

會議過程正式紀錄
OFFICIAL RECORD OF PROCEEDINGS

1998 年 7 月 2 日星期四
Thursday, 2 July 1998

下午 3 時 30 分會議開始
The Council met at half-past Three o'clock

出席議員：

MEMBERS PRESENT:

主席范徐麗泰議員，G.B.S., J.P.

THE PRESIDENT

THE HONOURABLE MRS RITA FAN, G.B.S., J.P.

丁午壽議員，J.P.

THE HONOURABLE KENNETH TING WOO-SHOU, J.P.

田北俊議員，J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

朱幼麟議員

THE HONOURABLE DAVID CHU YU-LIN

何世柱議員，J.P.

THE HONOURABLE HO SAI-CHU, J.P.

何秀蘭議員

THE HONOURABLE CYD HO SAU-LAN

何承天議員，J.P.

THE HONOURABLE EDWARD HO SING-TIN, J.P.

何俊仁議員

THE HONOURABLE ALBERT HO CHUN-YAN

何敏嘉議員

THE HONOURABLE MICHAEL HO MUN-KA

何鍾泰議員，J.P.

DR THE HONOURABLE RAYMOND HO CHUNG-TAI, J.P.

李永達議員，

THE HONOURABLE LEE WING-TAT

李卓人議員

THE HONOURABLE LEE CHEUK-YAN

李柱銘議員，S.C., J.P.

THE HONOURABLE MARTIN LEE CHU-MING, S.C., J.P.

李家祥議員，J.P.

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

李啟明議員，J.P.

THE HONOURABLE LEE KAI-MING, J.P.

李國寶議員，J.P.

DR THE HONOURABLE DAVID LI KWOK-PO, J.P.

李華明議員

THE HONOURABLE FRED LI WAH-MING

呂明華議員，J.P.

DR THE HONOURABLE LUI MING-WAH, J.P.

吳亮星議員

THE HONOURABLE NG LEUNG-SING

吳清輝議員

PROF THE HONOURABLE NG CHING-FAI

吳靄儀議員

THE HONOURABLE MARGARET NG

周梁淑怡議員，J.P.

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, J.P.

夏佳理議員，J.P.

THE HONOURABLE RONALD ARCULLI, J.P.

馬逢國議員

THE HONOURABLE MA FUNG-KWOK

涂謹申議員

THE HONOURABLE JAMES TO KUN-SUN

張文光議員

THE HONOURABLE CHEUNG MAN-KWONG

張永森議員，J.P.

THE HONOURABLE AMBROSE CHEUNG WING-SUM, J.P.

許長青議員

THE HONOURABLE HUI CHEUNG-CHING

陸恭蕙議員

THE HONOURABLE CHRISTINE LOH

陳國強議員

THE HONOURABLE CHAN KWOK-KEUNG

陳婉嫻議員

THE HONOURABLE CHAN YUEN-HAN

陳智思議員

THE HONOURABLE BERNARD CHAN

陳榮燦議員

THE HONOURABLE CHAN WING-CHAN

陳鑑林議員

THE HONOURABLE CHAN KAM-LAM

梁智鴻議員，J.P.

DR THE HONOURABLE LEONG CHE-HUNG, J.P.

梁劉柔芬議員，J.P.

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, J.P.

梁耀忠議員

THE HONOURABLE LEUNG YIU-CHUNG

程介南議員

THE HONOURABLE GARY CHENG KAI-NAM

單仲偕議員

THE HONOURABLE SIN CHUNG-KAI

黃宏發議員，J.P.

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

黃宜弘議員

DR THE HONOURABLE PHILIP WONG YU-HONG

黃容根議員

THE HONOURABLE WONG YUNG-KAN

曾鈺成議員，J.P.

THE HONOURABLE JASPER TSANG YOK-SING, J.P.

楊孝華議員，J.P.

THE HONOURABLE HOWARD YOUNG, J.P.

楊森議員

DR THE HONOURABLE YEUNG SUM

楊耀忠議員

THE HONOURABLE YEUNG YIU-CHUNG

詹培忠議員

THE HONOURABLE CHIM PUI-CHUNG

劉千石議員，J.P.

THE HONOURABLE LAU CHIN-SHEK, J.P.

劉江華議員

THE HONOURABLE LAU KONG-WAH

劉皇發議員，G.B.S., J.P.

THE HONOURABLE LAU WONG-FAT, G.B.S., J.P.

劉健儀議員，J.P.

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, J.P.

劉漢銓議員，J.P.

THE HONOURABLE AMBROSE LAU HON-CHUEN, J.P.

劉慧卿議員，J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

鄧兆棠議員，J.P.

DR THE HONOURABLE TANG SIU-TONG, J.P.

蔡素玉議員

THE HONOURABLE CHOY SO-YUK

鄭家富議員

THE HONOURABLE ANDREW CHENG KAR-FOO

司徒華議員

THE HONOURABLE SZETO WAH

霍震霆議員，J.P.

THE HONOURABLE TIMOTHY FOK TSUN-TING, J.P.

羅致光議員，J.P.

THE HONOURABLE LAW CHI-KWONG, J.P.

譚耀宗議員，J.P.

THE HONOURABLE TAM YIU-CHUNG, J.P.

列席秘書：

CLERKS IN ATTENDANCE:

秘書長馮載祥先生，J.P.

MR RICKY FUNG CHOI-CHEUNG, J.P., SECRETARY GENERAL

副秘書長羅錦生先生，J.P.

MR LAW KAM-SANG, J.P., DEPUTY SECRETARY GENERAL

助理秘書長陳欽茂先生

MR RAY CHAN YUM-MOU, ASSISTANT SECRETARY GENERAL

作出立法會誓詞及誓言

TAKING OF LEGISLATIVE COUNCIL AFFIRMATIONS AND OATHS

秘書：各位議員，現在進行宣誓。

秘書：各位議員的姓名會按照議程所列的次序逐一讀出。每一位議員，當其姓名被讀出後，請到桌前進行宣誓，然後簽署誓言文本。

秘書：請各位議員起立，直至所有在席議員宣誓完畢為止。

丁午壽議員宜讀立法會誓言

The Honourable Kenneth TING Woo-shou took the Legislative Council Oath

田北俊議員宜讀立法會誓言

The Honourable James TIEN Pei-chun took the Legislative Council Oath

朱幼麟議員宜讀立法會誓言

The Honourable David CHU Yu-lin took the Legislative Council Oath

何世柱議員宜讀立法會誓言

The Honourable HO Sai-chu took the Legislative Council Oath

何秀蘭議員宜讀立法會誓言

The Honourable Cyd HO Sau-lan took the Legislative Council Oath

何承天議員宜讀立法會誓言

The Honourable Edward HO Sing-tin took the Legislative Council Oath

何俊仁議員宜讀立法會誓詞

The Honourable Albert HO Chun-yan made the Legislative Council Affirmation

何敏嘉議員宜讀立法會誓言

The Honourable Michael HO Mun-ka took the Legislative Council Oath

何鍾泰議員宣讀立法會誓言

Dr the Honourable Raymond HO Chung-tai took the Legislative Council Oath

李永達議員宣讀立法會誓言

The Honourable LEE Wing-tat took the Legislative Council Oath

李卓人議員宣讀立法會誓言

The Honourable LEE Cheuk-yan took the Legislative Council Oath

李柱銘議員宣讀立法會誓言

The Honourable Martin LEE Chu-ming took the Legislative Council Oath

李家祥議員宣讀立法會誓詞

The Honourable Eric LI Ka-cheung made the Legislative Council Affirmation

李啟明議員宣讀立法會誓言

The Honourable LEE Kai-ming took the Legislative Council Oath

李國寶議員宣讀立法會誓言

Dr the Honourable David LI Kwok-po took the Legislative Council Oath

李華明議員宣讀立法會誓言

The Honourable Fred LI Wah-ming took the Legislative Council Oath

呂明華議員宣讀立法會誓詞

Dr the Honourable LUI Ming-wah made the Legislative Council Affirmation

吳亮星議員宣讀立法會誓言

The Honourable NG Leung-sing took the Legislative Council Oath

吳清輝議員宣讀立法會誓詞

Prof the Honourable NG Ching-fai made the Legislative Council Affirmation

吳靄儀議員宣讀立法會誓言

The Honourable Margaret NG took the Legislative Council Oath

周梁淑怡議員宣讀立法會誓言

The Honourable Mrs Selina CHOW LIANG Shuk-ye took the Legislative Council Oath

范徐麗泰議員宣讀立法會誓言

The Honourable Mrs Rita FAN took the Legislative Council Oath

夏佳理議員宣讀立法會誓言

The Honourable Ronald ARCULLI took the Legislative Council Oath

馬逢國議員宣讀立法會誓言

The Honourable MA Fung-kwok took the Legislative Council Oath

涂謹申議員宣讀立法會誓言

The Honourable James TO Kun-sun took the Legislative Council Oath

張文光議員宣讀立法會誓詞

The Honourable CHEUNG Man-kwong made the Legislative Council Affirmation

張永森議員宣讀立法會誓言

The Honourable Ambrose CHEUNG Wing-sum took the Legislative Council Oath

許長青議員宣讀立法會誓言

The Honourable HUI Cheung-ching took the Legislative Council Oath

陸恭蕙議員宣讀立法會誓言

The Honourable Christine LOH took the Legislative Council Oath

陳國強議員宣讀立法會誓言

The Honourable CHAN Kwok-keung took the Legislative Council Oath

陳婉嫻議員宣讀立法會誓言

The Honourable CHAN Yuen-han took the Legislative Council Oath

陳智思議員宣讀立法會誓言

The Honourable Bernard CHAN took the Legislative Council Oath

陳榮燦議員宣讀立法會誓言

The Honourable CHAN Wing-chan took the Legislative Council Oath

陳鑑林議員宣讀立法會誓言

The Honourable CHAN Kam-lam took the Legislative Council Oath

梁智鴻議員宣讀立法會誓言

Dr the Honourable LEONG Che-hung took the Legislative Council Oath

梁劉柔芬議員宣讀立法會誓言

The Honourable Mrs Sophie LEUNG LAU Yau-fun took the Legislative Council Oath

梁耀忠議員宣讀立法會誓言

The Honourable LEUNG Yiu-chung took the Legislative Council Oath

程介南議員宣讀立法會誓言

The Honourable Gary CHENG Kai-nam took the Legislative Council Oath

單仲偕議員宣讀立法會誓言

The Honourable SIN Chung-kai took the Legislative Council Oath

黃宏發議員宣讀立法會誓言

The Honourable Andrew WONG Wang-fat took the Legislative Council Oath

黃宜弘議員宣讀立法會誓言

Dr the Honourable Philip WONG Yu-hong took the Legislative Council Oath

黃容根議員宣讀立法會誓言

The Honourable WONG Yung-kan took the Legislative Council Oath

曾鈺成議員宣讀立法會誓言

The Honourable Jasper TSANG Yok-sing took the Legislative Council Oath

楊孝華議員宣讀立法會誓言

The Honourable Howard YOUNG took the Legislative Council Oath

楊森議員宣讀立法會誓言

Dr the Honourable YEUNG Sum took the Legislative Council Oath

楊耀忠議員宣讀立法會誓言

The Honourable YEUNG Yiu-chung took the Legislative Council Oath

詹培忠議員宣讀立法會誓言

The Honourable CHIM Pui-chung took the Legislative Council Oath

劉千石議員宣讀立法會誓言

The Honourable LAU Chin-shek took the Legislative Council Oath

劉江華議員宣讀立法會誓言

The Honourable LAU Kong-wah took the Legislative Council Oath

劉皇發議員宣讀立法會誓言

The Honourable LAU Wong-fat took the Legislative Council Oath

劉健儀議員宣讀立法會誓言

The Honourable Mrs Miriam LAU Kin-yeek took the Legislative Council Oath

劉漢銓議員宣讀立法會誓言

The Honourable Ambrose LAU Hon-chuen took the Legislative Council Oath

劉慧卿議員宣讀立法會誓言

The Honourable Emily LAU Wai-hing took the Legislative Council Oath

鄧兆棠議員宣讀立法會誓言

Dr the Honourable TANG Siu-tong took the Legislative Council Oath

蔡素玉議員宣讀立法會誓言

The Honourable CHOY So-yuk took the Legislative Council Oath

鄭家富議員宣讀立法會誓言

The Honourable Andrew CHENG Kar-foo took the Legislative Council Oath

司徒華議員宣讀立法會誓言

The Honourable SZETO Wah took the Legislative Council Oath

霍震霆議員宣讀立法會誓言

The Honourable Timothy FOK Tsun-ting took the Legislative Council Oath

羅致光議員宣讀立法會誓言

The Honourable LAW Chi-kwong took the Legislative Council Oath

譚耀宗議員宣讀立法會誓言

The Honourable TAM Yiu-chung took the Legislative Council Oath

秘書：所有出席的議員已宣誓完畢。請各位就座。

選舉主席

ELECTION OF PRESIDENT

秘書：現在請各位議員推選一位議員主持立法會主席選舉。

選舉程序已載列於議程附錄。現在請各位提名，推選一位議員主持選舉立法會主席。提名須由一位議員以口頭作出，並最少由另一位不是獲提名的議員附議。獲提名的議員亦須表示接受提名。

請各位提名。

秘書：楊森議員。

楊森議員：我提名梁智鴻議員為主持選舉的議員。

秘書：有沒有議員附議？

秘書：夏佳理議員和陸恭蕙議員附議。

梁智鴻議員：我想澄清一點。我很高興，也感到榮幸，能主持這項隆重的儀式，但我得向各議員交代我是其中一位主席候選人的提名人，如果各位認為有衝突，可另作提名。當然，各位也知道主持人是沒有權投決定性一票的，我只想大家考慮這點。

楊森議員：我相信沒有問題，因你應該沒有發言的機會。

秘書：夏佳理議員。

夏佳理議員：另一項假設是，提名與投票是兩回事。

秘書：梁智鴻議員，既然無人反對，你是否接受提名？

梁智鴻議員：我接受。但未知有否其他提名？

秘書：是否有其他提名？

（沒有其他提名）

秘書：由於只有一項提名，我宣布梁智鴻議員當選為主持立法會主席選舉的議員。我現在請梁議員主持選舉。

主持選舉的議員：立法會秘書已於 1998 年 6 月 26 日發出通告，告知議員在 1998 年 6 月 25 日提名期結束時，共接獲兩項有關主席一職的有效提名。按照秘書接獲提名的次序，獲提名人依次是范徐麗泰議員及黃宏發議員。范徐麗泰議員是由黃宜弘議員提名，並由劉皇發議員、吳亮星議員、詹培忠議員及朱幼麟議員附議提名。黃宏發議員是由梁智鴻議員提名，並由吳靄儀議員、梁耀忠議員及涂謹申議員附議提名。按照選舉程序，我現在命令進行不記名投票。每位出席的議員，包括我自己在內，將獲發一張選票。

選票上已列出兩位候選人的姓名。參與投票的議員須在選票上在他所選擇的候選人姓名旁邊的空格內加上一個“✓”號。各位無須在選票上寫上其他任何東西。任何沒有加上“✓”號的選票，或是沒有正確地加上“✓”號或加上多於一個“✓”號的選票都會作廢。

各位議員有沒有問題？（稍停）若沒有，現在派發選票。

主持選舉的議員：現在收集選票。

主持選舉的議員：是否有議員還未投票？（稍停）由於我是黃宏發議員的提名人，為了表示公道，我現在請范徐麗泰議員的提名人黃宜弘議員前來監票。

主持選舉的議員：現在點算選票。

主持選舉的議員：各位同事，共有 60 位議員投票，沒有廢票。我現在宣布選舉結果：范徐麗泰議員獲 36 票；黃宏發議員獲 24 票。我宣布范徐麗泰議員當選為立法會主席。

我現在代表各位同事恭喜范徐麗泰議員！請主席主持會議。

主席：各位議員，今天是香港立法機關歷史上新的一頁，亦是深具意義的一頁。按照《基本法》規定產生的第一屆立法會，今天舉行第一次會議，並且經過了公平及公開的程序，順利完成《基本法》第七十一條所載的選舉程序選出主席。我非常榮幸獲得大多數議員的支持，出任首屆立法會的主席。我將竭盡全力，以無畏、無偏、無私的精神，履行《基本法》第七十二條所規定的主席職權，執行各位議員在稍後會制定的《議事規則》。對於黃宏發議員，我致以良好的祝願。我深信黃議員的經驗及口才會令本議會的辯論生色不少。

香港現在正處於較困難的時刻，市民自然希望立法會能夠為民請命，紓解民困，我相信這也是在座每一位議員，包括我在內的意願。從今天開始的兩年內，我們一定會盡心盡力為特區的人民服務。

我現在暫停會議 10 分鐘。本會將於下午 4 時 50 分恢復會議。

下午 4 時 37 分
4.37 pm

會議暫停。
Meeting suspended.

下午 4 時 53 分
4.53 pm

會議隨而恢復。
Council then resumed.

文件 PAPERS

下列文件乃根據《釋義及通則條例》第 34(1)條的規定提交：
The following papers were laid on the table pursuant to Section 34(1) of the Interpretation and General Clauses Ordinance:

附屬法例	法律公告編號
《1998 年城市規劃（修訂）條例（1998 年第 16 號） 1998 年（生效日期）公告》	208/98
《1998 年硬幣（紀念金幣）令》	209/98
《獸醫註冊條例（1997 年第 96 號）1998 年 （生效日期）公告》	210/98
《死因裁判官條例（1997 年第 27 號）1998 年 （生效日期）公告》	211/98
《1998 年房屋（修訂）（第 2 號）條例（1998 年 第 24 號）1998 年（生效日期）公告》	212/98

《1998 年法律執業者（修訂）條例（1998 年第 27 號） 1998 年（生效日期）公告》	213/98
《1998 年印花稅（修訂）（第 2 號）條例（1998 年 第 33 號）1998 年（生效日期）公告》	214/98
《商船（安全）（安全管理）規例》	215/98
《1998 年外地律師註冊（費用）（修訂）規則》 ...	216/98
《1997 年船舶及港口管制（修訂）規例（1997 年 第 228 號法律公告）1998 年（生效日期） （第 2 號）公告》	217/98
《1998 年藥劑業及毒藥（修訂）規例（1998 年 第 130 號法律公告）1998 年（生效日期） 公告》	218/98
《1998 年毒藥表（修訂）規例（1998 年第 131 號 法律公告）1998 年（生效日期）公告》	219/98
《1998 年實習律師（修訂）規則》	220/98
《1998 年宣布增加退休金公告》	221/98
《1998 年孤寡撫恤金（增加）公告》	222/98
《1997 年電力（修訂）條例（1997 年第 12 號） 1998 年（生效日期）公告》	223/98
《電氣產品（安全）規例（1997 年第 187 號法律 公告）1998 年（生效日期）公告》	224/98
《1998 年公眾衛生及市政條例（公眾遊樂場地） （修訂附表 4）令》	225/98
《1998 年律師執業（修訂）規則》	226/98

《1998 年律師執業（修訂）（第 2 號）規則》	227/98
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議員議案

MEMBERS' MOTIONS

主席：議員議案。第一項議案。梁智鴻議員，我准許你動議有關《議事規則》的決議案。

《香港特別行政區立法會議事規則》

RULES OF PROCEDURE OF THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

梁智鴻議員：主席女士，今天是立法會的大日子，也是香港立法機關的一個重要里程碑，因為今天的立法會是香港脫離殖民地管治後，在我們當家作主下，以一個公開、公正、公平選舉所產生的第一屆立法會。要一個立法機關運作得宜，有機會通過所有我們想通過的事項，便一定要有一套適用的議事規則。當然，自選舉至今只有僅僅一個多月時間，我們沒可能制定一套沒有瑕疵的議事規則，而且所有議事規則都應隨着時間而更改，因此，主席女士，我稍後提出的《立法會議事規則》，我希望同事認為是一些暫時適合我們採用的議事規則，使我們可以盡快做到我們須做的工作。

主席女士，我謹動議通過以我名義提出的議案，即本會根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。有關的附件已送交各位議員參考。

今天是香港特別行政區首屆立法會第一次會議，正如我剛才所說，一個立法機關的良好運作，必須倚賴一套完善的議事規則。因此，我們必須盡早制定和採納一套規則，使我們可以立即以高效率 and 有效的方式來運作。

為達致這個目標，立法會秘書處較早前已擬備了一套《立法會議事規則》的擬本初稿，並於 6 月初安排了一連串的研討會，邀請候任議員出席，讓議員能盡早了解擬本的內容和一些較重要的事項。總共有 30 位候任議員參與這次研討會，而我和吳靄儀議員則十分榮幸，獲選為正、副召集人。在此，我想簡單向大家介紹我們討論過的一些要點。

《立法會議事規則》擬本初稿是參考以往香港立法機關所採納的規則和慣常做法而擬備的，其中更按照《基本法》的有關條文，制訂了一些程序，例如《基本法》附件二所規定的表決程序，以及處理行政長官按照《基本法》第四十九條把立法會通過的法案發回重議的程序等。議員就這些程序、政策和原則曾作出詳細的討論。

就表決程序而言，我們在研究《基本法》附件二所載的規定，並參考香港立法機關過往的表決慣例後，同意下列數點：

- 一、議案、法案和對法案的修正案，不論採用全體或分組表決，均須獲出席會議的議員過半數的贊成票，才可獲通過。
- 二、為使主席得以判斷有否超過半數議員贊成議案，須將聽取議員答聲的做法，即以前的 *voice vote*，改為請議員舉手示意贊成或反對。
- 三、由於若贊成議案的議員數目僅相等於在席議員的半數，該議案已被視為不獲通過，所以，我們認為主席不再須作決定性的表決。

至於如何處理行政長官按照《基本法》第四十九條的規定發回法案，我們認為須就此事進行更深入的討論。不過，由於預期按照《基本法》第四十九條將法案發回重議的情況不大可能在短期出現，各議員都同意在目前只就處理發回法案的必要程序和步驟作出規定。

目前的安排是，除非大會另有指示立刻重議有關的法案，否則，該法案便會交由內務委員會處理。當完成審議後而又獲全體三分之二以上的議員，即 40 名或以上的議員通過，經重議的法案則可根據《基本法》第五十條的規定來處理。日後當《議事規則》委員會成立後，便會對議員可否就發回的法案提出修正案等問題再深入研究。

我們也研究《基本法》第七十四條對議員提出議案有何規限。由於各議員對這條文的涵蓋範圍持有不同意見，特別是有關財政收入或支出的事宜，所以我們認為有需要就這些事再作商議。不過，在進一步商議有結果前，我們認為須將前立法機關在這方面的規限，暫時納入《議事規則》內，例如議員必須取得行政長官的同意，方可提出任何具有效力或目的，可導致動用香港任何政府收入或其他公帑，或須由那些收入或公帑負擔的議案或修正案。

在討論期間，議員認為有若干其他事項須作討論，其中包括立法會在解散後召開緊急會議的機制，以及專責委員會的會期應否以會期的完結為結束，抑或以任期的完結為結束。由於該等事項在目前並不急需處理，各位議員同意將其載列於一覽表內，由日後成立的《議事規則》委員會再作跟進。

在此，我也想指出，秘書處法律顧問於 6 月 30 日收到法律政策專員列出了律政司就《立法會議事規則》擬本所持的意見的信件。法律政策專員對《立法會議事規則》擬本中涉及《基本法》第七十四條的規則，以及對政府提出的法案的表決程序持有不同的意見。事實上，議員在 3 次研討會中已討論過該等事項，議員同意在《議事規則》委員會成立後，便須馬上進一步研究《基本法》第七十四條及有關條文，法律政策專員的意見亦會交由該委員會作出跟進。

我今天建議通過的《立法會議事規則》，目的是讓首屆立法會可盡快展開工作，同時讓我們可隨即成立有關的委員會，依循規則內的條文進行議會事務。如果有需要的話，立法會主席可以就有關事宜作出裁決。因此，我建議議員先行採納我今天建議通過的《立法會議事規則》，而所有上述有待討論的事宜，則交由日後的《議事規則》委員會盡快跟進。

主席女士，我希望特別在此多謝立法會秘書處的職員在草擬《議事規則》方面所作出的努力，以及各位議員在研究過程中所提出的寶貴意見。我謹請各位同事支持我提出的議案，採納這份《議事規則》。

我謹此陳辭，提出議案。

梁智鴻議員動議的決議案如下：

“議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。”

主席：我現在向各位提出的待議議題是：議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。是否有議員想發言？楊森議員。

楊森議員：我們民主黨很支持梁智鴻議員提出的建議，即是我們應盡快在今天通過這份《議事規則》。如果有甚麼修訂，可以在日後的會議再提出，以便立法會可以立即進行工作。謝謝主席。

主席：梁耀忠議員。

梁耀忠議員：主席，《立法會議事規則》的大部分內容都是參考過去《立法局會議常規》而制定，我本身對其中不少地方都是贊成及支持的，然而，在《議事規則》內，亦有很多不公平及不合理之處，其內容是因應《基本法》而納入的，因此在今天討論這《議事規則》時，我覺得我必須申明自己的立場。

首先是關於《基本法》第七十四條。雖然梁智鴻議員曾表示，可能有些地方我們須再跟進討論，但這條文的內容限制了我們議員提出私人法案的權力，而我們知道過往在立法局內，議員提出私人法案的限制，除了是不能涉及公帑外，便只是須得到總督的同意，若沒有違反這些原則，議員便能提出私人法案。但現在根據《基本法》訂出諸多限制，令議員難以提出私人法案，這做法顯然是阻礙議員為公眾利益提出議案，是想廢去議員的“武功”，令我們不能主動提出法案供議會討論。此外，在《立法會議事規則》第 51 條，中有關提交法案的限制，正是根據《基本法》第七十四條而制定，所以我堅決反對此等條文。

第二項對議員權力的限制，是在《議事規則》中有關議員須就議案分組表決的安排。雖然剛才梁智鴻議員也說過，可能會就此處進行仔細研討，但大原則相信也不能改變，因為亦是根據《基本法》的內容而納入的，與過去立法局的做法完全不相同。這種做法所產生的效果，也是對我們所要通過的一些議案加以掣肘及限制。可能大家也記得，其實在為《基本法》徵求意見稿，以至擬定《基本法》的草稿時，並無這條文存在，只是直至 89 年“六四”事件出現之後，以羅德承先生為首的團體，提出了有關“一會兩局”這方案，最後中央政府才就《基本法》提出分組表決這建議。這建議其實是一個怪胎，是在其他議會鮮見的。這做法是以功能組別的議員與直選加上選舉委員會的議員分成兩組投票，議案須獲兩組的大多數票通過才可正式獲得通過。這做法其實是擴大對我們的掣肘及限制，是一關又一關的阻撓着我們。因此，我堅決反對這安排，儘管梁議員說將來或會加以仔細討論。

我理解到以上的限制，是完全因應《基本法》的內容而制定，我們現在無法完全將其脫胎換骨的加以改變，除非是修改《基本法》。但我知道修改《基本法》不是今天或明天便可實行的事，是要長時間的工夫的，我亦希望其他同事能夠在未來盡量爭取修改《基本法》的內容，否則，我們想把為公眾社會事務利益的議案帶到議會內討論，而又希望議案獲得通過的話，必然是難上加難的。因此稍後在表決時，我的立場是會反對這議案。謝謝主席。

主席：涂謹申議員。

涂謹申議員：主席女士，剛才楊森議員也提到，我們民主黨其實是把這套規則當作屬暫時使用性質，否則，我們無法能夠在這次會議的餘下時間，甚或下一次會議，有一套議事規則供開會使用。

剛才梁耀忠議員提到一些觀點，我們不會在這時詳加回應。不過，對於政府沒有派代表出席今天的會議，我感到很奇怪。雖然政府透過法律政策專員所寫的 5 頁紙，就我們今天擬通過的《立法會議事規則》提出了一些所謂違反《基本法》的原則，但我本來預計即使政務司司長不出席今天的會議，律政司司長也可能會出席；即使律政司司長不出席，則政制事務局局長亦應出席；即使政制事務局局長不出席，甚至法律政策專員馮華健先生也可能會出席。我們今天不一定通過議案，儘管很多人預算我們通過。我覺得政府應關心這件事，並且在今次會議上聆聽我們的意見，最少，梁耀忠議員便選擇將他的原則性論據說出來。對於政府沒有官員出席今天的會議，我覺得很奇怪，並且有點兒遺憾。主席女士，我希望我不致太不公平地批評了政府，因為實際上並無政府官員在這裏。我不知道政府有否通知秘書處會否有官員出席。我對這件事仍然感到遺憾。

至於具體的論點，我們不再詳細討論。我們只想重申，我們通過這套暫時使用的規則，使我們在很多方面可以詳細檢討。我們日後會詳細論述我們的所有意見。謝謝。

主席：吳靄儀議員。

MISS MARGARET NG: I think it is right to explain to Members that the Solicitor General, did offer to discuss with our Legal Adviser the point he has raised in the letter. However, I, on behalf of the group which had no time to reconvene, informed the Administration that this was not an appropriate course of action. It is because from my point of view, whatever the Government has to say should be listened to by all Members, and the discussion should be between all Members and members of the Administration. For that reason, we informed the Administration that we anticipated a discussion in the Committee. As to the form the discussion is going to be taken, it will be decided in the House Committee as soon as possible. And I urge Members to listen to the views of the Administration in whatever suitable forum.

Thank you, Madam President.

主席：楊森議員。

楊森議員：我剛才提到民主黨支持今天通過這《議事規則》，是令立法會得以運作。

不過，我也想代表民主黨提出我們民主黨反對“一會兩局”這種分開表決的方式。我想在紀錄上清楚記下這點。第二，對私人法案過分狹窄的演繹，會令立法會議員很難提出議案。我也想把這點紀錄在案。

主席：夏佳理議員。

MR RONALD ARCULLI: Madam President, the Liberal Party also supports the passing of the Rules of Procedure today, but I entirely share the concern of The Honourable James TO over the absence of any government officials. I think those of us who attended the celebration yesterday have also heard from members of the press how this Government of ours regarded this particular legislature, and I can say to you, Madam President, that the words used were not very pleasant, and I think their absence from this Council Chamber today is a signal. I hope I am wrong. I sincerely hope that I am wrong as to the regard which they do not have for us.

Thank you.

主席：梁智鴻議員，你是否打算發言答辯？

梁智鴻議員：首先，多謝多位同事提出意見。不過，我想強調一點，其實日後會有很多事情須由這屆立法會處理，我們如果要處理這些事，一定要有一套可行，或最少屬臨時性質的議事規則，令立法會屬下的事務委員會和法案委員會可以繼續工作。因此，我懇請同事支持這《議事規則》以臨時性質來通過。

第二，我絕對不是替政府辯護。他們為何不出席呢？我也覺得有些遺憾。不過，正如剛才吳靄儀議員所說，法律政策專員馮華健先生曾與我們的法律顧問討論過這問題，而我覺得最好是在我們的《議事規則》委員會成立後，

由他向全體同事解釋，如果他向我們提出些甚麼問題，便在該處解釋，然後再行討論則會較好。

剛才梁耀忠議員提出的意見，我相信我們一定會紀錄在案，然後在《議事規則》委員會內再詳細考慮。

我在這裏再次希望同事盡快通過今天我提出的議案，否則，我們的工作便不可以盡快展開。謝謝主席。

主席：黃宏發議員。

黃宏發議員：主席，雖然你已請梁智鴻議員作最後總結，但剛才因為我們未有議事規則，而你容許楊森議員發言兩次。

我想指出一點，剛才有些說法似乎並不正確。這項議案是“議決根據《中華人民共和國香港特別行政區基本法》第七十五條，制定本決議附件內所列出的《香港特別行政區立法會議事規則》。”這是永久性質的，只不過隨時可以修改，所以它並不屬於臨時性質。

我明白到現時有些爭拗，所以日後仍要作檢討；又可能有些仍未足夠，還要補上去的，但這《議事規則》一定不是屬於臨時性質，我希望可以澄清這點。謝謝主席。

主席：我現在向各位提出的待決議題是：梁智鴻議員動議的決議案，予以通過。現在付諸表決。贊成的請舉手。

（議員舉手）

主席：反對的請舉手。

（議員舉手）

主席：我認為議題獲得《基本法》所列出的兩部分在席議員分別以過半數贊成。我宣布議案獲得通過。

主席：第二項議案。梁智鴻議員。我准許你無經預告動議另一項決議案。

財務委員會、內務委員會及各事務委員會的首次會議日期
**TIMING OF THE FIRST MEETINGS OF THE FINANCE COMMITTEE,
THE HOUSE COMMITTEE AND PANELS**

梁智鴻議員：謝謝主席，讓我可以在這裏有第二次機會提出議案。

主席，我動議本會通過以我名義提出，並載列於議程內有關召開財務委員會、內務委員會及各事務委員會首次會議的決議案。

根據剛剛通過的《立法會議事規則》第 71 條(3)款及第 75 條(3)款，財務委員會及內務委員會每屆任期的首次會議是由有關委員會的秘書負責召開，以便選舉主席及副主席。至於各事務委員會每屆任期的首次會議，《內務守則》亦會有同樣安排。

為使各委員會秘書對首次召開會議的時間性獲得明確指示，議員在研究《議事規則》時，同意由立法會提供一個時限。我現在動議的限期是 1998 年 7 月 31 日，以便各委員會可以在該日或以前選出主席及副主席，並展開工作。

我謹此陳辭，提出議案。

梁智鴻議員動議的決議案如下：

“財務委員會、內務委員會及各事務委員會的首次會議日期，須不遲於 1998 年 7 月 31 日舉行。”

主席：我現在向各位提出的待議議題是：財務委員會、內務委員會及各事務委員會的首次會議日期，須不遲於 1998 年 7 月 31 日舉行。是否有議員想發言？

(沒有議員表示想發言)

主席：我現在向各位提出上述待決議題，付諸表決。贊成的請舉手。

（議員舉手）

主席：我認為議題獲得兩部分在席議員分別以過半數贊成。我宣布議案獲得通過。

下次會議

NEXT MEETING

主席：按照《議事規則》，我現在宣布休會。本會在 1998 年 7 月 8 日星期三下午 2 時 30 分續會。

立法會遂於下午 5 時 16 分休會。

Adjourned accordingly at sixteen minutes past Five o'clock.

附件
Annex

香 港 特 別 行 政 區
立 法 會
議 事 規 則

**RULES OF PROCEDURE OF
THE LEGISLATIVE COUNCIL OF
THE HONG KONG SPECIAL ADMINISTRATIVE
REGION**

香港特別行政區立法會議事規則**目錄**

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香港特別行政區立法會議事規則

A 部

立法會議員及立法會人員

1. 宗教式或非宗教式宣誓

除為了令本條規則得以遵從者外，議員如未按照《宣誓及聲明條例》(第 11 章)的規定作宗教式或非宗教式宣誓，不得參與立法會會議或表決。凡舉行換屆選舉後，以前已作該等宗教式或非宗教式宣誓的議員，在參與立法會會議或表決之前，亦須遵照本條規則再次宣誓。

2. 語文

議員在立法會發言，可用普通話、粵語或英語。

3. 主持立法會及全體委員會會議

(1) 立法會設有立法會主席一職，主席如出席立法會或全體委員會會議，並認為能執行主席職務，須主持立法會會議或擔任全體委員會主席。

(2) 立法會主席缺席立法會或全體委員會會議，或認為不能執行主席職務時，該會議由以下人士主持 —

(a) 立法會代理主席；或

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- (b) 如立法會代理主席在該會議缺席，或認為不能執行主席職務，則為由出席會議的議員按內務委員會決定的程序互選的一名議員。

(3) 立法會代理主席或其他主持會議的議員，在其主持的立法會會議或擔任主席的全體委員會會議或部分會議上，或在立法會主席要求其主持的立法會會議或擔任主席的全體委員會會議或部分會議上，享有本議事規則賦予立法會主席或全體委員會主席在該次立法會會議或全體委員會會議或部分會議上可行使的一切權力。

(4) 除第(3)款所述的權力外，立法會代理主席亦享有本議事規則賦予立法會主席或全體委員會主席而由立法會主席藉憲報公告所指定的權力。

4. 立法會主席的選舉

(1) 在符合第(2)款的規定下，立法會主席由立法會議員按照附表的規定互選產生。

(2) 立法會主席由年滿 40 周歲，在香港通常居住連續滿 20 年並在外國無居留權的香港特別行政區永久性居民中的中國公民擔任。

(3) 立法會主席的任期至立法會解散為止。

(4) 立法會解散期間，如須召開立法會會議審議急切事項，則立法會解散前擔任立法會主席的人士須當作為立法會主席並負責召開及主持會議，並在因應該次立法會會議而舉行的全體委員會會議上擔任主席。如該名人士缺席或不能執行主席職務，則立法會解散前擔任立法會代理主席的人士須主持會議及擔任主席。如擔任該兩個職位的人士均缺席或不能執行主席職務，則由出席會議的議員互選一名主席，主持會議。

5. 立法會代理主席

(1) 立法會代理主席由根據本議事規則第 75(2)條(內務委員會)獲選的內務委員會主席擔任。

(2) 如內務委員會主席缺席，或認為不能執行主席職務，則根據本議事規則第 75(2)條(內務委員會)獲選的內務委員會副主席須擔任立法會代理主席。

(3) 第(1)及(2)款所提述的“內務委員會主席”，並不包括在主席及副主席暫時缺席時獲選代行主席之職的人士。

6. 立法會秘書的職責

(1) 立法會秘書須負責就有關立法會程序的一切事宜，向立法會主席提供意見。

(2) 立法會秘書須負責製備立法會會議及全體委員會會議的紀要。會議過程的紀要須載有出席議員的姓名、一切決定及每次進行點名表決的詳情。

(3) 立法會秘書須負責按日擬備立法會議程事項登記冊，列出已作預告的一切有待處理事項。議員及執行職務時涉及立法會事務的官員均可在合理時間查閱議程事項登記冊。

(4) 立法會秘書須根據立法會主席的指示，負責為每次立法會會議擬備議程，列出該次會議需要處理的事項。

(5) 立法會秘書須負責保管表決結果、紀錄、法案及其他呈交立法會的文件；議員及執行職務時涉及立法會事務的官員均可在合理時間查閱此等文件，其他人士亦可根據立法會主席批准的安排查閱。

(6) 立法會秘書須根據立法會主席的指示，負責製備立法會及全體委員會所有會議的會議過程正式紀錄。

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(7) 立法會秘書須負責為立法會每一個委員會及小組委員會提供一名秘書。

(8) 立法會秘書須履行本議事規則所委予的其他職責，亦須依照立法會所命令或立法會主席所指示，為服務立法會而履行一切其他職責。

7. 立法機關法律顧問

(1) 立法機關法律顧問，由立法會秘書處的法律顧問擔任。

(2) 立法機關法律顧問的一般職責，是就立法會的事務或行政所引起的法律問題，向立法會主席及立法會秘書提供意見。

8. 行政長官出席會議

行政長官可為以下目的酌情決定出席立法會或立法會轄下任何委員會或小組委員會的會議 —

- (a) 在任何其認為適當的時間，包括在特別會議上，向立法會發言；
- (b) 就政府的工作，答覆立法會議員向其提出的質詢；及
- (c) 提出任何政策、措施、法案、決議案、議案或議題，以便由及在立法會或有關委員會或小組委員會辯論。

9. 官員列席會議

(1) 獲委派官員可列席立法會、全體委員會、財務委員會或財務委員會轄下小組委員會的會議，並代表政府發言。

(2) 獲委派官員可就擬列入立法會、財務委員會或財務委員會轄下小組委員會會議議程內的事項，向立法會秘書作出預告。

(3) 立法會秘書在擬備立法會、財務委員會或財務委員會轄下小組委員會會議的議程時，如覺得某事項需要獲委派官員列席會議，須就該事項列明該官員的職位名稱。

(4) 立法會轄下其他委員會或小組委員會可按需要，邀請官員列席其會議。

10. 官員參與會議程序

(1) 立法會、財務委員會或財務委員會轄下小組委員會會議的議程就某事項列明其職位的官員，以及在該次會議舉行之前已通知立法會秘書須就某事項列席會議的官員，可列席該次會議，並代表政府發言。

(2) 官員就某事項列席會議時，就該事項而言，本議事規則對其適用，一如對立法會議員適用，但本議事規則第 1 條(宗教式或非宗教式宣誓)、第 3 條(主持立法會及全體委員會會議)、第 8 條(行政長官出席會議)、第 17 條(會議法定人數)、第 20 條(呈請書的提交)、J 部(表決)及第 71(2)及(8)條(財務委員會)除外：

但官員就某事項列席會議時，本議事規則第 39 條(插言)的規定僅就該事項而言對其適用。

(3) 在符合本議事規則第 9(1)條(官員列席會議)的規定下，以及除行政長官另有指示外，政務司司長、財政司司長及律政司司長可列席任何立法會、全體委員會、其他委員會及小組委員會的會議；列席立法會或全體委員會會議時，本議事規則對其適用，一如對立法會議員適用，但本議事規則第 1 條(宗教式或非宗教式宣誓)、第 3 條(主持立法會及全體委員會會議)、第 8 條(行政長官出席會議)、第 9(2)條(官員列席會議)、第 17 條(會議法定人數)、第 20 條(呈請書的提交)及 J 部(表決)除外。

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B 部

立法會會期、會議及休會待續期間

11. 一般會期

- (1) 立法會每一公曆年須至少召開一個會期，但於某一公曆年開始的會期，可延續至下一年結束。
- (2) 每一會期自行政長官藉憲報公告指定的日期開始。
- (3) 每一會期在行政長官藉憲報公告指定的日期或在立法會解散之日結束，以較早者為準。
- (4) 任何法案或其他立法會事項的處理，不受會期結束的影響，可於任何其後的會議恢復處理，但當立法會任期完結或解散時，未完事項即告失效。

12. 每屆任期的首次會議

- (1) 在立法會每屆任期首次會議上，議員須按照本議事規則第 1 條(宗教式或非宗教式宣誓)的規定作宗教式或非宗教式宣誓。
- (2) 在所有出席會議的議員作宗教式或非宗教式宣誓後，須按照本議事規則第 4 條(立法會主席的選舉)規定的程序進行立法會主席的選舉。
- (3) 立法會主席在獲選後須主持該次會議。

13. 行政長官發表施政報告

- (1) 在行政長官向立法會發表施政報告不少於 14 天後舉行的會議上，議員可無經預告而動議就行政長官發表施政報告向其致謝。
- (2) 根據第(1)款動議的議案，格式如下：

“本會感謝行政長官發表施政報告。”

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(3) 第(2)款所述的議案，可無經預告而動議作出修正，但修正案只限於在句末增添字句。

14. 會議日期及時間

(1) 立法會每一會期內的會議，須在立法會主席所決定的日期及時間舉行；同一會期內連續兩次會議不得相隔多於 6 個星期。

(2) 除新一會期首次會議，以及每屆立法會首個會期開始後 14 整天內舉行的會議外，立法會每次會議的書面預告，須由立法會秘書於會議日期最少 14 整天前發給各議員；但遇緊急情況，或按本議事規則第 8 條(行政長官出席會議)及第 15 條(處理急切事項的會議)舉行的會議，立法會主席可免卻如此預告，而在此情況下須盡早通知各議員。

(3) 立法會主席決定會議日期及時間後，可隨時將會議的日期或時間押後或提前。

(4) 立法會主席如認為為了在立法會會議上適當地處理完議程上的各項事務，有必要另擇一天繼續處理未完事項，則可命令於另一天繼續舉行會議。凡立法會主席在立法會會議上作此命令，當天會議須暫停舉行，並須於該另一天復會繼續處理有關事項。

(5) 立法會主席可隨時將會議暫停，或宣布休會待續。

15. 處理急切事項的會議

(1) 立法會主席須應行政長官的要求召開立法會緊急會議。如須在立法會任期完結或解散之後的期間舉行緊急會議，會議應在指明舉行選出立法會議員的換屆選舉的日期(如多於一日，則為首日)前召開。

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(2) 在立法會一個會期結束而下一會期仍未開始的一段休假期內，立法會主席可在其指定的日期及時間召開特別會議。

(3) 本議事規則適用於根據第(1)及(2)款舉行的立法會會議。

16. 立法會休會待續議案

(1) 當有任何充分理由不欲以明確字眼擬訂議案，就某一問題或若干問題進行辯論，則可動議一項立法會現即休會待續的議案，以進行該項辯論。

(2) 動議上述議案，無須事先作出預告，但議案只可於兩事項之間動議。立法會主席如信納休會待續的目的在於方便議員討論某項對公眾而言有迫切重要性的問題，可准許議員或列席會議的任何獲委派官員動議此項議案。

(3) 上述議案如獲通過，立法會即須休會待續。

(4) 立法會議程上所有事項處理完畢後，議員可動議一項立法會現即休會待續的議案，以便提出任何有關公共利益的問題，要求一名獲委派官員發言答辯。

(5) 議員如擬在某次會議上根據第(4)款動議議案，須在該次會議日期不少於 7 整天前以書面向立法會秘書作出預告：

但立法會主席可酌情免卻預告。

(6) 如在根據第(4)款動議的議案動議後 45 分鐘，或在立法會主席於個別會議上決定的更長時限屆滿後，仍未有獲委派官員被叫喚作答，立法會主席即須指示當時正在發言的議員坐下，然後叫喚一名獲委派官員發言答辯。

(7) 如在根據第(4)款動議的議案動議後一小時，或在立法會主席於個別會議上決定的更長時限屆滿後，議案仍未獲得通過，立法會主席即無須付諸表決而宣布休會待續。

17. 會議法定人數

(1) 立法會及全體委員會的會議法定人數為不少於全體議員的二分之一，包括立法會主席或全體委員會主席在內。

(2) 如出席會議的議員不足法定人數，而有人向立法會主席提出此事，立法會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，立法會主席即無須付諸表決而宣布休會待續。

(3) 如未有足夠法定人數出席會議，而有人向全體委員會主席提出此事，全體委員會主席即須指示傳召議員到場。15 分鐘後，如仍不足法定人數，委員會即須回復為立法會，並由立法會主席點算人數，屆時如有足夠法定人數，則須再次轉變為委員會，但如不足法定人數，立法會主席即無須付諸表決而宣布休會待續。

(4) 在點名表決時，如在席的議員人數(包括放棄表決者在內)顯示出席會議的人數不足法定人數，點名表決即告無效，而會議須依照第(2)或(3)款規定的程序進行。

(5) 立法會在根據第(2)、(3)及(4)款休會待續時正在討論的議題，須延擱至下次會議再行處理。

C 部

事項編排

18. 各類事項的次序

(1) 每次會議的事項須依照以下次序處理，但根據本議事規則第 8 條(行政長官出席會議)或第 13 條(行政長官發表施政報告)舉行的會議、每屆任期的首次會議，以及為選舉立法會主席而舉行的會議除外：

(a) 進行宗教式或非宗教式宣誓。

(b) 致悼辭及其他禮節性演辭。

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- (c) 立法會主席宣讀各項文告及作出各項宣布。
- (d) 提交呈請書。
- (e) 將文件、委員會報告提交立法會省覽。
- (f) 向政府提出質詢及由政府作答。
- (g) 由獲委派官員發表聲明。
- (h) 作出個人解釋。
- (i) 政府提交的法案。
- (j) 政府提出的議案。
- (k) 議員提交的法案。
- (l) 議員提出的議案。
- (m) 處理根據本議事規則第 89 條(就議員出席民事法律程序擔任證人一事取得許可的程序)及第 90 條(就立法會會議程序提供證據一事取得許可的程序)給予許可的要求。
- (n) 處理本議事規則第 16(4)條(立法會休會待續議案)規定的事宜。

(2) 第(1)款(a)、(b)、(c)、(d)、(e)、(g)及(h)段所述事項，無須事先作出預告而進行，但除(a)及(c)段所述事項外，其餘事項均須先獲立法會主席許可，方可進行。

19. 立法會議程

(1) 立法會議程由立法會主席決定，並須有中、英文本。每次會議所有經事先作出預告的事項，須依照本議事規則第 18 條(各類事項的次序)規定的次序，列於該次會議的議程內。

(2) 擬向政府提出的質詢，須依照本議事規則第 26(1)及(2)條(質詢的提出及答覆)的規定，列於立法會議程內。

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(3) 本條不適用於根據本議事規則第 8 條(行政長官出席會議)或第 13 條(行政長官發表施政報告)舉行的會議、每屆任期的首次會議，以及為選舉立法會主席而舉行的會議。

D 部

呈請書及文件

20. 呈請書的提交

(1) 呈請書只可由議員向立法會提交。呈請書須用中文或英文書寫。

(2) 議員擬於會議上向立法會提交呈請書，須不遲於該會議日期前一天知會立法會主席。議員就此事知會立法會主席時，須以書面向立法會主席證明該呈請書是謙恭的，而且他認為值得提交該呈請書。

(3) 立法會主席如認為呈請書要求訂立規定以徵收新稅項或增加稅款，或在政府收入或香港特別行政區其他公帑中增添新負擔項目或增加已有的負擔，或更改但非削減該等負擔項目，或了結或免除欠政府的債務，則除獲行政長官的書面同意外，不得准許接受該呈請書。

(4) 行政長官明示其同意一事，須記錄在會議紀要內。

(5) 提交呈請書的議員可簡述呈請人數目、身份，以及呈請書的要旨，但不得再作其他發言。

(6) 呈請書提交後，如有議員即時起立，要求將呈請書交付專責委員會處理，立法會主席即須請支持此項要求的議員起立；如有不少於 20 名議員起立，呈請書即告交付專責委員會處理。

21. 文件的提交

(1) 文件可由獲委派官員向立法會提交；議員獲立法會主席許可後，亦可向立法會提交文件。

(2) 議員或獲委派官員如擬向立法會提交文件，須將該文件送交立法會秘書；立法會秘書須將該文件分發每一名議員，並可安排將該文件發表。下一次會議開始時，該文件須提交立法會省覽，立法會秘書並須將該文件提交立法會省覽一事及該文件的發表日期，記錄在該次會議的紀要內。

(3) 除第(4)款另有規定外，凡有文件提交立法會省覽，提交該文件的議員或獲委派官員獲立法會主席許可後，可就該文件向立法會發言。

(4) 凡有法案委員會報告提交立法會省覽，提交該報告的議員獲立法會主席許可後，可在有關法案恢復二讀辯論開始之時，就該報告向立法會發言。

(5) 議員或獲委派官員獲立法會主席同意後，可就提交立法會省覽的附屬法例向立法會發言，但《釋義及通則條例》(第1章)第34條規定的修訂附屬法例期限(或任何延展的期限)必須尚未屆滿。議員或獲委派官員如擬根據本款在會議上向立法會發言，須在該次會議開始前知會立法會主席。

(6) 議員或獲委派官員根據第(3)或(5)款所作的發言不容辯論，但立法會主席可酌情准許向發言的議員或獲委派官員提出簡短問題，以求澄清該議員或獲委派官員在發言中提出的任何事宜。

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E 部

向政府提出的質詢

22. 質詢性質

(1) 任何議員均可就政府的工作向政府提出質詢，要求提供有關該事的資料，或要求政府就該事採取行動。

(2) 質詢須指明要求口頭答覆或書面答覆。

23. 質詢時間

(1) 在任何一次會議均可提出質詢，但每屆任期的首次會議、選舉立法會主席的會議，以及行政長官就政府政策向立法會發言的會議除外。

(2) 除根據本議事規則第 24(4)條(質詢預告)提出的質詢外，每次會議可提出不多於 20 項已作預告的質詢，該等質詢須由立法會秘書按內務委員會建議並經立法會主席同意的方式點算。

(3) 如立法會主席認為某次會議將不會就不具立法效力的議案進行辯論，即不得有多於 10 項要求口頭答覆的質詢；如立法會主席認為某次會議將會就不具立法效力的議案進行辯論，則不得有多於 6 項要求口頭答覆的質詢。該等質詢須由立法會秘書按內務委員會建議並經立法會主席同意的方式點算。

(4) 內務委員會可向立法會主席建議某次會議不得有要求口頭答覆的質詢；如立法會主席接納該項建議，則議員不得在該次會議提出該等質詢，但立法會主席可根據本議事規則第 24(4)條(質詢預告)的規定准許提出急切質詢。

24. 質詢預告

(1) 未作預告，不得提出質詢；但在第(4)款所規定的情況下除外。

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(2) 議員就提出質詢所作的預告，須不遲於政府需要答覆該質詢的會議日期前 7 整天送交立法會秘書辦事處，並須在該預告上簽署；但在每屆立法會首個會期的第二次會議上提出的質詢，則須在不少於 4 整天前作出預告。

(3) 每次會議上，每名議員不得提出多於兩項已作預告的質詢，而要求口頭答覆的質詢不得多於一項：

但立法會主席如認為議員額外提出的是公眾關注的重要質詢，則可准許議員提出該項額外質詢。

(4) 如議員以事項性質急切及與公眾有重大關係為理由，請求立法會主席准許無經預告而提出質詢，則立法會主席如信納該質詢確屬此性質，而有關議員已經或將會私下向政府作出充分的預告，以便政府能答覆該質詢，則可批准該議員無經預告而提出該質詢。

25. 質詢內容

(1) 質詢須符合以下規則：

- (a) 不得包括人名或任何並非為令質詢清晰而絕對必需的陳述。
- (b) 不得包含提出質詢的議員所不擬提供根據的陳述。
- (c) 不得包含議論、推論、意見、指摘或綽號，亦不得使用偏頗、諷刺或冒犯性的措詞。
- (d) 不得包含多項獨立質詢，或是過於複雜，以致不能夠合理地作為單獨一項質詢來回答。
- (e) 在任何委員會向立法會作出報告前，不得提述該委員會的會議過程。
- (f) 不得尋求本身屬機密性質事宜的資料。

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- (g) 不得論及法庭的判決，所用措詞亦不得有相當可能會妨害在法庭待決的案件。
- (h) 不得為求取見解、解決抽象法律問題或解答假設論題而提出質詢。
- (i) 不得詢問報章所刊載，或私營機構或私人所作的聲明是否正確。
- (j) 不得問及本議事規則第 41(7)條(發言內容)所述人士的品格或行為，亦不得問及其他人士在其公職或所參與的公共事務範圍以外的品格或行為。
- (k) 不得要求提供可取覽的文件或普通參考材料所載的資料。
- (l) 在同一會期內，不得再次提出已獲全面答覆的質詢。

(2) 關於議員已向立法會秘書作出預告的質詢，或議員已要求提出可無經預告而提出的質詢，立法會主席如認為其違犯本議事規則第 22 條(質詢性質)或本條的規定，則可指示 —

- (a) 將該質詢按其指示修改後列入立法會議程內；或
- (b) 在議員要求無經預告而提出質詢的情況下，將該質詢按其指示修改，方可提出；或
- (c) 通知有關的議員該質詢不合乎規程。

26. 質詢的提出及答覆

(1) 如議員表示擬在某次會議上提出質詢，則每項經由該議員根據本議事規則第 24 條(質詢預告)作出適當預告，而又符合本議事規則第 25 條(質詢內容)規定的質詢，須列入該次會議的議程內。

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(2) 每次會議提出的質詢，在不抵觸本議事規則第 23 條(質詢時間)的情況下，須由立法會秘書按照其接獲預告的先後次序列入議程內；如一名議員同時就數項質詢作出預告，則按該議員所示的次序，將質詢列入議程內。

(3) 除要求書面答覆者外，按照議程依次輪到每項質詢時，立法會主席須叫喚以其名義提出質詢的議員；該議員屆時須起立提出質詢，隨而由負責作答的獲委派官員答覆。

(4) 質詢獲得答覆後，任何議員均可在立法會主席叫喚其名字時提出補充質詢，以求澄清該答覆；但立法會主席如認為補充質詢提出與原有質詢或原有答覆無關的事宜，或抵觸本議事規則第 22 條(質詢性質)或第 25 條(質詢內容)，則須拒絕准許該補充質詢獲得答覆。

(5) 議員不得就質詢向立法會陳詞，亦不得以質詢作為辯論的藉口。

(6) 如議員不在席提出其質詢，則該質詢經其同意可由另一名議員提出，否則該質詢須作為要求書面答覆的質詢處理。

(7) 在要求以書面答覆質詢的情況下，或在表示將以書面答覆補充質詢的情況下，該等書面答覆須送交每名議員，並須印載於正式紀錄內。

(8) 議員如已就一項質詢作出預告，可在擬提出質詢的會議開始前個半小時向立法會秘書作出預告，撤回其質詢。

27. 根據本議事規則第 8 條舉行的會議

本部(本議事規則第 25 條(質詢內容)除外)並不適用於根據本議事規則第 8 條(行政長官出席會議)向行政長官提出的質詢。

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F 部

聲明

28. 獲委派官員發表的聲明

(1) 獲委派官員如擬在立法會會議上就任何有關公共利益的問題發表聲明，須在該次會議開始前，知會立法會主席。

(2) 議員不得就該聲明進行辯論，但立法會主席可酌情准許議員向發表聲明的官員提出簡短問題，以求澄清該聲明。

G 部

議案

29. 議案及修正案的預告

(1) 除本議事規則另有規定外，如擬動議議案，必須在立法會或全體委員會審議該議案當天不少於 12 整天前作出預告，否則不得在立法會動議，亦不得在全體委員會動議：

但立法會主席或全體委員會主席可酌情免卻預告。

(2) 如擬動議修訂受《釋義及通則條例》(第 1 章)第 34 條所規限的附屬法例，必須在立法會審議該議案當天不少於 5 整天前作出預告，否則不得在立法會動議：

但立法會主席可酌情免卻預告。

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(3) 如擬動議延展《釋義及通則條例》(第 1 章)第 34(4)條所提述關乎附屬法例的期限，必須在立法會審議該議案當天不少於 3 整天前作出預告，否則不得在立法會動議：

但立法會主席可酌情免卻預告。

(4) 修正第(2)或(3)款提述的議案所需的預告期，由立法會主席酌情決定。

(5) 第(2)、(3)及(4)款指明的預告期分別適用於 ——

- (a) 修訂根據任何法例訂立並可由立法會修訂的文書(附屬法例除外)的議案；
- (b) 延展修訂此類文書所規定的期限的議案；及
- (c) 對(a)或(b)段提述的議案提出的修正案。

(6) 除本議事規則另有規定外，不得就議案動議任何修正案，除非 ——

- (a) 在立法會或全體委員會審議該議案當天 5 整天之前，已就修正案作出預告；或
- (b) 立法會主席或全體委員會主席批准免卻就修正案作出預告。

30. 議案及修正案的預告方式

(1) 議員就議案或修正案作出預告，須將該議案或修正案以書面送達立法會秘書辦事處。在符合《基本法》第七十三(九)條的規定下，擬動議議案或修正案的議員須在該預告上簽署，與議案或修正案動議人聯合提出議案或修正案的其他議員，須在該預告上聯署。

(2) 如議案以中文撰寫，有關修正該議案的預告須以中文撰寫；如議案以英文撰寫，則有關修正該議案的預告須以英文撰寫。

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(3) 就議案或修正案所作預告，須呈交立法會主席，由其指示按以下方式處理 —

- (a) 按所交來的原有措辭印載；或
- (b) 按其指示修改，然後予以印載；或
- (c) 因其認為不合乎規程，將該預告退回簽署該預告的議員。

31. 議案及修正案的規限

任何議案或修正案，如其目的或效力經立法會主席或全體委員會主席裁定為可導致動用香港任何部分政府收入或其他公帑，或須由該等收入或公帑負擔，則該議案或修正案只可由以下人士提出 —

- (a) 行政長官；或
- (b) 獲委派官員；或
- (c) 任何議員，如行政長官書面同意該提案。

32. 有關立法會先前所作決定的議案

凡立法會已對某一議題作出決定，則在同一會期內，不得就該議題再行動議議案，但如獲立法會主席許可，則可動議議案，以撤銷該項決定。

33. 議案的辯論方式

- (1) 擬動議議案的議員被立法會主席或全體委員會主席叫喚時，須起立動議議案，而在動議議案時可隨其意願發表意見。
- (2) 議員動議議案後，立法會主席或全體委員會主席須向立法會

或全體委員會提出該議案的待議議題；議員即可就該議題進行辯論。

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(3) 立法會主席或全體委員會主席向立法會或全體委員會提出議案的待議議題後，議員可隨時動議修正案以修正該議案，但所動議的修正案須符合本議事規則第 29(6)(a)或(b)條(議案及修正案的預告)的規定，即事先作出預告或獲准免卻預告。在處理所有修正案後，立法會主席或全體委員會主席須再度向立法會或全體委員會提出該議案的待議議題，或經修正的議案的待議議題，議員即可作進一步的辯論。

(4) 如再無議員發言，立法會主席或全體委員會主席即須向立法會或全體委員會提出該議案或經修正的議案的待決議題，付諸表決。

34. 議案修正案的辯論方式

(1) 擬就議案動議修正案的議員被立法會主席或全體委員會主席叫喚時須起立，並隨其意願發表意見後，動議修正案。

(2) 議案的修正案，須以下列其中一種形式提出

(a) 在該議案中刪去一字或多字。

(b) 在該議案中或結尾加插或增補一字或多字。

(c) 在該議案中刪去一字或多字，並以加插或增補一字或多字來代替。

(3) 議員動議修正案後，立法會主席或全體委員會主席即須提出議案予以修正的待議議題，議員隨即可就該議題進行辯論。

(4) 立法會主席或全體委員會主席可准許就議案及其修正案進行合併辯論。

(5) 如議員就同一議案動議多於一項修正案，立法會主席或全體委員會主席須按原議案文本中擬修正的字句的先後次序，順序叫喚修正案動議人；如對此次序有疑問，則由立法會主席或全體委員會主席決定叫喚修正案動議人的次序。

(6) 如再無議員發言，立法會主席或全體委員會主席即須向立法會或全體委員會提出議案予以修正的待決議題，付諸表決。

35. 議案及修正案的撤回

(1) 經預告的議案或修正案在動議之前，可隨時由以其名義動議該議案或修正案的動議人指示立法會秘書將其撤回。

(2) 議案或修正案的議題在付諸表決之前，可應動議人的要求予以撤回，惟須在無議員提出異議的情況下，獲立法會或全體委員會許可。經撤回的議案或修正案可再次動議，但議案則須按本議事規則的規定作出預告。

H 部

發言規則

36. 發言時間及方式

(1) 議員發言時須起立，並須將其意見向立法會主席或全體委員會主席陳述。

(2) 立法會或全體委員會的會議進行中，如立法會主席或全體委員會主席起立，所有議員均須坐下。

(3) 如兩名或多於兩名議員同時起立或舉手示意發言，立法會主席或全體委員會主席即須選擇其中一名議員並叫喚其發言。

(4) 議員發言後須坐下，其他擬發言的議員須起立或舉手示意。

(5) 除本議事規則第 37 條(內務委員會建議的發言時間)另有規定外，議員如未獲立法會主席或全體委員會主席許可，發言不得超過 15 分鐘，上述許可只會在例外情況下給予。

(6) 第(5)款提述的發言時限，不適用於獲委派官員及根據本議事規則第 21 條(文件的提交)及第 54(7)條(二讀)向立法會作出報告的議員。

37. 內務委員會建議的發言時間

(1) 就將於立法會會議上動議的任何議案或修正案(擬具立法效力的議案除外),不論該議案或修正案當時是否已列入立法會議程內,內務委員會可建議 —

- (a) 動議人發言不應超過若干分鐘(該段時限包括動議人根據本議事規則第 38(4)條(議員可發言多於一次的情況)發言答辯的時間);
- (b) 修正案動議人發言不應超過若干分鐘;及
- (c) 其他議員每人發言不應超過若干分鐘。

(2) 凡內務委員會根據第(1)款作出建議,內務委員會主席須就委員會的建議,安排以書面知會立法會主席。

(3) 內務委員會根據第(1)款所作的任何建議,如獲立法會主席接納(在此情況下,立法會主席須在叫喚議員動議有關議案前,在切實可行範圍內盡快將決定告知各議員),對所有議員而非獲委派官員均具約束力,而立法會主席須指示發言超過該建議時限的議員不得繼續發言。

38. 議員可發言多於一次的情況

(1) 除獲立法會主席許可外,議員就每項議題發言不得多於一次,但以下情況則屬例外 —

- (a) 在全體委員會會議上;或
- (b) 依照第(2)款的規定;或
- (c) 依照第(3)款的規定作出解釋;或
- (d) 如屬議案動議人,依照第(4)款的規定發言答辯;或

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(e) 依照第(7)款的規定，就“本會感謝行政長官發表施政報告”的議案發言。

(2) 在同一次辯論中，已根據本議事規則第 54(7)條(二讀)發言的議員，可再次發言。

(3) 已就某議題發言的議員，可再次發言以解釋其先前發言中被誤解的部分，但發言時不得提出新事宜。

(4) 在立法會會議上，議案動議人可在所有出席會議的議員已有機會發言之後，議題付諸表決之前，發言答辯；但修正案動議人沒有此答辯權。

(5) 如有議員就某議題動議一項修正案，或在辯論該議題時有議員動議一項現即將辯論中止待續的議案，則已就該項議題發言的議員可就該項修正案或該項現即將辯論中止待續的議案再次發言。

(6) 任何議題經立法會主席或全體委員會主席向立法會或全體委員會提出待決並付諸表決後，議員即不得再就該議題發言。

(7) 已就“本會感謝行政長官發表施政報告”的議案發言的獲委派官員，可就該議案再次發言，以對在辯論該議案時所提出的任何事宜答辯。

39. 插言

議員不得打斷其他議員的發言 —

- (a) 除非起立要求就規程問題發言；遇此情況，正在發言的議員須坐下，而打斷其發言的議員須指出其認為應注意的問題，並將該問題交由立法會主席或全體委員會主席決定；或
- (b) 除非要求澄清正在發言的議員在其發言中提出的某項事宜，而正在發言的議員願意退讓並坐下，擬插言的議員又獲得立法會主席或全體委員會主席叫喚。

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40. 辯論中止待續或全體委員會休會待續

(1) 在立法會會議上就某議題起立發言的議員，可無經預告而動議一項現即將辯論中止待續的議案，屆時立法會主席須提出該議案的待議議題。

(2) 現即將辯論中止待續的議案如獲通過，立法會當前議題的辯論即告中止待續，而立法會須著手處理下一事項。

(3) 現即將辯論中止待續的議案如被否決，立法會須繼續辯論當前的議題；在繼續辯論時，除獲委派官員外，不得再動議現即將辯論中止待續的議案。

(4) 在立法會全體委員會會議上，議員可無經預告而動議一項委員會現即休會待續的議案，全體委員會主席須即提出該議案的待議議題。議案如獲通過，委員會即須回復為立法會；議案如被否決，則委員會的程序即須繼續進行。

(5) 動議修正本條所述的議案，不合乎規程。

(6) 根據第(2)款中止的辯論，可在其後舉行的立法會會議上恢復進行，惟動議辯論原議案或(如為法案)負責該法案的議員或官員，須在擬恢復辯論當天不少於 5 整天前，向立法會秘書作出恢復辯論的預告：

但立法會主席可酌情免卻預告。

(7) 根據第(4)款休會待續的全體委員會的程序，可在其後舉行的委員會會議上恢復進行，惟因休會待續而未完成的程序如涉及法案，則負責的議員或官員，須在擬恢復程序當天不少於 5 整天前，向立法會秘書作出恢復程序的預告：

但全體委員會主席可酌情免卻預告。

(8) 第(1)、(2)、(3)、(4)及(5)款的規定適用於任何根據第(6)及(7)款而恢復的辯論或程序。

41. 發言內容

(1) 議員只限對討論中的題目發表意見，而不得提出與該題目無關的事宜。

(2) 議員不得以立法會主席或全體委員會主席認為可能對案件有妨害的方式，提述尚待法庭判決的案件。

(3) 除本議事規則第 66 條(發回重議的法案)另有規定外，凡企圖令立法會在會期內再次考慮立法會在該會期內已作決定的議題，即屬不合乎規程；但在立法會主席准許議員動議一項撤銷原決定的議案的情況下進行辯論，則屬例外。

(4) 凡對立法會議員使用冒犯性及侮辱性言詞，即屬不合乎規程。

(5) 議員發言的內容不得意指另一議員有不正當動機。

(6) 不得以行政長官之名左右立法會。

(7) 不得提及行政長官或行政會議成員或立法會議員的行為，但履行公職時的行為則屬例外。

(8) 不得提及法官或其他履行司法職能人士的行為。

42. 議員在會議進行中的舉止

立法會會議進行中 ——

(a) 議員進出立法會會場，在衣飾及舉止上須保持莊重；

(b) 如無必要，議員不得橫越立法會會場；

(c) 議員不得閱讀報章、書籍、信件或其他文件，但如所載者與立法會事務有直接關連，則屬例外；及

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- (d) 當一名議員發言時，其他議員須保持肅靜，且不得作不適當的插言。

43. 辯論規則對委員會的適用範圍

本部的規則適用於委員會的會議程序，但委員會主席另有命令者除外。

I 部

會議規程

44. 主席決定為最終決定

立法會主席、全體委員會主席或任何常設或專責委員會主席分別就立法會及委員會會議遵照會議規程行事負責。主席在會議規程問題上所作決定為最終決定。

45. 立法會及委員會會議中的秩序

(1) 立法會主席、全體委員會主席或任何常設或專責委員會主席如發覺有議員在辯論中不斷提出無關的事宜，或冗贅煩厭地重提本身或其他議員的論點，於向立法會或委員會指出該議員的行為後，可指示該議員不得繼續發言。

(2) 如議員行為極不檢點，立法會主席、全體委員會主席或任何常設或專責委員會主席即須命令其立即退席，不得繼續參與立法會或委員會的該次會議；立法會秘書或任何委員會的秘書須按照主席的命令採取行動，以確保該命令得以遵從。

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J 部

表決

46. 就議案作出決定

(1) 除《基本法》第四十九條、第五十二(二)條、第七十三(九)條、第七十九(六)、(七)條及第一百五十九條另有規定外，所有提交立法會或全體委員會表決的議案，在符合第(2)款的規定下，均須獲得出席會議的議員的過半數票，方為通過。

(2) 由議員提出的議案(但本議事規則第 66 條(發回重議的法案)所提述的“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案除外)或法案，或議員對任何議案或法案提出的修正案，須分別獲下列兩部分出席會議議員各過半數票，方為通過 —

- (a) 功能界別選舉產生的議員(第 I 部分)；及
- (b) 分別由地方選區直接選舉和選舉委員會選舉產生的議員(第 II 部分)。

47. 立法會及全體委員會的表決

(1) 除非屬第(2)款適用的情況，否則立法會主席或全體委員會主席將待決議題交由立法會或全體委員會表決時 —

- (a) 立法會主席或全體委員會主席須先請贊成該議題的議員舉手，繼而請反對該議題的議員舉手；
- (b) 立法會主席或全體委員會主席繼而須根據其判斷，說出其是否認為出席會議的議員的過半數贊成該議題。如有議員對其判斷提出質疑，則在該質疑按(c)段的規定獲得處理後，立法會主席或全體委員會主席須宣布該議題就此決定；

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- (c) 如有議員要求進行點名表決，以質疑立法會主席或全體委員會主席的判斷，則立法會主席或全體委員會主席須命令立法會或全體委員會進行點名表決。除本議事規則第 49(4)至(7)條(點名表決)另有規定外，點名表決須在點名表決鐘聲響起 3 分鐘後立即進行。

(2) 立法會主席或全體委員會主席將議員提出的議案或法案，或議員對任何議案或法案提出的修正案的待決議題交由立法會或全體委員會表決時 ——

- (a) 立法會主席或全體委員會主席須先請贊成該議題的議員舉手，繼而請反對該議題的議員舉手；
- (b) 立法會主席或全體委員會主席繼而須根據其判斷，說出其是否認為本議事規則第 46(2)條(就議案作出決定)所提述的兩部分出席會議議員均贊成該議題。如有議員對其判斷提出質疑，則在該質疑按(c)段的規定獲得處理後，立法會主席或全體委員會主席須宣布該議題就此決定；
- (c) 如有議員要求進行點名表決，以質疑立法會主席或全體委員會主席的判斷，則立法會主席或全體委員會主席須命令議員進行點名表決。除本議事規則第 49(4)至(7)條(點名表決)另有規定外，點名表決須在點名表決鐘聲響起 3 分鐘後立即進行。

48. 電子表決系統的使用

除立法會主席或全體委員會主席另有指示外，凡立法會或全體委員會會場內設有電子表決系統以供點名表決之用，出席而又參與表決的議員在進行點名表決時，須按照該電子系統操作的規定使用該系統進行表決，而立法會主席或全體委員會主席繼而須宣布點名表決的結果。

49. 點名表決

(1) 除本議事規則第 48 條(電子表決系統的使用)另有規定外,在有命令進行點名表決時,贊成者及反對者數目須由立法會秘書記錄。立法會主席或全體委員會主席須先請贊成議題的議員舉手,由立法會秘書在座位表上記錄,然後交由立法會主席或全體委員會主席讀出有關議員的姓名及數目。立法會主席或全體委員會主席繼而請反對該議題的議員舉手,由立法會秘書在座位表上記錄,然後交由立法會主席或全體委員會主席讀出有關議員的姓名及數目。立法會主席或全體委員會主席再而請就該議題放棄表決的議員舉手,由立法會秘書在座位表上記錄,然後交由立法會主席或全體委員會主席讀出有關議員的姓名及數目。如無議員提出質疑,則主席須宣布點名表決的結果。

(2) 除本議事規則第 48 條(電子表決系統的使用)另有規定外,在有命令就議員提出的議案或法案,或議員對任何議案或法案提出的修正案進行點名表決時,須依照第(1)款規定的程序進行,但立法會主席或全體委員會主席須讀出本議事規則第 46(2)條(就議案作出決定)所提述的兩部分議員中,贊成該議題、反對該議題及放棄表決的有關議員的姓名及數目。

(3) 議員如表示其表決有誤或其表決遭錯誤計算,可要求修改,但必須在立法會主席或全體委員會主席宣布點名表決的結果之前提出。

(4) 在緊接立法會主席宣布議案修正案的點名表決結果或全體委員會主席宣布法案修正案的點名表決結果後,議員可無經預告而立即動議於其後就該議案或該議案的任何修正案,或就法案的修正案進行點名表決時,立法會或全體委員會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席或全體委員會主席須就該議案提出待議議題。

(5) 如第(4)款的議案獲得通過,立法會主席或全體委員會主席須就其後進行的每項有關的點名表決(如有的話)作出相應的命令。

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(6) 如有多於一項有關立法會議程所列附屬法例的議案(本議事規則第 29(3)條(議案及修正案的預告)提述的議案除外)，則在立法會主席宣布該議案或該議案的任何修正案的點名表決結果後，議員可無經預告而立即動議於其後就附屬法例提出的議案或該議案的任何修正案進行點名表決時，立法會須在點名表決鐘聲響起一分鐘後立即進行各該點名表決。屆時立法會主席須就該議案提出待議議題。

(7) 如第(6)款的議案獲得通過，立法會主席須就其後進行的每項有關的點名表決(如有的話)作出相應的命令。

K 部

法案的處理程序

50. 法案的格式

- (1) 提交立法會的法案，須符合本條的各項規定。
- (2) 法案須有一簡稱，該簡稱須與該法案如通過成為法律所採用的名稱脗合，而在通過該法案的過程中，該簡稱須保持不變。
- (3) 法案須有一詳題，以一般性詞句說明該法案的主旨。
- (4) 除行政長官會同行政會議依據《法定語文條例》(第 5 章)第 4(3)條發出指示外，法案須以中文及英文提交。
- (5) 法例制定程式須置於法案條文之前。
- (6) 法案必須分條，各條順序編號，每條之上須有說明其性質的分條標題。
- (7) 法案須附有摘要說明，以非專門性文字，解釋法案的內容及目的。

(8) 法案如非一項政府措施而旨在影響或惠及某人、某社團或某法團，則必須載有一條條文，規定政府的權利或任何政治團體或法人團體或任何其他人的權利，均予保留，但該法案所述及者，以及經由、透過或藉其提出申索者的權利除外。

51. 提交法案的預告

(1) 議員或獲委派官員可隨時作出預告，表明有意提交法案；該預告須送交立法會秘書辦事處，並須附有法案文本及本議事規則第 50 條(法案的格式)所規定的摘要說明；如作出預告者為議員，則須附有由法律草擬專員按第(2)款的規定簽署的證明書。

(2) 對於由議員提交的法案，法律草擬專員如信納該法案符合本議事規則第 50 條(法案的格式)的規定及香港法例的一般格式，即須簽發證明書加以證明。

(3) 由立法會議員個別或聯名提出的法案，如經立法會主席裁定為涉及公共開支或政治體制或政府運作者，不得提出。

(4) 如法案涉及政府政策，則就該法案所作的預告須附有由行政長官對該法案的書面同意。

(5) 如法案依據《法定語文條例》(第 5 章)第 4(3)條所發出的指示，以一種法定語文提交，則預告須附有證明書，說明行政長官會同行政會議已指示該法案須以中文或英文(視乎所提交文本的語文而定)提交。

(6) 由議員提交的法案如具有本議事規則第 50(8)條(法案的格式)所述的意向，則預告須附有由該議員簽署的證明書，說明該法案已連續兩期在憲報刊登，並已在每日在本港出版的中英文報章各一份各刊登廣告兩次，就該法案作出預告。

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- (7) (a) 除本議事規則第 66 條(發回重議的法案)另有規定外，如立法會主席認為某法案載有與另一項在二讀時業經立法會表決的法案實質相同的條文，則該法案在同一會期內不得繼續進行立法程序，並須予撤回。
- (b) 如某法案在二讀後被撤回，則另一項載有實質相同條文的法案可在同一會期內提交，但該另一項法案必須符合本議事規則第 50 條(法案的格式)、本條及第 52 條(法案的提交及刊登)的規定。

(8) 在其後就該法案所進行的整個過程中，提交法案的議員稱為負責該法案的議員。如法案由多於一名議員聯名提出，則該等議員須於提交法案時指定其中一人為負責該法案的議員，而該負責議員須在提交法案的預告上如此示明。

(9) 在其後就該法案所進行的整個過程中，提交法案的官員稱為負責該法案的官員；而本議事規則所提述負責法案的議員，亦包括負責法案的官員。

52. 法案的提交及刊登

(1) 立法會秘書接獲擬提交立法會的法案後，須安排在憲報刊登該法案全文及摘要說明，除非 —

- (a) 立法會主席指示在該法案首讀之前不須在憲報刊登；或
- (b) 該法案已根據本議事規則第 51(6)條(提交法案的預告)在憲報刊登。

(2) 立法會秘書接獲擬提交立法會的法案後，須安排將該法案及其摘要說明的文本一份送交每名議員，該法案隨即當作已提交立法會。

53. 法案的首讀

(1) 按照本議事規則第 52(2)條(法案的提交及刊登)提交立法會的法案簡稱，須列入負責該法案的議員向立法會秘書所指定會議的議程內，以進行首讀。

(2) 法案首讀時，不得進行辯論；一經立法會秘書讀出法案簡稱，該法案即當作已首讀。

(3) 法案首讀後，立法會即當作已命令安排將該法案進行二讀，而會議紀要內須記錄立法會作出此項命令；負責該法案的議員無須就二讀議案作出預告。

54. 二讀

(1) 如議員提交的法案涉及政府政策，立法會主席在立法會考慮二讀該法案前，須要求獲委派官員示明行政長官對該法案的書面同意；除非該書面同意已經示明，否則不得動議二讀該法案的議案。

(2) 行政長官的書面同意一經示明，須記錄在會議紀要內。

(3) 除第(4)及(5)款另有規定外，現即二讀法案的議案一經動議，立法會即須進行二讀該法案的程序，議員可就該議案辯論該法案的整體優劣及原則。

(4) 除與撥款法案有關者外，在負責法案的議員就現即二讀該法案的議案發言後，辯論須中止待續，而該法案須交付內務委員會處理，除非立法會就任何議員提出的一項可無經預告而動議的議案另有命令。

(5) 如辯論已根據第(4)款中止待續，則在符合下列規定的情況下，負責法案的議員或官員在與內務委員會主席磋商後，可以書面向立法會秘書辦事處作出預告，以恢復二讀辯論 —

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- (a) 除(b)及(c)段另有規定外，法案不得在內務委員會為該法案恢復辯論作準備的會議舉行後 9 整天內恢復辯論；
- (b) 如內務委員會在為該法案恢復辯論作準備的會議上建議該法案須多於 9 整天後才可恢復辯論，則法案不得在該次會議舉行後 12 整天內恢復辯論；
- (c) 如內務委員會在為該法案恢復辯論作準備的會議上建議在下次立法會會議恢復二讀辯論，則法案可在立法會主席給予許可後在該次會議上恢復二讀辯論，但適當的預告須已根據(e)段的規定作出；
- (d) 除(e)段另有規定外，負責法案的議員或官員須在擬恢復二讀辯論當天不少於 12 整天前作出恢復辯論的預告；
- (e) 如法案須在為該法案恢復辯論作準備的內務委員會會議舉行後 9 整天或以內恢復二讀辯論，則恢復辯論的預告最遲須在該次內務委員會會議舉行後兩整天內作出；

但立法會主席可酌情免卻預告。

(6) 不得對現即二讀法案的議題作出修正。

(7) 在法案恢復二讀辯論時，根據本議事規則第 76(9)條(法案委員會)就法案委員會研究法案的工作作出報告的議員獲立法會主席許可後，可首先發言。

(8) 二讀法案的議案如被否決，不得再就該法案進行其他程序。

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55. 法案的付委

- (1) 二讀法案的議案如獲通過，該法案即告付委予全體委員會，除非 —
- (a) 立法會通過議案，將法案付委予一專責委員會；該項議案可無經預告，但須在該法案二讀後即時由任何議員動議；或
 - (b) 立法會主席認為該法案會特別惠及或反之特別影響某人、某社團或某法團，在此情況下，立法會主席可指示將該法案付委予一專責委員會。
- (2) 負責法案的議員無須為全體委員會就法案進行的程序作出預告。
- (3) 專責委員會就法案進行的程序，須在按照本議事規則第 79(2) 條(專責委員會的程序)指定的日期開始。

56. 委員會就法案的職能

- (1) 獲付委某法案的任何全體委員會或專責委員會，只可討論該法案的細節，不得討論其原則。
- (2) 任何此類委員會均有權對法案作出其認為適當的修正，但修正案(包括新條文及新附表)必須與法案的主題有關。

57. 法案的修正案

- (1) 本條適用於在全體委員會或專責委員會會議上，或再付委時，對法案所動議的修正案。
- (2) 動議法案修正案的預告，須於全體委員會審議該法案當天不少於 7 整天前作出；倘無如此作出預告，除獲全體委員會主席許可外，不得動議對法案作出修正。
- (3) 本議事規則第 30 條(議案及修正案的預告方式)適用於法案修正案的預告，但該條第(3)款中“立法會主席”一詞須以“全體委員會主席”代替。

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- (4) 以下規定適用於與法案有關的修正案：
- (a) 修正案必須與法案的主題及有關條文的主題有關。
 - (b) 修正案不得與已獲通過的條文或全體委員會就法案先前所作的決定不一致。
 - (c) 修正案不得令建議修正的條文變得不能理解或不合語法。
 - (d) 不可動議全體委員會主席認為瑣屑無聊或無意義的修正案。
 - (e) 凡動議對具備兩個法定語文文本的法案作出修正，除非該修正案明顯地只影響其中一個文本，否則每一個文本均須作出修正；但不可動議令兩個文本相互抵觸或意義差歧的修正案。

(5) 如一項修正案提述其後的修正案或附表，或該修正案會因欠缺其後的修正案或附表而變得不能理解，則須在動議第一項修正案前，就其後的修正案或附表作出預告，使整系列修正案在整體上可以理解。

(6) 任何修正案，如其目的或效力經立法會主席或全體委員會主席裁定為可導致動用香港任何部分政府收入或其他公帑，或須由該等收入或公帑負擔，則該修正案只可由以下人士提出 —

- (a) 行政長官；或
- (b) 獲委派官員；或
- (c) 任何議員，如行政長官書面同意該提案。

58. 全體委員會處理法案的程序

(1) 全體委員會主席須提出“下述各條文納入本法案”的待議議題，並指示立法會秘書讀出各條文的編號。任何條文或一組條文的編號一經讀出，將該條文或該組條文納入該法案的待議議題，即當作已提出。如某條文經作修正，則該經修正條文的編號須由立法會秘書再次讀出，而將該經修正條文納入該法案的待議議題，亦當作已提出。

(2) 為節省時間及避免議論重複，全體委員會主席可准許同時討論一系列互有關連的修正案。

(3) 本議事規則第 34 條(議案修正案的辯論方式)的規定，適用於對法案各項修正案所進行的討論，但“議案”一詞須以“條文”代替。

(4) 任何條文皆可押後處理，除非已就該條文的修正案作出決定。押後處理的條文，須在法案其餘條文已獲審議之後而新條文仍未提出之前，予以審議。

(5) 任何擬議新條文，須在法案各條文已獲處理之後而附表未獲審議之前，予以審議：

但如擬議新條文是用以代替不獲通過的條文，則可在原有條文不獲通過之後，隨即審議該新條文。

(6) 新條文的分條標題一經立法會秘書讀出，該新條文即當作已告首讀，隨後須提出“將此條文二讀”的待議議題；議題如獲通過，則可提出新條文的擬議修正案。最後提出的待議議題須為“本法案增補此條文(或經修正的條文)”。

(7) 處置附表的方法與處置條文者相同；任何擬議新附表，須在法案各附表獲得處理後審議，處理方式與處理新條文者相同。

(8) 條文、附表，以及擬議新條文、擬議新附表全部處理完後，如法案載有弁言，則亦須審議該弁言，並提出“此為本法案的弁言”的待決議題。除因先前對法案作出修正以致必須修正弁言外，不得審議弁言的修正案。

(9) 如因對法案作出修正而須將法案的名稱加以修正，則須在完成上述程序時作出；但將該名稱(或該經修正的名稱)納入該法案的待決議題不得提出，任何就法例制定程式的待決議題亦不得提出。

(10) 法案成為法律後所引稱的名稱內所提述的年份或任何數字，無須予以修正；法律草擬專員可更改該所述年份或任何數字，以提述該法案成為法律的年份或反映其次序。

(11) 任何修正案、擬議新條文或擬議新附表於其待議議題提出後，而該議題未付諸表決之前，可應動議人的要求予以撤回，惟須在無議員提出反對的情況下，獲全體委員會的許可。

(12) 全體委員會於完成審議法案的所有程序後，須回復為立法會，並由一名議員就該經修正或無經修正的法案(視屬何情況而定)，向立法會作出報告。

59. 全體委員會就法案作出報告的程序

全體委員會就法案作出報告後，立法會即當作已命令將該法案進行三讀，而會議紀要內須記錄立法會作出此項命令；負責該法案的議員無須就三讀議案作出預告。

60. 法案專責委員會中的程序

(1) 專責委員會處理法案，須受本議事規則第 79 條(專責委員會的程序)的所有條文規限；但在就法案向立法會作出報告之前，專責委員會須採取與全體委員會相同的方式，依照本議事規則第 58 條(全體委員會處理法案的程序)的規定，研究法案。

(2) 法案如經專責委員會修正，則在切實可行範圍內，經修正的法案全文須作為專責委員會報告的一部分印載；但如不切實可行，則須將經修正的各條文或附表及新增的各條文或附表如此印載。

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(3) 專責委員會完成研究法案的所有程序並通過有關報告後，專責委員會主席須於下次立法會會議就該經修正或無經修正的法案(視屬何情況而定)，向立法會作出報告，並須將該報告提交立法會省覽。

61. 專責委員會就法案作出報告的程序

(1) 專責委員會就法案作出報告後，立法會可藉一項由該專責委員會主席動議採納該報告的議案，審議專責委員會所呈報的法案。

(2) 如該議案未經修正而獲通過，立法會即當作已命令將該法案進行三讀，而會議紀要內須記錄立法會作出此項命令；負責該法案的議員無須就三讀作出預告。

(3) 議員可就一項根據第(1)款動議的採納法案專責委員會報告的議案動議修正案，於原議案後加入以下字句：“但須將該法案(全部，或某部分，或擬議新條文，或擬議新附表)再付委予全體委員會”。

(4) 如該議案按照第(3)款修正後獲得通過，該法案按議案的規定即告再付委，而立法會則須立即轉變為全體委員會審議該法案。

(5) 本條不適用於為審議行政長官發回立法會重議的法案而成立的專責委員會就法案作出報告的程序。

62. 專責委員會報告的法案再付委的程序

(1) 如專責委員會已作報告的法案整條再付委，全體委員會須根據本議事規則第 58 條(全體委員會處理法案的程序)的規定，研究該法案。

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(2) 如再付委的只是該法案中某一條或多條條文、某一個或多個附表、擬議新條文或擬議新附表，則全體委員會僅須審議再付委的事項，並以本議事規則第 58 條(全體委員會處理法案的程序)所規定的方式，審議該等條文或附表；其後如有需要，可考慮修正該法案的詳題或簡稱：

但立法會主席如認為必要或可取，可要求按照第(1)款的規定將整條法案再付委。

(3) 全體委員會完成審議再付委的法案的所有程序後，須回復為立法會，並由負責該法案的議員就該再付委並經修正(或未經修正)的法案，向立法會作出報告。

(4) 負責法案的議員以上述方式就再付委的法案作出報告後，除非該負責議員表示希望押後三讀，否則立法會須隨即進行該法案的三讀程序。如負責議員提出押後三讀，本議事規則第 59 條(全體委員會就法案作出報告的程序)的規定即適用，並不得容許再次動議將該法案再付委。

63. 三讀

(1) 三讀並通過法案的議案動議後，立法會即須進行三讀該法案的程序。就該議案進行的辯論，須限於法案的內容，議員不可動議修正該議案。

(2) 立法會主席提出三讀該法案的待決議題之前，經立法會主席許可，得為更正法案中錯誤或疏忽出錯之處作出修正；但不得對法案提出實質的修正。

(3) 三讀一條(或多條)法案的議案獲得通過後，立法會秘書須讀出該(或該等)法案的簡稱，並在該(或該等)法案末端寫上“由香港特別行政區立法會於今天通過”，並註明日期。

(4) 如三讀法案的議案遭否決，即不得就該法案再進行任何程序。

64. 法案的撤回或押後處理

負責法案的議員或官員，可在立法會會議上於會議開始進行二讀或三讀法案的程序時，宣布撤回或押後處理該法案。

65. 呈交法案予行政長官簽署

立法會秘書須在立法會通過的每一條法案的一份文本上簽署核證其為真確本，並將之呈交行政長官簽署。

66. 發回重議的法案

(1) 立法會通過的法案如須發回立法會重議，有關的預告須於該法案獲通過後的 3 個月內送交立法會秘書；該預告須附有法案文本，以及由行政長官簽署的證明書，證明其根據《基本法》第四十九條將該法案發回立法會重議。

(2) 立法會秘書接獲須予重議的法案後，須安排將該法案的一份文本送交每名議員，並在憲報刊登該法案全文，除非立法會主席指示在立法會會議上宣讀該發回的法案的簡稱前，該法案不須在憲報刊登。

(3) 該法案的簡稱須按立法會主席的指示列入立法會會議的議程內。

(4) 在立法會秘書讀出法案簡稱後，一名獲委派官員可以就該法案發回發言，該法案隨即交付內務委員會，除非立法會就任何議員提出的一項可無經預告而動議的議案另有命令。

(5) 立法會如命令法案不須交付內務委員會，即當作已命令安排就該法案動議一項“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案，該議案可由任何議員無經預告而動議。會議紀要內須記錄立法會作出此項命令。

(6) 如發回的法案交付內務委員會，內務委員會須立即安排按其認為適當的方式研究該發回的法案。內務委員會在完成該發回的法案的商議工作後，可在立法會會議上動議一項“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案。

(7) 議員不得動議修正根據第(5)或(6)款動議的議案。

(8) 如贊成“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案的議員數目不少於全體議員三分之二多數，立法會秘書須讀出該法案的簡稱，並在該法案末端寫上“由香港特別行政區立法會於今天重議，並以不少於全體議員三分之二多數通過”，並註明日期。立法會秘書須核證該法案的真確本一份，並將之呈交行政長官簽署。

(9) 如贊成“行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過”的議案的議員數目少於全體議員三分之二多數，立法會秘書須讀出該法案的簡稱，並在該法案末端寫上“由香港特別行政區立法會於今天重議，贊成行政長官按照《基本法》第四十九條發回的.....(法案名稱)經重議後予以通過的議案的議員少於全體議員三分之二多數”，並註明日期。立法會秘書須核證該法案的真確本一份，並將之呈交行政長官。

(10) 在有關該法案的議案根據第(5)或(6)款動議前，如行政長官已根據《基本法》第七十六條簽署發回的法案，而立法會秘書亦已接獲有關通知，則不得就該法案再進行任何程序。

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L 部

財政程序

67. 撥款法案的提交及二讀

(1) 載有香港特別行政區政府本財政年度或下一財政年度全部服務開支的財政需求預算的法案，稱為撥款法案。載有上述財政需求詳情的預算案，須在該法案列於立法會議程以進行首讀的會議開始之前，提交立法會。

(2) 撥款法案二讀議案的待議議題提出後，有關辯論即告中止待續，不得早於其後第七天恢復辯論。恢復辯論時，辯論範圍須限於香港的財政及經濟狀況，以及法案及預算案內所顯示政府政策及行政的一般原則。

(3) 除本議事規則第 71(11)條(財務委員會)另有規定外，預算案一經提交立法會，即告交付全體委員會，而撥款法案一經二讀，亦即告付委予該委員會。

68. 全體委員會處理撥款法案的程序

(1) 全體委員會審議撥款法案時，該法案的條文須押後至審議附表或各附表後始予審議。

(2) 在審議附表時，每一開支總目均須與有關的預算一併考慮；本議事規則提述的“分目”或“子目”，指當時正進行討論的預算總目的分目或子目。

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(3) 在審議附表時，全體委員會主席須提出“下述各總目的款額納入本附表”的待議議題，並指示立法會秘書讀出該等總目的編號。任何總目或一組總目的編號一經讀出，將該總目或該組總目的款額納入該附表的待議議題，即當作已提出。除非有議員根據下一條規則動議作出修正，否則可就該議題進行辯論。辯論的範圍只限於需要撥款服務的政策，而非任何子目或分目的詳情，但可提述該項服務所涉及的收入或款項的詳情。

(4) 附表內所有總目獲得處理後，全體委員會主席須隨即提出“該附表(或該經修正的附表)納入本法案”的待決議題，付諸表決，該議題不容修正，不容辯論。

(5) 每一附表獲得處理後，全體委員會主席須提出“下述各條文納入本法案”的待議議題，並指示立法會秘書讀出各條文的編號。任何條文編號一經讀出，將該條文納入該法案的待議議題，即當作已提出。如某條文經作修正，則該經修正條文的編號須由立法會秘書再次讀出，而將該經修正條文納入該法案的待議議題，亦當作已提出。

(6) 除因附表的撥款總額改變而須相應修正者外，不得動議對任何條文作出修正。此等相應修正，只限由獲委派官員動議，且可無經預告，而有關議題須立即付諸表決，不容修正，不容辯論。當修正最後一條條文的議題表決後，全體委員會主席須隨即提出“經修正條文納入本法案”的待決議題，付諸表決，該議題不容修正，不容辯論。

(7) 就法案各條文提出的議題均已表決後，全體委員會須回復為立法會，並由一名議員就該經修正或無經修正的法案(視屬何情況而定)，向立法會作出報告。

69. 全體委員會處理撥款法案預算總目的修正案

(1) 如全體委員會主席認為某項修正案會令任何開支總目所獲分配款額增加，不論增加的部分為子目、分目或總目本身，則該修正案只可由

獲委派官員動議。

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(2) 增加總目款額的修正案，不論所涉者為子目、分目或總目本身，須較削減同一子目、分目或總目本身款額的修正案獲優先處理；如增加款額的修正案獲得通過，則不得動議就同一子目、分目或總目本身削減總目款額的修正案。

(3) 任何議員均可動議藉削減開支總目內子目的款額以削減該總目所獲分配款額的修正案，動議格式如下：“為削減（或刪除）分目.....子目.....而將總目.....削減.....元”。

(4) 如分目已分列為子目，則為削減或刪除分目而削減某一總目款額的修正案，即不合乎規程。

(5) 如總目已分列為分目，則只削減總目而不削減該總目的某一分目的修正案，即不合乎規程。

(6) 刪除某一總目的修正案，即不合乎規程，不得列入立法會議程內。

(7) 每一總目的子目或分目的修正案，均須列入立法會議程內，並按照各該子目及分目在預算案總目內的先後次序，逐一加以審議。

(8) 如有多於一項就削減同一子目、分目或總目款額修正案的預告，該等修正案須按照建議削減款額的大小依次列入立法會議程內，以建議削減款額最大者居先。

(9) 就每項修正案所進行的辯論，範圍只限於該項修正案有關的子目、分目或總目；某一子目或分目的修正案獲得處理後，不得修正或辯論任何前列的子目或分目。

(10) 當所有列於立法會議程內而與某一開支總目有關的修正案獲得處理後，全體委員會主席須再次提出“總目.....的款額納入本附表”的待議議題，或提出“總目.....(經增加或削減)的款額納入本附表”的經修正待議議題，視乎情況所需。有關該等議題的辯論，須同樣受到本議事規則

第 68(3)條(全體委員會處理撥款法案的程序)適用於辯論的限制所規限。

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70. 撥款法案的三讀

撥款法案三讀議案不容修正或辯論而付諸表決。

M 部

委員會

71. 財務委員會

(1) 立法會設有一個名為財務委員會的常設委員會，委員為全體議員，但立法會主席除外。

(2) 委員會的正副主席須由委員會委員互選產生，任期直至委員會在其獲選後的下一會期選出正副主席為止。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。儘管有第(8)款的規定，主席或主持選舉的委員(視屬何情況而定)在該等選舉中除有權作決定性表決外，亦有權作原有表決。

(3) 財務委員會在每屆任期的首次會議，由財務委員會秘書負責召開。委員會秘書須在該次會議開始時，為選出主持財務委員會主席選舉的議員而主持會議。

(4) 財務委員會的職能為根據《公共財政條例》(第 2 章)、其他法例及本議事規則所授予該委員會的職能，以及由立法會不時委予的其他職能。

(5) 財務委員會可委任小組委員會，以協助財務委員會履行由其決定的財務委員會的職能。

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(6) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(7) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(8) 委員會的會議法定人數為主席加上 8 名委員；所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或任何主持會議的其他委員不得參與表決，但如其他委員的贊成者及反對者數目相等，則在此情況下他有權作決定性表決。

(9) 委員會主席可命令任何須由委員會決定的事宜，藉傳閱文件方式交由各委員研究，而委員亦可以書面向主席示明其批准。如過半數委員在主席為此目的而指定的限期屆滿前已示明其批准，同時在限期屆滿時並無委員以書面向主席表示反對，或要求將該事宜交由委員會開會決定，則該事宜須當作已獲委員會批准。

(10) 根據本議事規則第 6(7) 條(立法會秘書的職責)獲委任的委員會秘書，須列席委員會會議，並按委員會決定的方式製備委員會會議紀要。

(11) 立法會主席可將按照本議事規則第 67 條(撥款法案的提交及二讀)提交的預算案，在全體委員會審議撥款法案前，交由財務委員會審核。

(12) 主席或委員會可邀請任何官員，或預算總目下有關的非政府團體或組織的成員或僱員，提供委員會在履行其職責時可能需要的資料，或作出解釋，或出示紀錄或文件；委員會亦可就該等資料、解釋、紀錄或文件邀請其他人士提供協助。

(13) 除本議事規則另有規定外，委員會及其轄下小組委員會的行事方式及程序，由委員會自行決定。

72. 政府帳目委員會

(1) 立法會設有一個名為政府帳目委員會的常設委員會，負責研究審計署署長就以下各事宜提交的報告 —

- (a) 政府的帳目；
- (b) 委員會認為須提交立法會省覽的其他帳目；及
- (c) 委員會認為與審計署署長履行職責或行使職權有關的事宜。

(2) 委員會亦須研究由審計署署長就其審計(衡工量值審計)工作而提交立法會省覽的報告。在該報告中，審計署署長就政府部門、憑藉任何條例審計署署長職權範圍所及的公共團體或組織或接受公帑補助的組織是否符合經濟原則及是否講求效率與效用，進行審計。

(3) 委員會由一名主席、副主席及 5 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。委員會的會議法定人數為主席加上兩名委員。

(4) 第(1)及(2)款所述的報告，一經提交立法會省覽，即當作已由立法會交付委員會研究。

(5) 除主席另有命令外，委員會根據第(8)款邀請任何人士列席的會議，新聞界及公眾人士得准進入會場旁聽。

(6) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員及任何獲邀列席的人士；但主席可視個別情況指示給予較短時間的預告。

(7) 所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或主持會議的任何其他委員不得參與表決，但如其他委員贊成者及反對者的數目相等，則在此情況下他有權作決定性表決。

(8) 主席或委員會可邀請任何官員，或報告所指帳目所屬或與之有關的非政府團體或組織的成員或僱員，提供委員會在履行其職責時可能需要的資料，或作出解釋，或出示紀錄或文件；委員會亦可就該等資料、解釋、紀錄或文件邀請其他人士提供協助。

(9) 委員會須於審計署署長將政府帳目的審計報告提交立法會省覽之日起 3 個月內(或根據《核數條例》(第 122 章)第 12 條決定的較長時間內)就該審計署署長的報告提交報告。

(10) 委員會須於審計署署長將第(2)款所述的報告提交立法會省覽之日起 3 個月內(或立法會決定的較長時間內)，就審計署署長的報告提交報告。

(11) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

73. 議員個人利益監察委員會

(1) 立法會設有一個名為議員個人利益監察委員會的常設委員會，負責——

- (a) 研究議員個人利益登記冊的編製、備存、取覽等各項安排；
- (b) 考慮議員或其他人士就該登記冊的形式及內容提出的建議；
- (c) 考慮及調查與議員個人利益的登記及申報有關或就議員未有登記及申報其個人利益而作出的投訴；
- (d) 考慮關乎議員以其議員身份所作行為的道德標準事宜，並就該等事宜提供意見及發出指引；

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(e) 向立法會作出報告及建議，包括關於根據本議事規則第 85 條(與個人利益有關的處分)作出處分的建議。

(2) 委員會由一名主席、副主席及 5 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。委員會的會議法定人數為主席加上兩名委員。

(3) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(4) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(5) 所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或主持會議的任何其他委員有權作決定性表決。

(6) 委員會可邀請任何人士列席委員會會議，以提供證據或出示其管有或由其控制的文書、簿冊、紀錄或文件。

(7) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

74. 議事規則委員會

(1) 立法會設有一個名為議事規則委員會的委員會，負責檢討立法會的議事規則及委員會制度並因應需要向立法會作出修正或改變的建議。委員會可研究任何由立法會或其轄下委員會，或立法會主席交付，或由委員會本身成員提出的有關立法會行事方式及議事程序事宜。

(2) 委員會由一名主席、副主席及 10 名委員組成，全部均須為立法會主席按內務委員會決定的選舉程序任命的議員。立法會主席可應邀列席會議，就立法會行事方式及議事程序事宜提供意見。如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。委員會的會議法定人數為主席加上 3 名委員。

(3) 委員會須在主席決定的日期、時間及地點舉行會議。會議的書面預告須在會議日期最少 5 整天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(4) 委員會會議無須公開舉行，但須不時向立法會報告其討論結果及作出建議。

(5) 所有在委員會內討論的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或主持會議的任何其他委員有權作決定性表決。

(6) 除本議事規則另有規定外，委員會的行事方式及程序，由委員會自行決定。

75. 內務委員會

(1) 立法會設有一個名為內務委員會的委員會，委員為全體議員，但立法會主席除外。

(2) 委員會的正副主席須由委員會委員互選產生，任期直至委員會在其獲選後的下一會期選出正副主席為止；如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。儘管有第(16)款的規定，主席或主持選舉的委員(視屬何情況而定)在該等選舉中除有權作決定性表決外，亦有權作原有表決。

(3) 內務委員會在每屆任期的首次會議，由內務委員會秘書負責召開。委員會秘書須在該次會議開始時，為選出主持內務委員會主席選舉的議員而主持會議。

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(4) 在法案已根據本議事規則第 54(4)條(二讀)交付內務委員會後，委員會可於任何時間將該法案交付一法案委員會研究，或安排按委員會認為適當的其他方式研究該法案。

(5) 在決定將法案交付法案委員會的時間及次序時，委員會可考慮當時根據本議事規則第 54(4)條(二讀)交付委員會的其他法案的數目及相對優先次序，並可隨時更改有關任何法案的交付時間及次序的決定。

(6) 委員會將法案交付法案委員會及與該法案委員會磋商後，可決定該法案委員會須完成研究該法案的日期；委員會亦可隨時在與該法案委員會磋商後，更改所決定的日期。

(7) 在法案交付法案委員會後，按照委員會所決定的程序規則(該等規則只可就議員示明加入法案委員會的方式及示明的時間作出規定)示明加入為委員的議員(立法會主席除外)，即屬該法案委員會的委員。

(8) 委員會可就法案委員會和根據第(12)款成立的小組委員會，以及根據本議事規則第 77 條(事務委員會)成立的事務委員會的行事方式及程序，提供指引。

(9) 委員會可討論法案委員會的任何商議過程，以便協助委員為恢復立法會二讀辯論而作好準備。

(10) 委員會須決定受《釋義及通則條例》(第 1 章)第 34 及 35 條的條文所規限的任何附屬法例的研究方式。

(11) 委員會可按其認為適當的方式，研究與立法會事務有關的任何其他事項。

(12) 委員會可委任小組委員會，以便協助委員會履行第(10)及(11)款所訂的委員會職能。

(13) 委員會可將與立法會事務有關的任何政策事宜交由一個根據本議事規則第 77 條(事務委員會)成立的事務委員會研究，並可就研究該等事宜的職權範圍諮詢事務委員會，並作出建議，亦可要求及聽取該事務委員會就有關事宜提交報告，以及視乎需要，再向立法會提交報告。

(14) 委員會須在主席決定的日期、時間及地點舉行會議，有關每次會議日期、時間及地點的書面預告，須在會議日期最少 3 天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(15) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(16) 委員會的會議法定人數為包括主席在內的 20 名委員；所有須由委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定。主席或主持會議的任何其他委員不得參與表決，但如其他委員贊成者及反對者數目相等，則在此情況下他有權作決定性表決。

(17) 委員會主席可命令將任何須由委員會決定的事宜，藉傳閱文件方式交由各委員研究，而各委員亦可以書面向主席示明其批准。如過半數委員在主席為此目的而指定的限期屆滿前已示明其批准，同時在限期屆滿時並無委員以書面向主席表示反對，或要求將該事宜交由委員會開會決定，則該事宜須當作已獲委員會批准。

(18) 除本議事規則另有規定外，委員會及其轄下小組委員會的行事方式及程序，由委員會自行決定。

76. 法案委員會

(1) 立法會設有名為法案委員會的委員會，其數目由內務委員會按情況決定。

(2) 每個法案委員會的主席須由該委員會的委員互選產生；委員會亦可選出一名副主席。如主席或副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。

(3) 每一法案委員會須由不少於 3 名委員組成，其中包括主席在內。每一法案委員會的會議法定人數為包括主席在內的 3 名委員，或委員人數的三分之一（整數後的分數不計），其中包括主席在內，兩數中以較大者為準。

(4) 法案委員會可委任小組委員會，以協助委員會履行其職能。

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(5) 法案委員會須在主席決定的日期、時間及地點舉行會議；有關每次會議日期、時間及地點的書面預告，須在會議日期最少 3 天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(6) 委員會會議須公開舉行，但主席按照委員會的任何決定命令不公開舉行者除外。

(7) 法案委員會須研究所獲交付法案的整體優劣、原則及詳細條文，亦可研究與該法案有關的任何修正案。

(8) 所有須由法案委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或主持會議的任何其他委員除原有表決權外，另有權作決定性表決。

(9) 法案委員會在完成研究所獲交付的法案後，須盡快通知內務委員會及以書面知會該委員會其商議的結果，然後再向立法會作出報告。

(10) 內務委員會可討論法案委員會就某法案所進行商議的結果，以便向委員提供資料，為恢復該法案在立法會二讀辯論而作好準備。法案委員會的商議結果無論在立法會、全體委員會或內務委員會中，對任何議員均無約束力。

(11) 除本議事規則另有規定外，任何法案委員會及其轄下小組委員會的行事方式及程序，由該委員會自行決定。在作出任何此等決定時，法案委員會須考慮根據本議事規則第 75(8)條(內務委員會)提供的指引。

77. 事務委員會

(1) 立法會設有名為事務委員會的委員會，數目由內務委員會所認為是適當的而定及由立法會通過。

(2) 事務委員會的職權範圍由內務委員會建議，並由立法會通過。

(3) 事務委員會須按其認為需要的程度，監察及研究由事務委員會委員或內務委員會建議其處理的政策事宜。

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(4) 事務委員會的委員為按照內務委員會決定的程序規則(該等規則只可就議員示明加入事務委員會的方式及示明的時間作出規定)示明加入事務委員會的議員(立法會主席除外)。

(5) 事務委員會的主席須由該事務委員會的委員互選產生。事務委員會亦可選出一名副主席。如主席或副主席暫時缺席，事務委員會可在其缺席期間另選一委員代行主席之職。事務委員會正副主席的任期直至委員會在其獲選後的下一會期選出正副主席為止。

(6) 凡出任事務委員會認為與其職權範圍直接相關的政府諮詢團體的主席或副主席的議員，不得成為該事務委員會的正副主席。

(7) 每一位議員均不得同時兼任多於一個事務委員會的主席或副主席職務。

(8) 每一事務委員會須由不少於 6 名委員組成，其中包括主席在內。每一事務委員會的會議法定人數為包括主席在內的 3 名委員，或委員人數的三分之一(整數後的分數不計)，其中包括主席在內，兩數中以較大者為準。

(9) 事務委員會如認為適當，可委任小組委員會研究特定事宜及向事務委員會作出報告。

(10) 事務委員會或其轄下小組委員會如認為適當，可與任何其他事務委員會或其轄下小組委員會舉行聯席會議，以研究共同關注的任何事宜。聯席會議的會議法定人數為所有有關的事務委員會或小組委員會委員人數的三分之一(整數後的分數不計)，包括主席在內。所有須由聯席會議決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席除原有表決權外，另有權作決定性表決。

(11) 事務委員會須在事務委員會主席決定的日期、時間及地點舉行會議。有關每次會議日期、時間及地點的書面預告，須在會議日期最少 3 天前發給各委員，但主席可視個別情況指示給予較短時間的預告。

(12) 會議須公開舉行，但主席按照事務委員會的任何決定命令不公開舉行者除外。

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(13) 所有須由事務委員會決定的事宜，須以參與表決的委員贊成者及反對者的過半數決定；如贊成者及反對者數目相等，主席或任何其他主持會議的委員除原有表決權外，另有權作決定性表決。此類表決的結果無論在立法會、全體委員會或內務委員會中，對任何議員均不具約束力。

(14) 事務委員會在其認為適當的情況下，可向立法會提交報告，但在會期內需最少報告一次。在內務委員會提出要求下，或由事務委員會採取主動，亦可就特定的有關事宜向內務委員會提交書面報告。

(15) 除本議事規則另有規定外，事務委員會或其轄下小組委員會的行事方式及程序，由該事務委員會自行決定。在作出任何此等決定時，事務委員會須考慮根據本議事規則第 75(8)條(內務委員會)提供的任何指引。

78. 專責委員會

(1) 立法會可在每一會期內委任一個或多個專責委員會，以研究立法會交付該委員會的事宜或法案。

(2) 立法會主席須考慮內務委員會的建議，決定每個專責委員會的委員人數，並任命委員會的主席、副主席及委員。

(3) 專責委員會的會議法定人數為委員人數(主席除外)的三分之一，整數後的分數不計。

(4) 專責委員會完成研究交其處理的事宜或法案後，須立即向立法會作出報告，而委員會須隨即解散。委員會如認為未能在該會期結束前完成研究有關事宜或法案，須如實向立法會報告。

(5) 立法會轄下各專責委員會，須於立法會的每個會期結束時解散。

79. 專責委員會的程序

(1) 專責委員會只限於商議立法會所交付的事宜；為法案而成立的專責委員會，則只限於商議立法會所交付的法案及有關修正案。

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(2) 專責委員會須在委員會主席指定的日期、時間及地點舉行會議。專責委員會的會議須公開舉行，但主席根據委員會的任何決定命令不公開舉行者除外。

(3) 如主席及副主席暫時缺席，委員會可在其缺席期間另選一委員代行主席之職。

(4) 根據本議事規則第 6(7) 條(立法會秘書的職責)獲委任的委員會秘書，須列席委員會會議，並製備委員會會議紀要。

(5) 專責委員會進行點名表決時，須由秘書逐一詢問委員會各委員作何表決，並予以記錄。

(6) 專責委員會主席或主持會議的委員均不得參與表決，但如其他委員贊成者及反對者數目相等，則主席或該名主持會議的委員有權作決定性表決。

- (7)
- (a) 專責委員會委員可提交報告供委員會研究。所有報告提交後，主席須從其本人所提交的報告開始，根據其他委員提交報告的次序，逐一提出各報告，直至專責委員會接納其中一份作為討論的基礎為止。主席就報告所提出的待議議題，須為將主席(或.....議員)的報告逐段二讀，當該議題獲得通過後，不得再就其他報告提出待議議題。但其他報告中的部分內容如與獲接納考慮的報告有關，可被用作為對該份獲接納的報告的修正案。
 - (b) 專責委員會須逐段研究該份被接納的報告。本議事規則第 58 條(全體委員會處理法案的程序)的規定適用於此程序，一如該報告為法案，而該報告內的段落為法案的條文。
 - (c) 專責委員會完成逐段研究該報告，並考慮所有建議的新段落後，主席須提出將該報告作為專責委員會提交立法會的報告的待決議題。

(8) 專責委員會可對其認為適宜提請立法會注意的事宜，就該委員會的權力、職能及會議過程向立法會作出特別報告。

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(9) 專責委員會的會議紀要，須記錄委員會研究報告或法案的全部過程，以及對該報告或法案所建議的每一項修正案。委員會如曾進行點名表決，會議紀要須予記錄，並列出參與表決及放棄表決的委員的姓名。

(10) 專責委員會主席須將報告或特別報告，附同委員會的會議紀要，如曾取得證據，亦須附同取證紀錄，提交立法會省覽。

80. 證人的出席

- (a) 常設委員會在行使職權時，如有需要，可傳召有關人士出席作證和提供證據；
- (b) 內務委員會、法案委員會、事務委員會或專責委員會可獲立法會授權，使其在行使職權時，如有需要，可傳召有關人士出席作證和提供證據，

但行政長官可根據安全和重大公共利益的考慮，決定政府官員或其他負責政府公務的人員是否向立法會或其屬下的委員會作證和提供證據。

81. 證據的過早發表

(1) 在專責委員會將其報告提交立法會前，委員會委員或任何人士不得發表委員會所取得的證據或所收到的文件；但在公開會議中所取得的證據或所收到的文件除外。

(2) 任何委員會委員如不遵從第(1)款的規定，可由立法會藉訓誡或譴責的議案加以處分。

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N 部

其他事宜

82. 議員以專業身份受聘

議員不得以專業身份代表某一方，或以其可藉以收取費用或報酬的身份，列席立法會或任何委員會或小組委員會會議。

83. 個人利益的登記

(1) 除按第(2)款的規定就個人利益作登記的目的外，每名議員不得遲於立法會議決通過所指定的日期，以立法會主席批准的格式，向立法會秘書提供其須予登記的個人利益詳情。

(2) 每名新任立法會議員，須在其為填補立法會議員空缺而成為立法會議員的日期起計 14 天內，以立法會主席批准的格式，向立法會秘書提供其須予登記的個人利益詳情。

(3) 每名議員須予登記的個人利益如有變更，該議員須在變更後 14 天內，以立法會主席批准的格式，向立法會秘書提供變更詳情。

(4) 立法會秘書須安排將該等詳情登錄於議員個人利益登記冊內，而該登記冊可供任何人士在辦公時間內查閱。

(5) 在本條中，“須予登記的個人利益”指 —

- (a) 公共或私營公司的受薪董事職位；
- (b) 接受薪酬的僱傭關係、職位、行業、專業或職業；
- (c) 客戶的姓名或名稱，如以上所提述的個人利益包括議員向客戶提供的個人服務，而該等個人服務是由於其立法會議員身份所引致或以任何方式與該身份有關者；

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- (d) 作為立法會議員時，來自任何人士或組織的財政贊助，而提供詳情時須說明該項贊助是否包括以直接或間接方式付予該議員或其配偶的款項，或給予該議員或其配偶的實惠或實利；
- (e) 議員或其配偶由於與其立法會議員身份有關或由該身份引致的海外訪問，而該次訪問的費用並非全數由該議員或公費支付；
- (f) 議員或其配偶因其議員身份從：
 - (i) 香港以外的政府或組織；或
 - (ii) 非香港永久性居民的人士所收受或代表上述政府、組織或人士所收受的款項、實惠或實利；
- (g) 土地及物業；
- (h) 公司或其他團體的名稱，如據議員所知，其本人，或連同其配偶或未成年子女，或代表其配偶或未成年子女持有該公司或團體的股份的實益權益，而該等股份的面值超過該公司或團體已發行股本的百分之一者。

84. 個人金錢利益的披露

(1) 議員在立法會或任何委員會或小組委員會會議上，不得就其有直接金錢利益的任何議題表決。

(2) 議員在立法會或任何委員會或小組委員會會議上，如沒有披露有關的個人金錢利益的性質，不得對直接或間接與該利益有關的事宜動議任何議案或修正案，亦不得就該事宜發言。

(3) 在立法會或任何委員會或小組委員會的任何辯論或議事程序中，議員如在席，必須聲明任何與所議事宜有關的直接金錢利益。

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(4) 以某議員有第(1)款所述的直接金錢利益為理由將其表決作廢的議案，可無經預告由任何議員於進行點名表決時，在立法會主席、全體委員會主席、委員會主席或小組委員會主席說出贊成者及反對者的數目後，立即動議，否則不得動議。

(5) 立法會主席、全體委員會主席、委員會主席或小組委員會主席有權酌情決定是否就該議案提出待議議題；運用該酌情權時，須考慮所表決事宜的性質，以及其表決受質疑的議員在該事宜上的利益是否屬於直接的金錢利益，而非屬香港其他居民同樣享有的利益，並須考慮該議員表決的事宜是否政府政策。

(6) 將某議員的表決作廢的待議議題提出後，該議員可在立法會、全體委員會、委員會或小組委員會會議上在其原位發言解釋，但隨後須於辯論該議題及就該議題進行表決時退席。

(7) 將某議員的表決作廢的議案如獲通過，立法會主席、全體委員會主席、委員會主席或小組委員會主席須指示立法會秘書、委員會秘書或小組委員會秘書據此將原來的點名表決贊成者及反對者數目更改。

85. 與個人利益有關的處分

任何議員如不遵從本議事規則第 83 條(個人利益的登記)或第 84(1)、(2)或(3)條(個人金錢利益的披露)，可由立法會藉訓誡或譴責，或暫停職務或權利的議案加以處分。

86. 准許新聞界及公眾人士進入會場

在符合立法會主席不時訂定的規則下，新聞界及公眾人士得准進入立法會旁聽立法會的會議，而立法會秘書須確保該等規則得以遵從。

87. 行為不檢

立法會主席、全體委員會主席、委員會主席或小組委員會主席可命令將任何行為不檢或看來相當可能有不檢行為的新聞界或公眾人士驅離會場。

88. 新聞界及公眾人士離場

(1) 在立法會、全體委員會、委員會或小組委員會會議上，議員可隨時無經預告而起立動議新聞界及公眾人士離場，並指明新聞界及公眾人士離場適用於當天會議的餘下程序，抑或只於審議某些事項的一段時間。議案一經動議，立法會主席、全體委員會主席、委員會主席或小組委員會主席隨即須提出該待議議題，而立法會、全體委員會、委員會或小組委員會須先行處理該議題，然後繼續處理該議案動議時立法會、全體委員會、委員會或小組委員會當前的事項。

(2) 立法會主席或全體委員會主席可隨時命令新聞界及公眾人士離場，並命令將會議廳各門關閉。

(3) 當立法會、全體委員會、委員會或小組委員會，或立法會主席或全體委員會主席根據第(1)及(2)款作出命令時，新聞界及公眾人士須立即離開會議廳或委員會或小組委員會正舉行會議的委員會會議室，而立法會秘書或委員會秘書須確保此項命令得以遵從。

89. 就議員出席民事法律程序擔任證人一事取得許可的程序

(1) 為取得根據《立法局(權力及特權)條例》(第 382 章)第 6(2)條所需的立法會許可，以要求某議員在立法會舉行會議當天出席民事法律程序為證人，要求該議員在該天出席的法律程序當事人不得遲於該日之前 21 天向立法會秘書書面陳述其請求及說明要求該議員在該天出席的理由。

(2) 許可的請求須由立法會秘書在收到後列入下次會議的議程內；除非立法會藉任何議員在該次會議動議的一項可無經預告的議案，決定拒絕給予許可，否則立法會須當作已命令給予許可。

(3) 立法會秘書須以書面將立法會的決定通知該要求許可的當事人及有關的議員。

90. 就立法會會議程序提供證據一事取得許可的程序

(1) 為取得根據《立法局(權力及特權)條例》(第 382 章)第 7 條所需的立法會許可，以就會議紀要、作證紀錄或提交立法會、委員會或小組委員會會議席上省覽的任何文件的內容，或就立法會、委員會或小組委員會的任何會議或審查程序，在立法會以外的地方提供證據，要求該許可的人須向立法會秘書書面陳述其請求及說明其理由，並須提供立法會秘書在個別情況下按立法會主席的指示所進一步要求的資料。

(2) 許可的請求須列入立法會主席所指定會議的議程內；除非立法會藉任何議員在該次會議動議的一項可無經預告的議案，決定拒絕給予許可，否則立法會須當作已命令給予許可。

(3) 立法會秘書須以書面將立法會的決定通知該要求許可的人。

(4) 凡有人在立法會休假、休會待續或解散期間，向立法會要求取得第(1)款所述的許可，可由立法會主席給予，如立法會主席不能執行主席職務，則可由主持立法會會議的議員給予許可。

91. 議事規則的暫停執行

具有暫停執行某條議事規則的目的或效力的議案，除非事前已作預告，或經立法會主席同意，否則不得動議。

92. 議事規則未有規定的程序

對於本議事規則內未有作出規定的事宜，立法會所須遵循的方式及程序由立法會主席決定；如立法會主席認為適合，可參照其他立法機關的慣例及程序處理。

93. 釋義

在本議事規則內，除文意另有所指外 —

- (a) “《基本法》”指《中華人民共和國香港特別行政區基本法》；
- (b) “整天”一詞不包括作出預告當天、舉行有關會議當天及有關期間內的公眾假期；
- (c) “獲委派官員”指根據《基本法》第六十二(六)條獲香港特別行政區政府委派的官員；
- (d) “立法會秘書”指根據《立法會行政管理委員會條例》(第 443 章)第 15(1)條委任的立法會秘書處秘書長，並包括立法會秘書處副秘書長及任何助理秘書長；
- (e) “委員會”指立法會的常設委員會或專責委員會或任何其他委員會，或該等委員會轄下的小組委員會；及
- (f) “印載”的提述，包括所有藉機械、電力、電子及攝影將文字複製的方法的提述。

附表

選舉立法會主席的程序

立法會主席的選舉須在立法會會議上進行。

提名

2. 立法會秘書須於選舉日至少 7 整天前邀請議員提名立法會主席一職的人選，並將**附件 I**的提名表格分發給各議員。
3. 立法會主席的提名表格須由一名作為提名人的議員，以及另外至少 3 名作為附議人的議員簽署。獲提名的議員須在表格上簽署以示接受提名。表格填妥後，須在選舉日至少 4 整天前送達立法會秘書辦事處。
4. 任何議員無論屬於被提名人、提名人或附議人的身份，其姓名均不得出現在多於一張提名表格之上。如某議員的姓名出現在多於一張提名表格之上（不論是被提名人、提名人或附議人的身份），則只有立法會秘書辦事處接獲的首張提名表格方為有效，立法會秘書須隨即把失效的表格送回提名人。
5. 截止提名後，立法會秘書須擬備一份名單，按其辦事處接獲提名表格的先後次序列出所有候選人的姓名，並於選舉日至少兩整天前將名單分發給所有立法會議員。

推選主持選舉的議員

6. 在選舉立法會主席的會議上，立法會須首先選出一名議員主持立法會主席的選舉，推選過程須由立法會秘書主持。
7. 立法會秘書邀請議員提名主持選舉的議員人選。有效的提名得由一名議員口頭作出，並須由最少另外一名未獲提名的議員口頭附議，並為被提名的議員接納。

8. 如只有一項主持選舉的議員提名，則立法會秘書須如是宣布，並宣布該名議員獲選為主持選舉的議員。
9. 如有兩項或更多提名，則立法會秘書須宣布以不記名的方式進行投票，並安排向每名出席會議的議員發給一張選票，選票的格式如附件 II 所示。
10. 出席會議並有意投票的議員須在選票上清楚寫上其屬意的候選人姓名，並將選票放進投票箱。
11. 所有出席會議並有意投票的議員投票後，立法會秘書須在全體出席會議的議員面前點算選票。任何議員均可要求核對點票結果，予以確認。
12. 立法會秘書繼而須宣布點票結果，並宣布各候選人之中獲最多有效選票的一名候選人獲選為主持選舉的議員。
13. 如兩名或以上候選人同獲最多有效選票，則立法會秘書須宣布其將以抽籤方式決定其中一名候選人獲選。
14. 立法會秘書繼而須進行抽籤，並隨即宣布中籤的候選人獲選為主持選舉的議員。

選舉立法會主席

15. 主持選舉的議員繼而須主持會議，立法會主席的選舉隨即開始。主持選舉的議員須宣布立法會秘書辦事處接獲的全部有效提名。
16. 如立法會主席一職只有一項有效提名，則主持選舉的議員須如是宣布，並宣布該名候選人當選。
17. 如有兩項或更多的有效提名，則主持選舉的議員須命令以不記名的方式進行投票，並指示立法會秘書發給每名出席會議的議員一張選票，選票的格式如附件 III 所示。所有候選人的姓名須按立法會秘書辦事處接獲提名的先後次序，列於選票上。

18. 出席會議並有意投票的議員只須在選票上其屬意的候選人姓名旁邊的空格內劃上“✓”號，並將選票放進投票箱。任何未劃上“✓”號、未妥為劃上“✓”號或劃有多於一個“✓”號的選票，將會作廢。
19. 所有出席會議並有意投票的議員投票後，立法會秘書須在全體出席會議的議員面前點算選票，並向主持選舉的議員報告點票結果；該名主持選舉的議員須核對點票結果，予以確認。
20. 主持選舉的議員須宣布各候選人之中獲最高票數的一名候選人當選為立法會主席。
21. 如兩名或以上候選人獲相同最高票數，則主持選舉的議員須命令在同一次會議上，按上文第 17 至 20 段所規定的方法，對該等獲相同最高票數的候選人進行第二輪投票。
22. 如在第二輪投票中未有一名候選人獲得的票數較其他任何候選人為高，則主持選舉的議員須宣布其將以抽籤方式決定其中一名候選人當選為立法會主席。
23. 主持選舉的議員將隨即進行抽籤，並按結果隨即宣布該名候選人當選為立法會主席。
24. 隨後，主持選舉的議員須讓位於立法會主席。立法會主席可向立法會陳詞，然後視乎情況，著手處理會議事項、宣布休會待續、或暫停舉行會議。

附件 I

致：立法會秘書

立法會主席選舉
提名表格

1. 本人謹按照《議事規則》附表所規定的立法會主席選舉程序，提名 _____ 議員於 _____ (日期)起為立法會主席。

	姓 名	簽 署
提名的議員	_____	_____
附議的議員 (最少 3 名)	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

日期： _____

2. 本人謹此接受提名。

	姓 名	簽 署
獲提名的議員	_____	_____

日期： _____

立法會

Legislative Council

選舉主持立法會主席選舉的議員
Election of Member to preside at the election of
President of the Legislative Council

選票
BALLOT PAPER

請在下方空位清楚寫上你屬意的候選人姓名
Please put down in legible form the name of the
nominee of your choice in the space below.

附件 III

立法會主席選舉

選票

選舉日期：_____

只可選一名候選人

請在屬意的候選人
姓名旁邊的空格內
劃上“✓”號

候選人姓名



1		
2		
3		
4		
5		

註：如候選人的數目少於或多於 5 名，則選票的最終格式會作相應修改。

***RULES OF PROCEDURE OF
THE LEGISLATIVE COUNCIL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION***

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**RULES OF PROCEDURE OF
THE LEGISLATIVE COUNCIL OF
THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

PART A

MEMBERS AND OFFICERS OF THE COUNCIL

1. Oath or Affirmation

Except for the purpose of enabling this Rule to be complied with, no Member of the Council shall attend a meeting or vote therein until he has made or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11). Where a general election is held, a Member who had previously made or subscribed such oath or affirmation shall again do so in compliance with this Rule before he attends a meeting or votes in the Council.

2. Language

A Member may address the Council in either Putonghua, Cantonese or the English language.

3. Presiding in Council and in Committee of the Whole Council

(1) There shall be a President of the Council who, when present at a meeting of the Council or a committee of the whole Council and able, in his opinion, to act, shall preside or be Chairman.

(2) In the absence of the President from a meeting of the Council or a committee of the whole Council or when, in his opinion, he is unable to act, there shall preside at that meeting –

- (a) the President's deputy; or

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(b) in the absence of the President's deputy from that meeting or when, in his opinion, he is unable to act, the Member who is elected by and from among the Members present in accordance with the procedure as determined by the House Committee.

(3) The President's deputy or other Member presiding shall enjoy all those powers conferred by these Rules of Procedure on the President or Chairman that are exercisable in respect of the meeting, or part of the meeting, of the Council or a committee of the whole Council at which the President's deputy or that Member presides or is Chairman, or in respect of which the President has requested that he preside or be Chairman.

(4) In addition to those powers mentioned in subrule (3), the President's deputy shall enjoy such of those powers conferred by these Rules of Procedure on the President or Chairman of a committee of the whole Council as the President may specify by notice in the Gazette.

4. Election of President

(1) Subject to subrule (2), the President shall be elected by and from among the Members of the Council in accordance with the Schedule.

(2) The President shall be a Chinese citizen of not less than 40 years of age, who is a permanent resident of the Hong Kong Special Administrative Region with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years.

(3) The President shall hold office until the dissolution of the Council.

(4) The person holding the office of President immediately before a dissolution of the Council, or in his absence or inability to act, the person who was last the President's deputy, shall be deemed to be the President and shall call and preside at a meeting of the Council held for the consideration of urgent business during that dissolution and shall be Chairman at a meeting of a committee of the whole Council held in consequence of such a meeting of the Council. If both such persons are absent or unable to act, the Member who is elected by and from among the Members present, shall preside.

5. President's Deputy

(1) The chairman of the House Committee elected as such under Rule 75(2) (House Committee) shall be the President's deputy.

(2) In the absence of the chairman of the House Committee or when, in his opinion, he is unable to act, the deputy chairman of the House Committee elected as such under Rule 75(2) (House Committee) shall act as the President's deputy.

(3) The reference to the "chairman of the House Committee" in subrules (1) and (2) shall not include a person elected to act as chairman during the temporary absence of the chairman and deputy chairman.

6. Duties of the Clerk

(1) The Clerk to the Legislative Council shall be responsible for advising the President on all matters relating to the procedure of the Council.

(2) The Clerk shall be responsible for keeping the minutes of the proceedings of the Council and of committees of the whole Council. The minutes of proceedings shall record the Members attending, all decisions taken, and details of every division held.

(3) The Clerk shall be responsible for preparing from day to day a Council Agenda Item Book showing all future business of which notice has been given. The Council Agenda Item Book shall be open to the inspection of Members and public officers acting in the course of their duties relevant to Council business at all reasonable hours.

(4) The Clerk, acting under the directions of the President, shall be responsible for preparing for each meeting an Agenda of the Council showing the business for that meeting.

(5) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before the Council, which shall be open to inspection by Members and public officers acting in the course of their duties relevant to Council business at all reasonable hours, and by other persons under arrangements approved by the President.

(6) The Clerk, acting under the directions of the President, shall be responsible for the production of the Official Record of all proceedings in the Council and in the committee of the whole Council.

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(7) The Clerk shall be responsible for providing every committee and subcommittee of the Council with a clerk.

(8) The Clerk shall perform the further duties laid upon him in these Rules of Procedure, and all other duties in the service of the Council ordered by the Council or directed by the President.

7. Counsel to the Legislature

(1) The Legal Adviser of the Legislative Council Secretariat shall be the Counsel to the Legislature.

(2) The Counsel to the Legislature shall have the general duty of advising the President and the Clerk on legal questions arising in relation to the business or administration of the Council.

8. Attendance of the Chief Executive

The Chief Executive may at his discretion attend meetings of the Council, or any committee or subcommittee thereof, for the following purposes –

- (a) addressing the Council at any time as he shall think fit, including during a special meeting;
- (b) answering Members' questions put to him on the work of the Government; and
- (c) proposing any policy, measure, bill, resolution, motion or question for debate by and in the Council or any such committee or subcommittee.

9. Attendance of Public Officers

(1) Designated public officers may attend meetings of the Council, committees of the whole Council, the Finance Committee or subcommittees of the Finance Committee and to speak on behalf of the Government.

(2) A designated public officer may give notice to the Clerk of items of business to be included in the Agenda of the Council or the agenda of the Finance Committee or a subcommittee of the Finance Committee.

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(3) Where it appears to the Clerk, when preparing the Agenda of the Council or the agenda of the Finance Committee or a subcommittee of the Finance Committee showing the business for a meeting, that a particular item of business requires the attendance of a designated public officer, the Clerk shall state, in respect of that particular item, the name of the office of that public officer.

(4) A public officer may be invited by any other committee or subcommittee of the Council to attend the meeting of the committee or the subcommittee if circumstances so require.

10. Participation of Public Officers in Proceedings

(1) The public officer whose office is stated in respect of a particular item of business in an Agenda of the Council or an agenda of the Finance Committee or a subcommittee of the Finance Committee for a meeting and a public officer who has notified the Clerk before the meeting that his attendance is required in respect of a particular item of business may attend that meeting and speak on behalf of the Government.

(2) These Rules of Procedure except Rules 1 (Oath or Affirmation), 3 (Presiding in Council and in Committee of the Whole Council), 8 (Attendance of the Chief Executive), 17 (Quorum), 20 (Presentation of Petitions), the Rules in Part J (Voting) and Rule 71(2) and (8) (Finance Committee), shall apply, in relation to the item of business in respect of which a public officer attends a meeting, to that public officer as they apply to a Member:

Provided that Rule 39 (Interruptions) shall apply to a public officer only in relation to the item of business in respect of which he attends a meeting.

(3) Subject to Rule 9(1) (Attendance of Public Officers) and such direction as may otherwise be made by the Chief Executive, the Chief Secretary for Administration, the Financial Secretary and the Secretary for Justice may attend any meeting of the Council, committees of the whole Council and other committees and subcommittees, and when attending meetings of the Council or committees of the whole Council these Rules of Procedure, except Rules 1 (Oath or Affirmation), 3 (Presiding in Council and in Committee of the Whole Council), 8 (Attendance of the Chief Executive), 9(2) (Attendance of Public Officers), 17 (Quorum), 20 (Presentation of Petitions), and the Rules in Part J (Voting), shall apply to them as they apply to a Member.

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PART B

SESSIONS, MEETINGS AND ADJOURNMENTS OF THE COUNCIL

11. Ordinary Sessions

(1) At least one session of the Council shall be convened in every calendar year, but a session which begins in one calendar year may be continued and concluded in the following year.

(2) A session shall begin on such date as the Chief Executive may appoint by notice published in the Gazette.

(3) A session shall end on such date as the Chief Executive may appoint by notice published in the Gazette, or on a dissolution of the Council, whichever is the earlier.

(4) The consideration of any bill or other business of the Council is not to be affected by the end of a session and may be resumed at any subsequent meeting, but is to lapse at the end of a term of office or on a dissolution of the Council.

12. First Meeting of Term

(1) At the first meeting of a term, Members shall make or subscribe an oath or affirmation as provided for under Rule 1 (Oath or Affirmation).

(2) After all Members present have made or subscribed an oath or affirmation, the election of the President shall be conducted in accordance with the procedure as provided for under Rule 4 (Election of President).

(3) The President shall, after his election, preside at that meeting.

13. The Chief Executive's Policy Address

(1) At a meeting not less than 14 days after the Chief Executive has presented a Policy Address to the Council, a motion may be moved without notice for an address of thanks to the Chief Executive for his address.

(2) A motion under subrule (1) shall be moved in the following form:

“That this Council thanks the Chief Executive for his address.”

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(3) Amendments may be moved to the motion described in subrule (2) only by way of adding words at the end of the motion and may be moved without notice.

14. Days and Hours of Meetings

(1) Meetings of the Council during each session shall be held on such days and shall begin at such hour as the President shall determine but a period of 6 weeks shall not elapse between the date of one meeting and the date appointed for the next meeting in the same session.

(2) Written notice of every meeting of the Council, other than the first meeting of a new session and meetings held within 14 clear days of the commencement of the first session of a term of the Council, shall be given by the Clerk to Members at least 14 clear days before the day of the meeting but in cases of emergency and meetings held for the purposes of Rule 8 (Attendance of the Chief Executive) and Rule 15 (Meetings for Urgent Business) the President may dispense with such notice and in that event the longest possible notice shall be given.

(3) The President may, at any time after he has determined the day and hour upon which a meeting is to begin, change the day or hour so determined to a later day or hour, or to an earlier day or hour.

(4) When in the opinion of the President it is necessary for the proper completion of the business on the Agenda of the Council at a meeting of the Council to continue any unfinished business on another day, the President may order that the meeting shall continue on such other day for that purpose. Where the President so orders at a meeting of the Council, the meeting shall stand suspended and shall resume for the continuation of business on such other day.

(5) The President may at any time suspend a meeting or adjourn the Council.

15. Meetings for Urgent Business

(1) The President shall, at the request of the Chief Executive, call emergency meetings of the Council. Where such a meeting is to be held during the period after the end of a term of office or the dissolution of the Council, it shall be convened before the date (if more than one, the first date) specified for the holding of a general election for all the Members of the Legislative Council.

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(2) During any period when the Council is in recess between the end of one session and the beginning of the next session, the President may call a special meeting of the Council on such day and at such hour as he may specify.

(3) These Rules of Procedure shall apply to a meeting of the Council held under subrules (1) and (2).

16. Motions for the Adjournment of the Council

(1) When for any sufficient reason it is not desired to formulate a motion in express terms for the purpose of debating an issue or issues, a motion that the Council do now adjourn may be moved for the purpose of such a debate.

(2) Such a motion shall not require notice and may be moved only between two items of business. It may be moved by a Member or any designated public officer attending the meeting, with the permission of the President, if the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance.

(3) If such a motion shall be agreed to, the Council shall stand adjourned.

(4) At the conclusion of all the business on the Agenda of the Council a Member may move that this Council do now adjourn, for the purpose of raising any issue concerning public interest, with a view to eliciting a reply from a designated public officer.

(5) A Member who wishes to move a motion under the provisions of subrule (4) shall give notice of the issue in writing to the Clerk not less than 7 clear days before the meeting at which he wishes to do so:

Provided that the President may in his discretion dispense with such notice.

(6) If at the expiration of 45 minutes, or such longer period as the President may at any meeting determine, from the moving of a motion under subrule (4) a designated public officer has not yet been called upon to reply, the President shall direct the Member then speaking to resume his seat and shall call upon a designated public officer to reply.

(7) If at the expiration of one hour, or such longer period as the President may at any meeting determine, from the moving of the motion under subrule (4) such motion has not been agreed to, the President shall adjourn the Council without putting any question.

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17. Quorum

(1) The quorum of the Council and of a committee of the whole Council shall be not less than one half of all its Members including the President or Chairman.

(2) If the attention of the President is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired a quorum is not present, he shall adjourn the Council without question put.

(3) If the attention of the Chairman in committee of the whole Council is drawn to the fact that a quorum is not present, he shall direct the Members to be summoned. If after 15 minutes have expired, a quorum is not then present the Council shall be resumed and the President shall count the Council. If a quorum is then present the Council shall again resolve itself into committee but if a quorum is not present the President shall adjourn the Council without question put.

(4) If from the number of Members present at a division, including those who abstained from voting, it appears that a quorum is not present, the division shall be invalid, and the procedure prescribed in subrule (2) or (3) shall be followed.

(5) The question on which the Council is adjourned under subrules (2), (3) and (4) shall stand over until the next meeting.

PART C**ARRANGEMENT OF BUSINESS****18. Order of Business at a Meeting**

(1) The business of each meeting other than a meeting under Rule 8 (Attendance of the Chief Executive) or Rule 13 (The Chief Executive's Policy Address), or the first meeting of a term or a meeting to elect the President shall be transacted in the following order:

- (a) Administration of oath or affirmation.
- (b) Obituary and other ceremonial speeches.

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- (c) Reading by the President of messages and announcements by the President.
- (d) Presentation of petitions.
- (e) Laying on the Table of papers and of reports of committees.
- (f) Asking and answering of questions put to the Government.
- (g) Statements by designated public officers.
- (h) Personal explanations.
- (i) Government bills.
- (j) Government motions.
- (k) Members' bills.
- (l) Members' motions.
- (m) Requests for leave under Rule 89 (Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings) and Rule 90 (Procedure for Obtaining Leave to Give Evidence of Council Proceedings).
- (n) Proceedings under Rule 16(4) (Motions for the Adjournment of the Council).

(2) The items of business mentioned in paragraphs (a), (b), (c), (d), (e), (g) and (h) of subrule (1) shall not require notice; but with the exception of items (a) and (c) they shall not be entered upon save with the previous leave of the President.

19. The Agenda of the Council

(1) The Agenda of the Council shall be decided by the President, and shall be in Chinese and English. All items of business for a meeting of which notice has been given shall be placed on the Agenda for that meeting in the order required by Rule 18 (Order of Business at a Meeting).

(2) All questions to the Government shall be placed on the Agenda of the Council in accordance with the provisions of Rule 26(1) and (2) (Asking and Answering of Questions).

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(3) This Rule does not apply to a meeting under Rule 8 (Attendance of the Chief Executive) or Rule 13 (The Chief Executive's Policy Address) or the first meeting of a term or a meeting to elect the President.

PART D

PETITIONS AND PAPERS

20. Presentation of Petitions

(1) A petition may be presented to the Council only by a Member. Every petition shall be in the Chinese language or the English language.

(2) A Member who wishes to present a petition to the Council shall inform the President not later than the day before the meeting at which he wishes to present it. When so informing the President he shall certify in writing to the President that the petition is respectful and, in his opinion, deserving of presentation.

(3) Except with the written consent of the Chief Executive, the President shall not permit a petition to be received if, in his opinion, the petition requests that provision should be made for imposing or increasing a tax, for imposing or increasing a charge on the revenue or other public moneys of the Hong Kong Special Administrative Region or for altering such a charge otherwise than by reducing it, or for compounding or remitting a debt due to the Government.

(4) The signification of the Chief Executive's consent shall be recorded in the minutes of proceedings.

(5) No speech shall be made by a Member presenting a petition beyond a summary statement of the number and description of the petitioners and the substance of the petition.

(6) If, immediately after a petition has been presented, a Member rises in his place and requests that the petition be referred to a select committee, the President shall call upon those Members who support the request to rise in their places. If not less than 20 Members then rise the petition shall stand referred to a select committee.

21. Presentation of Papers

(1) A paper may be presented to the Council by a designated public officer or, with the permission of the President, by a Member.

(2) Whenever a Member or a designated public officer wishes to present a paper he shall send a copy of it to the Clerk, who shall distribute a copy to each Member and may also arrange for its publication. A copy of the paper shall be laid on the Table of the Council at the opening of the next meeting and the Clerk shall record its laying and the date of publication in the minutes of the proceedings of that meeting.

(3) Subject to subrule (4), whenever a paper has been laid on the Table of the Council, the Member or the designated public officer presenting it may, with the permission of the President, address the Council thereon.

(4) Whenever a report of a Bills Committee has been laid on the Table of the Council, the Member presenting it may, with the permission of the President, address the Council on the report at the commencement of the resumption of the second reading debate on the relevant bill.

(5) A Member or a designated public officer may, with the consent of the President, address the Council on subsidiary legislation laid on the Table of the Council, provided that the period (or any extended period) under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) for amendment of the subsidiary legislation has not expired. A Member or a designated public officer who wishes to address the Council under this subrule at any meeting shall inform the President of his wish before the beginning of that meeting.

(6) No debate may arise on any address presented by a Member or a designated public officer under subrule (3) or (5) but the President may in his discretion allow short questions to be put to the Member or the designated public officer making the address for the purpose of elucidating any matter raised by the Member or the designated public officer in the course of his address.

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PART E

QUESTIONS TO THE GOVERNMENT

22. Nature of Questions

(1) Any Member may address a question to the Government on the work of the Government, and either seeking information on such matter or asking for official action with regard to it.

(2) A question shall specify whether an oral or a written reply is required.

23. Question Time

(1) Questions may be asked at any meeting except the first meeting of a term or a meeting at which the President is elected or the Chief Executive addresses the Council on the policies of the Government.

(2) With the exception of questions asked under Rule 24(4) (Notice of Questions), not more than 20 questions of which notice has been given may be asked at any one meeting and the questions shall be counted by the Clerk in the manner recommended by the House Committee and agreed by the President.

(3) Where, in the opinion of the President, there will be no debate on a motion with no legislative effect at a meeting, no more than 10 questions shall require an oral reply. Where, in the opinion of the President, there will be such a debate, no more than 6 questions shall require an oral reply. The questions shall be counted by the Clerk in the manner recommended by the House Committee and agreed by the President.

(4) The House Committee may recommend to the President that in respect of a particular meeting no question requiring an oral reply should be asked; and if the President accepts such recommendation no such question shall be asked at that meeting, save that the President may permit urgent questions under the provisions of Rule 24(4) (Notice of Questions).

24. Notice of Questions

(1) A question shall not be asked without notice except as provided in subrule (4).

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(2) A Member shall give notice of a question by delivering to the office of the Clerk, not later than 7 clear days before the meeting at which an answer is required from the Government, a copy thereof signed by the Member; provided that for questions requiring an answer at the second meeting of the first session of a term the period of notice shall not be less than 4 clear days.

(3) A Member may not ask more than two questions of which notice has been given at any one meeting and not more than one of those questions shall require an oral reply:

Provided that the President may, if in his opinion an additional question is an important one of public concern, allow a Member to ask that additional question.

(4) If a Member asks the permission of the President to ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance, the President may permit the question to be asked without notice, if he is satisfied that it is of that nature and that sufficient private notice of the question has been or is to be given by the Member concerned to the Government to enable the question to be answered.

25. Contents of Questions

- (1) A question shall conform to the following rules:
 - (a) A question shall not include the names of persons, or statements which are not strictly necessary to make the question intelligible.
 - (b) A question shall not contain a statement which the Member who asks the question is not prepared to substantiate.
 - (c) A question shall not contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions.
 - (d) A question shall not contain independent questions or be so complex that it cannot reasonably be answered as a single question.
 - (e) A question shall not refer to proceedings in a committee before that committee has made its report to the Council.

- (f) A question shall not seek information about a matter which is of its nature secret.

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- (g) A question shall not reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law.
- (h) A question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal question, or the answer to a hypothetical proposition.
- (i) A question shall not be asked whether statements in the press or of private individuals or private concerns are accurate.
- (j) A question shall not be asked about the character or conduct of any person mentioned in Rule 41(7) (Contents of Speeches) and a question shall not be asked about the character or conduct of any other person except in his official or public capacity.
- (k) A question shall not be asked seeking information which can be found in accessible documents or ordinary works of reference.
- (l) A question which has been fully answered shall not be asked again during the same session.

(2) If the President is of the opinion that a question of which a Member has given notice to the Clerk or which a Member has sought to ask without notice infringes any of the provisions of Rule 22 (Nature of Questions) or of this Rule, he may direct –

- (a) that it be placed on the Agenda of the Council with such alterations as he may direct; or
- (b) in the case of a question which a Member has sought to ask without notice, that it may be so asked with such alterations as he may direct; or
- (c) that the Member concerned be informed that the question is out of order.

26. Asking and Answering of Questions

(1) Every question in respect of which a Member has given due notice under the provisions of Rule 24 (Notice of Questions) and which complies with

the provisions of Rule 25 (Contents of Questions) shall be put on the Agenda for the meeting at which the Member has stated that he wishes to ask it.

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(2) The questions to be asked at each meeting shall, subject to the provisions of Rule 23 (Question Time), be placed on the Agenda by the Clerk in the order in which notice of them was received by him, and when a Member has given notice of several questions at the same time in the order indicated by the Member.

(3) When each question is reached on the Agenda the President shall, except in the case of a question for which a written answer has been sought, call on the Member in whose name the question stands. The Member called shall then rise in his place and ask the question and the designated public officer who is to answer it shall give his reply.

(4) After an answer has been given to a question supplementary questions may be put by any Member when called upon by the President for the purpose of elucidating that answer, but the President shall refuse to allow a supplementary question to be answered, if in his opinion it introduces matter which is not related to the original question or answer or which infringes any of the provisions of Rule 22 (Nature of Questions) or Rule 25 (Contents of Questions).

(5) A Member shall not address the Council on a question and a question shall not be made a pretext for a debate.

(6) If a Member is not present to ask his question, the question may with his consent be asked by another Member, but otherwise shall be treated as a question for which a written answer has been sought.

(7) In the case of a question for which a written answer has been sought, or in the case of a supplementary question for which a written answer has been offered, a written answer shall be supplied to each Member and shall be printed in the Official Record.

(8) A Member who has given notice of a question may withdraw the question by giving notice to the Clerk one and a half hours before the meeting at which the question is to be asked.

27. Meeting under Rule 8

This Part (other than Rule 25 (Contents of Questions)) does not apply to

questions put to the Chief Executive under Rule 8 (Attendance of the Chief Executive).

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PART F

STATEMENTS

28. Statements by Designated Public Officers

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

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

PART G

MOTIONS

29. Notice of Motions and Amendments

(1) Except as otherwise provided in these Rules of Procedure, no motion shall be moved in the Council or a committee of the whole Council unless notice of it has been given not less than 12 clear days before the day on which the motion is to be considered by the Council or a committee of the whole Council:

Provided that the President or Chairman, as the case may be, may in his discretion dispense with such notice.

(2) No motion to amend subsidiary legislation which is subject to the provisions of section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall be moved in Council unless notice of it has been given not less than 5 clear days before the day on which the motion is to be considered by the

Council:

Provided that the President may in his discretion dispense with such notice.

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(3) No motion to extend the period referred to in section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to subsidiary legislation shall be moved in Council unless notice of it has been given not less than 3 clear days before the day on which the motion is to be considered by the Council:

Provided that the President may in his discretion dispense with such notice.

(4) The notice period required for any amendment to a motion referred to in subrule (2) or (3) shall be decided by the President according to his discretion.

(5) The notice periods specified in subrules (2), (3) and (4) shall apply respectively to -

- (a) a motion to amend an instrument (other than subsidiary legislation) made under any legislation and subject to amendment by the Council;
- (b) a motion to extend the period provided for the making of any amendment to such an instrument; and
- (c) any amendment to a motion referred to in paragraph (a) or (b).

(6) Except as otherwise provided in these Rules, no amendment shall be moved to a motion unless -

- (a) notice of the amendment has been given not later than 5 clear days before the day on which the motion concerned is to be considered by the Council or a committee of the whole Council; or
- (b) the President or Chairman, as the case may be, gives leave to dispense with notice of the amendment.

30. Manner of Giving Notice of Motions and Amendments

(1) Notice of a motion or an amendment shall be given by delivering a copy of the motion or amendment in writing to the office of the Clerk. Subject to Article 73(9) of the Basic Law, the notice shall be signed by the Member wishing to move the motion or amendment, and such other Members who introduce the motion or amendment jointly with the mover of the motion or amendment.

(2) A notice of an amendment to a motion shall be in Chinese if the

motion is in Chinese and in English if the motion is in English.

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(3) A notice of a motion or an amendment shall be submitted to the President, who shall direct –

- (a) that it be printed in the terms in which it was handed in; or
- (b) that it be printed with such alterations as he may direct; or
- (c) that it be returned to the Member who signed it, as being in his opinion out of order.

31. Restriction on Motions and Amendments

A motion or amendment, the object or effect of which may, in the opinion of the President or Chairman, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong shall be proposed only by –

- (a) the Chief Executive; or
- (b) a designated public officer ; or
- (c) a Member, if the Chief Executive consents in writing to the proposal.

32. Motions on Previous Decisions of Council

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

33. Manner of Debating Motions

(1) A Member called upon by the President or Chairman to move a motion shall rise in his place and in moving the motion shall make such remarks as he may wish.

(2) When a motion has been moved, the President or Chairman shall propose the question thereon to the Council or the committee of the whole Council; debate may then take place on that question.

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(3) Amendments of which notice has been given or dispensed with in accordance with Rule 29(6)(a) or (b) (Notice of Motions and Amendments) may be moved to a motion at any time after the question has been proposed on the motion by the President or Chairman and after all the amendments have been disposed of the President or Chairman shall again propose the question on the motion, or shall propose the question on the motion as amended, as the case may require, and a further debate may take place.

(4) When no more Members wish to speak the President or Chairman shall put the question on the motion, or on the motion as amended, to the Council or to the committee of the whole Council for its decision.

34. Manner of Debating Amendments to Motions

(1) A Member called upon by the President or Chairman to move an amendment to a motion shall rise in his place and after making such remarks as he may wish to make shall move the amendment.

(2) An amendment to a motion shall take one of the following forms –

(a) To leave out one or more words of the motion.

(b) To insert or add one or more words in the motion or at the end of the motion.

(c) To leave out one or more words of the motion and to insert or add one or more words instead.

(3) When an amendment has been moved the President or Chairman shall thereupon propose the question that the amendment be made; and a debate may then take place on that question.

(4) The President or Chairman may allow a joint debate on a motion and its amendments.

(5) When two or more amendments are proposed to be moved to the same motion the President or Chairman shall call on the movers in the order in which their amendments relate to the text of the motion, or in cases of doubt in the order decided by the President or Chairman.

(6) When no more Members wish to speak the President or Chairman shall put the question that the amendment be made to the Council or the committee of the whole Council for its decision.

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35. Withdrawal of Motions and Amendments

(1) A notice of a motion or an amendment may be withdrawn at any time before it is moved, if the mover in whose name the motion or amendment stands gives instructions to that effect to the Clerk.

(2) A motion or an amendment may be withdrawn at the request of the mover by leave of the Council or committee of the whole Council before the question is put thereon, if there is no dissenting voice. A motion or amendment which has been so withdrawn may be proposed again if, in the case of a motion, the notice required by these Rules of Procedure is given.

PART H

RULES OF SPEAKING

36. Time and Manner of Speaking

(1) A Member shall speak standing and shall address his observations to the President or Chairman.

(2) When the President or Chairman rises, during proceedings in Council or in committee of the whole Council, every Member shall be seated.

(3) If two or more Members rise or raise their hands at the same time to speak, the President or Chairman shall select one Member and call on him to speak.

(4) When a Member has finished speaking he shall resume his seat and any other Members wishing to speak shall rise or raise their hands.

(5) Subject to Rule 37 (Recommendations of House Committee as to Time of Speaking), a Member shall not, without the permission of the President or the Chairman, to be given only in exceptional circumstances, make a speech lasting more than 15 minutes.

(6) The restriction on speaking time referred to in subrule (5) shall not apply to designated public officers and a Member reporting to the Council under Rules 21 (Presentation of Papers) and 54(7) (Second Reading).

37. Recommendations of House Committee as to Time of Speaking

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

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

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

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

38. Occasions when a Member may Speak more than once

(1) Save with the leave of the President, a Member may not speak more than once on a question, except –

- (a) in committee of the whole Council; or
- (b) as provided in subrule (2); or
- (c) in explanation as provided in subrule (3); or
- (d) in the case of the mover of a motion, in reply as provided in subrule (4); or

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(e) upon a motion “That this Council thanks the Chief Executive for his address” as provided in subrule (7).

(2) A Member who has spoken under Rule 54(7) (Second Reading) may speak a second time during the same debate.

(3) A Member who has spoken on a question may again be heard to explain some part of his speech which has been misunderstood, but when speaking he shall not introduce new matter.

(4) In the Council the mover of a motion may reply after all other Members present have had an opportunity of speaking and before the question is put; but the mover of an amendment shall not have the right of reply.

(5) A Member who has spoken on a question may speak again on an amendment moved to that question, and on a motion that the debate now be adjourned moved during the debate on that question.

(6) No Member may speak on a question after it has been put to the Council or a committee of the whole Council for decision by the President or Chairman.

(7) A designated public officer who has spoken on a motion “That this Council thanks the Chief Executive for his address” may speak a second time upon that motion in reply to any matter raised during the debate on the motion.

39. Interruptions

A Member shall not interrupt another Member, except –

- (a) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall direct attention to the point which he wishes to bring to notice and submit it to the President or Chairman for decision; or
- (b) to seek elucidation of some matter raised by that Member in the course of his speech, if the Member speaking is willing to give way and resume his seat and the Member wishing to interrupt is called by the President or Chairman.

40. Adjournment of Debate or of Proceedings of a Committee of the Whole Council

(1) A Member who has risen to speak on a question in the Council may move without notice that the debate be now adjourned. Thereupon the President shall propose the question on that motion.

(2) When a motion that the debate be now adjourned has been agreed to, the debate on the question then before the Council shall stand adjourned and the Council shall proceed to the next item of business.

(3) When a motion that the debate be now adjourned has been negatived, the debate on the question then before the Council shall be continued and no further motion that the debate be now adjourned shall be moved during that debate except by a designated public officer.

(4) When the Council is in committee a Member may move without notice that further proceedings of the committee be now adjourned. Thereupon the Chairman shall propose the question on that motion. If the motion is agreed to, the Council shall resume; but if the motion is negatived, the committee shall continue its proceedings.

(5) It shall not be in order to move an amendment to a motion under the provisions of this Rule.

(6) A debate adjourned under the provisions of subrule (2) may be resumed at a subsequent meeting of the Council provided that the Member or public officer who moved the motion for that debate, or in the case of a debate on a bill, the Member or public officer in charge of the bill, shall give notice in writing to the Clerk of his intention to resume the debate not less than 5 clear days before the day on which the debate is to be resumed:

Provided that the President may in his discretion dispense with such notice.

(7) Proceedings of a committee of the whole Council adjourned under the provisions of subrule (4) may be resumed at a subsequent meeting of the committee provided that the Member or public officer in charge of the bill to which the adjourned proceedings relate shall give notice in writing to the Clerk of his intention to resume the proceedings not less than 5 clear days before the day on which the proceedings are to be resumed:

Provided that the Chairman may in his discretion dispense with such notice.

(8) The provisions of subrules (1), (2), (3), (4) and (5) shall apply to any debate or proceedings resumed under the provisions of subrules (6) and (7).

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41. Contents of Speeches

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

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

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

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

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

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

(7) The conduct of the Chief Executive or Members of the Executive Council or Members of the Legislative Council otherwise than in the performance of their official duties shall not be raised.

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

42. Behaviour of Members during Meeting

During a meeting of the Council –

- (a) all Members shall enter or leave the Council properly attired and with decorum;
- (b) no Member shall cross the floor of the Council unnecessarily;
- (c) Members shall not read newspapers, books, letters or other documents, except such matter therein as may be directly connected with the business of the Council; and

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- (d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruptions.

43. Application of Rules to Committees

The Rules in this Part shall apply to the proceedings in a committee unless the chairman of the committee orders otherwise.

PART I

RULES OF ORDER

44. Decision of Chair Final

The President in Council, the Chairman in a committee of the whole Council or the chairman of any standing or select committee shall be responsible for the observance of the rules of order in the Council and committee respectively. His decision on a point of order shall be final.

45. Order in Council and Committee

(1) The President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee, after having called the attention of the Council or the committee to the conduct of a Member who persists in irrelevance or tedious repetition of his own or other Members' arguments in the debate, may direct him to discontinue his speech.

(2) The President, the Chairman of a committee of the whole Council or the chairman of any standing or select committee shall order a Member whose conduct is grossly disorderly to withdraw immediately from the Council or the committee for the remainder of that meeting; and the Clerk or clerks of any committees shall act on orders received by him from the Chair to ensure compliance with this order.

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PART J

VOTING

46. Decision on Motions

(1) Except as otherwise provided in Articles 49, 52(2), 73(9), 79(6) and (7) and 159 of the Basic Law, the passage of all motions before the Council or a committee of the whole Council shall, subject to subrule (2), require a majority vote of the Members present.

(2) The passage of a motion (other than the motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration” referred to in Rule 66 (Bills Returned for Reconsideration)) or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present -

- (a) Members returned by functional constituencies (Group I); and
- (b) Members returned by geographical constituencies through direct elections and by the Election Committee (Group II).

47. Decision of Council and Committee of the Whole Council

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

- (a) the President or Chairman shall first call upon those Members who are in favour of the question to raise their hands, and shall then call upon those who are against the question to raise their hands;
- (b) the President or Chairman shall then, according to his judgment, state whether or not he thinks the majority of the Members present are in favour of the question and, subject to any challenges to his statement being dealt with under paragraph (c) below, he shall declare the question to have been so decided;

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- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order the Council or the committee, as the case may be, to proceed to a division; and, subject to Rule 49 (4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for three minutes.

(2) When the President or Chairman puts a question to the Council or to a committee of the whole Council for its decision in relation to a motion or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill -

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

48. Use of Electronic Voting System

Unless the President or Chairman otherwise directs, where an electronic system of voting is provided in the Council or a committee of the whole Council for the purposes of a division, the Members present and voting shall cast their votes in the division by using such electronic system in accordance with the operating requirements of the system, and the President or Chairman shall then declare the result of the division.

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49. Divisions

(1) Subject to Rule 48 (Use of Electronic Voting System), when a division has been ordered, the votes shall be recorded by the Clerk. The President or Chairman shall first call upon those Members who are in favour of the question to raise their hands. After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of the Members in favour of the question. The President or Chairman shall then call upon those Members who are against the question to raise their hands. After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of Members against the question. The President or Chairman shall then call upon those Members who abstain from voting to raise their hands. After the Clerk has recorded the votes in a seating plan, the President or Chairman shall read out the names and the number of Members abstaining from voting on the question. If no Member raises any queries, the President or Chairman shall declare the result of the division.

(2) Subject to Rule 48 (Use of Electronic Voting System), where a division has been ordered in relation to a question on a motion or bill introduced by a Member, or on an amendment introduced by a Member to any motion or bill, the procedure in subrule (1) shall be followed except that the President or Chairman shall read out the names and the number of Members in each of the two groups referred to in Rule 46(2) (Decision on Motions) who are in favour of the question, who are against the question, and who abstain from voting.

(3) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered, if his statement is made before the President or Chairman has declared the result of the division.

(4) Immediately after the President has declared the result of a division on an amendment to a motion, or the Chairman has declared the result of a division on an amendment to a bill, a Member may move without notice that in the event of further divisions being claimed in respect of the motion or any amendments thereto, or in respect of any amendments to the bill, the Council or the committee of the whole Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President or the Chairman shall propose the question on that motion.

(5) When a motion under subrule (4) has been agreed to the President or the Chairman shall order accordingly in respect of each of such further divisions, if any.

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(6) Where there is more than one motion in respect of subsidiary legislation on the Agenda of the Council (excluding motions referred to in Rule 29(3) (Notice of Motions and Amendments)) then, immediately after the President has declared the result of the first division on any such motion or any amendment thereto, a Member may move without notice that in the event of further divisions being claimed at that meeting in respect of motions on subsidiary legislation, or amendments thereto, the Council do proceed to each of such divisions immediately after the division bell has been rung for one minute. Thereupon the President shall propose the question on that motion.

(7) When a motion under subrule (6) has been agreed to the President shall order accordingly in respect of each of such further divisions, if any.

PART K

PROCEDURE ON BILLS

50. Form of Bills

(1) A bill for presentation to the Council shall conform with the requirements laid down in this Rule.

(2) The bill shall be given a short title corresponding with the title by which it is to be cited if it becomes law, and that short title shall remain unchanged throughout the passage of the bill.

(3) The bill shall be given a long title setting out the purposes of the bill in general terms.

(4) Subject to a direction given under section 4(3) of the Official Languages Ordinance (Cap. 5) by the Chief Executive in Council, bills shall be presented in the Chinese and English languages.

(5) The clauses of the bill shall be preceded by the enacting formula.

(6) The bill shall be divided into clauses numbered consecutively and having a descriptive section heading above each clause.

(7) An explanatory memorandum stating the contents and objects of the bill in non-technical language shall be attached to the bill.

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(8) In the case of a bill, not being a Government measure, intended to affect or benefit some particular person, association or corporate body, there shall be included in the bill a clause saving the rights of the Government, all bodies politic and corporate, and all others except such as are mentioned in the bill, and those claiming by, from, and under them.

51. Notice of Presentation of Bills

(1) A Member or a designated public officer may at any time give notice of his intention to present a bill; such notice shall be sent to the office of the Clerk and shall be accompanied by a copy of the bill and memorandum required by Rule 50 (Form of Bills), and in the case of a Member, also by a certificate signed by the Law Draftsman pursuant to subrule (2).

(2) In the case of a bill to be presented by a Member, the Law Draftsman, if satisfied that the bill conforms to the requirements of Rule 50 (Form of Bills) and the general form of Hong Kong legislation, shall issue a certificate to that effect.

(3) Members may not either individually or jointly introduce a bill which, in the opinion of the President, relates to public expenditure or political structure or the operation of the Government.

(4) In the case of a bill relating to Government policies, the notice shall be accompanied by the written consent of the Chief Executive in respect of the bill.

(5) In the case of a bill presented in one official language in pursuance of a direction under section 4(3) of the Official Languages Ordinance (Cap. 5), the notice shall be accompanied by a certificate stating that the Chief Executive in Council has directed that the bill should be presented in the Chinese language or, as the case may be, the English language.

(6) In the case of a bill presented by a Member having any intention such as is described in Rule 50(8) (Form of Bills), the notice shall be accompanied by a certificate signed by the Member, stating that the bill has been published in two successive publications of the Gazette and that notice of the bill has been given by two advertisements in each of two daily newspapers published in Hong Kong, one being a Chinese language newspaper and another being an English language newspaper.

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- (7) (a) Except as otherwise provided in Rule 66 (Bills Returned for Reconsideration), a bill which, in the opinion of the President, contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session and shall be withdrawn.
- (b) If a bill which has been read for the second time is subsequently withdrawn another bill with substantially the same provisions may be presented in the same session, subject to the provisions of Rule 50 (Form of Bills), this Rule and Rule 52 (Presentation and Publication of Bills).

(8) A Member presenting a bill shall be known throughout the subsequent proceedings on the bill as the Member in charge of the bill. In the case of a bill introduced jointly by more than one Member, these Members shall designate among themselves a Member as the Member in charge of the bill at the time of presenting the bill and the Member so designated shall signify himself as such in the notice for presentation.

(9) A public officer presenting a bill shall be known throughout the subsequent proceedings on the bill as the public officer in charge of the bill; and references in these Rules of Procedure to a Member in charge of a bill include a public officer in charge of a bill.

52. Presentation and Publication of Bills

(1) The Clerk shall, after receipt of a bill for presentation to the Council, cause the text of the bill and its explanatory memorandum to be published in the Gazette unless –

- (a) the President directs that the bill shall not be published in the Gazette before it has been read the first time; or
- (b) the bill has already been published in the Gazette in accordance with Rule 51(6) (Notice of Presentation of Bills).

(2) The Clerk shall, after receipt of a bill for presentation to the Council, cause a copy of the bill and its explanatory memorandum to be sent to every Member, whereupon the bill shall be deemed to have been presented to the Council.

53. First Reading of Bills

(1) The short title of a bill presented to the Council in accordance with Rule 52(2) (Presentation and Publication of Bills) shall be placed on the Agenda of the Council for first reading at such meeting as may be specified to the Clerk by the Member in charge of the bill.

(2) No debate shall be allowed upon the first reading of a bill; and the bill shall be deemed to have been read the first time upon the Clerk reading the short title.

(3) When a bill has been read the first time, the Council shall be deemed to have ordered the bill to be set down for second reading, and the order of the Council shall be so recorded in the minutes of proceedings; and notice of motion for second reading shall not be required to be given by the Member in charge of the bill.

54. Second Reading

(1) In the case of a bill which relates to Government policies presented by a Member, the President shall call for the signification of the written consent of the Chief Executive by a designated public officer before the Council enters upon consideration of the second reading of the bill and the motion that the bill be now read the second time shall not be moved unless such written consent has been signified accordingly.

(2) The signification of the Chief Executive's written consent shall be recorded in the minutes of proceedings.

(3) Subject to subrules (4) and (5), the Council shall proceed to the second reading of a bill on a motion that the bill be now read the second time; and on this motion a debate may arise covering the general merits and principles of the bill.

(4) Except in relation to Appropriation Bills, when the Member in charge of a bill has spoken on a motion that the bill be now read the second time, the debate shall be adjourned and the bill shall be referred to the House Committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders.

(5) When a debate has been adjourned under subrule (4), it may be resumed on notice by the Member or public officer in charge of the bill, given by him in writing delivered to the office of the Clerk, after consultation with the chairman of the House Committee, subject to the following -

- (a) subject to paragraphs (b) and (c), resumption of debate shall not take place earlier than 9 clear days after the meeting of House Committee at which the bill was considered in preparation for resumption of debate;
- (b) if at the meeting of House Committee to consider the bill in preparation for resumption of debate the committee recommends a period longer than 9 clear days before resumption then resumption shall not take place earlier than 12 clear days after that meeting;
- (c) if at the meeting of House Committee to consider the bill in preparation for resumption of debate the committee recommends that the second reading debate be resumed at the next meeting of the Council then resumption may take place at that meeting with the permission of the President provided that due notice has been given under paragraph (e);
- (d) subject to paragraph (e), notice of resumption of debate shall be given by the Member or public officer in charge of the bill not less than 12 clear days before the day on which the debate is to be resumed;
- (e) where resumption of debate is to take place 9 clear days or less after the meeting of House Committee at which the bill was considered in preparation for resumption, then notice of resumption of debate shall be given no later than 2 clear days after that meeting:

Provided that the President may in his discretion dispense with such notice.

(6) No amendment may be proposed to the question that the bill be now read the second time.

(7) At the resumption of the second reading debate on a bill, a Member making a report of a Bills Committee on a bill under Rule 76(9) (Bills Committees) may, with the permission of the President, be the first Member to speak.

(8) When a motion for the second reading of a bill has been negatived no further proceedings shall be taken on that bill.

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55. Committal of Bills

(1) When a motion for the second reading of a bill has been agreed to, the bill shall stand committed to a committee of the whole Council, unless –

- (a) the Council, on a motion which may be moved without notice by any Member immediately after the bill has been read the second time, commit the bill to a select committee; or
- (b) the President is of the opinion that the bill would specially benefit or otherwise specially affect some particular person or association or corporate body, in which case he may direct that the bill be committed to a select committee.

(2) Notice of proceedings upon a bill in committee of the whole Council shall not be required to be given by the Member in charge of the bill.

(3) Proceedings upon a bill in select committee shall be begun upon a day appointed in accordance with Rule 79(2) (Procedure of Select Committees).

56. Functions of Committees on Bills

(1) Any committee of the whole Council or select committee to which a bill is committed shall not discuss the principles of the bill but only its details.

(2) Any such committee shall have power to make such amendments therein as they shall think fit, provided that the amendments, including new clauses and new schedules, are relevant to the subject matter of the bill.

57. Amendments to Bills

(1) The provisions of this Rule shall apply to amendments proposed to be moved to bills in committee of the whole Council, in a select committee, and on recommittal.

(2) Notice of amendments proposed to be moved to a bill shall be given not less than 7 clear days before the day on which the bill is to be considered in committee; and except with the leave of the Chairman no amendment of which notice has not been so given may be moved to a bill.

(3) The provisions of Rule 30 (Manner of Giving Notice of Motions and Amendments) shall apply to notice of amendments to bills with the substitution of the word “Chairman” for “President” in subrule (3) of that Rule.

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(4) The following provisions shall apply to amendments relating to bills:

- (a) An amendment must be relevant to the subject matter of the bill and to the subject matter of the clause to which it relates.
- (b) An amendment must not be inconsistent with any clause already agreed to or with any previous decision of the committee upon the bill.
- (c) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (d) An amendment which is in the opinion of the Chairman frivolous or meaningless may not be moved.
- (e) Where an amendment is proposed to be moved to a bill presented in both official languages the amendment shall be made to the text in each language unless it is an amendment that clearly affects the text in one language only. But an amendment which creates a conflict or discrepancy between the text in one language and the text in the other may not be moved.

(5) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.

(6) An amendment, the object or effect of which may, in the opinion of the President or Chairman, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong shall be proposed only by -

- (a) the Chief Executive; or
- (b) a designated public officer ; or
- (c) a Member, if the Chief Executive consents in writing to the proposal.

58. Procedure in Committee of the Whole Council on a Bill

(1) The Chairman in a committee of the whole Council shall propose “That the following clauses stand part of the bill”, and shall direct the Clerk to call the numbers of the clauses. On the number or numbers of any clause or group of clauses being called, the question that that clause or group of clauses stand part of the bill shall be deemed to have been proposed. In the event of a clause being amended the number of the clause, as amended, shall be called again by the Clerk, and the question that the clause as amended stand part of the bill shall be deemed to have been proposed.

(2) In order to save time and avoid repetition of arguments, the Chairman may allow a single discussion to cover a series of interdependent amendments.

(3) The provisions of Rule 34 (Manner of Debating Amendments to Motions) shall apply to the discussion of amendments to bills, with the substitution of the word “clause” for the word “motion”.

(4) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the bill have been considered and before new clauses are brought up.

(5) Any proposed new clause shall be considered after the clauses of the bill have been disposed of and before consideration of any schedule of the bill:

Provided that a new clause proposed in substitution for a clause which has been disagreed to may be considered immediately after such disagreement.

(6) On the section heading of any new clause being read by the Clerk the clause shall be deemed to have been read a first time. The question shall then be proposed “That the clause be read a second time”; if this is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be “That the clause (or the clause as amended) be added to the bill”.

(7) Schedules shall be disposed of in the same way as clauses and any proposed new schedule shall be considered after the schedules of the bill have been disposed of, and shall be treated in the same manner as a new clause.

(8) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put “That this be the preamble to the bill”. No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the bill.

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(9) If any amendment to the title of the bill is made necessary by an amendment to the bill, it shall be made at the conclusion of the proceedings detailed above, but no question shall be put that the title (as amended) stand part of the bill; nor shall any question be put upon the enacting formula.

(10) No amendment to the reference to the year or to any number in the title by which the bill is to be cited if it becomes law shall be necessary, and any such reference may be changed by the Law Draftsman to refer to the year, or to reflect the order, in which the bill becomes law.

(11) An amendment, proposed new clause or proposed new schedule, upon which a question has been proposed, may be withdrawn at the request of the mover by leave of the committee before the question has been put on it, if no Member objects.

(12) When all the proceedings upon the bill have been concluded in committee, the Council shall resume and a Member shall report the bill to the Council with or without amendment as the case may be.

59. Procedure on Reporting of Bill from Committee of the Whole Council

When a bill has been reported from a committee of the whole Council, the Council shall be deemed to have ordered the bill to be set down for third reading and the order of the Council shall be so recorded in the minutes of proceedings; and notice of motion for third reading shall not be required to be given by the Member in charge of the bill.

60. Procedure in Select Committee on a Bill

(1) A select committee on a bill shall be subject to all the provisions of Rule 79 (Procedure of Select Committees) but before reporting the bill to the Council it shall go through the bill in the same manner as a committee of the whole Council as prescribed in Rule 58 (Procedure in Committee of the Whole Council on a Bill).

(2) When a bill has been amended in a select committee, the whole text of the bill as amended shall, if practicable, be printed as part of the report of the select committee, but if this is not practicable the text of every clause or schedule amended, and of every new clause or new schedule added, shall be so

printed.

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(3) When all the proceedings upon the bill have been concluded in a select committee and the committee has agreed to its report, the chairman shall, at the next meeting of the Council, report the bill, with or without amendment as the case may be, to the Council and shall lay a copy of the report of the committee upon the Table.

61. Procedure on Reporting of Bill from a Select Committee

(1) When a bill has been reported from a select committee the Council may consider the bill as reported on a motion, moved by the chairman of the select committee, that the report of the select committee on the bill be adopted.

(2) If that motion is agreed to without amendment, the Council shall be deemed to have ordered the bill to be set down for third reading and the order of the Council shall be so recorded in the minutes of proceedings, and notice of third reading shall not be required to be given by the Member in charge of the bill.

(3) On a motion to adopt the report of a select committee on a bill moved under subrule (1), a Member may propose an amendment to add at the end of the motion the words “subject to the recommittal of the bill (either wholly or in respect only of some particular part or parts of the bill or of some proposed new clause or new schedule) to a committee of the whole Council”.

(4) If the motion is agreed to as amended in accordance with subrule (3), the bill shall stand recommitted as required by the motion, and the Council shall immediately resolve itself into a committee of the whole Council to consider it.

(5) This Rule shall not apply to the procedure on the reporting of a bill from a select committee formed to consider a bill returned by the Chief Executive to the Council for reconsideration.

62. Procedure on Recommittal of Bill Reported from Select Committee

(1) When the whole of a bill reported from a select committee has been recommitted the committee shall go through the bill as provided in Rule 58 (Procedure in Committee of the Whole Council on a Bill).

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(2) When a bill has been recommitted in respect only of some specified clause or clauses or schedule or schedules of the bill or some proposed new clause or new schedule, the committee shall consider only the matter so recommitted and shall proceed on every such clause or schedule in the manner provided in Rule 58 (Procedure in Committee of the Whole Council on a Bill) and may thereafter if necessary consider amendment of the long or short title of the bill:

Provided that if the President considers it necessary or desirable he may require the whole bill to be recommitted as provided in subrule (1).

(3) When all proceedings in committee of the whole Council on a recommitted bill have been completed, the Council shall resume and the Member in charge of the bill shall report the bill, as amended (or as not amended) on recommittal, to the Council.

(4) When the bill has been so reported after recommittal, the Council shall forthwith proceed to the third reading of the bill, unless the Member in charge states that he wishes the third reading to be postponed; and in the latter event the provisions of Rule 59 (Procedure on Reporting of Bill from Committee of the Whole Council) shall apply, and no further motion to recommit the bill shall be allowed.

63. Third Reading

(1) The Council shall proceed to the third reading of a bill on a motion that the bill be read the third time and do pass. Debate on that motion shall be confined to the contents of the bill and no amendment may be moved to the motion.

(2) Amendments for the correction of errors or oversights may, with the President's permission, be made to the bill before the question for the third reading of the bill is put by the President, but no amendments of a material character shall be proposed.

(3) When a motion for the third reading of a bill (or bills) has been agreed to, the Clerk shall read the short title of the bill (or bills) and shall write at the end of the bill (or bills) the words "Passed by the Legislative Council of the Hong Kong Special Administrative Region this day" giving the date.

(4) When a motion for the third reading of a bill has been negatived no further proceedings shall be taken on that bill.

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64. Withdrawal or Postponement of Bills

The Member or public officer in charge of a bill may, by announcement in Council at the beginning of proceedings for its second or third reading, withdraw or postpone the bill.

65. Presentation of Bill for Signature of Chief Executive

A copy of every bill passed by the Council, certified as a true copy by the Clerk, shall be submitted by the Clerk to the Chief Executive for his signature.

66. Bills Returned for Reconsideration

(1) Where a bill passed by the Council is to be returned to the Council for reconsideration, notice of the return shall be given to the Clerk within 3 months of the passage of the bill; such notice shall be accompanied by a copy of the bill and a certificate signed by the Chief Executive certifying that he is returning the bill to the Council for reconsideration under Article 49 of the Basic Law.

(2) The Clerk shall, after receipt of the bill for reconsideration, cause a copy of the bill to be sent to every Member and the text of the bill to be published in the Gazette unless the President directs that the bill shall not be published in the Gazette before the short title of the returned bill has been read at a meeting of the Council.

(3) The short title of the bill shall be placed on the Agenda of a meeting of the Council as directed by the President.

(4) After the short title of the bill has been read by the Clerk, a designated public officer may speak on the return of the bill, whereupon the bill shall be referred to the House Committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders.

(5) If the Council orders that the bill shall not be referred to the House Committee, the bill shall be deemed to have been ordered to be set down for a motion "That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration", which may be moved by any Member without notice. The order of the Council shall be so recorded in the minutes of proceedings.

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(6) When a returned bill is referred to the House Committee, the House Committee shall immediately arrange for the returned bill to be considered in such manner as it thinks fit, and after it has completed deliberation on the returned bill, a motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration” may be moved at a meeting of the Council.

(7) No amendment may be moved to a motion moved under subrule (5) or (6).

(8) If the number of Members in favour of the motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration” is not less than a two-thirds majority of all the Members, the Clerk shall read the short title of the bill and shall write at the end of the bill the words “Reconsidered and passed by not less than a two-thirds majority of all the Members of the Legislative Council of the Hong Kong Special Administrative Region this day” giving the date. A true copy of the bill shall be certified by the Clerk and submitted to the Chief Executive for his signature.

(9) If the number of Members in favour of the motion “That the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration” is less than a two-thirds majority of all the Members, the Clerk shall read the short title of the bill and shall write at the end of the bill the words “Reconsidered, with less than a two-thirds majority of all the Members of the Legislative Council of the Hong Kong Special Administrative Region in favour of the motion that the Bill returned by the Chief Executive in accordance with Article 49 of the Basic Law do pass after reconsideration, this day” giving the date. A true copy of the bill shall be certified by the Clerk and submitted to the Chief Executive.

(10) If a returned bill is signed by the Chief Executive under Article 76 of the Basic Law and notice thereof is given to the Clerk before a motion on that bill is moved under subrule (5) or (6), no further proceedings shall be taken on the bill.

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PART L**FINANCIAL PROCEDURE****67. Presentation and Second Reading of Appropriation Bill**

(1) Any bill containing the estimated financial requirements for expenditure on all the services of the Government of the Hong Kong Special Administrative Region for the current or succeeding financial year shall be known as an Appropriation Bill. Estimates containing the details of the said financial requirements shall be presented to the Council not later than the commencement of the meeting at which such bill is placed on the Agenda of the Council for first reading.

(2) After the motion for the second reading of the bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the seventh day thereafter. The debate, when resumed, shall be confined to the financial and economic state of Hong Kong and the general principles of Government policy and administration as indicated by the bill and Estimates.

(3) Subject to Rule 71(11) (Finance Committee), the Estimates shall upon presentation to the Council stand referred to a committee of the whole Council and the Appropriation Bill upon being read a second time shall stand committed to that committee.

68. Procedure in Committee of the Whole Council on Appropriation Bill

(1) On the consideration of the Appropriation Bill in committee of the whole Council the clauses of the bill shall stand postponed until after consideration of the schedule or schedules.

(2) On the consideration of a schedule each head of expenditure shall be considered with the appropriate estimate, and any reference in these Rules of Procedure to a subhead or an item means a subhead or an item in the Estimates for the head then under discussion.

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(3) On the consideration of a schedule, the Chairman shall propose “That the sums for the following heads stand part of the schedule”, and shall direct the Clerk to call the numbers of the heads. On the number or numbers of any head or group of heads being called, the question that the sums in that head or group of heads stand part of the schedule shall be deemed to have been moved. Unless an amendment is proposed under the provisions of the next succeeding Rule, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenue or funds for which that service is responsible.

(4) When all the heads in a schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question “That the schedule (as amended) stand part of the bill”.

(5) When every schedule has been disposed of, the Chairman shall propose “That the following clauses stand part of the bill”, and shall direct the Clerk to call the numbers of the clauses. On the number of any clause being called, the question that the clause stand part of the bill shall be deemed to have been proposed. In the event of a clause being amended, the number of the clause, as amended, shall be called again by the Clerk, and the question that the clause as amended stand part of the bill shall be deemed to have been proposed.

(6) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a designated public officer only and may be moved without notice, and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided, the Chairman shall forthwith put the question “That the clause as amended stand part of the bill” and that question shall then be decided without amendment or debate.

(7) When the question upon every clause of the bill has been decided, the Council shall resume and a Member shall report the bill to the Council with or without amendment, as the case may be.

69. Amendments to Heads of Estimates in Committee of the Whole Council on Appropriation Bill

(1) An amendment which, in the opinion of the Chairman, would increase the sum allotted to any head of expenditure whether in respect of any item or subhead or of the head itself shall only be moved by a designated public officer.

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(2) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

(3) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion “That head be reduced by \$..... in respect of (or by leaving out) subhead item”.

(4) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall only be in order if the subhead is not itemized.

(5) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided into subheads.

(6) An amendment to leave out a head shall not be in order and shall not be placed on the Agenda of the Council.

(7) In the case of each head, amendments in respect of items or subheads in that head shall be placed on the Agenda of the Council and considered in the order in which the items or subheads to which they refer stand in the head in the Estimates.

(8) When notice has been given of two or more amendments to reduce the same item, subhead, or head, they shall be placed on the Agenda of the Council in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(9) Debate on every amendment shall be confined to the item, subhead, or head to which the amendment refers, and after an amendment to an item or subhead has been disposed of no amendment or debate on a previous item or subhead shall be permitted.

(10) When all amendments standing on the Agenda of the Council in respect of any particular head of expenditure have been disposed of, the Chairman shall again propose the question “That the sum for head stand part of the schedule” or shall propose the amended question “That the (increased or reduced) sum for head stand part of the schedule”, as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under Rule 68(3) (Procedure in Committee of the Whole Council on Appropriation Bill).

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70. Third Reading of Appropriation Bill

The motion for third reading of the Appropriation Bill shall be voted on without amendment or debate.

PART M

COMMITTEES

71. Finance Committee

(1) There shall be a standing committee, to be called the Finance Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by and from among its members and shall hold office until the election of the chairman and deputy chairman of the committee in the session next following that for which they were elected. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.

(3) The clerk to the Finance Committee shall be responsible for calling the first meeting of a term of the Finance Committee, and shall preside at the beginning of that meeting for the purpose of electing the presiding Member for the election of the chairman of the Finance Committee.

(4) The functions of the Finance Committee shall be such as are conferred upon the committee by the Public Finance Ordinance (Cap. 2), any other law and these Rules of Procedure, and such as may from time to time be referred to the committee by the Council.

(5) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of such functions of the committee as the committee may determine.

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(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(8) The chairman and 8 members shall form a quorum. All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.

(9) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

(10) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend the meetings of the committee. He shall keep the minutes of the proceedings of the committee in a manner determined by the committee.

(11) The Estimates presented in accordance with the provisions of Rule 67 (Presentation and Second Reading of Appropriation Bill) may be referred by the President to the Finance Committee for their examination before consideration of the Appropriation Bill in committee of the whole Council.

(12) The chairman or the committee may invite any public officer, or, in the case of a head of the Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(13) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

72. Public Accounts Committee

(1) There shall be a standing committee, to be called the Public Accounts Committee, to consider reports of the Director of Audit –

- (a) on the accounts of the Government;
- (b) on such other accounts required to be laid before the Council as the committee may think fit; and
- (c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit.

(2) The committee shall also consider any report of the Director of Audit laid on the Table of the Council which deals with examinations (value for money audit) carried out by the Director relating to the economy, efficiency and effectiveness of any Government department or public body or any organization to which his functions as Director of Audit extend by virtue of any Ordinance or which receives public moneys by way of subvention.

(3) The committee shall consist of a chairman, deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. The chairman and 2 other members shall constitute a quorum.

(4) A report mentioned in subrules (1) and (2) shall be deemed to have been referred by the Council to the committee when it is laid on the Table of the Council.

(5) Unless the chairman otherwise orders, members of the press and of the public shall be admitted as spectators at meetings of the committee attended by any person invited by the committee under subrule (8).

(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members and to any person invited to attend a meeting at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.

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(8) The chairman or the committee may invite any public officer, or, in the case of a report on the accounts of or relating to a non-government body or organization, any member or employee of that body or organization, to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(9) The committee shall make their report upon the report of the Director of Audit on the accounts of the Government within 3 months (or such longer period as may be determined under section 12 of the Audit Ordinance (Cap. 122)) of the date on which the Director's report is laid on the Table of the Council.

(10) The committee shall make their report upon the report of the Director of Audit mentioned in subrule (2) within 3 months (or such longer period as may be determined by the Council) of the date on which the Director's report is laid on the Table of the Council.

(11) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

73. Committee on Members' Interests

(1) There shall be a standing committee to be called the Committee on Members' Interests –

- (a) to examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (b) to consider any proposals made by Members or others as to the form and contents of the Register;
- (c) to consider and investigate any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so;
- (d) to consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters;

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- (e) to report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 (Sanctions relating to Interests).

(2) The committee shall consist of a chairman, deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. The chairman and 2 other members shall constitute a quorum.

(3) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(4) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(5) All matters before the committee shall be decided by a majority of the members voting. In the event that votes are equally divided, the chairman or other member presiding shall have a casting vote.

(6) The committee may invite any person to attend before the committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

(7) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

74. Committee on Rules of Procedure

(1) There shall be a committee to be called the Committee on Rules of Procedure to review the Rules of Procedure of the Council and the committee system, and to propose to the Council such amendments or changes as are considered necessary. The committee may examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President, or raised by its own members.

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(2) The committee shall consist of a chairman, a deputy chairman and 10 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. The President may be invited to attend its meeting to advise on matters of practice and procedure relating to the Council. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during that absence. The chairman and 3 other members shall constitute a quorum.

(3) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(4) Meetings need not be held in public and the committee shall report from time to time its deliberations and may make recommendations to the Council.

(5) All matters before the committee shall be decided by a majority of the members voting. In the event that votes are equally divided, the chairman or other member presiding shall have a casting vote.

(6) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

75. House Committee

(1) There shall be a committee, to be called the House Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by the committee from among its members and shall hold office until the election of the chairman and deputy chairman of the committee in the session next following that for which they were elected. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (16), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.

(3) The clerk to the House Committee shall be responsible for calling the first meeting of a term of the House Committee, and shall preside at the beginning of that meeting for the purpose of electing the presiding Member for the election of the chairman of the House Committee.

(4) At any time after a bill has been referred to the committee under Rule 54(4) (Second Reading), the committee may allocate it to a Bills Committee for consideration, or may cause it to be considered in such other manner as the committee thinks fit.

(5) In deciding upon the timing and order of allocation of bills to a Bills Committee, the committee may take into account the number and relative priority of other bills currently referred to the committee under Rule 54(4) (Second Reading), and may at any time vary any decision as to the timing and order of allocation of any bill.

(6) Following allocation of a bill to a Bills Committee, the committee, after consultation with that Bills Committee, may decide the date for completion of consideration of the bill by the Bills Committee. Any such decision may be varied at any time, after consultation with the Bills Committee.

(7) Upon the allocation of a bill to a Bills Committee, the members of that Bills Committee shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the committee.

(8) The committee may provide guidelines relating to the procedure of the Bills Committees, subcommittees constituted under subrule (12) and Panels constituted under Rule 77 (Panels).

(9) The committee may discuss any deliberations of a Bills Committee for the purpose of assisting members in preparation for resumption of second reading debate in the Council.

(10) The committee shall decide the manner of consideration of any subsidiary legislation which is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1).

(11) The committee may consider, in such manner as it thinks fit, any other item relating to the business of the Council.

(12) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions under subrules (10) and (11).

(13) The committee may refer any policy matter relating to the business of the Council to a Panel constituted under Rule 77 (Panels), may make recommendation on the terms of reference for the consideration of such matter after consultation with the Panel and may request and receive report on the policy matter from the Panel and then report further to the Council as

appropriate.

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(14) The committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(15) Meetings of the committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(16) 20 members, including the chairman, shall form a quorum. All matters for the decision of the committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall not vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(17) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

(18) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

76. Bills Committees

(1) There shall be such number of committees, to be called Bills Committees, as the House Committee considers appropriate.

(2) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman, the committee may elect a chairman to act during such absence.

(3) A Bills Committee shall consist of not less than 3 members including the chairman. The quorum of a Bills Committee shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(4) A Bills Committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions.

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(5) A Bills Committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(6) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(7) A Bills Committee shall consider the general merits and principles, and the detailed provisions, of the bill allocated to it; and may also consider any amendments relevant to the bill.

(8) All matters for the decision of a Bills Committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(9) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of its deliberations and then report further to the Council.

(10) The deliberations of a Bills Committee on a bill may be discussed by the House Committee for the purposes of informing Members in preparation for resumption of the second reading debate on the bill in Council. Such deliberations shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(11) Subject to these Rules of Procedure, the practice and procedure of a Bills Committee and its subcommittees shall be determined by that Bills Committee. In any such determination, a Bills Committee shall take into account any guidelines provided under Rule 75(8) (House Committee).

77. Panels

(1) There shall be such number of committees, to be called Panels, as the House Committee considers appropriate and as the Council may approve.

(2) The terms of reference of a Panel shall be recommended by the House Committee and approved by the Council.

(3) A Panel shall monitor and examine, to the extent it considers necessary, policy matters referred to it by a member of the Panel or by the House Committee.

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(4) The members of a Panel shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee.

(5) The chairman of a Panel shall be elected by the Panel from among its members. The Panel may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman the Panel may elect a chairman to act during such absence. The chairman and deputy chairman of a Panel shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected.

(6) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.

(7) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.

(8) A Panel shall consist of not less than 6 members including the chairman. The quorum of a Panel shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(9) A Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel.

(10) A Panel or its subcommittee may, if it considers appropriate, meet jointly with any other Panel or its subcommittee for the purpose of considering any matter of common interest to the Panels. The quorum of a joint meeting shall be one third of the members of all the relevant panels or subcommittees including the chairman (a fraction of the whole number being disregarded). All matters for decision at a joint meeting shall be decided by a majority of the members voting. The chairman shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(11) A Panel shall meet at the time and the place determined by the chairman of the Panel. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(12) Meetings shall be held in public unless the chairman otherwise

orders in accordance with any decision of the Panel.

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(13) All matters for the decision of a Panel shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote. Such voting shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(14) A Panel may make such reports as it considers appropriate to the Council provided that there shall be at least one report during a session and where requested by the House Committee or on its own motion, make a report in writing to the House Committee on a particular matter.

(15) Subject to these Rules of Procedure, the practice and procedure of a Panel or its subcommittee shall be determined by that Panel. In any such determination, a Panel shall take into account any guidelines provided under Rule 75(8) (House Committee).

78. Select Committees

(1) The Council may in each session appoint one or more select committees to consider matters or bills which the Council may refer to the committee.

(2) The President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee.

(3) The quorum of a select committee shall be one third of the members excluding the chairman, a fraction of a whole number being disregarded.

(4) A select committee shall, as soon as it has completed consideration of the matter or bill referred to it, report to the Council thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the matter or bill before the end of the session, it shall so report to the Council.

(5) At the end of the session every select committee of the Council shall be dissolved.

79. Procedure of Select Committees

(1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Council, and in the case of a select committee on a bill shall be confined to the bill committed to it and relevant amendments.

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(2) A select committee shall meet at the time determined by the chairman. The meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(3) In the event of the temporary absence of the chairman and deputy chairman the committee may elect a chairman to act during such absence.

(4) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee.

(5) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(6) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(7) (a) A member of a select committee may bring a report for their consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr.'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(b) The committee shall then go through the report paragraph by paragraph and the provisions of Rule 58 (Procedure in Committee of the Whole Council on a Bill) shall apply as if the report were a bill and the paragraphs were the clauses of the bill.

(c) When consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered the chairman shall put the question that this report be the report of the committee to the Council.

(8) A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to

bring to the notice of the Council.

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(9) The minutes of proceedings of the committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(10) A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Council by the chairman of the committee.

80. Attendance of Witness

- (a) Any standing committee may summon, as required when exercising its powers and functions, persons concerned to testify or give evidence;
- (b) the House Committee or a Bills Committee, Panel or select committee(s), where so authorised by the Legislative Council, may summon, as required when exercising the committee's powers and functions, persons concerned to testify or give evidence,

but the Chief Executive may decide, in the light of security and vital public interests, whether Government officials or other personnel in charge of Government affairs should testify or give evidence before the Legislative Council or its committees.

81. Premature Publication of Evidence

(1) The evidence taken before a select committee and documents presented to the committee shall not, except in the case of meetings of the committee held in public, be published by a member of the committee or by any other person before the committee has presented its report to the Council.

(2) Any member of the committee who fails to comply with subrule (1) may be admonished or reprimanded by the Council on a motion to that effect.

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PART N

MISCELLANEOUS MATTERS

82. Employment of Members in Professional Capacity

No Member shall appear before the Council or any committee or subcommittee in a professional capacity for or on behalf of a party or in a capacity for which he is to receive a fee or award.

83. Registration of Interests

(1) Except for the purpose of making registration of interests under subrule (2), every Member shall, not later than the date specified by resolution made and passed by the Legislative Council, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(2) Every new Member of the Legislative Council shall, within 14 days from the date of his becoming a new Member to fill a vacant seat, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(3) Every Member shall furnish to the Clerk, in such form as may be approved by the President, particulars of any change in such registrable interests, within 14 days of any such change.

(4) The Clerk shall cause those particulars to be entered in a Register of Members' Interests and that register shall be available for inspection by any person during office hours.

(5) In this Rule, "registrable interests" means –

- (a) remunerated directorships of companies, public or private;
- (b) remunerated employments, offices, trades, professions or vocations;
- (c) the names of clients when the interests referred to above include personal services by Members which arise out of or are related in any manner to his membership of the Council;

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- (d) financial sponsorships, as a Member of the Council, by any person or organization, stating whether any such sponsorships include any payment or any material benefit or advantage to the Member or his spouse, whether direct or indirect;
- (e) overseas visits made by the Member or his spouse relating to or arising out of membership of the Council where the cost of any such visit has not been wholly borne by the Member or public funds;
- (f) any payments or any material benefits or advantages received by the Member or his spouse arising out of his membership of the Council from or on behalf of:
 - (i) any government or organization of a place outside Hong Kong; or
 - (ii) any person who is not a Hong Kong permanent resident;
- (g) land and property;
- (h) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital.

84. Personal Pecuniary Interest to be Disclosed

(1) A Member shall not vote upon any question, whether in the Council or in any committee or subcommittee, in which he has a direct pecuniary interest.

(2) A Member shall not move any motion or amendment relating to a matter in which he has a pecuniary interest, whether direct or indirect, or speak on any such matter, whether in the Council or in any committee or subcommittee, without disclosing the nature of that interest.

(3) In any debate or proceedings of the Council or any committee or subcommittee at which a Member is present he shall declare any direct pecuniary interests which he has in the matter.

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(4) A motion to disallow a Member's vote on the ground of his direct pecuniary interest under subrule (1) may be moved without notice by any Member immediately upon the statement of the numbers voting in the division by the President, Chairman of a committee of the whole Council or chairman, but not otherwise.

(5) The President, Chairman of a committee of the whole Council or chairman shall have discretion whether or not to propose the question upon such a motion; and in exercising such discretion he shall have regard to the nature of the question upon which the vote was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the inhabitants of Hong Kong and whether his vote was given on a matter of state policy.

(6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council, a committee of the whole Council, a committee or subcommittee for the duration of the debate and any vote on the question.

(7) If a motion for the disallowance of a Member's vote is agreed to, the President, Chairman of a committee of the whole Council or chairman shall direct the Clerk to the Legislative Council or the clerk to alter the numbers voting in the original division accordingly.

85. Sanctions relating to Interests

Any Member who fails to comply with Rule 83 (Registration of Interests) or 84(1), (2) or (3) (Personal Pecuniary Interest to be Disclosed) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

86. Admission of Press and Public

Subject to such rules as may from time to time be made by the President, members of the press and of the public shall be admitted as spectators of meetings of the Council. The Clerk shall ensure that such rules are complied with.

87. Disorderly Conduct

The President, Chairman of a committee of the whole Council or chairman of a committee or subcommittee may order the removal from a meeting of any member of the press or of the public who behaves, or who appears likely to

behave, in a disorderly manner.

88. Withdrawal of Members of the Press and of the Public

(1) At a meeting of the Council, a committee of the whole Council, a committee or a subcommittee a Member may without notice at any time rise and move that members of the press and of the public do withdraw, specifying whether the withdrawal is to be for the remainder of that day's meeting or during the consideration of certain business. The President, Chairman or chairman shall forthwith propose the question thereon and the Council, committee of the whole Council, committee or subcommittee shall dispose of it before proceeding further with the business which was before it when the motion was moved.

(2) The President or Chairman may at any time order members of the press and of the public to withdraw and the doors of the Council Chamber to be closed.

(3) When an order has been made by the Council, committee of the whole Council, committee or subcommittee, or by the President or Chairman under subrule (1) or (2), members of the press and of the public shall forthwith withdraw from the Council Chamber or the committee room in which the committee or subcommittee is meeting, and the Clerk or clerk shall ensure that the order is complied with.

89. Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings

(1) For the purpose of obtaining the leave of the Council under section 6(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that a Member may be required to attend as a witness in any civil proceedings on a day when the Council is meeting, the party to the proceedings requiring the Member so to attend on that day shall not later than 21 days before that day submit to the Clerk a written statement of the request and of the reasons why the attendance of the Member is required on that day.

(2) The request for leave shall be placed on the Agenda for the meeting next following the receipt thereof by the Clerk and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the party by whom the request for leave is made and also to the Member concerned.

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90. Procedure for Obtaining Leave to Give Evidence of Council Proceedings

(1) For the purpose of obtaining the leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that evidence may be given elsewhere in respect of the contents of minutes, records of evidence or any document laid before the Council or a committee or subcommittee, or in respect of any proceedings or examination held before the Council or a committee or subcommittee, the person seeking such leave shall submit to the Clerk a written statement of the request and the reasons therefor and such further information as the Clerk, on the direction of the President, may require in any particular case.

(2) The request for leave shall be placed on the Agenda for such meeting as the President may appoint and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the person by whom the request for leave is made.

(4) Where the leave of the Council referred to in subrule (1) is sought during any recess or adjournment or dissolution of the Council such leave may be given by the President or, if the President is unable to act, by the Member presiding.

91. Suspension of Rules

A motion which has the object or effect of suspending a Rule shall not be moved except after notice or with the consent of the President.

92. Procedure if Rules of Procedure do not Provide

In any matter not provided for in these Rules of Procedure, the practice and procedure to be followed in the Council shall be such as may be decided by the President who may, if he thinks fit, be guided by the practice and procedure of other legislatures.

93. Interpretation

In these Rules of Procedure, unless the context otherwise requires—

- (a) “Basic Law” means the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China;
- (b) the expression “clear days” excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays;
- (c) “designated public officer” means a public officer designated by the Government of the Hong Kong Special Administrative Region under Article 62(6) of the Basic Law;
- (d) “Clerk to the Legislative Council” means the Secretary General of the Legislative Council Secretariat appointed under section 15(1) of the Legislative Council Commission Ordinance (Cap. 443) and includes the Deputy Secretary General and any Assistant Secretary General of the Legislative Council Secretariat ;
- (e) “committee” means a standing or select committee or any other committee of the Council, or a subcommittee of such committees; and
- (f) references to printing include references to all mechanical, electrical, electronic and photographic methods of reproducing words in visible form.

Schedule

Procedure for the Election of the President of the Legislative Council

The election of the President of the Council shall be conducted at a meeting of the Council.

Nominations

2. Not less than 7 clear days before the day of the election, the Clerk to the Council shall invite Members to make nominations for the office of President and distribute the nomination forms as provided in **Annex I**.

3. A nomination form for the office of President shall be signed by a Member making the nomination and by at least three other Members seconding the nomination. The Member being nominated shall sign on the form to indicate acceptance of the nomination. The completed nomination form shall reach the Clerk's office at least 4 clear days before the day of the election.

4. The name of a Member shall not appear on more than one nomination form, whether in the capacity as a Member being nominated, or as a Member making the nomination, or as a Member seconding the nomination. In the event that a Member's name appears on more than one nomination form (whether in the capacity as a Member being nominated or as a Member making the nomination, or as a Member seconding the nomination), only the first such nomination form received by the Clerk's office shall be valid and the Clerk shall immediately return any invalid form to the Member who made the nomination.

5. Upon the close of the nomination period, the Clerk shall prepare a list of all the nominations in the order of receipt by his office and shall distribute the list to all the Members of the Council at least 2 clear days before the day of the election.

Election of Presiding Member

6. At the meeting for the election of the President, the Council shall first proceed with the election of a Member to preside over the election of the President, and the process shall be presided over by the Clerk.

7. The Clerk calls for nominations for the presiding Member. A valid nomination shall be made orally by a Member, seconded by at least one other Member who should not be the Member being nominated, and accepted by the Member being nominated.

8. If there is only one nomination to be the presiding Member, the Clerk shall announce this and declare the Member elected as presiding Member.
9. If there are two or more nominations, the Clerk shall announce a vote by secret ballot and shall arrange for a ballot paper which shall be in accordance with the form in **Annex II** to be distributed to each of the Members present.
10. A Member present who wishes to vote shall put down in legible form the name of the nominee of his choice on the ballot paper, and place the ballot paper into the ballot box.
11. After all the Members present who wish to vote have done so, the Clerk shall count the ballot papers in front of all the Members present. Any Member may request to check the result for confirmation.
12. The Clerk shall then announce the result and declare elected as the presiding Member the nominee who receives the highest number of valid votes among all the nominees.
13. If two or more nominees receive the same highest number of valid votes, the Clerk shall announce that lots will be drawn by him to determine which nominee should be elected.
14. The Clerk shall then draw lots accordingly and shall forthwith declare the nominee whose name is drawn, elected as the presiding Member.

Election of President

15. The presiding Member shall then assume the chair and the election of the President commences. The presiding Member shall announce all the valid nominations that the Clerk's office has received.
16. If there is only one valid nomination for the office of President, the presiding Member shall announce this and declare the candidate elected.
17. If there are two or more valid nominations, the presiding Member shall order a vote by secret ballot and shall direct the Clerk to distribute to each of the Members present a ballot paper which shall be in accordance with the form in **Annex III**. The names of all the candidates shall be listed in the ballot paper according to the order of receipt of their nominations by the Clerk's office.
18. A Member present who wishes to vote shall mark a "√" only in the box opposite the name of the candidate of his choice on the ballot paper, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with more than a "√" shall be discarded.

19. After all the Members present who wish to vote have cast their votes, the Clerk shall count the ballot papers in front of all the Members present and report the result to the presiding Member who shall check the result for confirmation.
20. The presiding Member shall declare elected as the President the candidate who receives the highest number of votes among all the candidates.
21. If two or more candidates receive the same highest number of votes, the presiding Member shall order a second round of voting at the same meeting in respect of these candidates, to be conducted in the same manner as provided in paragraphs 17 to 20 above.
22. If no one candidate obtains more votes than any other candidate in the second round of voting, the presiding Member shall announce that lots will be drawn by him to decide which of the candidates should be the President.
23. The presiding Member shall then draw lots and, in accordance with the result of the drawing of the lots, forthwith declare that candidate elected as the President.
24. The presiding Member shall then step down to make way for the President, who may address the Council and shall then proceed with the business of the meeting or adjourn the Council or suspend the meeting, as the case may be.

Annex I

To : Clerk to the Legislative Council

Election of the President of the Legislative Council

Nomination Form

1. In accordance with the election procedure prescribed under the Schedule to the Rules of Procedure, I nominate the Honourable _____
_____ for the office of President of the Legislative Council commencing _____
_____ (date).

	<u>Name</u>	<u>Signature</u>
Member making the nomination	_____	_____
Members seconding the nomination (at least three)	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

Date : _____

2. I accept the nomination.

	<u>Name</u>	<u>Signature</u>
Member being nominated	_____	_____

Date: _____

Annex II

立法會

Legislative Council

選舉主持立法會主席選舉的議員
Election of Member to preside at the election of
President of the Legislative Council

選票
BALLOT PAPER

請在下方空位清楚寫上你屬意的候選人姓名
Please put down in legible form the name of the
nominee of your choice in the space below.

Election of the President of the Legislative Council

Ballot Paper

Date of election: _____

VOTE FOR ONE CANDIDATE ONLY

MARK “✓” IN BOX OPPOSITE
 NAME OF CANDIDATE OF YOUR CHOICE

Name of candidate



1		
2		
3		
4		
5		

Note: If there are more or less than 5 candidates the final form of the Ballot Paper will be amended accordingly.