its deliberation. In addition to receiving briefings from the Administration, the Panel may invite public views on the policy matter or issue, including those of the trades/industries and professional bodies concerned and the academia. Where feasible, the Panel Clerk and/or the Research and Library Services Division (RLSD) of the Secretariat may provide a background brief or information note to the Panel on the subject concerned prior to deliberation. The Panel may also request the RLSD to undertake research studies, making references to the relevant practices and experiences of other places.

3. Such a mode of operation has so far proved effective. However, given the rapid development and advancement in fields or areas such as information technology, financial systems, medicine, ecology and environmental conservation, physics, engineering and other sciences, Panels may from time to time come across policy matters or issues which are highly technical. It may be necessary for a Panel to seek the assistance of an independent specialist adviser in understanding a subject, so as to facilitate members' consideration of the policy proposal put forward by the Administration and the views presented by deputations.



## **Arrangements for engagement of Specialist Advisers**

4. In reviewing the organization and structure of the Legislative Council Secretariat, the Commission considers it appropriate to appoint experts as specialist advisers to provide independent advice to Panels if and when the circumstances so warrant. Specialist advisers should be appointed only on an ad hoc basis and for a defined period to give objective specialist advice on specific issues which are highly technical in nature. Specialist advisers may prepare papers and/or give internal briefings to the Panel.

### **Selection of specialist advisers**

5. It would be for a Panel to decide on whom should be appointed as specialist advisers for the Panel. Where necessary, a Panel may form a working group to deal with matters relating to the appointment of specialist adviser(s) for the Panel. Specialist advisers to be appointed should have up-to-date knowledge about the issue on which he will advise the Panel. Therefore, prospective candidates for appointment should not be confined to academics or retired professionals/practitioners.

### **Remuneration**

6. Specialist advisers should be granted an honorarium at a standard rate to be determined by the Commission for each hour of attendance at meetings/briefings of Panels. Where the service requires extensive research and analytical work, a lump-sum fee may be negotiated subject to normal procedure in the procurement of service. A specialist adviser may choose not to receive any honorarium for his/her service. For the 2003-04 legislative session, the Commission has agreed to the rate of HK\$1,100 per hour for a specialist adviser's attendance of meetings with Panel members. Appointment of specialist advisers should be made by the Commission.

### **Declaration of interest and confidentiality undertaking**

7. To ensure the impartiality and integrity of specialist advisers, the person to be appointed should be asked to declare his/her interest, real, apparent or potential, in the subject concerned for the relevant Panel's consideration in the selection process. Specialist advisers, once appointed, should be required to report any interest that may arise in the course of their service to Panels. To avoid role conflict, the specialist advisers should not at the same time give views on the field or subject to the Panel in the capacity of a deputation.

8. Specialist advisers should keep confidential all information which comes to their knowledge or possession in the course of their service to Panels, and should not divulge or communicate to any other person any advice he/she provides to Panels.

9. Further details on the appointment procedures are separately provided to the Panel Clerks. Any questions on this circular may be directed to me or Ms Anita SIT at 2525 3331.



(Ms Pauline NG)  
Assistant Secretary General 1

**政府當局提供文件**  
**Provision of papers by the Administration**

## **Provision of papers by the Administration**

The following arrangements regarding provision of papers by the Administration for discussion at Panel meetings were recommended by the Committee on Rules of Procedure and endorsed by the House Committee on 18 January 2002. The arrangements have also been agreed between Members and the Administration -

- a. the Administration is required to provide papers at least 5 clear days before the relevant Panel meeting for items with at least three weeks' notice;
- b. the Administration is required to provide papers at least 2 clear days before the relevant Panel meeting for items involving time critical proposals e.g. urgent financial proposals, or where the need to consult Panels does not arise until a very late stage;
- c. the Administration is required to provide papers as soon as practicable for items with less than three weeks' notice; certain policy initiatives which cannot be released prior to the approval of the Executive Council; and matters involving commercially sensitive information; and
- d. papers should reach the LegCo Secretariat by 11:00 am if the deadline for provision of papers falls on a day before a public holiday.

If the required papers are not received by the agreed deadline, the Chairman may, after consulting the Panel, remove the relevant item from the agenda. If the Chairman decides to leave the item on the agenda, the Chairman should consult the Panel at the meeting whether the item should be discussed or removed from the agenda, and allow time for a short discussion on the matter (agreed to at the House Committee meeting on 26 November 2004).

The expression "clear days" as a period of time excludes the day of making a request to the Administration for provision of papers, the day of the relevant meeting and intervening public holidays, and ends at 5:00 pm on the last day of that period. [RoP 93(b)]

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.

## Annex

### **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 (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 RoP 76(8)	No RoP 76(8)	Yes RoP 76(8B)	Yes RoP 76(8B)
Panels and their subcommittees and joint subcommittees	Yes RoP 77(13)	No RoP 77(13)	Yes RoP 77(13B)	Yes RoP 77(13B)
Joint meetings of Panels	Yes RoP 77(13)	No RoP 77(13)	Yes RoP 77(13B)	Yes RoP 77(13B)
HC	No RoP 75(12B)	Yes RoP 75(12B)	Yes RoP 75(12E)	Yes RoP 75(12E)
Subcommittees on subsidiary legislation under HC	Yes RoP 75(12C)	No RoP 75(12C)	Yes RoP 75(12E)	Yes RoP 75(12E)
Other subcommittees under HC	No RoP 75(12B)	Yes RoP 75(12B)	Yes RoP 75(12E)	Yes 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.