



STANDING ORDERS
OF THE
LEGISLATIVE COUNCIL
OF
HONG KONG

REPRINT—September 1991

*Made by the Legislative Council of Hong Kong on The Ninth Day of
October 1968 in pursuance of the provisions of Clause XXIII
of the Hong Kong Royal Instructions 1917 to 1991*

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**STANDING ORDERS OF THE LEGISLATIVE COUNCIL
OF HONG KONG**

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STANDING ORDERS
of the
LEGISLATIVE COUNCIL OF HONG KONG

MADE BY THE LEGISLATIVE COUNCIL OF HONG KONG ON THE NINTH DAY OF
OCTOBER 1968 IN PURSUANCE OF THE PROVISIONS OF CLAUSE XXIII OF THE
HONG KONG ROYAL INSTRUCTIONS 1917 TO 1991. (*G.N. 2049/68; L.N.*
258 of 1991)

PART A

MEMBERS AND OFFICERS OF THE COUNCIL

1. Oath or Affirmation

(1) Except for the purpose of enabling this order to be complied with, no Member of the Council shall sit 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 of all the elected Members is held, a Member who had previously made or subscribed such oath or affirmation shall again do so in compliance with this order before he sits or votes in the Council. (*L.N. 138 of 1971; L.N. 189 of 1985; L.N. 258 of 1991*)

(2) (*Repealed L.N. 258 of 1991*)

2. Language

(1) A Member may address the Council in either the English or the Cantonese language. (*L.N. 138 of 1971*)

(2) Every petition shall be in the English language or the Chinese language.

(3) A petition in the Chinese language shall be accompanied by an English translation certified to be correct by a court translator. (*L.N. 138 of 1971*)

(4) A petition in the English language shall be accompanied by a Chinese translation certified to be correct by a court translator. (*L.N. 138 of 1971*)

(5) This Standing Order shall come into effect on such date as the Governor may appoint by notice in the Gazette. (*L.N. 138 of 1971*) (*Came into effect 18.10.72—see L.N. 194 of 1972*)

**3. Presiding in Council and in Committee
of the whole Council**

(1) The Governor shall be the President of the Council and a Member, appointed by the Governor for that purpose, shall be Deputy President of the Council.

(2) The President, when present in the Council or a committee of the whole Council, shall preside or be Chairman.

(3) In the absence of the President from the Council or a committee of the whole Council, the Deputy President shall preside or be Chairman. In the absence of the President and Deputy President from the Council or a committee

of the whole Council, the senior ex officio Member present shall preside or be Chairman.

(4) The Deputy President or senior ex officio Member shall enjoy all those powers conferred by these Standing Orders on the President or Chairman that are exercisable in respect of the sitting, or part of the sitting, of the Council or a committee of the whole Council at which the Deputy President or that Member presides or is Chairman, or in respect of which the President has requested that he preside or be Chairman.

(5) The Deputy President shall enjoy such of those powers conferred by these Standing Orders on the President or Chairman of a committee of the whole Council, other than those powers mentioned in paragraph (4) of this order, as the President may specify by notice in the Gazette.

(L.N. 258 of 1991)

4. Duties of the Clerk

(1) 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.

(2) The Clerk shall be responsible for preparing from day to day an Order Book showing all future business of which notice has been given. The Order Book shall be open to the inspection of Members at all reasonable hours.

(L.N. 314 of 1976; L.N. 255 of 1983)

(3) The Clerk shall be responsible for preparing for each sitting an Order Paper showing the business for that sitting.

(4) 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 of the Council at all reasonable hours, and by other persons under arrangements approved by the President.

(5) 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. *(L.N. 138 of 1971; L.N. 258 of 1991)*

(6) The Clerk shall be responsible for providing every standing and select committee of the Council with a clerk. *(L.N. 258 of 1991)*

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

4A. Counsel to the Legislature

(1) The Law Draftsman shall be the Counsel to the Legislature.

(2) The Counsel to the Legislature shall—

(a) be responsible for advising the President and the Clerk on all matters relating to the procedure of the Council; *(L.N. 258 of 1991)*

(b) 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; and *(L.N. 258 of 1991)*

(c) discharge such other duties as may be assigned to him by or under these Standing Orders.

(L.N. 214 of 1984)

4B. Attendance of Public Officers

(1) The Governor may designate public officers to attend sittings of the Council or committees or subcommittees of the Council.

(2) A public officer designated under paragraph (1) of this order may give notice to the Clerk of items of business to be included in the Order Paper or the agenda of a committee or subcommittee.

(3) Where it appears to the Clerk, when preparing the Order Paper or the agenda showing the business for a sitting, that a particular item of business requires the attendance of a public officer designated under paragraph (1) of this order, the Clerk shall state, in respect of that particular item, the name of the office of that public officer.

(L.N. 258 of 1991)

4C. Participation of Public Officers in Proceedings

(1) The public officer whose office is stated in respect of a particular item of business in an Order Paper or an agenda for a sitting may attend at that sitting.

(2) These Standing Orders, except Standing Orders Nos. 1 and 6(1) (Oath or Affirmation), 3 (Presiding in Council and in Committee of the whole Council), 10 (Quorum), 13 (Petitions), paragraph (a) of Standing Order No. 29 (Interruptions), and the Standing Orders in Part J (Voting), shall apply, in relation to the item of business in respect of which a public officer attends a sitting, to that public officer as they apply to a Member who is an ex officio Member.

(L.N. 258 of 1991)

PART B**SESSIONS, SITTINGS AND ADJOURNMENTS OF THE COUNCIL****5. Sessions**

(1) At least one session of the Council shall be commenced in every calendar year, but a session commenced in one calendar year may be continued and concluded in the following year. *(L.N. 258 of 1991)*

(2) A session shall end on such date as the Governor may appoint by notice published in the Gazette, or on a dissolution of the Council, whichever is earlier. *(L.N. 178 of 1988)*

(3) A session shall begin on such date as the Governor may appoint by notice published in the Gazette, save that the period between the last sitting of one session and the first sitting of the next session shall not exceed 3 calendar months.

(L.N. 85 of 1973)

6. Proceedings at First Sitting of Session

(1) At the first sitting of a session Members who have not yet taken or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11), shall then do so. *(L.N. 138 of 1971; L.N. 189 of 1985)*

(2) The Governor, if he so wishes, shall then address the Council. *(L.N. 138 of 1971)*

(3) At a sitting not less than 14 days after the Governor has addressed the Council, a motion may be moved without notice for an address of thanks to the Governor for his address. *(L.N. 258 of 1991)*

(4) *(Repealed L.N. 258 of 1991)*

(5) A motion under paragraph (3) of this order shall be moved in the following form: *(L.N. 138 of 1971; L.N. 258 of 1991)*

“That this Council thanks the Governor for his address.”.

(6) Amendments may be moved to the motion described in paragraph (5) of this order only by way of adding words at the end of the motion and may be moved without notice. *(L.N. 138 of 1971; L.N. 258 of 1991)*

(7) If there is urgent business for the consideration of the Council at the first sitting of a session the Council shall proceed with that business, and the provisions of this order relating to the Governor’s address shall apply to the next sitting at which there is no urgent business for the consideration of the Council. *(L.N. 178 of 1988)*

7. Commencement of Sittings

(1) Sittings 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 six weeks shall not elapse between the date of one sitting and the date appointed for the next sitting in the same session. *(L.N. 85 of 1973; L.N. 258 of 1991)*

(2) Written notice of every sitting of the Council other than the first sitting of a new session shall be given by the Clerk to Members at least five clear days before the day of the sitting but in cases of emergency the President may dispense with such notice and in that event the longest possible notice shall be given. *(L.N. 258 of 1991)*

(3) The President may, at any time after he has determined the day and hour upon which a sitting is to begin, change the day or hour so determined to a later day or hour, or to an earlier day or hour. *(L.N. 258 of 1991)*

7A. Special Sittings during recess

During any period when the Council is in recess between the end of one session and the beginning of the next session the Governor may, where he is satisfied that the public interest so requires, determine that a sitting of the Council shall be held on such day and shall begin at such hour as he may specify, and for this purpose these Standing Orders shall apply to that sitting as they apply to a sitting held during a session.

(L.N. 214 of 1984; L.N. 178 of 1988)

7B. Sittings for urgent business after a dissolution

These Standing Orders shall apply to a sitting of the Council held for the consideration of urgent business following a dissolution of the Council as they apply to a sitting held during a session.

(L.N. 178 of 1988)

8. Hours of Sitting

(1) Unless otherwise determined under Standing Order No. 7 (Commencement of Sittings), every sitting of a session shall begin at 2.30 p.m. *(L.N. 258 of 1991)*

(2) At 8 p.m. the proceedings on any business under consideration shall be interrupted, any motion which has been moved in pursuance of Standing Order No. 30 (Adjournment of Debate or of Proceedings of a Committee) shall lapse, and if the Council is in committee the Council shall resume: (*L.N. 258 of 1991*)

Provided that, if the President is of opinion that the proceedings on which the Council is engaged could be concluded by a short deferment of the moment of interruption, he may in his discretion defer interrupting the business.

(3) If a division is in progress at 8 p.m., the business shall not be interrupted until after the declaration of the result of the division. (*L.N. 258 of 1991*)

(4) Save as provided in paragraph (4) of Standing Order No. 9 (Motions for the Adjournment of the Council), no new business shall be entered upon after the interruption of business under paragraph (2) of this order; but a motion to suspend this order shall not be new business. (*L.N. 214 of 1984*)

(5) When in the opinion of the President it is necessary for the proper completion of the business on the Order Paper at a sitting of the Council to continue any unfinished business on another day, the President may order that the sitting shall continue on such other day for that purpose. Where the President so orders at a sitting of the Council, the sitting shall stand suspended and shall resume for the continuation of business on such other day at the time mentioned in paragraph (1) of this order. (*L.N. 258 of 1991*)

(6) The President may at any time suspend a sitting or adjourn the Council.

9. 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 a matter or matters, 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 shall be moved by an ex officio Member, save that a Member other than an ex officio Member may move such a motion, with the permission of the President, if the President is satisfied that the adjournment is for the purpose of discussing a specific matter of urgent public importance. (*L.N. 138 of 1971; L.N. 221 of 1987; L.N. 258 of 1991*)

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

(4) After the interruption of business under paragraph (2) of Standing Order No. 8 (Hours of Sitting) or at the conclusion of all the business on the Order Paper, whichever is the earlier, an ex officio Member may move that this Council do now adjourn. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(5) On a motion moved under paragraph (4) of this order a Member other than an ex officio Member may raise any public matter for which the Government is responsible, with a view to eliciting a reply from an ex officio Member. (*L.N. 138 of 1971; L.N. 221 of 1987; L.N. 258 of 1991*)

(6) A Member who wishes to raise a matter under the provisions of paragraph (5) of this order shall give notice of the matter in writing to the President not less than seven clear days before the sitting at which he wishes to do so: (*L.N. 138 of 1971; L.N. 314 of 1976*)

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

(6A) The notice under paragraph (6) of this order shall be signed by the Member wishing to raise the matter and by three other Members:

Provided that the President may, if in his opinion the matter is an important one of public concern, dispense with the need to have the notice signed by three other Members. (*L.N. 258 of 1991*)

(7) If at the expiration of forty-five minutes, or such longer period as the President may at any sitting determine, from the moving of a motion under paragraph (4) of this order an ex officio Member has not yet been called upon to reply, the President shall direct the Member then speaking to resume his seat and shall call upon an ex officio Member to reply. (*L.N. 255 of 1983; L.N. 221 of 1987; L.N. 258 of 1991*)

(8) If at the expiration of one hour, or such longer period as the President may at any sitting determine, from the moving of the motion under paragraph (4) of this order such motion has not been agreed to, the President shall adjourn the Council without putting any question, provided that, with the permission of the President, valedictory speeches may be made without notice on the occasion of the retirement of a Member from the Council. (*L.N. 138 of 1971; L.N. 255 of 1983; L.N. 221 of 1987*)

10. Quorum

(1) The quorum of the Council and of a committee of the whole Council shall consist of twenty Members including the President or Chairman. (*L.N. 138 of 1971; L.N. 255 of 1983*)

(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 fifteen minutes have expired he is satisfied that 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 act as provided in paragraph (2) of this order, save that if he is satisfied that 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 taking part in a division, including those who abstained from voting, it appears that a quorum is not present, the division shall be invalid, the question on which it was held shall stand over until the next sitting, and the procedure prescribed in paragraph (2) or paragraph (3) of this order shall be followed.

PART C

ARRANGEMENT OF BUSINESS

11. Order of Business at a Sitting

(1) The business of each sitting other than the first sitting of a session shall be transacted in the following order:

- (a) Administration of oath or affirmation. (*L.N. 189 of 1985*)
- (aa) Obituary and other ceremonial speeches. (*L.N. 258 of 1991*)
- (b) Reading by the President of messages and announcements by the President.

- (c) Presentation of petitions.
 - (d) Laying on the Table of papers and of reports of select committees. (*L.N. 138 of 1971*)
 - (e) Asking and answering of questions put to the Government.
 - (f) Statements by ex officio Members. (*L.N. 221 of 1987; L.N. 258 of 1991*)
 - (g) Personal explanations.
 - (h) (*Repealed L.N. 258 of 1991*)
 - (i) Proceedings on motions and bills.
 - (j) Proceedings on motion for the adjournment of Council under Standing Order No. 9(4) to (8). (*L.N. 138 of 1971*)
 - (k) Valedictory speeches. (*L.N. 258 of 1991*)
- (2) The items of business mentioned in sub-paragraphs (a), (aa), (b), (c), (d), (f) and (g) of paragraph (1) of this order shall not require notice; but with the exception of items (a) and (b) they shall not be entered upon save with the previous leave of the President.

12. The Order Paper

- (1) The Order Paper shall be in English and Chinese. All items of business for a sitting of which notice has been given shall be placed on the Order Paper for that sitting in the order required by Standing Order No. 11 (Order of Business at a Sitting). (*L.N. 333 of 1988*)
- (2) All questions to the Government shall be placed on the Order Paper in accordance with the provisions of paragraph (1) and (2) of Standing Order No. 19 (Asking and Answering of Questions). (*L.N. 258 of 1991*)
- (3) Motions proposed to be made by and bills in the charge of ex officio Members or public officers shall be placed on the Order Paper before motions proposed to be made by and bills in the charge of Members other than ex officio Members. (*L.N. 221 of 1987; L.N. 258 of 1991*)

PART D

PETITIONS AND PAPERS

13. Presentation of Petitions

- (1) A petition may be presented to the Council only by a Member.
- (2) A Member who wishes to present a petition to the Council shall inform the President not later than the day before the sitting 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 on the recommendation of the Governor, 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 Hong Kong or for altering such a charge otherwise than by reducing it, or for compounding or remitting a debt due to the Crown. (*L.N. 255 of 1983*)
- (4) The signification of the Governor's recommendation 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 twenty Members then rise the petition shall stand referred to a select committee. (*L.N. 314 of 1976; L.N. 255 of 1983*)

14. Presentation of Papers

(1) A paper may be presented to the Council by an ex officio Member or, with the permission of the President, by a Member other than an ex officio Member. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(2) Whenever a Member 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 sitting and the Clerk shall record its laying and the date of publication in the minutes of the proceedings of that sitting.

(3) Whenever a paper has been laid on the Table of the Council, the Member presenting it may, with the permission of the President, address the Council thereon.

(4) At any sitting a Member may, with the consent of the President, address the Council on subsidiary legislation laid on the Table of the Council at that sitting or at any of the three sittings immediately preceding that sitting, but no debate may arise thereon. A Member who wishes to address the Council under this paragraph at any sitting shall inform the President of his wish before the beginning of that sitting. (*L.N. 158 of 1986*)

(*L.N. 138 of 1971*)

PART E

QUESTIONS TO THE GOVERNMENT

15. Nature of Questions

(1) Any Member other than an ex officio Member may address a question to the Government relating to a public matter for which the Government is responsible, and either seeking information on such matter or asking for official action with regard to it. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(2) A question shall specify whether an oral or a written reply is required. (*L.N. 258 of 1971*)

16. Question Time

(1) Questions may be asked at any sitting except the first sitting of a session.

(2) Not more than twenty questions of which notice has been given may be asked at any one sitting and the questions shall be counted by the Clerk in the order in which notice is delivered under Standing Order No. 17(2). (*L.N. 256 of 1976; L.N. 258 of 1991*)

(3) Where, in the opinion of the President, there will be no debate on a substantive motion at a sitting, no more than eight questions shall require an oral reply. Where, in the opinion of the President, there will be such a debate, no more than three questions shall require an oral reply. The questions shall be counted by the Clerk in the order in which notice is delivered under Standing Order No. 17(2). (*L.N. 258 of 1991*)

(4) In this order, "substantive motion" means a motion that is independent and not subsidiary to another motion, and does not include a motion under Standing Order No. 6 (Proceedings at First Sitting of Session) or under Parts K (Procedure on Bills) and L (Financial Procedure) of these Standing Orders. (*L.N. 258 of 1991*)

17. Notice of Questions

(1) A question shall not be asked without notice except as provided in paragraph (4) of this order.

(2) A Member shall give notice of a question by delivering to the office of the Clerk, not later than four clear days before the sitting at which an answer is required, a copy thereof signed by the Member. (*L.N. 138 of 1971*)

(3) A Member may not ask more than two questions of which notice has been given at any one sitting 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. (*L.N. 258 of 1991*)

(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.

18. 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. (*L.N. 258 of 1991*)
- (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.
- (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 paragraphs (7) and (8) of Standing Order No. 31 (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 Standing Order No. 15 (Nature of Questions) or of this order, he may direct—
- (a) that it be placed on the Order Paper 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.

19. Asking and Answering of Questions

(1) Every question in respect of which a Member has given due notice under the provisions of Standing Order No. 17 (Notice of Questions) and which complies with the provisions of Standing Order No. 18 (Contents of Questions) shall be put on the Order Paper for the sitting at which the Member has stated that he wishes to ask it.

(2) The questions to be asked at each sitting shall, subject to the provisions of paragraph (2) of Standing Order No. 16 (Question Time), be placed on the Order Paper 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 Order Paper 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 ex officio Member who is to answer it shall give his reply. (*L.N. 138 of 1971; L.N. 314 of 1976; L.N. 221 of 1987; L.N. 258 of 1991*)

(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 Standing Order No. 15 (Nature of Questions) or Standing Order No. 18 (Contents of Questions). (*L.N. 258 of 1991*)

(5) A Member shall not address 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 when his name is called, the question may with his consent be asked by another Member or otherwise shall be postponed until the next sitting. (*L.N. 255 of 1983*)

(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. (*L.N. 138 of 1971; L.N. 255 of 1983; L.N. 258 of 1991*)

(8) A Member who has given notice of a question may withdraw the question by giving notice in writing to the Clerk at any time before the question is put on the Order Paper or, where the question is already on the Order Paper for a sitting, by informing the President orally when his name is called at that sitting that he withdraws the question. (*L.N. 258 of 1991*)

PART F

STATEMENTS

20. Statements by ex officio Members

(1) An ex officio Member who wishes to make a statement on some public matter for which the Government is responsible shall inform the President of his wish before the beginning of the sitting at which he wishes to make the statement. (*L.N. 221 of 1987; L.N. 258 of 1991*)

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

PART G

MOTIONS

21. Notice of Motions and Amendments

(1) Except as otherwise provided in these Standing Orders, 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 four clear days before the day on which the motion is to be considered by the Council or a committee of the whole Council: (*L.N. 138 of 1971; L.N. 258 of 1991*)

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

(2) Except as otherwise provided in these Standing Orders, no amendment shall be moved to a motion unless—

- (a) notice of the amendment has been given not later than two days before the day on which the motion concerned is to be considered by the Council or a committee of the whole Council; or (*L.N. 258 of 1991*)
- (b) the President or Chairman, as the case may be, gives leave to dispense with notice of the amendment.

22. 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. The notice shall be signed by the Member wishing to move the motion or amendment.

(1A) A notice of an amendment to a motion shall be in English if the motion is in English and in Chinese if the motion is in Chinese. (*L.N. 333 of 1988*)

(1B) A notice of a substantive motion, in addition to being signed by the Member wishing to move the motion, shall be signed by three other Members:

Provided that the President may, if in his opinion the motion is an important one of public concern, dispense with the need to have the notice signed by three other Members. (*L.N. 258 of 1991*)

(2) 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.

(3) In this order, “substantive motion” means a motion that is independent and not subsidiary to another motion, and does not include a motion under Standing Order No. 6 (Proceedings at First Sitting of Session) or under Parts K (Procedure on Bills) and L (Financial Procedure) of these Standing Orders. (*L.N. 258 of 1991*)

23. Motions and Amendments requiring Recommendation

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, unless moved by an ex officio Member, require the recommendation of the Governor, which shall be notified by the Member when moving the motion or amendment.

(*L.N. 138 of 1971; L.N. 255 of 1983; L.N. 221 of 1987; L.N. 258 of 1991*)

24. 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. (*L.N. 314 of 1976*)

(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. (*L.N. 314 of 1976; L.N. 258 of 1991*)

(3) Amendments of which notice has been given or dispensed with in accordance with sub-paragraphs (2)(a) or (2)(b) of Standing Order No. 21 (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. (*L.N. 258 of 1991*)

25. 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. (*L.N. 138 of 1971*)

(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. (*L.N. 138 of 1971*)

(4) 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. (*L.N. 138 of 1971*)

(5) 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. (*L.N. 258 of 1991*)

26. Withdrawal of Motions and Amendments

(1) 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 fully 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 Standing Orders is given. (*L.N. 258 of 1991*)

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

PART H

RULES OF DEBATE

27. 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 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.

(5) A Member, other than a Member moving a motion or an ex officio Member, shall not, without the permission of the President, to be given only in exceptional circumstances, make a speech lasting more than fifteen minutes. (*L.N. 258 of 1991*)

28. 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; or
- (b) in explanation as provided in paragraph (2) of this order; or
- (c) in the case of the mover of a motion, in reply as provided in paragraph (3) of this order; or
- (d) upon a motion "That this Council thanks the Governor for his address" as provided in paragraph (6) of this order. (*L.N. 217 of 1980*)

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

(3) 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.

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

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

(6) An ex officio Member who has spoken on a motion "That this Council thanks the Governor for his address" may speak a second time upon that motion in reply to any matter raised during the debate on the motion. (*L.N. 217 of 1980; L.N. 221 of 1987; L.N. 258 of 1991*)

29. 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 elucidate 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.

30. Adjournment of Debate or of Proceedings of a Committee

(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. (*L.N. 138 of 1971*)

(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 an ex officio Member. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(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 order.

31. 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) It shall be out of order to attempt to reconsider a specific question on which the Council has taken a decision during the current session, except on a substantive motion to rescind that decision made 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 Her Majesty or of the Governor shall not be used to influence the Council.

(7) The conduct of Her Majesty and Members of the Royal Family shall not be called in question.

(8) The conduct of the Governor or Members of the Executive or Legislative Councils otherwise than in the performance of their official duties shall not be raised. (*L.N. 258 of 1991*)

(9) The conduct of Judges or other persons performing judicial functions shall not be raised. (*L.N. 258 of 1991*)

32. Behaviour of Members not speaking

During a sitting—

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

32A. Application of Rules to Committees

The rules in this Part shall apply to the proceedings in a standing or select committee unless the chairman of the committee orders otherwise.

(*L.N. 258 of 1991*)

PART I

RULES OF ORDER

33. 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.

(L.N. 258 of 1991)

34. 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. *(L.N. 258 of 1991)*

(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 sitting; and the Clerk shall act on orders received by him from the Chair to ensure compliance with this order. *(L.N. 258 of 1991)*

PART J

VOTING

35. Decision of Questions

(1) All questions put to the Council or a committee of the whole Council shall be decided by a majority of the votes of the Members present and voting. *(L.N. 258 of 1991)*

(2) The President or other Member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote. *(L.N. 258 of 1991)*

36. Collection of Voices

(1) When the President or Chairman puts a question to the Council or to the committee of the whole Council for its decision he shall first call upon those Members who are in favour of the question to say "Aye" and then upon those who are against the motion to say "No". *(L.N. 258 of 1991)*

(2) As soon as the President or Chairman has collected the voices of the Ayes and of the Noes, the question being then fully put no other Member may speak to it.

(3) The President or Chairman may, according to his judgment of the number of voices on either side, then state that he thinks the Ayes have it or

that he thinks the Noes have it, as the case may be; and if no Member challenges his statement as provided in the next succeeding paragraph he shall declare the question to have been so decided.

(4) If a Member challenges the statement of the President or Chairman that he thinks the Ayes or the Noes have it 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 the division shall be held forthwith immediately after a division bell has been rung for three minutes. *(L.N. 258 of 1991)*

(5) *(Repealed L.N. 258 of 1991)*

36A. 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 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 declare the result of the division accordingly.

(L.N. 258 of 1991)

37. Divisions

(1) Subject to Standing Order No. 36A, when a division has been ordered, the votes shall be taken by the Clerk, who shall ask each Member separately how he wishes to vote. A Member shall, upon his name being called, give his vote saying "Aye" or "No" or by expressly stating that he abstains from voting. *(L.N. 258 of 1991)*

(2) As soon as the Clerk has taken the votes, the President or Chairman shall state the number voting for the Ayes and for the Noes respectively and shall then declare the result of the division.

(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.

PART K

PROCEDURE ON BILLS

38. Form of Bills

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

(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. *(L.N. 258 of 1991)*

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

(3A) Bills may be presented in English or Chinese. *(L.N. 333 of 1988)*

(4) The clauses of the bill shall be preceded by the enacting formula prescribed by law.

(5) The bill shall be divided into clauses numbered consecutively and having a descriptive section heading above each clause. (*L.N. 178 of 1988*)

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

(7) 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 Her Majesty, Her heirs and successors, all bodies politic and corporate, and all others except such as are mentioned in the bill, and those claiming by, from and under them.

39. Notice of Presentation of Bills

(1) A Member 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 Standing Order No. 38 (Form of Bills), and in the case of a Member other than an ex officio Member, also by a certificate signed by the Counsel to the Legislature stating that the bill conforms to the requirements of that Standing Order and the general form of Hong Kong legislation. (*L.N. 214 of 1984; L.N. 221 of 1987; L.N. 258 of 1991*)

(2) In the case of a bill having any effect such as is described in Standing Order No. 23 (Motions and Amendments requiring Recommendation), the notice shall be accompanied by a certificate signed by the Chief Secretary, stating that the Governor's recommendation will be signified to the bill on second reading. (*L.N. 314 of 1976*)

(2A) 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 signed by the Chief Secretary stating that the Governor in Council has directed that the bill should be presented in the English language or, as the case may be, the Chinese language. (*L.N. 333 of 1988*)

(3) In the case of a bill presented by a Member other than an ex officio Member having any effect such as is described in paragraph (7) of Standing Order No. 38 (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 of which shall be a Chinese language newspaper. (*L.N. 255 of 1983; L.N. 221 of 1987; L.N. 258 of 1991*)

(4) A Member presenting a bill shall be known throughout the subsequent proceedings on the bill as the Member in charge of the bill.

(5) 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 Standing Orders to a Member in charge of a bill include a public officer in charge of a bill. (*L.N. 258 of 1991*)

40. 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 (*L.N. 258 of 1991*)

(b) the bill has already been published in the Gazette in accordance with paragraph (3) of Standing Order No. 39.

(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 present within Hong Kong, whereupon the bill shall be deemed to have been presented to the Council.

(L.N. 138 of 1971)

41. First Reading of Bills

(1) The short title of a bill presented to the Council in accordance with paragraph (2) of Standing Order No. 40 (Presentation and Publication of Bills) shall be placed on the Order Paper for first reading at such sitting as may be specified to the Clerk by the Member in charge of the bill. *(L.N. 138 of 1971)*

(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.

42. Second Reading

(1) In the case of a bill having any effect such as is described in Standing Order No. 23 (Motions and Amendments requiring Recommendation), the President shall call for the signification of the recommendation of the Governor by an ex officio Member 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 recommendation has been signified accordingly. *(L.N. 221 of 1987; L.N. 258 of 1991)*

(2) The signification of the Governor's recommendation shall be recorded in the minutes of proceedings.

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

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

43. 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 paragraph (2) of Standing Order No. 62 (Procedure of Select Committees).

44. Functions of Committees on Bills

(1) Any 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.

45. Amendments to Bills

(1) The provisions of this order 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 four 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. (*L.N. 255 of 1983*)

(3) The provisions of Standing Order No. 22 (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 paragraph (2) of that order.

(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. (*L.N. 333 of 1988*)

(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 Chairman, be to dispose of or charge any part of the revenue or other public moneys of Hong Kong, shall, unless moved by an ex officio Member, require the recommendation of the Governor, which shall be notified by the Member when moving the amendment. (*L.N. 138 of 1971; L.N. 255 of 1983; L.N. 221 of 1987; L.N. 258 of 1991*)

46. Procedure in Committee of the whole Council on a Bill

(1) The Chairman in 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. (*L.N. 138 of 1971; L.N. 314 of 1976; L.N. 178 of 1988*)

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

(3) The provisions of Standing Order No. 25 (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". (*L.N. 178 of 1988*)

(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.

(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.

(9A) No amendment to the reference to the year in the title by which the bill is to be cited if it becomes law shall be necessary, and that reference may be changed by the Law Draftsman to refer to the year in which the bill becomes law. (*L.N. 258 of 1991*)

(10) 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 fully put on it, if no Member objects.

(11) 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.

47. 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.

48. Procedure in Select Committee on a Bill

(1) A select committee on a bill shall be subject to all the provisions of Standing Order No. 62 (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 Standing Order No. 46 (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.

(3) When all the proceedings upon the bill have been concluded in a select committee and the committee have agreed to their report, the Chairman shall, at the next sitting 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.

49. 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 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 paragraph (1) of this order, 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 paragraph (3) of this order, 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.

50. 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 Standing Order No. 46 (Procedure in Committee of the whole Council on a Bill).

(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 Standing Order No. 46 (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 paragraph (1) of this order.

(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 recommitment, to the Council.

(4) When the bill has been so reported after recommitment, 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 Standing Order No. 47 (Procedure on Reporting of Bill from Committee of the whole Council) shall apply, and no further motion to recommit the bill shall be allowed.

51. 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 Hong Kong Legislative Council this day" giving the date. (*L.N. 138 of 1971*)

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

52. Withdrawal or Postponement of Bills

The Member in charge of a bill may, at the beginning of the proceedings on a bill at a sitting, announce that he withdraws or postpones the bill.

(*L.N. 138 of 1971*)

53. Presentation of Bill for Assent of Governor

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 Governor for his assent.

PART L

FINANCIAL PROCEDURE

54. 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 Hong Kong 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 sitting at which such bill is placed on the Order Paper for first reading. (*L.N. 258 of 1991*)

(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. (*L.N. 255 of 1983*)

(3) Subject to Standing Order No. 60(9), 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. (*L.N. 255 of 1983*)

55. 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 Standing Orders to a subhead or an item means a subhead or an item in the Estimates for the head then under discussion.

(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 proposed. Unless an amendment is proposed under the provisions of the next succeeding order, 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. (*L.N. 138 of 1971; L.N. 314 of 1976; L.N. 178 of 1988*)

(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. (*L.N. 138 of 1971; L.N. 178 of 1988*)

(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 an ex officio Member 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. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(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. (*L.N. 314 of 1976*)

56. 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, unless moved by an ex officio Member, require the recommendation of the Governor, which shall be notified by the Member when moving the amendment. (*L.N. 138 of 1971; L.N. 221 of 1987; L.N. 258 of 1991*)

(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 Order Paper.

(7) In the case of each head, amendments in respect of items or subheads in that head shall be placed on the Order Paper 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 Order Paper 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 Order Paper 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) (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 paragraph (3) of Standing Order No. 55 (Procedure in Committee of the whole Council on Appropriation Bill).

57. Third Reading of Appropriation Bill

The motion for third reading of the Appropriation Bill shall be decided without amendment or debate.

58. Supplementary Estimates and Excess Financial Provisions

(1) If an ex officio Member presents a paper setting out the financial requirements of any proposals,

- (a) for expenditure incurred or likely to be incurred in the course of the current financial year either in respect of a service or of several services for which no provision has been made in the Estimates for that year or in respect of further financial provision beyond the total sum already sanctioned for a particular head or subhead or for particular heads or subheads; or
- (b) for expenditure incurred in the course of a previous financial year in excess of the total sum sanctioned for a particular head or subhead or for particular heads or subheads by the Estimates or Supplementary Estimates for that year,

then that paper shall, subject to Standing Order No. 60(6), be ordered to be printed and shall stand referred to a committee of the whole Council. (*L.N. 255 of 1983; L.N. 221 of 1987; L.N. 258 of 1991*)

(2) At any time after a paper has been so referred to a committee of the whole Council an ex officio Member may give notice of a motion "That this Council approves the proposal (or proposals) set out in Paper No."; and such a motion shall be considered in committee of the whole Council. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(3) To the motion described in paragraph (2) of this order amendments may be moved to add words either leaving out or reducing an item or a subhead of any particular proposal or, if there be more than one proposal, leaving out any particular proposal:

Provided that no amendment shall be moved unless notice thereof has been given not less than three clear days before the day on which the motion is to be considered in committee.

(4) When the motion "That this Council approves the proposal (or proposals) set out in Paper No.", or that motion as amended, has been agreed to in committee, the Council shall resume and the Member who moved the motion shall report the motion or the motion as amended to the Council; and the Council shall thereupon be deemed to have agreed to the motion or to the motion as amended, as the case may be.

59. Supplementary Appropriation Bills

If a Supplementary Appropriation Bill is presented appropriating only sums of money which have been agreed to by the Council under Standing Order No. 58 (Supplementary Estimates and Excess Financial Provisions), then the debate on the second reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed to the bill shall not be committed and the question "That the bill be now read a third time" may be put forthwith and shall be decided without debate.

(L.N. 138 of 1971)

PART M

COMMITTEES

60. Finance Committee

(1) There shall be a standing committee, to be called the Finance Committee, the members of which shall be the Chief Secretary, the Financial Secretary and all the Members other than ex officio Members. *(L.N. 314 of 1976; L.N. 214 of 1984; L.N. 221 of 1987; L.N. 258 of 1991)*

(2) The Chief Secretary shall be the chairman of the committee and in the absence of the chairman the Financial Secretary shall act as chairman. *(L.N. 314 of 1976)*

(2A) 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 Standing Orders, and such as may from time to time be referred to the Committee by the Council. *(L.N. 255 of 1983)*

(2B) 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. *(L.N. 178 of 1988)*

(3) The committee shall sit at the times (including any time during the period when the Council is in recess between the end of one session and the beginning of the next session) and at the place determined by the chairman. Written notice of every sitting shall be given to the Members at least five clear days before the day of the sitting but shorter notice may be given in any case where the chairman so directs. The sittings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee. *(L.N. 255 of 1983; L.N. 24 of 1985; L.N. 178 of 1988; L.N. 258 of 1991)*

(4) The chairman and eight Members other than ex officio Members shall form a quorum. All matters before the committee shall be decided by a majority of the Members voting but no ex officio Members shall have a vote. *(L.N. 314 of 1976; L.N. 221 of 1987; L.N. 258 of 1991)*

(4A) 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, other than the ex officio Members, may signify his approval in writing submitted to the chairman. Unless any such matter has been so approved by all the members, other than the ex officio Members, (who shall be not less than eight in number) who are then in Hong Kong before the expiry of the period specified by the chairman for signifying the approval of members in respect of that matter, that matter shall be deemed to be referred for decision at a sitting of the committee. *(L.N. 221 of 1987; L.N. 258 of 1991)*

(4B) Paragraph (4A) shall apply during any period when the Council is in recess between the end of one session and the beginning of the next session as it applies during a session. (*L.N. 178 of 1988*)

(5) The clerk to the committee appointed under paragraph (6) of Standing Order No. 4 (Duties of the Clerk) shall attend the sittings of the committee. He shall keep a record of the proceedings of the committee and shall distribute a copy thereof to each Member before the next sitting. (*L.N. 24 of 1985*)

(6) Every proposal involving expenditure from public funds, of the nature described in paragraph (1) of Standing Order No. 58 (Supplementary Estimates and Excess Financial Provisions) shall first be considered by the Finance Committee and thereafter every such proposal which has been approved by the committee shall be submitted to a committee of the whole Council for its consideration and approval in the manner provided in Standing Order No. 58 (Supplementary Estimates and Excess Financial Provisions). (*L.N. 258 of 1991*)

(7) No proposal involving expenditure from public funds which has not been approved by the Finance Committee under paragraph (6) of this order shall be submitted to the Council for its consideration and approval, except on a substantive motion moved for that purpose by an ex officio Member. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(8) Nothing in paragraphs (6) and (7) shall limit or prejudice any action that may be taken under the provisions of the Public Finance Ordinance (Cap. 2). (*L.N. 255 of 1983*)

(9) The Estimates presented in accordance with the provisions of Standing Order No. 54 (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. (*L.N. 255 of 1983; L.N. 24 of 1985; L.N. 258 of 1991*)

(10) The chairman or the Committee may call any public officer, or, in the case of a head of the Estimates relating to a non-Government body or organization, any member or servant 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 their duties; and the Committee may also call any other person to assist the Committee in relation to any such information, explanation, records or documents. (*L.N. 258 of 1991*)

(11) Subject to these Standing Orders, the practice and procedure of the committee shall be determined by the committee. (*L.N. 258 of 1991*)

60A. 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 Legislative 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.

(1A) 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. (*L.N. 221 of 1987*)

(2) The Committee shall consist of a chairman and six members to be nominated by the President, all of whom shall be Members other than ex officio Members. The chairman and two other members shall constitute a quorum. In the event of the temporary absence of the chairman, the Committee may elect a chairman to act during that absence. (*L.N. 221 of 1987; L.N. 258 of 1991*)

(3) A report mentioned in—

(a) paragraph (1) shall be deemed to have been referred by the Council to the Committee for consideration upon its receipt by the President;

(b) paragraph (1A) shall be deemed to have been referred by the Council to the Committee when it is laid on the table of the Council. (*L.N. 221 of 1987*)

(3A) Unless the chairman otherwise directs, members of the public and of the press shall be admitted as spectators at meetings of the Committee attended by any person called by the Committee under paragraph (4). (*L.N. 214 of 1984*)

(4) The chairman or the Committee may call 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 servant 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 their duties; and the Committee may also call any other person to assist the Committee in relation to any such information, explanation, records or documents. (*L.N. 214 of 1984; L.N. 258 of 1991*)

(5) 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. (*L.N. 214 of 1984*)

(5A) The Committee shall make their report upon the report of the Director of Audit mentioned in paragraph (1A) 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. (*L.N. 221 of 1987*)

(6) Subject to these Standing Orders, the practice and procedure of the Committee shall be determined by the Committee.

(*L.N. 97 of 1978*)

60B. 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;
 - (e) to report to the Council and make recommendations, including a recommendation as to a sanction under Standing Order No. 65A (Sanctions relating to Interests).
- (2) The committee shall consist of a chairman and six other members, who shall be Members other than ex officio Members, appointed by the President.
- (3) The committee shall sit at the times (including any time during the period when the Council is in recess between the end of one session and the beginning of the next session) and at the place determined by the chairman. Written notice of every sitting shall be given to the members at least five clear days before the day of the sitting.
- (4) Sittings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.
- (5) The chairman and four members shall form a quorum. 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 shall have a casting vote.
- (6) The committee may call 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 Standing Orders, the practice and procedure of the committee shall be determined by the committee.

(L.N. 258 of 1991)

61. 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 nominate the chairman and members thereof.
- (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 they have completed consideration of the matter or bill referred to them, report to the Council thereon and the committee shall thereupon be dissolved. If the committee are of the opinion that they will not be able to complete consideration of the matter or bill before the end of the session, they shall so report to the Council.
- (5) At the end of the session every select committee of the Council shall be dissolved.

62. Procedure of Select Committees

- (1) The deliberations of a select committee shall be confined to the matter or matters referred to them by the Council, and in the case of a select committee on a bill shall be confined to the bill committed to them and relevant amendments.
- (2) A select committee shall sit at the times determined by the chairman. The sittings of a select committee shall be held in private unless the committee otherwise order.

(3) If the chairman is unable to be present at a sitting, the committee shall elect another chairman whose tenure of office shall be for the day of his election.

(4) The clerk to the committee appointed under paragraph (6) of Standing Order No. 4 (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee. (*L.N. 258 of 1991*)

(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 give 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 Standing Order No. 46 (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 they think fit to bring to the notice of the Council.

(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.

(11) Where so authorized under section 9(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382), the committee may call any person to attend before it and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person. (*L.N. 258 of 1991*)

63. Premature Publication of Evidence

The evidence taken before a select committee and documents presented to the committee shall not, except in the case of sittings of the committee held in

public, be published by a member of the committee or by any other person before the committee have presented their report to the Council.

(L.N. 189 of 1985)

PART N

MISCELLANEOUS MATTERS

64. Employment of Members in Professional Capacity

No Member shall appear before the Council or a committee thereof as a legal practitioner for or on behalf of a party or in a capacity for which he is to receive a fee or award.

64A. Registration of Interests

(1) Every Member shall, not later than fourteen days before the first sitting of each session, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(2) 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 fourteen days of any such change.

(3) 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.

(4) In this order, "registrable interests" means—

- (a) remunerated directorships of companies, public or private;
- (b) remunerated employments or offices;
- (c) remunerated trades, professions or vocations;
- (d) 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;
- (e) financial sponsorships—
 - (i) as a candidate for election to the Council, where to the knowledge of the Member the sponsorship exceeds 25% of his election expenses; or
 - (ii) as a Member of the Council, by any person or organization, stating whether any such sponsorships include any payment to the Member or any material benefit or advantage, direct or indirect;
- (f) overseas visits 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;
- (g) any payments or any material benefits or advantages received from or on behalf of foreign governments, organizations or persons;
- (h) land and property of substantial value or from which a substantial income is derived;
- (i) 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.

(L.N. 258 of 1991)

65. Personal Pecuniary Interest to be Disclosed

(1) A Member shall not move any motion or amendment relating to a matter in which he has a direct personal pecuniary interest or speak or vote on any such matter, whether in the Council or in any committee, without disclosing the nature of that interest.

(2) A motion to disallow a Member's vote on the ground of non-disclosure of his personal pecuniary interest may be moved without notice by any Member immediately upon the statement of the numbers voting in the division by the President or Chairman, but not otherwise.

(3) The President 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. (*L.N. 255 of 1983*)

(4) 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 or committee for the duration of the debate and any vote on the question.

(5) If a motion for the disallowance of a Member's vote is agreed to, the President or Chairman shall direct the Clerk to alter the numbers voting in the original division accordingly.

65A. Sanctions relating to Interests

Any Member who fails to comply with Standing Order No. 64A or 65(1) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

(*L.N. 258 of 1991*)

66. Admission of Press and Public

Subject to such rules as may from time to time be made by the President, members of the public and of the press shall be admitted as spectators of sittings of the Council. The Clerk shall ensure that such rules are complied with.

67. Withdrawal of Strangers

(1) A Member may without notice at any time rise and move that strangers do withdraw, specifying whether the withdrawal is to be for the remainder of that day's sitting or during the consideration of certain business. The President or Chairman shall forthwith propose the question thereon and the Council or committee 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 strangers to withdraw and the doors of the Council Chamber to be closed.

(3) When an order has been made by the Council or committee, or by the President or Chairman, for the withdrawal of strangers, members of the public and of the press shall forthwith withdraw from the Council Chamber and the Clerk shall ensure that the order is complied with.

67A. 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 sitting, 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 Order Paper for the sitting next following the receipt thereof by the Clerk and, unless on a motion moved at that sitting 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.

(L.N. 258 of 1991)

67B. 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 in respect of any proceedings or examination held before the Council or a committee, 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 Order Paper for such sitting as the President may appoint and, unless on a motion moved at that sitting 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 paragraph (1) of this order 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 Deputy President appointed by the President for the purposes of this paragraph.

(L.N. 258 of 1991)

68. Suspension of Standing Orders

A motion which has the object or effect of suspending a standing order shall not be moved except after notice or with the consent of the President.

69. Procedure if Standing Orders do not provide

In any matter not provided for in these Standing Orders, 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 the House of Commons of the United Kingdom.

(L.N. 138 of 1971)

70. Interpretation

In these Standing Orders, unless the context otherwise requires—

- (a) references to printing include references to all mechanical, electrical and photographic methods of reproducing words in visible form;
- (b) the expression “clear days” excludes the day of the giving of a notice, the day of a sitting and intervening public holidays.

(L.N. 138 of 1971)

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