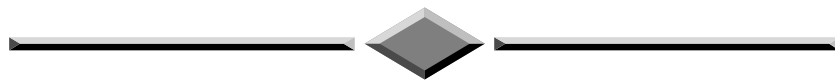
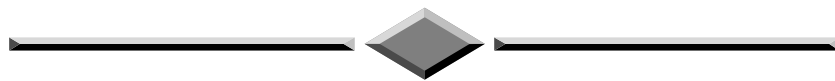


香港特別行政區  
立法會

*LEGISLATIVE COUNCIL  
OF THE HONG KONG  
SPECIAL ADMINISTRATIVE REGION*



內務守則  
House Rules



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# 內 務 守 則

## House Rules

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至2021年10月29日的修訂本  
Amended to 29 October 2021

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- I. Procedure for the Special Forum for Presentation of Platform and Answering of Questions by Candidate for the Office of President of the Legislative Council
- IA. Procedure for the Election of Member to Preside at a Council Meeting in the Absence of the President of the Legislative Council and the President's Deputy
- II. Procedure on the Moving of Motion for the Withdrawal of Member or Disallowance of Vote on Grounds of Direct Pecuniary Interest
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## **COUNCIL MEETINGS**

### **1. Order of Members to Make or Subscribe Oath or Affirmation**

- (a) The order for a Member to make or subscribe an oath or affirmation shall be determined according to the continuous period of time for which he has held office in the Council; a Member who has held office in the Council for a longer continuous period of time shall make or subscribe an oath or affirmation first.
- (b) As between two or more Members who have held office for an equal continuous period of time, their order shall be determined according to the number of strokes in the traditional characters of the Members' names in Chinese; a Member whose name has the least number of strokes shall make or subscribe an oath or affirmation first.

### **1A. Election of the President of the Legislative Council**

- (a) The President of the Legislative Council is to be elected by and from among the Members.
- (b) The election of the President shall be conducted as soon as practicable after Members have made or subscribed an oath or affirmation in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11).
- (c) If, in the course of the term of the Legislative Council, the President resigns from office but remains a Member of the Council, a re-election of the President shall be conducted as soon as practicable but in any case not later than the date of the third meeting of the Council following the receipt of the resignation. The incumbent President shall determine the day of the re-election. If his resignation from the office of President has already come into effect, the President's Deputy shall determine the day of the re-election.

- (d) If, in the course of the term of the Legislative Council, the President ceases to be a Member of the Council, a re-election of the President shall be conducted by order of the President's Deputy as soon as practicable but in any case not later than the date of the third meeting of the Council following the assumption of office by the Member filling the vacancy arising from the President's ceasing to be a Member of the Council.
- (e) The procedure for the election or re-election of the President, which is not conducted at a Council meeting, is set out in Schedule 1 to the Rules of Procedure. The election or re-election shall be held in the Council Chamber or another venue as arranged by the Clerk to the Legislative Council. When conducting the election or re-election, the Clerk to the Legislative Council may do such acts and things as he considers necessary to ensure that the election or re-election is held in an orderly and effective manner.
- (f) Prior to the election or re-election of the President, a candidate for the presidency shall present his platform and answer questions from Members at a special forum which is not a Council meeting. The procedure for the conduct of the forum is set out in Appendix I.

#### **1B. Procedure for Electing a Member to Preside at a Council Meeting**

In the absence of the President and the President's Deputy from a Council meeting, or when in their opinion they are unable to act, the Members present shall, in accordance with the procedure set out in Appendix IA, elect among themselves a Member to preside at that meeting.

#### **1C. Observance of Silence**

- (a) The President may order or allow an observance of silence at a Council meeting. Should a Member wish to initiate an observance of silence at a Council meeting, prior permission of the President shall be obtained before that meeting.
- (b) An observance of silence shall take place only at the beginning of a Council meeting.



**2. Address on Papers, Bills Committee Reports, Subsidiary Legislation and Instruments Tabled in the Council**

A Member who seeks the President's permission to address the Council under Rule 21(3), (4A) or (5) of the Rules of Procedure on the following matters should provide an advance copy of the intended address to enable the President to decide whether the address may provoke a debate, which is not permitted under Rule 21(6) of the Rules of Procedure:

- (a) a paper tabled in the Council;
- (b) a report of a Bills Committee or of a committee to which a bill has been referred for consideration under Rule 54(4) of the Rules of Procedure tabled in the Council and presented at the Council meeting at which the resumption of the second reading debate on the bill for the purpose of making an announcement for the withdrawal of the bill takes place; or
- (c) subsidiary legislation or an instrument tabled in the Council.

**3. Withdrawal of Member or Disallowance of Vote on Grounds of Direct Pecuniary Interest**

- (a) A motion for the withdrawal of a Member on grounds of his direct pecuniary interest may be moved without notice by any Member after the President or Chairman of a committee of the whole Council has put the question on the original motion but before the vote is taken. The procedure on the moving of a motion for the withdrawal of a Member is in Appendix II.
- (b) A motion to disallow a Member's vote on grounds of his direct pecuniary interest may be moved without notice by any Member immediately upon the statement by the President, Chairman of a committee of the whole Council or chairman of his judgment on whether there is a required majority or, if a division has been ordered, upon his statement of the numbers of Members recorded in the division. The procedure on the moving of a motion to disallow a Member's vote is also in Appendix II.

#### **4. The Chief Executive's Question and Answer Session**

- (a) The Chief Executive may at his discretion attend meetings of the Council to answer Member's questions put to him on the work of the Government. Each Question and Answer Session lasts for about one hour.
- (b) Questions that Members may put to the Chief Executive at these sessions are normally confined to specified topic(s) notified in advance.
- (c) Members who have asked the least number of questions at previous sessions within the term of the Legislative Council are given priority to ask questions. Where there are Members with equal priority, the President will have the discretion to decide whom to be called first.
- (d) The Member asking a question is allowed to ask a short supplementary question on his question. For the purpose of computation, a supplementary question asked by a Member on his original question will not count as an additional question. A supplementary question asked by another Member will, however, count as one question.

#### **5. Registration of Questions to the Government at Meetings**

- (a) Registration of questions by the Secretariat is in the order of receipt.
- (b) Each Member is limited to registering only one oral and one written or alternatively two written questions per calendar week ending at 12:00 midnight on Friday. When a question is passed for registration, draft wording sufficient to identify the subject matter and the scope of the question should be provided.
- (c) Where two or more Members have put in questions of similar content, the Members concerned should try to reach an agreement on who will ask the question, failing which the Member who has an earlier slot will ask the question.

## **6. Form of Questions**

- (a) Questions should be precise and to the point.
- (b) Multiple questions within a single oral question may be ruled out of order and should be avoided.
- (c) Questions requiring very extensive research efforts for replies, e.g. statistics relating to an unduly long period of time, should be avoided. If necessary, questions requiring statistics should be asked more appropriately as written questions.
- (d) Questions should not raise matters of policy too wide to be dealt with in a single reply.

## **7. Number and Allocation of Questions**

- (a) Where there is no debate on a motion not intended to have legislative effect at a meeting, no more than 10 oral questions shall be asked. Where, in the opinion of the President, there will be such a debate at a meeting, no more than six oral questions shall be asked.
- (b) Under Rule 24(3) of the Rules of Procedure, each Member is normally limited to asking only one oral and one written or alternatively two written questions at any one meeting. Where 22 or more Members wish to raise questions at a meeting, each Member is allowed to raise only one question. However, questions asked under Rule 26(6) and (6A) of the Rules of Procedure are not counted for the purpose of these restrictions.
- (c) The allocation of questions to be asked at a meeting is normally based on the order of registration of the questions by the Secretariat. Where there are more questions to be raised by Members than can be scheduled for the same meeting and subject to (b) above, priority will be given to Members who have been allocated the least slots respectively for oral or written questions within the session.

- (d) Members may be accorded priority to ask questions with the agreement of the House Committee. Topical interest, public concern and urgency of questions, if any, will be taken into account by the House Committee when making decisions in this regard.
- (e) At the Council meetings for debate on the Appropriation Bill and for the policy debate, there will be no arrangement for Members to put oral questions to the Government.

## **8. Supplementary Questions**

- (a) The Member who has asked a question in Council is usually given the opportunity to ask the first supplementary question.
- (b) A supplementary question should be short and to the point.
- (c) A supplementary question should not contain more than one question.
- (d) A supplementary question should be framed as a question and should not include statements, contain inferences, suggest its own answer or ask for confirmation of rumours or press reports.
- (e) To facilitate accurate interpretation of supplementary questions, particularly where they are of necessity complex, Members should speak slowly when asking supplementary questions.

## **9. Follow-up on Oral Questions**

If a Member feels that his question has not been fully answered, the Member should rise on a point of order and say "Follow-up, President." It is for the President to rule whether a follow-up question should be allowed. Follow-up questions are not counted as supplementary questions for determining priorities.

**9A. Time Limit on an Oral Question**

The time taken by an oral question (including any supplementary or follow-up question and all answers) should not exceed 22 minutes in total, of which not more than –

- (a) three minutes should be used to read out the main question set out on the Agenda of the Council;
- (b) seven minutes should be used to give the main reply; and
- (c) one minute should be used to ask a supplementary or follow-up question.

**10. Urgent Questions**

To assist the President in considering requests for asking urgent questions without the required notice, the Member concerned should, where practicable, first seek the agreement of the House Committee before submitting an urgent question to the Clerk to the Legislative Council, together with a statement setting out the reasons for the request. A sample statement is in Appendix III. A Member who wishes to seek the agreement of the House Committee for such a request should notify the chairman of the House Committee before the deadline for proposing agenda items for a meeting as stated in rule 20(f)(i), unless otherwise decided by the chairman of the House Committee.

**11. Question Scheduled for Meeting but not Asked by Member**

- (a) Under Rule 26(6A) of the Rules of Procedure, if the President is satisfied that a Member is not present to ask his oral question and no other Member present has the consent of the Member to ask the question, the President shall call upon the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, to ask the question at the Council meeting at which the question is to be asked. In the event that both the chairman and deputy chairman of the House Committee are not present, the President shall call upon the Member present who has the highest precedence in the order of precedence of Members as determined in accordance with Rule 1A (Precedence of Members) to ask the question.

- (b) For the purpose of the queuing system for questions, the Member who is not present to ask his oral question will be regarded as having asked a question for oral reply.

## **12. Public Officer not Present at the Time the Question is Asked**

In the event that a public officer is late for answering a question, the President may exercise his discretion to defer the question to the end of the question time.

## **13. Number of Debates Initiated by Members**

- (a) Not more than two motion debates initiated by Members should be held at each regular Council meeting. However, the holding of more than two such motion debates or an adjournment debate pursuant to Rule 16(4) of the Rules of Procedure in addition to not less than two such motion debates may be allowed by the President under special circumstances upon the recommendation of the House Committee.
- (b) The motion debates mentioned in (a) above do not include debates on the following types of motions -
  - (i) particular motions (Part JA of the Rules of Procedure);
  - (ii) motions relating to bills (Part K of the Rules of Procedure);
  - (iii) motions to appoint a select committee and refer matters to it (Rules 78 and 79 of the Rules of Procedure), other than those mentioned in item (viib) below;
  - (iv) motions to amend or suspend the Rules of Procedure;

- (v) motions moved under an ordinance (e.g. Section 34 or 35 of the Interpretation and General Clauses Ordinance (relating to the Council's power on subsidiary legislation));
  - (vi) motions on reports of the House Committee on the consideration of subsidiary legislation and other instruments (Rule 49E of the Rules of Procedure);
  - (vii) motions for the adjournment of the Council (Rule 16(2) and (4) of the Rules of Procedure);
  - (viiia) motions moved under Article 73(5) and (10) of the Basic Law;
  - (viiib) motions moved under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382); and
  - (viii) motions other than those mentioned above which, if carried, empower the Council, a committee, the President or other person(s) to do a certain act, or invoke certain provisions under the laws or the Rules of Procedure.
- (c) A debate on motion under Rule 91 of the Rules of Procedure shall not be held except with the recommendation of the House Committee and after written notice has been given and with the consent of the President.

#### **14. Allocation of Slots for Debates to Individual Members**

- (a) Each Member is normally allocated three slots for moving motion debates in a term.
- (b) A Member who wishes to move a motion for debate at a Council meeting shall make a prior application for the allocation of a debate slot. An application for a debate slot at a particular meeting should be submitted with the subject and the wording of the motion to the Secretariat not later than 14 clear days before that meeting.

- (c) No application will be accepted after the cut-off date in (b) above, even if there is any untaken slot. If the subject matter of the proposed motions submitted by Members is substantially the same, the Member who first secures a debate slot has priority to move the subject matter for debate.
  
- (d) If more than two applications in respect of the same Council meeting have been received from Members by the cut-off date in (b) above, the two debate slots for that meeting will be allocated according to the following descending order of priority:
  - (i) a Member who has not been allocated a debate slot in the term and has been unsuccessful for the highest number of times in the previous two or more applications;
  - (ii) a Member who has not been allocated a debate slot in the term;
  - (iii) a Member who has been allocated the fewest number of debate slot(s) in the term and has been unsuccessful for the highest number of times in the previous two or more applications; and
  - (iv) a Member who has been allocated the fewest number of debate slot(s) in the term.

If the number of Members who are of equal priority for allocation exceeds the number of slot(s) available for allocation, a ballot will be conducted by the chairman of the House Committee for determining the allocation of the debate slot(s).

- (e) A Member who has been unsuccessful in his application for a debate slot for a Council meeting may use the debate slot allocated to another Member for that meeting if a request for transfer of the slot is made and agreed to by that other Member 12 clear days before the date of that meeting and that the Member who makes the request must not have previously been allocated four or more debate slots in a term.



- (f) Where a Member has transferred his allocated debate slot to another Member pursuant to (e) above, there shall be no further transfer of that slot.
- (g) Where a Member has transferred his allocated debate slot pursuant to (e) above, his priority in an allocation of debate slots to be made under (d) above in respect of a Council meeting to be held after the one to which the transferred slot relates shall be determined subject to the following -
  - (i) he shall not be regarded as having been allocated a debate slot notwithstanding the allocation of the slot that he has so transferred; and
  - (ii) all his previous unsuccessful applications for a debate slot, if any, that were taken into account in the allocation of the slot that he has so transferred shall be disregarded.
- (h) For the purpose of this rule, the Member to whom a debate slot has been transferred pursuant to (e) above is regarded as having been allocated a slot.
- (i) Notwithstanding the method of allocation stated above, with the agreement of the House Committee, Members may be given priority in respect of the allocation of slots for debates on urgent, important and topical issues. A debate slot allocated in accordance with such priority shall not be transferred pursuant to (e) above.
- (j) A mover of a motion may withdraw a notice of a motion at any time before it is moved by giving instructions to the Clerk. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the Member is deemed to have been allocated a debate slot.

- (k) Where the mover of a motion withdraws a motion during a Council meeting, the debate slot will be treated in one of the following manners -
  - (i) the Member is regarded as having used his debate slot; or
  - (ii) with the agreement of the House Committee, the Member may move the withdrawn motion at the first available slot at a subsequent Council meeting. However, the number of motion debates at the Council meeting should not thus exceed two.
- (l) Where the House Committee makes prior suggestion to the mover of a motion for deferring his debate, and the mover accepts the suggestion, his debate slot will be treated in accordance with (k)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, his debate slot will be treated in accordance with (k)(i) above.

**14A. Allocation of Slots for Debates to Chairmen of Committees of the Council**

- (a) A slot will be automatically allocated to the chairman of a Panel for moving, in accordance with a Panel's decision, a motion for debate at a Council meeting provided that:
  - (i) the motion is on a consultative document published by the Government and will be debated before the expiry of the consultation period;
  - (ii) the motion is neutrally-worded without stating any stance; and
  - (iii) no amendment to the motion will be proposed.
- (b) The slot so allocated will not be counted as the mover's own slot as an individual Member.
- (c) Only one slot will be allocated for such purpose for each Council meeting.

- (d) A Panel's request for debate slot at a particular Council meeting should be submitted with the wording of the motion to the Secretariat before the relevant cut-off date for application for debate slots.
- (e) Except with the agreement of the House Committee, each Panel will normally be allocated not more than one such slot in a session.
- (f) Where there are more than one application from Panels in respect of the same Council meeting, priority will be given to the debate on the consultative document with the earliest deadline for concluding the consultation. Where the deadlines are the same, allocation will be determined by balloting. The Panel(s) which is not allocated a slot under this subrule may be allocated one at the next or subsequent Council meeting(s), depending on the number of Panels requesting the slots and the order of priority as determined by the ballot.
- (g) The automatic allocation of slots mentioned in (a) above does not apply to cases in which a Panel requests that a debate slot be allocated to its chairman for moving a motion on matters other than as stated in (a)(i) above, or that a debate slot be allocated to the chairman of the House Committee, even if the motion is on a consultative document published by the Government.
- (h) Requests by a Panel mentioned in (g) above and similar requests from other committees and subcommittees of the Council for priority allocation of debate slots shall be put forward to the House Committee for consideration on a case-by-case basis. Should the House Committee accede to such a request, the debate slot shall not be counted as the mover's own slot.
- (i) The chairman of a Panel, committee or subcommittee who has been so allocated a slot may withdraw the notice of the motion at any time before it is moved by giving instructions to the Clerk. Unless the notice of withdrawal is given before the deadline for giving notice of motion (i.e. 12 clear days before the meeting), the chairman of the Panel, committee or subcommittee is deemed to have been allocated a debate slot for the purposes of this rule.

- (j) Where the chairman of the Panel, committee or subcommittee withdraws the motion during a Council meeting, the debate slot will be treated in one of the following manners -
  - (i) the chairman of the Panel, committee or subcommittee is regarded as having used the debate slot for the purposes of this rule; or
  - (ii) with the agreement of the House Committee, the chairman of the Panel, committee or subcommittee may move the withdrawn motion at the first available slot at a subsequent Council meeting. However, the number of motion debates at the Council meeting should not thus exceed two.
- (k) Where the House Committee makes prior suggestion to the chairman of the Panel, committee or subcommittee for deferring the debate, and the mover accepts the suggestion, the debate slot will be treated in accordance with (j)(ii) above. If the mover does not accept the suggestion and the motion is withdrawn only during the Council meeting, the debate slot will be treated in accordance with (j)(i) above.
- (l) A debate slot allocated pursuant to this rule shall not be transferred pursuant to rule 14(e) above.

## **15. Order of Debates on Motions**

- (a) Debates on motions such as those listed in rule 13(b)(i) to (v) and (viii) above shall take place before debates on motions not intended to have legislative effect moved by individual Members who have been allocated debate slots in accordance with rule 14 above.
- (aa) Debates on motions referred to in rule 13(b)(vi) above shall not take place before debates on motions not intended to have legislative effect moved by individual Members who have been allocated debate slots in accordance with rule 14 above.

- (ab) Unless with the prior agreement of the House Committee, debates on motions such as those listed in rule 13(b)(viiia) and (viiib) above shall not take place before debates on motions not intended to have legislative effect moved by individual Members who have been allocated debate slots in accordance with rule 14 above.
- (b) Where two individual Member's motion debates are scheduled for the same meeting, the order of debating these motions will be determined by drawing lots unless otherwise agreed between the two Members concerned.
- (c) The debate on a motion to be moved by the chairman of a Panel, committee or subcommittee who has secured the debate slot in accordance with rule 14A above shall take place before the other individual Member's motion to be debated at the same Council meeting.

## **16. Views of Members Absent from Debates**

A Member who wishes to take part in a debate but who cannot attend the meeting at which the debate is held may request another Member speaking in the debate to express his views in the speech. A Member who has undertaken to express an absent Member's views in the debate should express his own views first in his speech and then say that these views are shared by the absent Member. The Member speaking should not read out a speech prepared by the absent Member, nor should the Member speaking express the absent Member's views at length and then simply say at the end that he agrees with such views.

## 17. Motion Debates

- (a) The minimum notice periods required for formal notice of motions and amendments to motions are as follows -

	Minimum notice required	Rules of Procedure
(i) Notice of a motion on a report of the House Committee on the consideration of subsidiary legislation and other instruments	2 clear days	Rule 49E
(ii) Notice of a motion other than that mentioned in (a)(i) above	12 clear days	Rule 29(1)
(iii) Notice of amendment to a motion mentioned in (a)(ii) above	5 clear days	Rule 29(6)(a)

- (b) Unless otherwise decided by the House Committee, the duration of debates (including voting on the motion and amendment(s) thereto) and speaking time limits of Members in debates set out in Appendix IIIA shall be deemed to have been agreed by the House Committee and shall be recommended to the President under Rule 37 of the Rules of Procedure. Notwithstanding this, the President or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits.
- (c) When a motion to adjourn a motion debate is moved and where the House Committee has made a recommendation to the President under Rule 37 of the Rules of Procedure, Members speaking on the motion must limit their speeches to the recommended specified time if it is accepted by the President. Members should speak to that motion and not to the original motion.

## **18. Adjournment Debates**

- (a) The subject matter and scope of an adjournment debate must be specified at the time of application. A proposer must not subsequently seek to change the subject matter of the debate.
- (aa) The duration of an adjournment debate held pursuant to Rule 16(2) of the Rules of Procedure will be kept within one and a half hours unless extended by the President. If the proposer is a Member, the Member may speak for up to five minutes for the introductory speech, and up to five minutes in reply, and any designated public officer attending the debate may speak for up to 15 minutes. If the proposer is a designated public officer, the designated public officer may speak for up to five minutes for the introductory speech, and up to 15 minutes in reply. Other Members may each speak for up to five minutes in the debate.
- (b) The duration of an adjournment debate held pursuant to Rule 16(4) of the Rules of Procedure will be kept within one and a half hours (75 minutes for speeches by Members and 15 minutes for replies by designated public officers) unless extended by the President. Each Member, including the proposer, may speak for up to five minutes in the debate.
- (c) An adjournment debate that is to be held at a meeting of the Council pursuant to Rule 16(2) or (4) of the Rules of Procedure but is not commenced before the Council is adjourned shall not stand over until the next meeting, and the motion shall be taken as having been disposed of.

## **19. Moving of Motion to Shorten the Duration of Division Bell**

- (a) If frequent divisions at a Council meeting are anticipated, the chairman of the House Committee may move a motion to shorten the duration of the division bell to one minute in respect of certain divisions at that meeting.

- (b) In the event that the chairman of the House Committee is not present at the Council meeting, the deputy chairman of the House Committee, or in his absence, the Member present who has the highest precedence may move such a motion.

#### **19A. Amendments to Motions**

- (a) Members may give notices of the same amendment to a motion or a bill, subject to the notice requirements given in Rules 29(6) and 57(2) of the Rules of Procedure, as appropriate.
- (b) Where more than one Member give notices of the same amendment, the amendment will be issued under the list of Members who have given notices of the amendment in the order in which the notices were received by the Clerk.
- (c) The first Member on the list shall be called upon to move the amendment. If he has withdrawn the notice or decides not to move the amendment, the Member next on the list shall be so called upon and so on until the list is exhausted.

#### **19B. Display of Objects**

Under Rule 42(e) of the Rules of Procedure, a Member may display an object for illustrating a point in his speech while he is speaking during a Council meeting if:

- (a) the display of the object is related to the item(s) of business set out in the relevant Agenda of the Council;
- (b) the display of the object does not and will not disturb the proceedings of the meeting or cause obstruction to other Members or designated public officers in their participation in the proceedings, or block the President's view of those present in the Chamber;



- (c) the display of the object does not and will not pose danger or nuisance to any person present in the Chamber;
- (d) the display of the object is confined to the seating area of the Member displaying the object; and
- (e) the display of the object does not and will not have a negative impact on the public's perception of the Council, tarnish the dignity of the Council, or bring discredit upon the Council.

**19C. Financial Penalty Imposed on a Member whose Absence without a Valid Reason Causes Adjournment of the Council**

The financial penalty imposed on a Member whose absence without a valid reason causes an adjournment of the Council under Rule 17(2) or (3) of the Rules of Procedure shall be calculated according to the following formula (on a 30-calendar-day basis):

Amount of financial penalty imposed on a Member whose absence without a valid reason causes adjournment of the Council	=	Prevailing monthly remuneration of a Member who does not serve on the Executive Council of the Hong Kong Special Administrative Region ÷ 30
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*(Number rounded to the nearest hundred)*

## COMMITTEES

### 20. House Committee

- (a) The House Committee shall consist of not less than 50 members including the chairman.
- (aa) Members may join the House Committee by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of a new term. The term of office of a member of the House Committee shall be the whole term of the Council except in the case of resignation from the House Committee. However, a Member shall immediately cease to be a member of the House Committee when that Member is elected as the President. For the second or each subsequent session of a term, a Member who wishes to join the House Committee may do so by submission of a return to the Secretariat by noon on the penultimate Friday prior to the first Council meeting of that session and the deadline for submission of return shall be taken as the time when the Member's membership takes effect. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday.
- (ab) In the event that less than 50 Members have joined the House Committee by the deadline for submission of returns, the deadline for submission of returns will automatically be extended to noon on the next day which is not a Saturday or a public holiday. If, upon the expiry of the extended deadline, less than 50 Members have joined the House Committee, the deadline will automatically be further extended for one day each time until not less than 50 Members have joined the House Committee.
- (ac) In the event that a change of membership of the House Committee or the Council occurs such that the House Committee consists of less than 50 members including the chairman, the President may direct that Members be invited to join the House Committee by submission of returns to the Secretariat by a specified deadline.

- (ad) A Member who joins the Council after the start of a session may join the House Committee by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council. His membership of the House Committee shall take effect from the time his return is received by the Secretariat.
- (b) The chairman and the deputy chairman of the House Committee shall be elected from among its members and shall hold office until the chairman and deputy chairman of the committee for the next session are respectively elected in that next session or, in case that election is held before that next session commences, until that commencement.
- (c) Except as otherwise provided in the procedure for the election of the chairman and deputy chairman of the House Committee set out in Appendix IV, the election of the chairman and deputy chairman of the House Committee for the first session of a term shall take place at the first meeting of the committee in the session. The Member who has the highest precedence in the Council is responsible for calling the first meeting of a term of the House Committee.
- (d) Except as otherwise provided in the procedure for the election of the chairman and deputy chairman of the House Committee set out in Appendix IV, for the second or each subsequent session of a term, the election of the chairman and deputy chairman of the House Committee may take place at a meeting held before that session commences. The meeting shall be called by the chairman in office. If both the chairman and deputy chairman in office before the election are being nominated for the office of the chairman, the member present who has the highest precedence shall preside at the election.

- (e) When the Council is in session, the House Committee normally meets every Friday afternoon at 2:30 pm. When a Finance Committee meeting is scheduled to be held in the same afternoon, the House Committee meeting will, if necessary, be suspended at such time when the Finance Committee meeting is scheduled to begin and resumed to deal with the unfinished business on the agenda after the Finance Committee meeting. The chairman of the House Committee may, with the consent of the chairman of the Finance Committee, allow the House Committee meeting to continue for not more than 15 minutes after such time when the Finance Committee meeting is scheduled to begin. Any other committees which need to meet on a Friday afternoon should schedule their meetings after the House Committee and Finance Committee meetings. The Secretariat shall issue written notice to members stating the date, time and place at which the House Committee meeting is to be held.
- (f) (i) The deadline for proposing agenda items for a meeting is normally 5:00 pm on the Tuesday before the meeting. A member wishing to raise an urgent item after the deadline may make a request to the chairman of the House Committee for it to be discussed at the meeting, under Any Other Business. The chairman shall decide whether to accede to the request.
- (ii) A member who wishes to move a motion at a special meeting of the House Committee held for the discussion of a substantive issue should make a request in writing to the chairman of the House Committee not less than 2 clear days before the meeting. The chairman shall decide whether the proposed motion is directly related to the agenda item and whether the proposed motion should be dealt with by the House Committee. No motion shall be moved at a regular meeting of the House Committee which deals with matters relating to the business of the Council and procedural matters.

- (fa) A Member who wishes to seek the agreement or recommendation of the House Committee on matters relating to Council business such as those referred to in rules 13(c), 14(i), 14(k)(ii) and 15(ab) should make a request in writing to the chairman of the House Committee for it to be considered at a meeting. Such request shall be submitted before the deadline for proposing agenda items for a meeting of the House Committee as stated in rule 20(f)(i).
- (fb) The chairman of the House Committee shall have the power to decide the agenda of a meeting, and also the power to decide the time and arrangements of a meeting, and to set time limits for dealing with agenda items of a meeting.
- (g) The House Committee decides on the setting up of a Bills Committee and the order of priority for a Bills Committee to be activated, having regard to information provided by the Administration, advice by the Legal Adviser, the number of Bills Committees, and the urgency of the bill, etc. When the report of a Bills Committee stating that the Bills Committee has completed consideration of the bill allocated to it is received by the House Committee, subject to Rule 75(17A) of the Rules of Procedure, the bill is regarded as ready for resumption of second reading debate in the Council, and the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall arrange for the Member or public officer in charge of the bill to be notified whereupon the Member or public officer may give notice in writing to the office of the Clerk to the Legislative Council to resume the second reading debate on the bill in accordance with Rule 54(5) of the Rules of Procedure.

- (h) Not all bills require the formation of Bills Committees. The House Committee may -
- (i) having considered the Legal Adviser's report (and further reports where necessary) on the legal and drafting aspects of a bill, raise no objection to the bill's resumption of second reading debate; and if no objection is raised by the House Committee, the bill is regarded as ready for resumption of the second reading debate in the Council, and the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall, where practicable, make such notification as provided under (g) no later than one clear day after no objection has been raised by the House Committee; or
  - (ii) in response to the request of individual member(s) for information or clarification on certain aspects of a bill, direct the Legal Adviser or other relevant staff of the Secretariat, to take these up with the Administration and submit further report(s) on the bill to the member(s) concerned and the House Committee. Such further report(s) on the bill, if any, may be issued to members by circulation. If no difficulties have been identified in the legal and drafting aspects of the bill in the further report, the chairman of the House Committee or, in his absence, the deputy chairman of the House Committee, shall notify the Member or public officer in charge of the bill whereupon the Member or public officer may give notice of resumption of debate. If the Legal Adviser has identified any difficulty in the legal or drafting aspect of a bill in the further report, the House Committee should consider such report at a meeting of the House Committee. If considered necessary, the chairman of the House Committee may ascertain the collective view of the House Committee by circulation of papers under Rule 75(17A) of the Rules of Procedure.

- (i) The House Committee recommends the number, names and terms of reference of Panels to be established. It may also refer to relevant Panels for consideration any policy matters related to the business of the Council, and may request and receive reports from the Panels on matters relevant to their terms of reference.
- (j) The House Committee may appoint a subcommittee to assist the committee's consideration of -
  - (i) an item of subsidiary legislation, an instrument (which is not subsidiary legislation) made under an Ordinance, a draft of subsidiary legislation or such an instrument, or a proposed endorsement of the appointment or removal of senior judges made under the Basic Law;
  - (ii) an issue of public concern which falls outside the purview of Panels or straddles the purview of a number of Panels; and
  - (iii) any other matter relating to the business of the Council.
- (ja) A subcommittee referred to in (j)(i) and (iii) shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman, and a subcommittee referred to in (j)(ii) shall consist of not less than 3 members and not more than 20 members including the chairman.
- (k) The following paragraphs apply to the appointment of subcommittees by the House Committee for purposes set out in (j)(ii) and (iii) -
  - (i) their terms of reference shall be decided by the House Committee, and should be issue-specific or project-specific;

- (ii) a proposal to appoint such subcommittees should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the House Committee;
  - (iii) they may report to the House Committee at any time when they consider appropriate, but should do so as soon as they have completed their work; and
  - (iv) their activation is determined in accordance with the mechanism set out in rule 26.
- (ka) Unless otherwise decided by the House Committee, the mechanism for allocation of committee seats set out in Appendix IIIB and the procedure for the election of the chairman and deputy chairman of a committee set out in Appendix IV shall be deemed to have been decided by the House Committee under Rule 75(3A) of the Rules of Procedure.
- (l) If a subcommittee has been formed to study any subsidiary legislation or instrument referred to in a motion to take note of a report of the House Committee on the consideration of subsidiary legislation and other instruments under Rule 49D of the Rules of Procedure, the chairman of the subcommittee, if he wishes to speak on the subsidiary legislation or instrument, may speak immediately after the mover has moved and spoken on the motion and, if the debate is divided into sessions, he may speak at the start of the session which relates to that subsidiary legislation or instrument.

## **21. Bills Committees**

- (a) The maximum number of Bills Committees should be limited to 16 at any one time. When more than 16 Bills Committees are formed, a queuing system will automatically be activated.
- (b) A Bills Committee shall consist of not less than 3 members and (unless otherwise decided by the House Committee) not more than 15 members including the chairman.



- (c) Members may indicate their intention to join a Bills Committee by a show of hands at the House Committee meeting at which a bill is allocated to that Bills Committee. Members may also inform the chairman of the House Committee of their intention to join a Bills Committee before the close of that House Committee meeting.
- (ca) If not less than three Members have indicated or informed the chairman of the House Committee of their intention to join a Bills Committee in accordance with (c), the Bills Committee will be formed and the Member who has the highest precedence among these Members is responsible for calling the first meeting of the Bills Committee.
- (cb) Following the formation of the Bills Committee under (ca), Members (including those who have indicated their intention to join a Bills Committee in accordance with (c)) may join the Bills Committee by submission of returns to the Secretariat by the deadline set by the clerk to the Bills Committee. Except in special circumstances, such a deadline shall normally be not less than 2 clear days before the day of the first meeting of the Bills Committee.
- (cc) If the number of Members who have signified membership for a Bills Committee exceeds the number specified in (b) above, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB. The clerk to the Bills Committee shall issue the membership list of the Bills Committee and invite nominations for the offices of chairman and deputy chairman in accordance with the procedure for the election of the chairman and deputy chairman set out in Appendix IV.
- (d) A Member who joins the Council after the start of a session may signify membership for the Bills Committees of his choice within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of the Bills Committees does not exceed the number specified in (b) above.

- (e) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. Tenure of chairmanship and deputy chairmanship should be for the life of the Bills Committee. The procedure for the election of the chairman and deputy chairman is in Appendix IV.
- (f) The order of Bills Committees on the waiting list is in the order of the introduction of the relevant bills into the Council. In acceding to a request of the Administration for priority activation of a Bills Committee on a Government bill, the order of the Bills Committees on Member's bills should not be affected as a result. Similarly, should a Member's bill be dealt with ahead of other bills, the order of Government bills should not be altered. The decision on whether a bill is urgent rests with the House Committee.
- (g) Where a Bills Committee decides to hold in abeyance the consideration of a bill (such decision may be invited by circulation and signified in writing), it should notify the House Committee which will decide whether the next Bills Committee in the queue should be activated. A Bills Committee held in abeyance will not normally be reactivated until a vacant slot arises to accommodate its reactivation.
- (h) The scrutiny of a bill should be conducted quickly and, whenever possible, be completed within three months of its commencement. Should there be the need for a Bills Committee to work beyond this period, the House Committee should be informed of an extension of the period.
- (i) The following guidelines in the processing of bills should be followed -
  - (i) whenever feasible, committees should meet frequently;
  - (ii) members of a committee should try to attend all meetings and stay through each meeting;

- (iii) reopening of discussion on issues on which there has been full deliberation should not be allowed;
  - (iv) chairmen should monitor closely the progress of bills under their consideration. Should there be the need to hold a bill in abeyance, a report should be made to the House Committee;
  - (v) when the scrutiny of a bill has reached the report stage, and upon the recommendation of the Legal Adviser and the committee concerned, the House Committee may decide to vacate the slot for examination of the next bill in the queue.
- (j) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee of the Bills Committee's deliberations and where appropriate, the majority and minority views, and confirm that it has completed its consideration of the bill. A report on the work of the Bills Committee in writing shall be submitted to the House Committee no later than the deadline for giving notice of amendments to the bill under Rule 57(2) of the Rules of Procedure. The Bills Committee shall then further report to the Council.
- (k) Subject to (n), the chairman or any member of a Bills Committee, when reporting to the Council on the work of the Bills Committee, shall address the Council at the resumption of the second reading debate on the bill.
- (l) Where a Bills Committee determines that a written report shall be laid on the table of the Council when reporting to the Council on the work of the Bills Committee, the report shall be presented at the same meeting at which the resumption of the second reading debate on the bill takes place.
- (m) Subject to (n), the chairman or any member of a Bills Committee presenting a written report referred to in (l) may, with the permission of the President, address the Council on the report at the commencement of the resumption of the second reading debate on the relevant bill.

- (n) Where the purpose of the resumption of the second reading debate on a bill is for making an announcement for the withdrawal of the bill, the chairman or any member of the Bills Committee concerned, who is to present the Bills Committee report at the Council meeting at which such an announcement is to be made, may, with the permission of the President, address the Council at the time when the report is laid on the Table of the Council.
- (o) At the resumption of the second reading debate on a bill (other than resumption for the purpose of making an announcement for the withdrawal of a bill), the chairman or any member of a Bills Committee reporting to the Council on the work of the Bills Committee under (k) or (m) may, with the permission of the President, be the first Member to speak.
- (p) An address made under (k), (m) or (n) is not subject to the 15-minute restriction on speaking time.
- (q) In the situation where there is no indication that the second reading debate on a bill will resume within a reasonable time after completion of the Bills Committee's work, the chairman or any member representing the Bills Committee shall, if the Bills Committee so determines, table a written report in the Council and seek the President's permission to address the Council thereon under Rule 21(3) of the Rules of Procedure.
- (r) A Bills Committee will be dissolved as soon as the bill it has considered passes through the Council, or when the House Committee so decides.

## 22. Panels

- (a) The number, names and terms of reference of Panels shall be recommended by the House Committee for the approval of the Council.
- (b) A Panel shall consist of not less than 6 members and not more than 20 members including the chairman.
- (c) Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately following the first Council meeting of a new term, and for the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. If the number of Members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB. A Member's membership of a Panel lasts for one session unless the Member resigns from that Panel.
- (ca) No Member shall be a member of more than six Panels at the same time.
- (cb) In the event that a vacancy in a Panel arises before the end of a session, the vacancy is to be filled in accordance with the mechanism set out in Appendix IIIB.
- (d) A Member who joins the Council after the start of a session may join a Panel by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of the Panel does not exceed 20. His membership of the Panel shall take effect upon confirmation by the Secretariat.

- (e) The Member who has the highest precedence in the Council among those who have joined a Panel is responsible for calling the first meeting of the Panel during the first session of a term of the Council, for the purpose of electing the chairman of the Panel. All other subsequent meetings will be called by the chairman in office.
- (f) The chairman and the deputy chairman of a Panel shall be elected from among its members and shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected. The procedure for the election of the chairman and deputy chairman is in Appendix IV.
- (g) Election of chairman and deputy chairman of a Panel should normally take place at the first meeting of the Panel in the session.
- (h) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.
- (i) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.
- (j) In the event of the temporary absence of the chairman and deputy chairman, the Panel may elect a chairman to act during such absence.
- (k) When a Panel sits jointly with any other Panel for the purpose of considering any matter of common interest, the Panels shall decide which chairman should chair that meeting.
- (l) If the chairmen of two Panels cannot agree on how an issue straddling the work of the Panels should be handled, the chairman or, in his absence, the deputy chairman of the House Committee should be consulted on whether one of the Panels should take up the issue, or whether the Panels should hold a joint meeting.

- (m) If more than two Panels meet jointly on a subject of common interest, and if it is necessary, the chairman or, in his absence, the deputy chairman of the House Committee may be consulted as to whether the Panel having a prominent interest in the subject matter should convene a meeting with members of other interested Panels invited to attend, or whether informal briefings for all interested Members should be held. If the latter option is adopted, a convenor should be elected by and from among those Members present, and Members should be reminded at the beginning of the briefings that they are not covered by the Legislative Council (Powers and Privileges) Ordinance at such briefings as if they are covered at meetings of the Panels.
- (n) For the calculation of quorum, a Member who is member of both Panels at a joint meeting should be counted as one member of the joint meeting. The quorum will be one-third of the membership of the joint meeting including the chairman (a fraction of the whole number being disregarded) i.e. each Member will be counted only once in terms of membership and quorum.
- (o) All matters for decision at a joint Panel meeting shall be decided by a majority of the members voting. Dissenting views expressed by members of different Panels should be recorded.
- (p) A member who wishes to move a motion to express a view or stance on a specific issue at a meeting of a Panel or a subcommittee appointed by the House Committee or a Panel(s) to study policy issues should give notice in writing not less than 2 clear days before the meeting. The motion may be proposed if it is considered by the chairman of the Panel or subcommittee as directly related to an agenda item of that meeting. The motion will be proceeded with if agreed by a majority of the members voting. Any proposed amendment to a motion should be presented to the Panel or subcommittee in written form.

- (q) The relevant Panel should be consulted first before a major and/or potentially controversial legislative or financial proposal is introduced into the Council or the Finance Committee. In the event that the relevant Panel has not been consulted, the House Committee or Finance Committee shall decide whether to refer the proposal to the relevant Panel for consideration.
- (qa) A Member who intends to present a bill under Rule 51(1) of the Rules of Procedure may only do so after he has consulted the relevant Panel on a draft of the bill.
- (r) Panels should not normally deal with individual cases handled under the Redress System of the Council except in respect of the policy issues arising therefrom.
- (s) A Panel may appoint subcommittees to study specific issues. Only members of the Panel may join the subcommittees. A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman.
- (t) Two Panels may appoint joint subcommittees to study any matter of common interest to the Panels. Only members of the Panels may join the subcommittees. Where the number of Panels which wish to appoint a joint subcommittee exceeds two, a proposal shall be made to the House Committee for a subcommittee to be formed under the House Committee. A subcommittee shall consist of not less than 3 members and not more than 20 members including the chairman. If the number of members who have signified membership exceeds 20, the committee seats are to be allocated in accordance with the mechanism set out in Appendix IIIB. The quorum of a subcommittee so appointed will be one-third of the membership of the subcommittee including the chairman (a fraction of the whole number being disregarded).



- (u) The following paragraphs apply to subcommittees appointed for purposes set out in (s) or joint subcommittees appointed for purposes set out in (t) -
  - (i) their terms of reference shall be decided by the Panel(s) concerned, and should be issue-specific or project-specific;
  - (ii) a proposal to appoint such subcommittees should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the Panel(s) concerned;
  - (iii) they may report to the Panel(s) at any time when they consider appropriate, but should do so as soon as they have completed their work; and
  - (iv) their activation is determined in accordance with the mechanism set out in rule 26.
- (v) Should any Panel consider it necessary to undertake any activities outside Hong Kong under the name of the Panel of the Council, the prior permission of the House Committee shall be sought in accordance with the procedures set out in rule 29A.
- (w) A Panel shall make at least one report on its work to the Council in the session. If a particular matter is referred to a Panel for study, or a Panel is authorized to summon persons concerned to testify or give evidence, the Panel shall make a report to the Council after it has completed its consideration. The method of tabling a report in the Council is provided in rule 2. A Panel may as required seek the views of the House Committee on a particular matter, or inform the House Committee of the contents of its study report.

**23. Application for Late Membership**

- (a) An application for late membership of the House Committee, a Bills Committee, Panel, subcommittee appointed by the House Committee, a Bills Committee or Panel or a joint subcommittee formed by two Panels (the relevant committee) shall be considered in accordance with this rule after the election of the chairman and deputy chairman, if any, of the relevant committee, provided that the number of committee members does not exceed the specified maximum number (if any) of members of the relevant committee. The raising of questions which relate to the signification of membership of a relevant committee, after the time when a Member should signify his membership, shall be deemed to be an application for late membership.
- (b) It is for the relevant committee to decide whether an application for late membership should be accepted and such application shall only be accepted if there exist sufficient grounds for doing so.
- (c) A Member who is admitted as a member of the relevant committee under this rule may not seek a re-election of the chairman or deputy chairman of that committee by reason only of his admission.
- (d) Any Member who has failed to be admitted as a member of the relevant committee referred to in (a) above (except the House Committee) may put the case to the House Committee for decision.

## **24. Guidelines for the Conduct of Meetings**

- (a) Meetings should normally be arranged within two-hour time slots as follows :

8:30 am - 10:30 am  
10:45 am - 12:45 pm  
2:30 pm - 4:30 pm  
4:30 pm - 6:30 pm

[Meetings are normally not scheduled for Saturday afternoons, Sundays, and public holidays.]

- (b) To enable Members to participate in all meetings of the committees (including standing committees, panels, bills committees, subcommittees and select committees etc.) which they have joined, efforts should be made as far as practicable to avoid scheduling two meetings within the same time slot.
- (c) Notice of meetings of committees shall be in writing, stating the date, time and place at which the meeting is to be held and shall be given by the clerk at least three days before the day of the meeting, but shorter notice may be given in any case where the chairman so directs.
- (d) All Members, irrespective of whether they are members of that committee, may attend the meetings of the committee, and their views may be recorded in the minutes of meetings of the committee concerned. Members who attend the meetings of the committee but who are not its members, do not have any voting right in respect of the business of the committee.
- (e) Agenda and papers in connection with matters requiring consideration at a meeting shall be issued by the clerk as early as practicable before the meeting.

- (f) Members should confirm their attendance by returning the reply slips to the clerk to a committee before a meeting, or their absence will be assumed by the clerk for the purpose of calculating whether a quorum will be constituted before the meeting. Members should be punctual at meetings, and those who may be late for a meeting should inform the Secretariat as early as practicable.
- (g) Unless a quorum is present within 15 minutes of the starting time appointed for the meeting, the meeting will not be held.
- (h) If the attention of the chairman of a committee is drawn by a member of the committee to the fact that a quorum is not present during a meeting, he shall direct the members to be summoned. If after 15 minutes have expired, a quorum is not then present the chairman shall close the meeting without question put.
- (i) Subject to (j), before a matter is voted upon at a meeting of a committee, a voting bell shall be rung if the chairman orders, on his own motion or upon request of a member of the committee, that the members of the committee be notified of the voting. The committee shall proceed to vote forthwith immediately after the bell has been rung for five minutes. Where the order is made at the time when a Council meeting is in progress, the bell shall not be rung.
- (j) Where no voting bell is provided for the venue where a committee meets or if the bell does not function or may not be rung, the chairman of the committee concerned shall order the clerk to arrange for members of the committee within the precincts of the Chamber to be notified of the voting. The voting shall be held 10 minutes after the order has been made.
- (k) When it is necessary to order a division during a meeting of a committee, the chairman of the committee should ensure that a quorum is present before it proceeds with the division.

- (l) At the first meeting of a committee, the chairman will anticipate the number of subsequent meetings required and set tentative dates for the subsequent meetings so that members may take note of the dates from the outset to facilitate attendance. In normal circumstances, a committee should not book more than three time slots at a time. A Panel may, at its first meeting, set tentative dates for meetings in the session.
- (m) The chairman will, as far as practicable, decide beforehand the time allowed for each particular item on the agenda of each meeting. This will be notified to all participants in advance. Discussions at meetings will have regard to the time allowed. Outsiders invited to attend will be informed of the duration in advance in order to facilitate planning for all concerned.
- (n) The decisions of a committee should not be reopened for discussion, unless with the permission of the committee.
- (o) The chairman, whenever necessary, should remind Members, Government officials and deputations to refrain from using “cocktail language” at committee meetings so as to facilitate the work of the simultaneous interpreters.
- (p) If persons involved are summoned to testify or give evidence before a committee, in accordance with Rule 80 of the Rules of Procedure, the committee should make reference to the procedures adopted in previous cases and determine its procedures for that particular case. Appendix V sets out the usage and practice in regard to the determination of claims of “public interest privilege” made by persons appearing before a committee of the Council.
- (q) Except as stated in the Rules of Procedure, and subject to the provisions of any administrative instructions for regulating the conduct of persons observing meetings, the public shall be admitted to all open committee meetings so far as there is accommodation. Wherever possible, prior notice of a decision to sit in private should be given.

- (r) Where meetings are held in public, the Secretariat will provide the press/public observing the meetings with the agenda and papers, the latter subject to the agreement of their authors.
- (s) If at a meeting of a committee the chairman notices that a member of the public is behaving or is likely to behave in a disorderly manner, the chairman is entitled to seek the agreement of the committee to remove that person, or in urgent cases, to order the removal of such person.
- (t) The chairmen may, with the agreement of committees, exercise some flexibility in applying the above guidelines.

#### **24A. Extension of Meetings**

- (a) Subject to the availability of the meeting venue, the chairman of a committee may, before the appointed ending time of the meeting, decide to extend a meeting of the committee, or allow a meeting of the committee to continue, for not more than 15 minutes beyond the appointed ending time of the meeting.
- (b) A committee may extend a meeting for more than 15 minutes beyond the appointed ending time of the meeting or the period of extension or continuation of meeting referred to in (a), provided that:
  - (i) a proposal to extend the meeting for a specified period beyond 15 minutes has been put forward during the original appointed meeting time or the period of extension or continuation of meeting referred to in (a);
  - (ii) there is no dissenting voice to the proposal; and
  - (iii) the chairman of the committee has ascertained that the meeting venue would remain available throughout the period of the proposed extension.

- (c) Subject to the availability of the meeting venue, the period of extension decided by the committee under (b) may be extended for a further specified period if a proposal to further extend the meeting is put forward during that extended period and there is no dissenting voice to the proposal.
- (d) A proposal put forward under (b) or (c) shall be dealt with by the chairman forthwith by ascertaining whether there is no dissenting voice to the proposal without debate or discussion.
- (e) Where a motion has been proposed and agreed to be dealt with during the original appointed meeting time but has not been so dealt with, the motion may be dealt with and disposed of during the period of extension or continuation of meeting referred to in (a) and/or the period of extension decided by the committee under (b) or (c).
- (f) No new motion shall be proposed during the period of extension or continuation of meeting referred to in (a), or the period of extension decided by the committee under (b) or (c).

## **25. Minutes of Meetings and Verbatim Records**

- (a) The clerk to a committee shall keep the minutes of the meetings of the committee in a manner determined by the committee. These minutes are usually taken to provide a detailed record of the deliberation of meetings. However, in the case of a Bills Committee or a subcommittee which will submit a report upon completion of its work, their minutes are usually taken in a condensed form.
- (b) Normally, verbatim records will not be made of the proceedings of a committee except in the case of an enquiry made under Rule 80 of the Rules of Procedure.

- (c) For meetings at which representations from the public are received, members of the public will be asked to make submissions in writing, if possible before the meetings; otherwise they will be asked at the end of the meetings to put in writing the points they would like Members to take note of. Those who have put in written submissions prior to the meetings will also be provided with the opportunity to make further written submissions after the meetings on points not covered in the earlier submissions. The written submissions will then be circulated for members' reference.
- (d) Minutes of meetings with the Administration and outside parties need not normally be cleared with them.
- (e) Notwithstanding (c) and (d) above, chairmen have discretion to decide whether the minutes or any part thereof should be shown to those who have attended the meetings with Members if, in the chairmen's opinion, it will facilitate the work of the committee.
- (f) The draft minutes of a meeting will be confirmed at a subsequent meeting, or will be sent to members for consideration and will be taken as confirmed if members do not make any amendments on them before the deadline set for amendment.
- (g) Live broadcasting and archives of meetings held in public will be available for public access via the Legislative Council Webcast system.
- (h) The minutes of meetings held in public are made available for inspection by the public at the Library or the Secretariat of the Council.

## **26. Activation and Operation of Subcommittees**

- (a) Subject to (b) and (e), the maximum number of subcommittees appointed by the House Committee for purposes set out in rule 20(j)(ii) and (iii) and subcommittees appointed by Panels for purposes set out in rule 22(s) or (t) that may be in operation at any one time is 10.



- (b) Where the number of subcommittees referred to in (a) has reached the maximum number provided in (a), a queuing system will automatically be activated with a waiting list formed. The order of subcommittees on the waiting list is in the order of their appointment. Where the number of Bills Committees in operation is less than that referred to in rule 21(a), the House Committee may activate subcommittees on the waiting list after having considered the following -
- (i) the number of vacant slots for Bills Committees;
  - (ii) the number of bills likely to be introduced to the Council in the next three months;
  - (iii) the number of subcommittees already or likely to be appointed by the House Committee for purposes referred to in rule 20(j)(i) and by Bills Committees; and
  - (iv) the availability of resources in the Secretariat.
- (c) A subcommittee referred to in (a) should complete its work within 12 months of its commencement and report to the House Committee or the relevant Panel(s). Should such a subcommittee consider it necessary for it to work beyond that 12 months, the subcommittee should, after obtaining the endorsement of the relevant Panel(s) if it is appointed by a Panel(s), report to the House Committee and give justifications for an extension of the 12-month period. A subcommittee should not hold any meeting after the expiry of the 12-month working period or the extended working period, unless otherwise decided by the House Committee.
- (d) There is no restriction on the maximum number of subcommittees appointed by the House Committee for purposes set out in rule 20(j)(i) that may be in operation at any one time.

- (e) Notwithstanding (a), (b) and (c), exceptions to these subrules may be made by the House Committee where it considers appropriate.
- (f) The practices and procedures set out in rules 20 to 25 shall apply, where appropriate, to subcommittees of the House Committee, Bills Committees or Panels (including joint subcommittees appointed by two Panels).

## **27. Post-Committee Meeting Press Briefings**

- (a) Press briefings are normally not arranged for meetings held in public. For those meetings which are held in private, post-meeting press briefings may be given by the chairman together with other members if so decided by the respective committee. Before such briefings, the chairman should as far as possible reach an agreed press line with the committee members present.
- (b) The Secretariat will arrange the place for press briefings. The press are free to ask questions, take pictures or do filming during briefings.

## **28. Arrangements during Tropical Cyclone Warning Signals and Rainstorm Warning Signals**

- (a) All meetings shall continue to be held when a Tropical Cyclone Warning Signal No. 1 or No. 3, or an Amber or a Red Rainstorm Warning Signal is in force.
- (b) Unless directed otherwise by the chairmen concerned, all meetings shall be cancelled if a Tropical Cyclone Warning Signal No. 8 or above or a Black Rainstorm Warning Signal or a territory-wide extreme conditions announcement is issued or in force within two hours before the appointed time of the meeting.
- (c) If a Tropical Cyclone Warning Signal No. 8 is issued while a meeting is in progress, the chairman of the committee should close the meeting.

- (d) If a Black Rainstorm Warning Signal is issued while a meeting is in progress, the chairman of the committee should decide whether to close or continue with the meeting.

## **29. Visits in Hong Kong**

- (a) Visits may be conducted from time to time by committees to enable Members to gain first-hand information on issues or organisations of interest to them in connection with Council business.
- (b) The timing and programme of visits are decided by the respective chairmen in consultation with members of the committees concerned and the host organisations. The duration of a visit should be kept to within three hours as far as possible.
- (c) Members should indicate their availability for a visit before a set deadline.
- (d) The chairman will, in consultation with other Members or the host organisation, determine whether a scheduled visit should be cancelled or postponed if less than three Members have signed up by the deadline, or where last-minute withdrawals deplete the visiting party to less than three Members.
- (e) The Secretariat should keep a record of the Members who withdraw from such visits.

## **29A. Visits outside Hong Kong**

- (a) A committee may consider it necessary to undertake a visit to places outside Hong Kong under the name of the committee for purposes such as obtaining first-hand information on certain subject matters and practices in those places. Where the visit is to be conducted under the name of the committee and/or funding for the visit of the committee is to be charged to individual Members' Overseas Duty Visit accounts, the prior permission of the House Committee shall be sought. The decision of the House Committee shall be referred to The Legislative Council Commission for reference.
- (b) Members of the committee joining the visit should participate in the entire programme. The committee may invite other Members who are not members of the committee to take part in the visit provided that these Members are also able to participate in the entire programme.
- (c) Any visit proposed in response to an invitation should first be discussed by the relevant committee(s) to determine if the visit is related to the business of the Council. There should be transparency in the deliberation on logistical arrangements, including who among the Members would take part in the visit, the itinerary, matters to be studied and places to be visited.

- (d) Approval of the House Committee is required for proposed visits referred to in (c) and visits which are to be led by the President or any Member and conducted under the name of the Council or any of its committee(s), and the funding of which is to be charged to individual Members' Overseas Duty Visit accounts. The decision of the House Committee shall be referred to The Legislative Council Commission for reference.
- (e) The detailed mechanism for handling Members' visits outside Hong Kong in response to invitations is set out in Appendix VI.
- (f) A report on a visit outside Hong Kong that has been approved by the House Committee shall be submitted to the House Committee after the conduct of the visit.

## **CORPORATE LIAISON**

### **30. Meetings with the Chief Secretary for Administration and the Financial Secretary**

On a periodic basis, Members receive briefings by the Chief Secretary for Administration or the Financial Secretary on topical issues and matters of public interest.

### **31. Briefings by Policy Secretaries on the Chief Executive's Policy Address**

Briefings for Members in the session by policy secretaries are held after the delivery of the Policy Address. Such briefings are open to all Members.

### **32. Meetings with District Councils**

- (a) Meeting-cum-luncheons are held in camera with District Council (DC) members from time to time to discuss and exchange views on matters of mutual interest.
- (b) Tentative dates of the meetings can be drawn up in advance, but the exact dates can be fixed mutually between the respective DCs and the Secretariat, subject to sufficient notice being given to members on both sides.
- (c) The meeting time is normally from 10:45 am to 12:45 pm, followed by lunch up to 2:00 pm.
- (d) Members are divided into groups to meet with DC members on a roster system.
- (e) Members convene meetings by turn.
- (f) Upon the request of DCs, individual Members may be invited to attend a particular meeting.

- (g) Each meeting should be attended by a minimum of five Members. Members scheduled on the roster should make themselves available to attend these meetings/luncheons.
- (h) If the number of Members who have signed up for a meeting is less than five, other Members approached by the Secretariat should make an effort to attend the meeting to ensure that the minimum attendance is met.
- (i) A formal agenda for the meeting should be prepared in consultation with the DC concerned prior to the meeting.
- (j) Minutes of meetings are to be issued to the DCs after the meetings.
- (k) Matters discussed at the meetings are followed up by the relevant policy Panels or the Complaints Division as appropriate.
- (l) While the Secretariat will liaise with the Administration on the issues raised and the follow-up action to be taken, the convenor of the meeting/luncheon will report back to the DC personally, on behalf of Members present.

### **33. Meetings with Overseas Visitors**

- (a) Members take turn to receive overseas visitors, a majority of whom being parliamentarians of other legislatures. The roster is the same as that for the handling of public complaints and representations.
- (b) All Members are notified of such meetings so that interested Members not on the duty roster may also participate.
- (c) These meetings are not open to the public.

**34. Parliamentary Liaison Subcommittee**

The Parliamentary Liaison Subcommittee of the House Committee coordinates all parliamentary liaison activities between the Council and other parliamentary organisations outside Hong Kong, considers proposals for setting up friendship groups with such organisations, and makes recommendations to the House Committee.



**Procedure for the Special Forum for Presentation of Platform and Answering of Questions by Candidate for the Office of President of the Legislative Council**

The special forum shall be an open forum which should last for not more than two hours.

**Presiding Member**

2. The Member present who has the longest continuous service in the Council as determined in accordance with Rule 1A of the Rules of Procedure shall preside at the special forum.
3. If the Member who has the longest continuous service under paragraph 2 above is being nominated for the office of President, the Member who is next in the order of precedence of Members and who is not being nominated for the office shall be the presiding Member.

**Presentation of platform by candidate and answering of questions from Members**

4. Upon assuming the chair, the presiding Member shall invite each candidate to speak for up to 5 minutes. Where there are more than one candidate, the order of speaking shall be according to the order in the list of valid nominations for the office of President issued by the Clerk to the Council.
5. After all candidates have spoken, the presiding Member shall invite the Members present who wish to put questions to the candidates to signify their wish.
6. The order for asking questions shall be decided by the presiding Member.
7. A Member called upon by the presiding Member may put a question for answer by one or more candidates.

8. The contents of speeches made and questions asked at the special forum are subject to the following:

- (a) it shall be out of order to use offensive and insulting language about Members of the Council;
- (b) a Member shall not impute improper motives to another Member;
- (c) questions put to a candidate shall be concise and to the point; and
- (d) only one question shall be asked by a Member at a time.

**Procedure for the  
Election of Member to Preside at a Council Meeting  
in the Absence of the President of the Legislative Council  
and the President's Deputy**

When both the President of the Legislative Council and the President's Deputy are unable to preside at a Council meeting, or part of a Council meeting, the procedure for the election of a Member to preside at the meeting shall be as follows.

2. When either the President or the President's Deputy knows in advance that both of them will not be able to preside at a certain meeting or at part of a meeting, the President or, in his/her absence, the President's Deputy will, at the meeting immediately proceeding the relevant meeting, call for nominations for the presiding Member. A valid nomination shall be made orally by a Member, seconded by at least one other Member who should not be the Member being nominated, and accepted by the Member being nominated.
3. If there is only one nomination for the presiding Member, the President or the President's Deputy shall announce this and declare the Member elected as the presiding Member for the relevant meeting or part of the meeting in question.
4. If there are two or more nominations, the President or the President's Deputy shall announce a vote by secret ballot and the Clerk shall arrange to distribute to each of the Members present a ballot paper which shall be in accordance with the form in the Annex.
5. A Member present who wishes to vote shall put down in legible form the name of the nominee of his choice on the ballot paper, and place the ballot paper into the ballot box.
6. After all the Members present who wish to vote have done so, the Clerk shall cause the ballot papers to be counted and report the result to the President or the President's Deputy, as the case may be. Any Member may request to check the result for confirmation.

7. The President or the President's Deputy shall announce the result and declare elected as the presiding Member for the relevant meeting or part of the meeting in question the nominee who receives the highest number of votes among all the nominees.

8. If two or more nominees receive the same highest number of valid votes, the President or the President's Deputy shall announce that lots will be drawn by him/her to decide which of the nominees should be the presiding Member.

9. The President or the President's Deputy shall then draw lots and, in accordance with the result of the drawing of the lots, forthwith declare that nominee elected as the presiding Member for the relevant meeting or part of the meeting in question.

10. Where the President, the President's Deputy, and the presiding Member if one has been elected in accordance with the above procedure, are absent from a meeting of the Council, the election of the presiding Member shall be conducted by the Member present who has the longest continuous service in the Council. The Member shall follow the procedure mentioned above.

立法會  
**Legislative Council**

選舉議員主持\_\_\_\_\_年\_\_\_\_月\_\_\_\_日的立法會會議  
**Election of a Member to preside at the Council meeting**  
of \_\_\_\_\_

選票  
**BALLOT PAPER**

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

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**Procedure on the Moving of Motion  
for the Withdrawal of Member or Disallowance of Vote  
on Grounds of Direct Pecuniary Interest**

Moving of motion for the withdrawal of Member

1. A Member who wishes to move a motion under Rule 84(3A) of the Rules of Procedure for the withdrawal of another Member on grounds of the latter's direct pecuniary interest may pass a note to the President or Chairman of a committee of the whole Council indicating his intention to do so during the debate but before the question on the original motion is put. He should give the name of the Member whose withdrawal is proposed in the motion and the reasons for moving the motion.
2. The Member wishing to move the withdrawal motion may also notify the Member concerned at the same time, giving the reasons for moving the motion. This gives the latter the opportunity, if he so wishes, to clarify matters. Should the Member intending to move the motion decide not to proceed with the motion in the light of the clarification given, he should inform the President or Chairman of a committee of the whole Council of his decision.
3. If the withdrawal motion is to be moved, the Member wishing to move the motion should indicate his intention to speak immediately after the President or Chairman of a committee of the whole Council has put the question on the original motion.
4. The President or Chairman of a committee of the whole Council shall then call upon the Member to move the motion for the withdrawal of the other Member.
5. The President or Chairman of a committee of the whole Council shall decide whether or not to propose the question upon the withdrawal motion having regard to Rule 84(5) of the Rules of Procedure.

6. If the question for the withdrawal of a Member is proposed, the Member concerned may, in accordance with Rule 84(5A) of the Rules of Procedure, be heard in his place but he shall then withdraw from the Council or the committee of the whole Council for the duration of any vote on the question.
7. If the withdrawal motion is negated, the Member may return to the meeting.
8. If the withdrawal motion is agreed to, the Member concerned shall withdraw from the Council or a committee of the whole Council when the original question is put and voted upon.

Moving of motion for the disallowance of vote

9. A Member may move a motion without notice under Rule 84(4) of the Rules of Procedure to disallow a Member's vote on grounds of the latter's direct pecuniary interest after a vote on the original motion has been taken but before the result of the voting is declared. The Member should as early as practicable pass a note to the President, Chairman of a committee of the whole Council or chairman indicating his intention to do so, and notify the Member concerned as far as possible.
10. (a) ***Where a division has not been ordered on the original motion***, the Member who wishes to move the disallowance motion should indicate his intention to speak immediately upon the statement by the President, Chairman of a committee of the whole Council or chairman of his judgement on whether there is a required majority in the original question.  
  
(b) ***Where a division has been ordered on the original motion***, the Member who wishes to move the disallowance motion should indicate his intention to speak immediately upon the statement by the President, Chairman of the committee of the whole Council or chairman of the numbers of Members recorded in the division.

11. The President, Chairman of a committee of the whole Council or chairman shall then call upon the Member to move the motion for the disallowance of the other Member's vote.
12. The President, Chairman of a committee of the whole Council or chairman shall decide whether or not to propose the question upon the disallowance motion having regard to Rule 84(5) of the Rules of Procedure.
13. If the question for the disallowance of a Member's vote is proposed, the Member concerned may, in accordance with Rule 84(6) of the Rules of Procedure, be heard in his place but he shall then withdraw from the Council, a committee of the whole Council, a committee or subcommittee for the duration of any vote on the question.
14. If the disallowance motion is negatived, the Member may return to the meeting. The President, Chairman of the committee of the whole Council or chairman shall then declare the decision on the original motion.
15. If the disallowance motion is agreed to,
  - (a) *where a division has not been ordered on the original motion*, the President, Chairman of a committee of the whole Council or chairman shall state anew his judgement on whether there is a required majority in the original question; or
  - (b) *where a division has been ordered on the original motion*, the President, Chairman of a committee of the whole Council or chairman shall direct the Clerk to the Legislative Council or the clerk to alter the numbers voting and, in the case of the Council or a committee of the whole Council, the effect of the presence of the Member in the original division accordingly.



致 : 立法會秘書  
To : Clerk to the Legislative Council

**立法會**  
**LEGISLATIVE COUNCIL**

**請求立法會主席准許無經預告而提出質詢**  
**SEEKING THE PRESIDENT'S PERMISSION**  
**TO ASK QUESTION WITHOUT NOTICE**

請按《議事規則》第 24(4)條徵求立法會主席同意，准許本人在 \_\_\_\_\_年\_\_\_\_\_月\_\_\_\_\_日舉行的立法會會議上無經預告而提出附載的口頭／書面\* 質詢，理由如下：

In accordance with Rule 24(4) of the Rules of Procedure, please seek the President's permission for me to ask the oral/written\* question attached without notice at the Legislative Council meeting on \_\_\_\_\_ on the following grounds:

2. 基於上述理由，本人認為此乃性質急切及與公眾有重大關係的事項。  
Based on the above reasons, I consider that it is of an urgent character and relates to a matter of public importance.

3. 本人已於\_\_\_\_\_年\_\_\_\_月\_\_\_\_日上午／下午\_\_\_\_時\_\_\_\_分就有關質詢私下向政府(政務司司長△／財政司司長△／律政司司長△／\_\_\_\_局長△)作出預告。

Private notice of the question has been given to the Government (Chief Secretary for Administration△/ Financial Secretary△/ Secretary for Justice△/ Secretary for \_\_\_\_\_△) at \_\_\_\_\_ am/pm on \_\_\_\_\_.

簽署

Signature: \_\_\_\_\_

姓名

Name: \_\_\_\_\_

日期

Date: \_\_\_\_\_

\* 請刪去不適用者

\* Please delete as appropriate

△ 請刪去不適用者或填上適當的政府官員職銜

△ Please delete or insert the title of the Government official as appropriate

## Duration of Debates and Speaking Time Limits of Members in Debates<sup>1</sup>

<u>Types of motions on which debates may arise</u>	<u>Duration of each debate</u> <i>(including voting on the motion and amendment(s) thereto)</i>	<u>Number of speech(es) allowed for individual Members in each debate</u>	<u>Maximum time for a speech</u>
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*(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)*

### I. Motions relating to bills

♦ Resumption of the second reading debate	<i>The President or the Chairman of a committee of the whole Council may set a time limit on the consideration of individual bills where appropriate</i>	1 <sup>2</sup>	10 mins
♦ Consideration by committee of the whole Council (Amendment(s) to a bill/Clause(s) standing part of a bill)		Multiple	5 mins
♦ Third reading debate		1	3 mins

### II. Government motions

♦ Motions under Rule 29(1) of the Rules of Procedure	Not more than 4 hrs	1	5 mins
♦ Motions under Rule 29(2) of the Rules of Procedure to amend subsidiary legislation and other instruments			

<sup>1</sup> The President or the Chairman of a committee of the whole Council may in his discretion adjust the relevant duration of debates and speaking time limits.

<sup>2</sup> A Member making a report of a Bills Committee or of a committee to which a bill has been referred for consideration under Rule 54(4) of the Rules of Procedure may speak on the report with no time limit and may speak a second time subject to the 10-minute time limit in the second reading debate.

**Types of motions on which debates may arise**

**Duration of each debate**

*(including voting on the motion and amendment(s) thereto)*

**Number of speech(es) allowed for individual Members in each debate**

**Maximum time for a speech**

*(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)*

**III. Members' motions**

- ◆ Motions under Article 73(5) and (10) of the Basic Law to summon persons concerned to produce papers and testify
- ◆ Motions under Article 73(9) of the Basic Law to impeach the Chief Executive of the Hong Kong Special Administrative Region
- ◆ Motions under Article 75 of the Basic Law to amend the Rules of Procedure
- ◆ Motions under Article 159 of the Basic Law relating to amendments to the Basic Law
- ◆ Other motions under the Basic Law
- ◆ Motions under the Legislative Council (Powers and Privileges) Ordinance to appoint select committees to conduct inquiries

Not more than 4 hrs

1<sup>3</sup>

5 mins

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<sup>3</sup> The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply and also up to 5 minutes on the proposed amendment(s), if any.

<b><u>Types of motions on which debates may arise</u></b>	<b><u>Duration of each debate</u></b> <i>(including voting on the motion and amendment(s) thereto)</i>	<b><u>Number of speech(es) allowed for individual Members in each debate</u></b>	<b><u>Maximum time for a speech</u></b>
♦ Motions under Rule 16(2) of the Rules of Procedure for the adjournment of the Council	Not more than 1.5 hrs	1 <sup>4</sup>	5 mins
♦ Motions under Rule 16(4) of the Rules of Procedure for the adjournment of the Council	Not more than 1.5 hrs <i>(including 15 mins for designated public officer(s) to reply)</i>	1	5 mins
♦ Motions under Rule 29(2) of the Rules of Procedure to amend subsidiary legislation and other instruments	Not more than 4 hrs	1 <sup>5</sup>	5 mins
♦ Motions under Rule 49B(1) of the Rules of Procedure to relieve a Member of his duties	Not more than 4 hrs	1 <sup>6</sup>	5 mins
♦ Motions under Rule 49B(1A) of the Rules of Procedure to censure a Member			

*(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)*

<sup>4,6</sup> The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply.

<sup>5</sup> The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply and also up to 5 minutes on the proposed amendment(s), if any.

<b><u>Types of motions on which debates may arise</u></b>	<b><u>Duration of each debate</u></b> <i>(including voting on the motion and amendment(s) thereto)</i>	<b><u>Number of speech(es) allowed for individual Members in each debate</u></b>	<b><u>Maximum time for a speech</u></b>
<i>(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)</i>			
♦ Motions under Rule 49E(2) of the Rules of Procedure (Motions on Reports of House Committee on Consideration of Subsidiary Legislation and Other Instruments)	Not more than 2 hrs	1  (for whole debate if it is not divided into sessions)	1  (for each session when debate divided into sessions)  5 mins  (for whole debate if it is not divided into sessions)  (for each session when debate divided into sessions)
♦ Motions under Rule 85 of the Rules of Procedure (Sanctions relating to Interests, Operating Expenses or Operating Funds)	Not more than 4 hrs	1 <sup>7</sup>	5 mins
♦ Motions not intended to have legislative effect that are subject to allocation of slots to individual Members			
<ul style="list-style-type: none"> <li>➤ <i>Mover of the motion</i></li> <li style="padding-left: 20px;">- introductory speech and reply</li> <li style="padding-left: 20px;">- speech on proposed amendment(s)</li> </ul>	Not more than 4 hrs	1	10 mins (in total)
<ul style="list-style-type: none"> <li>➤ <i>Mover of amendment to the motion/ Other speakers</i></li> </ul>		1	5 mins (in total)
		1	5 mins

<sup>7</sup> The mover, apart from having up to 5 minutes for an introductory speech, may speak for up to 5 minutes in reply and also up to 5 minutes on the proposed amendment(s), if any.

**Types of motions on which debates may arise**

**Duration of each debate**

*(including voting on the motion and amendment(s) thereto)*

**Number of speech(es) allowed for individual Members in each debate**

**Maximum time for a speech**

*(Unless otherwise specified, the time limits below apply to all Members including the mover of a motion and the mover of an amendment to a motion.)*

**IV. Other motions moved by Members or public officers under the following provisions of the Rules of Procedure:**

- ◆ Rule 40(1) or (4)  
(Adjournment of Debate or of Proceedings of a Committee of the Whole Council)
- ◆ Rule 49B(2A)  
(Disqualification of Member from Office)
- ◆ Rule 54(4)  
(Second Reading)
- ◆ Rule 55(1)(a)  
(Committal of Bills)
- ◆ Rule 84(3A) or (4)  
(Voting or Withdrawal in case of Direct Pecuniary Interest)
- ◆ Rule 88(1)  
(Withdrawal of Members of the Press and of the Public)
- ◆ Rule 89(2)  
(Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings)
- ◆ Rule 90(2)  
(Procedure for Obtaining Leave to Give Evidence of Council Proceedings)
- ◆ Rule 91  
(Suspension of Rules)

Not more than 2 hrs

1<sup>8</sup>

3 mins

<sup>8</sup> The mover, apart from having up to 3 minutes for an introductory speech, may speak for up to 3 minutes in reply.

### **Mechanism for Allocation of Committee Seats**

Detailed procedures of the mechanism are –

1. For Panels –
  - (a) No Member shall be a member of more than six Panels at the same time.
  - (b) Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately following the first Council meeting of a new term. For the second or each subsequent session of a term, Members may join a Panel by submission of returns to the Secretariat by noon on the Friday immediately prior to the first Council meeting of that session. If the deadline for submission of returns falls on a public holiday, such deadline shall be advanced to the first preceding day that is not a public holiday. A Member's membership of a Panel lasts for one session unless the Member resigns from that Panel.
  - (c) Members may coordinate among themselves to form lists for the purpose of allocation of committee seats provided that a Member's name should not appear on more than one such list. Any list formed by Members should reach the Secretariat before the deadline set for submitting such lists. Any Member not intending to form any list with other Member(s) may signify membership as an individual Member.
  - (d) The maximum number of members of a Panel is 20 members including the chairman as stated in Rule 77(8) of the Rules of Procedure. The allocation of committee seats of a Panel will be based on the number of Members on a list if the total number of Members signifying membership exceeds the specified number of members as stated above. A conversion table between the number of Members on a list and the number of committee seats to be allocated to the list (designated quota) is in Annex I.

- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they signify membership using the designated quota referred to in 1(d) or signify as an individual Member without any designated quota.
- (f) After the deadline for signification of membership specified in 1(b), if the total number of Members signifying membership does not exceed the number of committee seats as stated in 1(d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.
- (g) Among Members on the “oversubscription list”, priority will be given to those Members who have been allocated the fewest number of committee seats of Panels. If the number of Members who are of equal priority for allocation exceeds the number of seats in a Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.
- (h) The order for the Panels to allocate committee seats shall be in the order set out in Annex II.
- (i) In the event that a vacancy in a Panel arises before the end of a session, priority for filling the seat vacated by a Member on a list will be given to another Member on the same list as long as the number of Members on the list is still sufficient for obtaining the designated quota. In the case where:
  - (i) no other Member from the same list fills the vacancy;
  - (ii) the number of Members on the same list is no longer sufficient for obtaining the designated quota; or



- (iii) the seat concerned was allocated by means other than through the designated quota,

a circular will be issued to all non-Panel Members inviting signification of membership as an individual Member. If the number of Members signifying membership exceeds the number of seat(s) vacated by Member(s), a poll will be conducted by the Panel concerned by using the Electronic Voting System to determine which Member is to fill the vacancy.

- (j) A Member who joins the Council after the start of a session may join a Panel by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of the Panel does not exceed 20. His membership of the Panel shall take effect upon confirmation by the Secretariat. In the event that the number of Members' returns for joining a Panel exceeds the number of committee seat(s) of that Panel available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the committee seat(s) in that Panel. In the event that both the chairman and deputy chairman of the House Committee are not available, an Assistant Secretary General will draw the lots.

## 2. For Bills Committees and subcommittees –

- (a) Members may join a Bills Committee or its subcommittee(s) appointed under Rule 76(4) of the Rules of Procedure or a subcommittee appointed by the House Committee for purposes set out in rule 20(j)(i) to (iii) of the House Rules or by one or two Panels for purposes set out in rule 22(s) or (t) of the House Rules by submission of returns to the Secretariat by a date as specified by the Secretariat.

- (b) The lists which Members have formed for the purpose of allocation of committee seats of Panels in a session are applicable to the allocation of seats of the committees specified in 2(a) in the same session if the total number of Members signifying membership exceeds the specified number of members of the committee or subcommittee as stated in 2(c) and (d). A conversion table between the number of Members on a list and the designated quota is in Annex I.
- (c) A subcommittee appointed by the House Committee for the purpose set out in rule 20(j)(ii) of the House Rules or by one or two Panels for purposes set out in rule 22(s) or (t) of the House Rules is to consist of no more than 20 members including the chairman.
- (d) Unless otherwise decided by the House Committee, a Bills Committee, or a subcommittee appointed under Rule 76(4) of the Rules of Procedure or by the House Committee for purposes set out in rule 20(j)(i) or (iii) of the House Rules, is to consist of no more than 15 members including the chairman.
- (e) Before the deadline for signification of membership, Members who intend to signify membership should indicate whether they signify membership using the designated quota or signify as an individual Member without any designated quota.
- (f) After the specified deadline for signification of membership, if the total number of Members signifying membership does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d), each of these Members will be allocated a committee seat. Otherwise, Members on respective lists using the designated quota will be first allocated committee seats, and other Members (including Members on respective lists signifying membership in excess of the designated quota and Members signifying membership as an individual Member) will be included in the “oversubscription list”.

- (g) Among Members on the “oversubscription list”, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk to a committee will draw the lots.
- (h) In the event that a vacancy in a Bills Committee or a subcommittee arises before its completion of work, such vacancy will not be filled.
- (i) A Member who joins the Council after the start of a session may join a Bills Committee or a subcommittee by submission of a return to the Secretariat within one month of the date on which he is declared elected as Member of the Council, provided that the number of members of that committee does not exceed the specified number of members of the committee or subcommittee as stated in 2(c) and (d). His membership of the committee shall take effect upon confirmation by the Secretariat. In the event that the number of Members’ returns for joining a committee exceeds the number of committee seat(s) of that committee available for allocation, lots will be drawn by the chairman of the House Committee or (if the chairman is not available) deputy chairman of the House Committee for determining the allocation of the seat(s) in that committee. In the event that both the chairman and deputy chairman of the House Committee are not available, the clerk to a committee will draw the lots.

## Annex I

### Conversion Table between the Number of Committee Seats to be Allocated and the Number of Members on a List

The number of committee seats to be allocated	The number of Members on a list required for allocating the specified number of seats	
	<u>Committees with 15 seats available for allocation<sup>1</sup></u>	<u>Committees with 20 seats available for allocation<sup>2</sup></u>
1	6	5
2	12	9
3	18	14
4	24	18
5	30	23
6	36	27
7	42	32
8	48	36
9	54	41
10	60	45
11	66	50
12	72	54
13	78	59
14	84	63
15	90	68
16	96	72
17	102	77
18	108	81
19	114	86
20	120	90

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<sup>1</sup> The threshold for allocating each seat is calculated on the basis of a multiple of 6 (i.e. 6 Members be allocated one seat, 12 Members be allocated two seats, 18 Members be allocated three seats, so on and so forth).

<sup>2</sup> The threshold for allocating each seat is calculated on the basis of a multiple of 4.5 (rounding up to the nearest integer) (i.e. 5 Members be allocated one seat, 9 Members be allocated two seats, 14 Members be allocated three seats, so on and so forth).

**The Order for the 18 Panels to Allocate Committee Seats<sup>1</sup>**

1. Panel on Constitutional Affairs
2. Panel on Security
3. Panel on Development
4. Panel on Education
5. Panel on Transport
6. Panel on Housing
7. Panel on Economic Development
8. Panel on Home Affairs
9. Panel on Food Safety and Environmental Hygiene
10. Panel on Environmental Affairs
11. Panel on Administration of Justice and Legal Services
12. Panel on Financial Affairs
13. Panel on Manpower
14. Panel on Health Services
15. Panel on Information Technology and Broadcasting
16. Panel on Welfare Services
17. Panel on Commerce and Industry
18. Panel on Public Service

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<sup>1</sup> The order for the 18 Panels to allocate committee seats is determined according to the descending order of the annual average membership size of 18 Panels in the Fourth Legislative Council (LegCo), the Fifth LegCo and the Sixth LegCo (excluding the 2020-2021 session).

### **Procedure for Election of the Chairman and Deputy Chairman of a Committee**

The election of the chairman and deputy chairman of a committee shall follow the procedures set out below. “Committee” refers to the House Committee, a Panel, a Bills Committee and a subcommittee appointed by the House Committee, one or two Panels or a Bills Committee.

#### Nomination procedure

##### *Submission of nominations*

2. After the membership list of a committee has been confirmed, the clerk shall issue the membership list to members of the committee and invite them to submit nominations for the offices of chairman and deputy chairman.
3. Nominations for the office of chairman shall be submitted via electronic means specified by the Secretariat. A valid nomination shall be made by a member, seconded by at least one other member, and accepted by the member being nominated. A member may nominate himself for the office of chairman (the member concerned), provided that such nomination is seconded by at least one other member. In such case, the name of the member concerned will appear on a submission of nomination in the capacities as a member making nomination and a member being nominated.
4. The name of a member shall not appear on more than one submission of nomination for the office of chairman, whether in the capacity as a member being nominated, or as a member making the nomination, or as a member seconding the nomination. In the event that a member’s name appears on more than one submission of nomination (whether in the capacity as a member being nominated or as a member making the nomination, or as a member seconding the nomination), only the first such submission of nomination received by the Secretariat shall be valid. The Secretariat shall notify the member who submitted any invalid nomination(s).

5. Nominations for the office of chairman shall reach the Secretariat at least one clear day before the meeting at which the election is scheduled to be conducted (scheduled meeting). However, in the cases of Bills Committees and subcommittees appointed by the House Committee for purposes set out in rule 20(j)(i) of the House Rules, the deadline for submission of nomination may be set at 5:00 pm on the day before the scheduled meeting if circumstances so require. If the deadline for submission of nomination falls on a Saturday or public holiday, such deadline shall be advanced to the first preceding day that is not a Saturday or public holiday.

6. The same requirements set out in paragraphs 3 to 5 above shall also apply to submission of nominations for the office of deputy chairman (if any).

*After the close of nominations*

7. Upon the close of the nomination period, the clerk shall prepare a list of valid nominations for the offices of chairman and deputy chairman (if any) in the order of receipt by the Secretariat and shall distribute the list to members of the committee before the scheduled meeting. If there are two or more valid nominations for the office of chairman and/or deputy chairman, the election shall be arranged in accordance with the relevant arrangements set out in paragraphs 10 to 31.

8. Subject to paragraph 9 below, in the cases set out in (a) to (d) below, the election of the chairman and/or deputy chairman will not be required to be conducted at the scheduled meeting -

- (a) if there is only one valid nomination for the office of chairman, the nominee shall be deemed to be elected as chairman. However, if there is no valid nomination for the office of chairman, the member who has the highest precedence in the committee shall be deemed to be elected as chairman, except in the case of Panels which is subject to the conditions set out in Rule 77(6) and (7) of the Rules of Procedure; or

- (b) for the House Committee and Panels, if there is only one valid nomination for the office of deputy chairman, the nominee shall be deemed to be elected as deputy chairman. However, if the election of chairman is required to be held at a meeting, the only valid nominee for the office of deputy chairman shall be declared elected as deputy chairman after the chairman is elected; or
- (c) for the House Committee and Panels, if there is no valid nomination for the office of deputy chairman, after the chairman is elected or deemed elected, the chairman shall direct that another meeting be scheduled for conducting the election of the deputy chairman in accordance with the procedures set out in this Appendix; or
- (d) for Bills Committees and subcommittees, if any valid nomination is received for the office of deputy chairman, the committee may, after the chairman is elected or deemed elected, decide at a meeting whether there is a need to elect a deputy chairman. If the committee so decides, in the case where there is only one valid nomination for the office of deputy chairman, the nominee shall be declared elected as deputy chairman. However, if there is no valid nomination for the office of deputy chairman, the committee shall be deemed to have decided that there is no need to elect a deputy chairman. In any case, the nomination shall not be reopened.

The clerk shall notify members of the committee of the election result(s) and updated meeting arrangements where appropriate. In the case where neither the election of chairman nor the election of deputy chairman is required to be conducted at a meeting of the committee, the meeting which is scheduled for the sole purpose of conducting the election shall be deemed to be cancelled.

9. In the case of Panels, irrespective of the number of nominations received for the offices of chairman and/or deputy chairman, the meeting scheduled for the election shall be held. Any matter which may arise in relation to the requirements for the chairmanship and deputy chairmanship provided in Rule 77(6) and (7) of the Rules of Procedure shall be considered by the Panel at the meeting, and -



- (a) if any such matter arises, the presiding member (or the chairman if he presides at the election of the deputy chairman) shall deal with such matter before starting the remaining proceedings of the election, and he may, on his own motion or upon request of a member of the committee, put the matter to vote. The committee shall proceed to vote forthwith immediately; or
- (b) if no such matter arises or such matter has been dealt with, in the case where there is - (i) no valid nomination for the office of chairman; (ii) only one valid nomination for the office of chairman; or (iii) only one valid nomination for the office of deputy chairman, the presiding member (or the chairman if he presides at the election of the deputy chairman) shall declare the election results in accordance with paragraph 8(a) or (b) above.

#### Election of chairman

10. If there are two or more valid nominations for the office of chairman, the election shall be conducted at a meeting of the committee.

#### ***Presiding member***

11. For the House Committee and Panels -

- (a) where the election of chairman takes place at the first meeting of the House Committee or a Panel in a term of the Legislative Council, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside; and
- (b) at any other election of chairman, the member who was the chairman of the House Committee or the Panel before the election shall preside at the election. If he is absent or is being nominated for the office, the member who was the deputy chairman of the House Committee or the Panel before the election shall preside. If both members who were chairman and deputy chairman before the election are absent or are being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

12. For Bills Committees and subcommittees -

- (a) for the election of chairman at the first meeting of the committee concerned, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside; and
- (b) for the election to fill a vacancy in the office of chairman, the deputy chairman, if any, shall preside at the election. If the committee concerned does not have a deputy chairman or if the deputy chairman is absent or being nominated for the office, the member present who has the highest precedence shall preside at the election. If he is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

13. The presiding member shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 14 to 19 below. The presiding member may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

***Balloting process***

14. The presiding member shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the presiding member. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.

15. A member present who wishes to vote shall mark on a ballot paper using a chop with a “✓” in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a “✓” in the respective boxes opposite two or more nominee numbers shall be discarded.

16. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the presiding member who shall check the result for confirmation. The presiding member shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

17. The presiding member shall declare elected as chairman the nominee who receives the highest number of valid votes among all the nominees.

18. If two or more nominees receive the same highest number of valid votes, the presiding member shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

19. The presiding member shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as chairman.

20. If an election of the chairman of a committee cannot be completed within 30 minutes from the starting time appointed for the meeting, the presiding member shall forthwith adjourn the meeting without question put and shall not extend the meeting pursuant to rule 24A(a) or (b) of the House Rules.

21. In the event that a meeting of a committee is adjourned in accordance with paragraph 20 above –

- (a) for the House Committee, the President shall have the power to appoint a member of the House Committee to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the President may specify a time limit for the election having regard to the actual circumstances; or
- (b) for Panels, Bills Committees and subcommittees, the chairman of the House Committee shall have the power to appoint a member of the committee concerned to call another meeting for conducting the election and preside at the remaining proceedings of the election. If necessary, the chairman of the House Committee may specify a time limit for the election having regard to the actual circumstances.

Election of deputy chairman

***Presiding member***

22. If the election of the deputy chairman is conducted at a meeting of a committee, the chairman of the committee concerned shall preside at the election. If he is absent, the member who was the deputy chairman before the election, if any, shall preside. If no deputy chairman is present or if the deputy chairman is being nominated for the office, the member present who has the highest precedence among the members not nominated for the office shall preside.

23. For the House Committee and Panels –

- (a) if there is only one valid nomination for the office of deputy chairman and the election of chairman is held at a meeting, after the chairman is elected, the chairman<sup>1</sup> shall declare the nominee elected as deputy chairman; or
- (b) if there are two or more valid nominations for the office of deputy chairman, the election of the deputy chairman shall be conducted at a meeting of the committee.

24. For Bills Committees and subcommittees, if the committee decides that there is a need to elect a deputy chairman –

- (a) in the case where there is only one valid nomination for the office of deputy chairman, the chairman<sup>1</sup> shall declare the nominee elected as deputy chairman; or
- (b) in the case where there are two or more valid nominations for the office of deputy chairman, the election shall be conducted at a meeting of the committee.

25. If the election of the deputy chairman is conducted at a meeting of the committee, the chairman shall proceed straight to balloting in accordance with the procedures prescribed in paragraphs 26 to 31 below. The chairman may deal with matters necessary for the conduct of such procedures, but he shall not hear points of order or entertain any motion including a motion to establish the manner in which the committee concerned wishes to proceed with the election. Nominees shall not present election platforms or answer questions from members.

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<sup>1</sup> The term “the chairman” here and hereafter may mean another member presiding the election as provided under paragraph 22 above.

***Balloting process***

26. The chairman shall announce a vote by secret ballot and shall order the clerk to distribute a ballot paper to each of the members present, including the chairman. Each nominee shall be assigned a nominee number according to the order set out in the list of valid nominations.

27. A member present who wishes to vote shall mark on a ballot paper using a chop with a “✓” in the box opposite the nominee number of his choice, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with a “✓” in the respective boxes opposite two or more nominee numbers shall be discarded.

28. After all the members present who wish to vote have done so, the clerk shall count the ballot papers in front of all the members present and report the result to the chairman who shall check the result for confirmation. The chairman shall invite the members making the nominations or seconding the nominations to witness the counting of votes.

29. The chairman shall declare elected as deputy chairman the nominee who receives the highest number of valid votes among all the nominees.

30. If two or more nominees receive the same highest number of valid votes, the chairman shall announce that lots will be drawn by him to decide how he shall give the casting vote in respect of these nominees.

31. The chairman shall then draw lots and give the casting vote to one of the nominees in accordance with the lot drawn, and shall forthwith declare that nominee elected as deputy chairman.

**Usage and Practice in regard to the  
Determination of Claims of Public Interest Privilege**

The usage and practice in regard to the determination of claims of “public interest privilege” made by persons appearing before a committee of the Council shall be as set out in the Schedule.

## Schedule

1. In this schedule -

“relevant body” in relation to a committee before which a witness is attending to give evidence or to produce any paper, book, record or document, means -

- (a) the chairman and deputy chairman of the committee, where both are present (and references to the delivering of the opinion of the relevant body shall be taken to mean the opinion of the chairman where the chairman and deputy chairman disagree);
- (b) the chairman alone where the deputy chairman is absent;
- (c) the deputy chairman alone where the chairman is absent; or
- (d) where both the chairman and deputy chairman are absent, the member elected to act as chairman during such absence.

“Witness” means -

- (a) a person lawfully ordered to attend to give evidence or to produce any paper, book, record or document before a committee; and
- (b) any public officer designated by the Chief Executive for the purpose of attending meetings of a committee.

2. If, at a public meeting of a committee, a witness refuses to answer publicly or privately any question that may be put to him, or to produce any paper, book, record or document, and claims privilege on the ground that the giving of the answer or the production of the paper, book, record or document would be contrary to the public interest the following procedure will apply -

- (a) The chairman shall inform the witness that he may explain his reasons in confidence to the relevant body and that the relevant body will then deliver an opinion to the committee without disclosure of any information or paper, book, record or document claimed by the witness to be privileged from disclosure.
- (b) If the witness agrees to explain his reasons to the relevant body the relevant body shall make arrangements to consider the reasons and deliver its opinion to the committee.
- (c) If the relevant body delivers its opinion that the claim of privilege by the witness is justified in respect of any answer to a question or the production of any paper, book, record or document the committee shall excuse the answering of such question or the production of such paper, book, record or document.
- (d) If the relevant body delivers its opinion that the claim of privilege by the witness is not justified in respect of any answer to a question or the production of any paper, book, record or document the committee may order the answering or production thereof.
- (e) If the witness continues to refuse to answer any question or produce any paper, book, record or document the committee may take such action within its powers as it considers appropriate.



- (f) If the witness does not agree to explain his reasons to the relevant body under subparagraph (b) the committee may take such action within its powers as it considers appropriate.

3. If, at a public meeting of a committee, a witness refuses to answer in public any question that may be put to him, or to produce in public any paper, book, record or document on the ground of public interest privilege, but requests to answer such question or produce such paper, book, record or document at a private meeting of the committee, the following procedure will apply -

- (a) The committee will deliberate in private whether to agree to the request by the witness.
- (b) The decision of the committee will be taken by formal vote.
- (c) If the committee decides to agree to the request by the witness no answer given by the witness at a private meeting nor any paper, book, record or document produced by him thereat shall be made public unless the committee decides during the private meeting that the request by the witness for confidentiality is not justified. Before reaching such a decision the committee shall give the witness an opportunity to state the grounds upon which he claims public interest privilege in respect of the particular answer or paper, book, record or document.

**Mechanism for Handling Members' Visits Conducted under the  
Name of the Council or its Committees outside Hong Kong  
in response to Invitations**

Detailed procedures of the mechanism are –

1. If the President is invited to lead a delegation of Members in a visit conducted under the name of the Council, he should be consulted as to the acceptance of the invitation. If a quota is prescribed on the number of participating Members by the relevant organisation, the President should consult Members through the House Committee on the composition of the delegation as well as the programme content and logistics of the visit.
2. If the invitation is extended to all Members of the Council, the House Committee should convene a meeting to discuss whether to accept the invitation. If the House Committee considers that the proposed visit is related to Council business and agrees to accept the invitation, it should also consider whether the expenditure of the visit should be charged to individual Members' Overseas Duty Visit (ODV) accounts and the detailed arrangements of the proposed visit. If the invitation is extended to Members of the Council (except the President) but a quota is prescribed on the number of participating Members by the relevant organisation, the House Committee should also consider the composition of the delegation which should normally be broadly representative of the membership of the Council.
3. If the invitation is extended to members of more than one Panel,<sup>1</sup> the Chairmen of the Panels should discuss and agree as to whether a joint meeting should be convened or whether the Panel having a prominent interest in the subject matter should convene a meeting and invite members of the other Panel(s) to attend. The notice of the meeting should be copied to all other non-Panel Members who are welcome to attend the meeting and participate in the discussion, but they do not have any voting right in respect of the issues under discussion. At the meeting, members should discuss whether to accept the invitation and the details of the proposed visit.

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<sup>1</sup> The same arrangement will apply to invitations extended to Bills Committees and subcommittees on subsidiary legislation/policy issues.

4. If the invitation is extended to one Panel only, the meeting should be convened by the Chairman of the Panel. The same meeting arrangement as in step (3) above should be adopted.
5. Any views or requests made by Members at the meeting should be relayed by the Secretariat to the relevant organisation for consideration, and Members should be informed of any feedback received.
6. If the invitation is not accepted, the relevant organisation should be so informed.
7. If the invited Panel(s) considers that the proposed visit is related to Council business and agrees to accept the invitation, it should issue a circular to invite members to indicate whether they will join the visit. The Panel(s) should submit a paper on the detailed arrangements of the visit to the House Committee. Where the Panel(s) considers that the expenses incurred ought to be charged to the ODV accounts of Members, such a proposal should be included in its paper and the House Committee's endorsement is required.
8. If the endorsement of the House Committee on the financial arrangement is obtained, the expenditure of the visit should be charged to individual Members' ODV accounts.
9. If the endorsement of the House Committee on the financial arrangement is not obtained, Members may join the visit on a self-financing basis or claim reimbursement of the expenses incurred for the visit under the Operating Expenses Reimbursement system.<sup>2</sup>
10. A report on a visit outside Hong Kong that has been approved by the House Committee shall be submitted to the House Committee after the conduct of the visit.

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<sup>2</sup> Under the "Guide for Reimbursement of Operating Expenses for Members", entertainment, liaison or travelling expenses incurred by a Member or his staff in or outside Hong Kong for Legislative Council business may be reimbursed against claims certified by the Member without supporting documents.