

香港特別行政區  
立法會  
議事規則

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

至 1999 年 4 月 28 日的修訂本  
Amended to 28 April 1999

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由香港特別行政區立法會於1998年7月2日訂立，其權力依據為  
《中華人民共和國香港特別行政區基本法》第七十五條。

*Made by the Legislative Council of the Hong Kong Special Administrative Region on  
2 July 1998 in pursuance of Article 75 of the Basic Law of  
the Hong Kong Special Administrative Region of the People's Republic of China*

至1999年4月28日的修訂本  
Amended to 28 April 1999

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

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Schedule Procedure for the Election of the President of the Legislative Council



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

MADE BY THE LEGISLATIVE COUNCIL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION ON 2 JULY 1998 IN PURSUANCE OF ARTICLE 75 OF THE BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

**PART A**

**MEMBERS AND OFFICERS OF THE COUNCIL**

**1. Oath or Affirmation**

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

**1A. Precedence of Members**

(1) The order of precedence of a Member of the Council 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 be given higher precedence.

(2) As between two or more Members who have held office for an equal continuous period of time, precedence shall be given to the one who first made or subscribed the oath or affirmation in accordance with Rule 1 (Oath or Affirmation).

*(L.N. 107 of 1999)*

**2. Language**

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

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

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

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

(a) the President's deputy; or

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

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

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

### **4. Election of President**

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

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

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

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

## **5. President's Deputy**

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

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

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

## **6. Duties of the Clerk**

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

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

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

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

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

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

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

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

#### **7. Counsel to the Legislature**

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

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

#### **8. Attendance of the Chief Executive**

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

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

## **9. Attendance of Public Officers**

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

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

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

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

## **10. Participation of Public Officers in Proceedings**

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

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

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

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

## **PART B**

### **SESSIONS, MEETINGS AND ADJOURNMENTS OF THE COUNCIL**

#### **11. Ordinary Sessions**

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

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

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

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

#### **12. First Meeting of Term**

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

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

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

### **13. The Chief Executive's Policy Address**

(1A) The Chief Executive shall deliver a Policy Address to the Council, if he so wishes, at the first meeting of a session. *(L.N. 107 of 1999)*

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

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

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

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

### **14. Days and Hours of Meetings**

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

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

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

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

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

#### **15. Meetings for Urgent Business**

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

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

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

#### **16. Motions for the Adjournment of the Council**

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

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

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

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

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

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



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

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

## 17. Quorum

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

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

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

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

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

## **PART C**

### **ARRANGEMENT OF BUSINESS**

#### **18. Order of Business at a Meeting**

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

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

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

#### **19. The Agenda of the Council**

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

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

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

### **PART D**

#### **PETITIONS AND PAPERS**

#### **20. Presentation of Petitions**

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

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

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

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

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

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

## **21. Presentation of Papers**

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

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

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

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

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

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

## **PART E**

### **QUESTIONS TO THE GOVERNMENT**

#### **22. Nature of Questions**

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

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

#### **23. Question Time**

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

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

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

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

#### 24. Notice of Questions

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

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

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

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

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

#### 25. Contents of Questions

(1) A question shall conform to the following rules:

(a) A question shall not include the names of persons, or statements which are not strictly necessary to make the question intelligible.

(b) A question shall not contain a statement which the Member who asks the question is not prepared to substantiate.

- (c) A question shall not contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions.
- (d) A question shall not contain independent questions or be so complex that it cannot reasonably be answered as a single question.
- (e) A question shall not refer to proceedings in a committee before that committee has made its report to the Council.
- (f) A question shall not seek information about a matter which is of its nature secret.
- (g) A question shall not reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law.
- (h) A question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal question, or the answer to a hypothetical proposition.
- (i) A question shall not be asked whether statements in the press or of private individuals or private concerns are accurate.
- (j) A question shall not be asked about the character or conduct of any person mentioned in Rule 41(7) (Contents of Speeches) and a question shall not be asked about the character or conduct of any other person except in his official or public capacity.
- (k) A question shall not be asked seeking information which can be found in accessible documents or ordinary works of reference.
- (l) A question which has been fully answered shall not be asked again during the same session.

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

- (a) that it be placed on the Agenda of the Council with such alterations as he may direct; or

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

## **26. Asking and Answering of Questions**

(1) Every question in respect of which a Member has given due notice under the provisions of Rule 24 (Notice of Questions) and which complies with the provisions of Rule 25 (Contents of Questions) shall be put on the Agenda for the meeting at which the Member has stated that he wishes to ask it.

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

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

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

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

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

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



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

## **27. Meeting under Rule 8**

This Part (other than Rule 25 (Contents of Questions)) does not apply to questions put to the Chief Executive under Rule 8 (Attendance of the Chief Executive).

## **PART F**

### **STATEMENTS AND PERSONAL EXPLANATIONS**

## **28. Statements by Designated Public Officers**

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

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

## **28A. Personal Explanations**

(1) A Member who wishes to make an explanation of personal matters shall inform the President of his wish, and provide an advance copy of the intended explanation to the President for agreement to ensure that the explanation will not provoke a debate and that the contents are appropriate. If leave is given by the President for making the explanation, the Member shall not depart from the agreed contents.

(2) No debate may arise on such an explanation but the President may in his discretion allow short questions to be put to the Member making the explanation for the purpose of elucidation.

(3) Where the explanation is made in relation to a motion moved under Part JA (Procedures for Particular Motions) and the Member is unable to attend the meeting at which it is intended to be made, the President may direct that a copy of the explanation be sent to every Member and the text of the explanation be taken as read.

*(L.N. 311 of 1998)*

## **PART G**

### **MOTIONS**

#### **29. Notice of Motions and Amendments**

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

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

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

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

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

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

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

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

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

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

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

### **30. Manner of Giving Notice of Motions and Amendments**

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

(IA) Notice of a motion moved under Rule 49B(1A) (Disqualification of Member from Office) shall be signed by the Member wishing to move the motion and 3 other Members. *(L.N. 107 of 1999)*

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

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

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

### **31. Restriction on Motions and Amendments**

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

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

### **32. Motions on Previous Decisions of Council**

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

(2) Where the Council has taken a decision on a specific question and the question has been decided in the negative, no further motion shall be moved in relation to that question during the current session.

*(L.N. 311 of 1998)*

### **33. Manner of Debating Motions**

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

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

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

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

#### **34. Manner of Debating Amendments to Motions**

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

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

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

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

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

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

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

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

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

#### **35. Withdrawal of Motions and Amendments**

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

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

## PART H

### RULES OF SPEAKING

#### 36. Time and Manner of Speaking

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

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

(3) If two or more Members indicate their intention to speak at the same time, the President or Chairman shall select one Member and call on him to speak.  
*(L.N. 107 of 1999)*

(4) When a Member has finished speaking he shall resume his seat and the President or Chairman shall thereupon call such other Members who indicate or have indicated their intention to speak .  
*(L.N. 107 of 1999)*

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

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

### **37. Recommendations of House Committee as to Time of Speaking**

(1) In relation to any motion or amendment to a motion (other than a motion intended to have legislative effect or to which Part JA (Procedures for Particular Motions) applies) to be moved at a meeting of the Council, whether or not the motion or amendment has at the time been placed on the Agenda of the Council, the House Committee may recommend – *(L.N. 311 of 1998)*

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

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

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

### **38. Occasions when a Member may Speak more than once**

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

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

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

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

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

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

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

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

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

### **39. Interruptions**

A Member shall not interrupt another Member, except –

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



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

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

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

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

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

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

(6) Except as otherwise provided in subrule (6A), a debate adjourned under the provisions of subrule (2) may be resumed at a subsequent meeting of the Council provided that the Member or public officer who moved the motion for that debate, or in the case of a debate on a bill, the Member or public officer in charge of the bill, shall give notice in writing to the Clerk of his intention to resume the debate not less than 5 clear days before the day on which the debate is to be resumed: *(L.N. 107 of 1999)*

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

(6A) A debate adjourned under the provisions of Rule 49B(2A) (Disqualification of Member from Office) shall be resumed at the earliest meeting of the Council at which normal business is transacted after the report of the investigation committee has been laid on the Table of the Council.

*(L.N. 107 of 1999)*

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

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

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

#### 41. Contents of Speeches

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

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

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

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

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

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

(7) Except where his conduct is the subject of a motion to which Part JA (Procedures for Particular Motions) applies, the conduct of the Chief Executive, a Member of the Executive Council or a Member of the Legislative Council otherwise than in the performance of his official duties shall not be raised.

*(L.N. 311 of 1998)*

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

#### **42. Behaviour of Members during Meeting**

During a meeting of the Council –

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

#### **43. Application of Rules to Committees**

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

### **PART I**

#### **RULES OF ORDER**

#### **44. Decision of Chair Final**

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

#### **45. Order in Council and Committee**

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

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

## PART J

### VOTING

#### 46. Decision on Motions

(1) Except as otherwise provided in Rules 49B (Disqualification of Member from Office) and 66 (Bills Returned for Reconsideration) and Articles 52(2), 73(9) (in respect of a motion of impeachment) and 159 of the Basic Law, the passage of all motions before the Council or a committee of the whole Council shall, subject to subrule (2), require a majority vote of the Members present.

*(L.N. 311 of 1998; L.N. 107 of 1999)*

(2) The passage of a motion (other than a motion moved under any of the excepted Rules or Articles of the Basic Law referred to in subrule (1)) or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill, shall require a majority vote of each of the following two groups of Members present - *(L.N. 311 of 1998)*

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

(3) Any motion not passed shall be deemed to be decided in the negative. *(L.N. 311 of 1998)*

(4) There is a majority vote when the Members voting in favour of a question exceed half of the number of Members present at the time of voting.

*(L.N. 107 of 1999)*

#### 47. Decision of Council and Committee of the Whole Council

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

- (a) the President or Chairman shall first call upon those Members who are in favour of the question to raise their hands, and shall then call upon those who are against the question to raise their hands;
- (b) the President or Chairman shall then, according to his judgment, state whether or not he thinks the required majority of the Members present are in favour of the question and, subject to any challenges to his statement being dealt with under paragraph (c) below, he shall declare the question to have been so decided; *(L.N. 311 of 1998)*
- (c) if a Member challenges the statement of the President or Chairman by claiming a division, then the President or Chairman shall order the Council or the committee, as the case may be, to proceed to a division; and, subject to Rule 49(4) to (7) (Divisions), the division shall be held forthwith immediately after a division bell has been rung for three minutes.

(2) Other than in relation to a motion moved under Rule 49B (Disqualification of Member from Office) or 66 (Bills Returned for Reconsideration) or Article 52(2), 73(9) (in respect of a motion of impeachment) or 159 of the Basic Law, when the President or Chairman puts a question to the Council or to a committee of the whole Council for its decision in relation to a motion or bill introduced by a Member, or an amendment introduced by a Member to any motion or bill - *(L.N. 311 of 1998; L.N. 107 of 1999)*

- (a) the President or Chairman shall first call upon Members who are in favour of the question to raise their hands, and shall then call upon those who are against the question to raise their hands;
- (b) the President or Chairman shall then, according to his judgment, state whether or not he thinks that a majority of each of the two groups of Members present, referred to in Rule 46(2) (Decision on Motions), are in favour of the question; subject to any challenge to his statement being dealt with under paragraph (c), he shall declare the question to have been so decided;  
*(L.N. 311 of 1998)*

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

#### **48. Use of Electronic Voting System**

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

#### **49. Divisions**

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

*(L.N. 107 of 1999)*

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

*(L.N. 107 of 1999)*

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

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

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

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

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

(8) If the division bell does not function, the President or Chairman shall order the Clerk to arrange for Members within the precincts of the Chamber to be notified of the division. The division shall be held six minutes after the order has been made. *(L.N. 107 of 1999)*

## PART JA

### PROCEDURES FOR PARTICULAR MOTIONS

#### 49A. Application of this Part

In any matter not provided for in this Part, the Rules in other Parts shall apply as appropriate.

*(L.N. 311 of 1998)*

#### 49B. Disqualification of Member from Office

(1) A motion to relieve a Member of his duties as a Member under Article 79(6) of the Basic Law shall be moved in the following form:

“That whereas (name of Member) was convicted on (date) in (court) in (place) of a criminal offence(s) and was sentenced on (date) by (court) to imprisonment for one month or more (as particularized in the Schedule to this motion), this Council relieves (name of Member) of his/her duties as a Member of the Legislative Council.”

(1A) A motion to censure a Member under Article 79(7) of the Basic Law shall be moved in the following form:

“That this Council, in accordance with Article 79(7) of the Basic Law, censures (name of Member) for misbehaviour/breach of oath under Article 104 of the Basic Law/misbehaviour and breach of oath under Article 104 of the Basic Law (details as particularized in the Schedule to this motion).”

*(L.N. 107 of 1999)*

(2) No amendment may be moved to a motion moved under subrule (1) or (1A). *(L.N. 107 of 1999)*

(2A) Upon the moving of a motion under subrule (1A), debate shall be adjourned and the matter stated in the motion shall be referred to an investigation committee unless the Council, on a motion which may be moved without notice by any Member, otherwise orders. If the latter motion is agreed to by the Council, no further action shall be taken on the motion moved under subrule (1A).

*(L.N. 107 of 1999)*

(3) The passage of a motion moved under subrule (1) or (1A) shall require a two-thirds majority vote of the Members present. *(L.N. 107 of 1999)*



(4) Where the Council has decided to relieve a Member of his duties or to censure a Member, the President shall declare forthwith that the Member is no longer qualified for his office. *(L.N. 107 of 1999)*

*(L.N. 311 of 1998; L.N. 107 of 1999)*

## **PART K**

### **PROCEDURE ON BILLS**

#### **50. Form of Bills**

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

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

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

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

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

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

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

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

## 51. Notice of Presentation of Bills

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

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

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

(4) In the case of a bill which, in the opinion of the President, relates to Government policies, the notice shall be accompanied by the written consent of the Chief Executive in respect of the bill. *(L.N. 107 of 1999)*

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

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

- (7) (a) Except as otherwise provided in Rule 66 (Bills Returned for Reconsideration), a bill which, in the opinion of the President, contains substantially the same provisions as another bill on which the Council has already taken a decision at second reading shall not be further proceeded with in the same session and shall be withdrawn.

- (b) If a bill which has been read for the second time is subsequently withdrawn another bill with substantially the same provisions may be presented in the same session, subject to the provisions of Rule 50 (Form of Bills), this Rule and Rule 52 (Presentation and Publication of Bills).

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

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

## **52. Presentation and Publication of Bills**

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

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

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

## **53. First Reading of Bills**

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

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

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

#### **54. Second Reading**

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

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

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

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

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

- (a) subject to paragraphs (b) and (c), resumption of debate shall not take place earlier than 9 clear days after the meeting of House Committee at which the bill was considered in preparation for resumption of debate;

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

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

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

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

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

## **55. Committal of Bills**

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

- (a) the Council, on a motion which may be moved without notice by any Member immediately after the bill has been read the second time, commit the bill to a select committee; or

- (b) the President is of the opinion that the bill would specially benefit or otherwise specially affect some particular person or association or corporate body, in which case he may direct that the bill be committed to a select committee.

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

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

#### **56. Functions of Committees on Bills**

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

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

#### **57. Amendments to Bills**

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

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

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

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

- (a) An amendment must be relevant to the subject matter of the bill and to the subject matter of the clause to which it relates.
- (b) An amendment must not be inconsistent with any clause already agreed to or with any previous decision of the committee upon the bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

#### **60. Procedure in Select Committee on a Bill**

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

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

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

#### **61. Procedure on Reporting of Bill from a Select Committee**

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

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

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

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

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

## **62. Procedure on Recommittal of Bill Reported from Select Committee**

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

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

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

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

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

### **63. Third Reading**

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

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

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

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

### **64. Withdrawal or Postponement of Bills**

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

### **65. Presentation of Bill for Signature of Chief Executive**

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

## **66. Bills Returned for Reconsideration**

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

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

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

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

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

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

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

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

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

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

## **PART L**

### **FINANCIAL PROCEDURE**

#### **67. Presentation and Second Reading of Appropriation Bill**

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

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

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

#### **68. Procedure in Committee of the Whole Council on Appropriation Bill**

(1) On the consideration of the Appropriation Bill in committee of the whole Council the clauses of the bill shall stand postponed until after consideration of the schedule or schedules.

(2) On the consideration of a schedule each head of expenditure shall be considered with the appropriate estimate, and any reference in these Rules of Procedure to a subhead or an item means a subhead or an item in the Estimates for the head then under discussion.

(3) On the consideration of a schedule, the Chairman shall propose "That the sums for the following heads stand part of the schedule", and shall direct the Clerk to call the numbers of the heads. On the number or numbers of any head or group of heads being called, the question that the sums in that head or group of heads stand part of the schedule shall be deemed to have been moved. Unless an amendment is proposed under the provisions of the next succeeding Rule, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenue or funds for which that service is responsible.

(4) When all the heads in a schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the bill".

(5) When every schedule has been disposed of, the Chairman shall propose "That the following clauses stand part of the bill", and shall direct the Clerk to call the numbers of the clauses. On the number of any clause being called, the question that the clause stand part of the bill shall be deemed to have been proposed. In the event of a clause being amended, the number of the clause, as amended, shall be called again by the Clerk, and the question that the clause as amended stand part of the bill shall be deemed to have been proposed.

(6) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a designated public officer only and may be moved without notice, and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided, the Chairman shall forthwith put the question "That the clause as amended stand part of the bill" and that question shall then be decided without amendment or debate.

(7) When the question upon every clause of the bill has been decided, the Council shall resume and a Member shall report the bill to the Council with or without amendment, as the case may be.

**69. Amendments to Heads of Estimates in Committee of the Whole Council on Appropriation Bill**

(1) An amendment which, in the opinion of the Chairman, would increase the sum allotted to any head of expenditure whether in respect of any item or subhead or of the head itself shall only be moved by a designated public officer.

(2) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

(3) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion "That head ..... be reduced by \$..... in respect of (or by leaving out) subhead ..... item ....."

(4) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall only be in order if the subhead is not itemized.

(5) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided into subheads.

(6) An amendment to leave out a head shall not be in order and shall not be placed on the Agenda of the Council.

(7) In the case of each head, amendments in respect of items or subheads in that head shall be placed on the Agenda of the Council and considered in the order in which the items or subheads to which they refer stand in the head in the Estimates.

(8) When notice has been given of two or more amendments to reduce the same item, subhead, or head, they shall be placed on the Agenda of the Council in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(9) Debate on every amendment shall be confined to the item, subhead, or head to which the amendment refers, and after an amendment to an item or subhead has been disposed of no amendment or debate on a previous item or subhead shall be permitted.

(10) When all amendments standing on the Agenda of the Council in respect of any particular head of expenditure have been disposed of, the Chairman shall again propose the question "That the sum for head ..... stand part of the schedule" or shall propose the amended question "That the (increased or reduced) sum for head ..... stand part of the schedule", as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under Rule 68(3) (Procedure in Committee of the Whole Council on Appropriation Bill).

#### **70. Third Reading of Appropriation Bill**

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

### **PART M**

#### **COMMITTEES**

#### **71. Finance Committee**

(1) There shall be a standing committee, to be called the Finance Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by and from among its members and shall hold office until the election of the chairman and deputy chairman of the committee in the session next following that for which they were elected. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (8), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.



(3) *(Repealed L.N. 107 of 1999)*

(4) The functions of the Finance Committee shall be such as are conferred upon the committee by the Public Finance Ordinance (Cap. 2), any other law and these Rules of Procedure, and such as may from time to time be referred to the committee by the Council.

(5) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of such functions of the committee as the committee may determine.

(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(8) The chairman and 8 members shall form a quorum. All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.

(9) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

(10) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend the meetings of the committee. He shall keep the minutes of the proceedings of the committee in a manner determined by the committee.

(11) The Estimates presented in accordance with the provisions of Rule 67 (Presentation and Second Reading of Appropriation Bill) may be referred by the President to the Finance Committee for their examination before consideration of the Appropriation Bill in committee of the whole Council.

(12) The chairman or the committee may invite any public officer, or, in the case of a head of the Estimates relating to a non-government body or organization, any member or employee of that body or organization to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(13) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

## **72. Public Accounts Committee**

(1) There shall be a standing committee, to be called the Public Accounts Committee, to consider reports of the Director of Audit –

- (a) on the accounts of the Government;
- (b) on such other accounts required to be laid before the Council as the committee may think fit; and
- (c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit.

(2) The committee shall also consider any report of the Director of Audit laid on the Table of the Council which deals with examinations (value for money audit) carried out by the Director relating to the economy, efficiency and effectiveness of any Government department or public body or any organization to which his functions as Director of Audit extend by virtue of any Ordinance or which receives public moneys by way of subvention.

(3) The committee shall consist of a chairman, deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. The chairman and 2 other members shall constitute a quorum.

(4) A report mentioned in subrules (1) and (2) shall be deemed to have been referred by the Council to the committee when it is laid on the Table of the Council.

(5) Unless the chairman otherwise orders, members of the press and of the public shall be admitted as spectators at meetings of the committee attended by any person invited by the committee under subrule (8).

(6) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members and to any person invited to attend a meeting at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(7) All matters before the committee shall be decided by a majority of the members voting. Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided, in which case he shall have a casting vote.

(8) The chairman or the committee may invite any public officer, or, in the case of a report on the accounts of or relating to a non-government body or organization, any member or employee of that body or organization, to give information or any explanation or to produce any records or documents which the committee may require in the performance of its duties; and the committee may also invite any other person to assist the committee in relation to any such information, explanation, records or documents.

(9) The committee shall make their report upon the report of the Director of Audit on the accounts of the Government within 3 months (or such longer period as may be determined under section 12 of the Audit Ordinance (Cap. 122)) of the date on which the Director's report is laid on the Table of the Council.

(10) The committee shall make their report upon the report of the Director of Audit mentioned in subrule (2) within 3 months (or such longer period as may be determined by the Council) of the date on which the Director's report is laid on the Table of the Council.

(11) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

### **73. Committee on Members' Interests**

(1) There shall be a standing committee to be called the Committee on Members' Interests –

- (a) to examine the arrangements made for the compilation, maintenance and accessibility of the Register of Members' Interests;
- (b) to consider any proposals made by Members or others as to the form and contents of the Register;

- (c) to consider and investigate any complaint made in relation to the registration and declaration of Members' interests or any complaint of a failure to do so;
- (d) to consider matters of ethics in relation to the conduct of Members in their capacity as such, and to give advice and issue guidelines on such matters;
- (e) to report to the Council and make recommendations, including a recommendation as to a sanction under Rule 85 (Sanctions relating to Interests).

(2) The committee shall consist of a chairman, deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. The chairman and 2 other members shall constitute a quorum.

(3) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(4) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(5) All matters before the committee shall be decided by a majority of the members voting. In the event that votes are equally divided, the chairman or other member presiding shall have a casting vote.

(6) The committee may invite any person to attend before the committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

(7) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

### **73A. Investigation Committee**

(1) An investigation committee required to be established under Rule 49B(2A) (Disqualification of Member from Office) shall consist of a chairman, a deputy chairman and 5 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. The mover of the motion under Rule 49B(1A), the Members jointly signing the motion, and the Member who is the subject of the motion shall not be appointed to the committee.

(2) The committee shall be responsible for establishing the facts stated in the motion moved under Rule 49B(1A) (Disqualification of Member from Office), and giving its views on whether or not the facts as established constitute grounds for the censure.

(3) The quorum of the committee shall be 5 members including the chairman.

(4) Subject to subrule (5), all meetings of an investigation committee shall be held in camera.

(5) (a) Upon an election made by the Member who is the subject of the motion under Rule 49B(1A) (Disqualification of Member from Office), meetings at which a witness or witnesses appear shall be held in public, provided that such election is made before the first of such meetings.

(b) Notwithstanding an election made under paragraph (a), the committee may decide on sufficient reason, upon a request made by a member of the committee or an application made by a witness, to hold any such meetings or any part thereof in camera.

(6) In the event of the temporary absence of the chairman and deputy chairman the committee may elect a chairman to act during such absence.

(7) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee.

(8) Divisions in an investigation committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(9) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(10) (a) A member of an investigation committee may bring a report for the committee's consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr. ....'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(b) The committee shall then go through the report paragraph by paragraph and when concluded, the chairman shall put the question that this report be the report of the committee to the Council.

(11) The minutes of proceedings of the committee shall record all proceedings on consideration of a report with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(12) An investigation committee shall, as soon as it has completed investigation of the matter referred to it, report to the Council thereon and the committee shall be dissolved accordingly. The investigation committee may be revived to deal with any further matters arising therefrom by resolution of the Council.

(13) Subject to these Rules of Procedure, the practice and procedure of the investigation committee shall be determined by the committee.

*(L.N. 107 of 1999)*

#### **74. Committee on Rules of Procedure**

(1) There shall be a committee to be called the Committee on Rules of Procedure to review the Rules of Procedure of the Council and the committee system, and to propose to the Council such amendments or changes as are considered necessary. The committee may examine matters of practice and procedure relating to the Council referred by the Council or its committees or the President, or raised by its own members.

(2) The committee shall consist of a chairman, a deputy chairman and 10 members who shall be Members appointed by the President in accordance with an election procedure determined by the House Committee. The President may be invited to attend its meeting to advise on matters of practice and procedure relating to the Council. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during that absence. The chairman and 3 other members shall constitute a quorum.

(3) The committee shall meet at the time and the place determined by the chairman. Written notice of every meeting shall be given to the members at least 5 clear days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(4) Meetings need not be held in public and the committee shall report from time to time its deliberations and may make recommendations to the Council.

(5) All matters before the committee shall be decided by a majority of the members voting. In the event that votes are equally divided, the chairman or other member presiding shall have a casting vote.

(6) Subject to these Rules of Procedure, the practice and procedure of the committee shall be determined by the committee.

#### **75. House Committee**

(1) There shall be a committee, to be called the House Committee, the members of which shall be all the Members other than the President.

(2) The chairman and deputy chairman of the committee shall be elected by the committee from among its members and shall hold office until the election of the chairman and deputy chairman of the committee in the session next following that for which they were elected. In the event of the temporary absence of the chairman and deputy chairman, the committee may elect a chairman to act during such absence. Notwithstanding the provision in subrule (16), the chairman or the member presiding, as the case may be, shall have his original vote in addition to his casting vote in such elections.

(3) *(Repealed L.N. 107 of 1999)*

(4) At any time after a bill has been referred to the committee under Rule 54(4) (Second Reading), the committee may allocate it to a Bills Committee for consideration, or may cause it to be considered in such other manner as the committee thinks fit.

(5) In deciding upon the timing and order of allocation of bills to a Bills Committee, the committee may take into account the number and relative priority of other bills currently referred to the committee under Rule 54(4) (Second Reading), and may at any time vary any decision as to the timing and order of allocation of any bill.

(6) Following allocation of a bill to a Bills Committee, the committee, after consultation with that Bills Committee, may decide the date for completion of consideration of the bill by the Bills Committee. Any such decision may be varied at any time, after consultation with the Bills Committee.

(7) Upon the allocation of a bill to a Bills Committee, the members of that Bills Committee shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the committee.

(8) The committee may provide guidelines relating to the procedure of the Bills Committees, subcommittees constituted under subrule (12) and Panels constituted under Rule 77 (Panels).

(9) The committee may discuss any deliberations of a Bills Committee for the purpose of assisting members in preparation for resumption of second reading debate in the Council.

(10) The committee shall decide the manner of consideration of any subsidiary legislation which is subject to the provisions of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1).

(11) The committee may consider, in such manner as it thinks fit, any other item relating to the business of the Council.

(12) The committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions under subrules (10) and (11).



(13) The committee may refer any policy matter relating to the business of the Council to a Panel constituted under Rule 77 (Panels), may make recommendation on the terms of reference for the consideration of such matter after consultation with the Panel and may request and receive report on the policy matter from the Panel and then report further to the Council as appropriate.

(14) The committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(15) Meetings of the committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(16) 20 members, including the chairman, shall form a quorum. All matters for the decision of the committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall not vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(17) Where the chairman so orders, any matter for the decision of the committee may be considered by circulation of papers to the members of the committee and each member may signify his approval in writing submitted to the chairman. If a majority of the members so signify before the expiry of the period specified by the chairman for the purpose, and if upon expiry of that period no member has (in writing submitted to the chairman) signified disapproval of the matter or requested that the matter be referred for decision at a meeting of the committee, it shall be deemed to be approved by the committee.

(18) Subject to these Rules of Procedure, the practice and procedure of the committee and its subcommittees shall be determined by the committee.

## **76. Bills Committees**

(1) There shall be such number of committees, to be called Bills Committees, as the House Committee considers appropriate.

(1A) The members of a Bills Committee shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee. *(L.N. 107 of 1999)*

(2) The chairman of a Bills Committee shall be elected by the committee from among its members. The committee may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman, the committee may elect a chairman to act during such absence.

(3) A Bills Committee shall consist of not less than 3 members including the chairman. The quorum of a Bills Committee shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(4) A Bills Committee may appoint subcommittees for the purpose of assisting the committee in the performance of its functions.

(5) A Bills Committee shall meet at the time and the place determined by the chairman. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(6) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(7) A Bills Committee shall consider the general merits and principles, and the detailed provisions, of the bill allocated to it; and may also consider any amendments relevant to the bill.

(8) All matters for the decision of a Bills Committee shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(9) A Bills Committee shall, as soon as it has completed consideration of the bill allocated to it, notify the House Committee and shall advise the committee in writing of its deliberations and then report further to the Council.

(10) The deliberations of a Bills Committee on a bill may be discussed by the House Committee for the purposes of informing Members in preparation for resumption of the second reading debate on the bill in Council. Such deliberations shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(11) Subject to these Rules of Procedure, the practice and procedure of a Bills Committee and its subcommittees shall be determined by that Bills Committee. In any such determination, a Bills Committee shall take into account any guidelines provided under Rule 75(8) (House Committee).

## **77. Panels**

(1) There shall be such number of committees, to be called Panels, as the House Committee considers appropriate and as the Council may approve.

(2) The terms of reference of a Panel shall be recommended by the House Committee and approved by the Council.

(3) A Panel shall monitor and examine, to the extent it considers necessary, policy matters referred to it by a member of the Panel or by the House Committee.

(4) The members of a Panel shall be those Members (other than the President) who signify membership in accordance with procedural rules (which shall provide only for the manner and timing of such signification) decided by the House Committee.

(5) The chairman of a Panel shall be elected by the Panel from among its members. The Panel may also elect a deputy chairman. In the event of the temporary absence of the chairman or any deputy chairman the Panel may elect a chairman to act during such absence. The chairman and deputy chairman of a Panel shall hold office until the election of the chairman and deputy chairman of the Panel in the session next following that for which they were elected.

(6) A Member who is the chairman or deputy chairman of a Government advisory body in respect of matters which a Panel considers to be directly related to the terms of reference of the Panel shall not be the chairman or deputy chairman of the Panel.

(7) A Member shall not be chairman or deputy chairman of more than one Panel at the same time.

(8) A Panel shall consist of not less than 6 members including the chairman. The quorum of a Panel shall be 3 members including the chairman, or one third of the members including the chairman (a fraction of the whole number being disregarded), whichever is the greater.

(9) A Panel may, if it considers appropriate, appoint subcommittees to study specific issues and to report to the Panel.

(10) A Panel or its subcommittee may, if it considers appropriate, meet jointly with any other Panel or its subcommittee for the purpose of considering any matter of common interest to the Panels. The quorum of a joint meeting shall be one third of the members of all the relevant panels or subcommittees including the chairman (a fraction of the whole number being disregarded). All matters for decision at a joint meeting shall be decided by a majority of the members voting. The chairman shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(11) A Panel shall meet at the time and the place determined by the chairman of the Panel. Written notice of the place, day and time of every meeting shall be given to the members at least 3 days before the day of the meeting but shorter notice may be given in any case where the chairman so directs.

(12) Meetings shall be held in public unless the chairman otherwise orders in accordance with any decision of the Panel.

(13) All matters for the decision of a Panel shall be decided by a majority of the members voting. The chairman or any other member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote. Such voting shall not be binding on any Member, whether in Council, in a committee of the whole Council or in the House Committee.

(14) A Panel may make such reports as it considers appropriate to the Council provided that there shall be at least one report during a session and where requested by the House Committee or on its own motion, make a report in writing to the House Committee on a particular matter.

(15) Subject to these Rules of Procedure, the practice and procedure of a Panel or its subcommittee shall be determined by that Panel. In any such determination, a Panel shall take into account any guidelines provided under Rule 75(8) (House Committee).

#### **78. Select Committees**

(1) The Council may appoint one or more select committees to consider matters or bills which the Council may refer to the committee. (*L.N. 107 of 1999*)

(2) The President shall decide the size of every select committee and shall appoint the chairman, deputy chairman and members thereof, taking into account the recommendations of the House Committee.

(3) The quorum of a select committee shall be one third of the members excluding the chairman, a fraction of a whole number being disregarded.

(4) A select committee shall, as soon as it has completed consideration of the matter or bill referred to it, report to the Council thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the matter or bill before the end of a term, it shall so report to the Council. *(L.N. 107 of 1999)*

(5) At the end of a term every select committee of the Council shall be dissolved. *(L.N. 107 of 1999)*

#### **79. Procedure of Select Committees**

(1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Council, and in the case of a select committee on a bill shall be confined to the bill committed to it and relevant amendments.

(2) A select committee shall meet at the time determined by the chairman. The meetings of a select committee shall be held in public unless the chairman otherwise orders in accordance with any decision of the committee.

(3) In the event of the temporary absence of the chairman and deputy chairman the committee may elect a chairman to act during such absence.

(4) The clerk to the committee appointed under Rule 6(7) (Duties of the Clerk) shall attend meetings of the committee and shall keep the minutes of proceedings of the committee.

(5) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee separately how he wishes to vote and record the votes accordingly.

(6) Neither the chairman nor any other member presiding shall vote, unless the votes of the other members are equally divided in which case he shall have a casting vote.

(7) (a) A member of a select committee may bring a report for their consideration. When all the reports have been brought up the chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the chairman on a report shall be that the chairman's (or Mr. ....'s) report be read a second time paragraph by paragraph. When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

- (b) The committee shall then go through the report paragraph by paragraph and the provisions of Rule 58 (Procedure in Committee of the Whole Council on a Bill) shall apply as if the report were a bill and the paragraphs were the clauses of the bill.
- (c) When consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered the chairman shall put the question that this report be the report of the committee to the Council.

(8) A select committee may make a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Council.

(9) The minutes of proceedings of the committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(10) A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Council by the chairman of the committee.

#### **80. Attendance of Witness**

- (a) Any standing committee may summon, as required when exercising its powers and functions, persons concerned to testify or give evidence;
- (b) the House Committee or a Bills Committee, Panel, select committee(s) or investigation committee(s), where so authorised by the Legislative Council, may summon, as required when exercising the committee's powers and functions, persons concerned to testify or give evidence, *(L.N. 107 of 1999)*

but the Chief Executive may decide, in the light of security and vital public interests, whether Government officials or other personnel in charge of Government affairs should testify or give evidence before the Legislative Council or its committees.

### **81. Premature Publication of Evidence**

(1) The evidence taken before a committee under Rule 80 (Attendance of Witness) and documents presented to the committee shall not, except in the case of meetings of the committee held in public, be published by a member of the committee or by any other person before the committee has presented its report to the Council. *(L.N. 107 of 1999)*

(2) Any member of the committee who fails to comply with subrule (1) may be admonished or reprimanded by the Council on a motion to that effect.

## **PART N**

### **MISCELLANEOUS MATTERS**

### **82. Employment of Members in Professional Capacity**

No Member shall appear before the Council or any committee or subcommittee in a professional capacity for or on behalf of a party or in a capacity for which he is to receive a fee or award.

### **83. Registration of Interests**

(1) Except for the purpose of making registration of interests under subrule (2), every Member shall, not later than the first meeting of each term, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests. *(L.N. 107 of 1999)*

(2) Every new Member of the Legislative Council shall, within 14 days from the date of his becoming a new Member to fill a vacant seat, furnish to the Clerk, in such form as may be approved by the President, particulars of his registrable interests.

(3) Every Member shall furnish to the Clerk, in such form as may be approved by the President, particulars of any change in such registrable interests, within 14 days of any such change.

(4) The Clerk shall cause those particulars to be entered in a Register of Members' Interests and that register shall be available for inspection by any person during office hours.

- (5) In this Rule, "registrable interests" means –
- (a) remunerated directorships of companies, public or private;
  - (b) remunerated employments, offices, trades, professions or vocations;
  - (c) the names of clients when the interests referred to above include personal services by Members which arise out of or are related in any manner to his membership of the Council;
  - (d) (i) all donations, as a candidate in the Legislative Council election in which the Member was elected as a Member of the Council, received by the Member or any person on his behalf for the purpose of meeting the Member's election expenses in the election; or *(L.N. 107 of 1999)*  
  
(ii) financial sponsorships, as a Member of the Council, by any person or organization, stating whether any such sponsorships include any payment or any material benefit or advantage to the Member or his spouse, whether direct or indirect; *(L.N. 107 of 1999)*
  - (e) overseas visits made by the Member or his spouse relating to or arising out of membership of the Council where the cost of any such visit has not been wholly borne by the Member or public funds;
  - (f) any payments or any material benefits or advantages received by the Member or his spouse arising out of his membership of the Council from or on behalf of:
    - (i) any government or organization of a place outside Hong Kong; or
    - (ii) any person who is not a Hong Kong permanent resident;
  - (g) land and property;
  - (h) the names of companies or other bodies in which the Member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital.



#### 84. Personal Pecuniary Interest to be Disclosed

(1) A Member shall not vote upon any question, whether in the Council or in any committee or subcommittee, in which he has a direct pecuniary interest except where his interest is in common with the rest of the population of Hong Kong or a sector thereof or his vote is given on a matter of Government policy. Where there is such a direct pecuniary interest on a question to be voted on in the Council or a committee of the whole Council, the Member concerned shall withdraw therefrom when the vote is taken. *(L.N. 107 of 1999)*

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

(3) A Member speaking in any debate or proceedings of the Council or any committee or subcommittee shall declare any direct pecuniary interests which he has in the matter. *(L.N. 107 of 1999)*

(3A) A motion for the withdrawal of a Member on the ground of his direct pecuniary interest under subrule (1) may be moved without notice by any Member after the President or Chairman has put the question on the original motion but before the vote is taken. *(L.N. 107 of 1999)*

(4) A motion to disallow a Member's vote on the ground of his direct pecuniary interest under subrule (1) may be moved without notice by any Member immediately upon the statement 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. *(L.N. 107 of 1999)*

(5) The President, Chairman of a committee of the whole Council or chairman shall have the discretion whether or not to propose the question upon a motion under subrule (3A) or (4); and in exercising such discretion he shall have regard to the nature of the question upon which the vote is taken and to the consideration whether the interest therein of the Member whose presence or vote is challenged is direct and pecuniary and not an interest in common with the rest of the population of Hong Kong or a sector thereof and whether the vote is on a matter of Government policy. *(L.N. 107 of 1999)*

(5A) If the question for the withdrawal of a Member is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council or a committee of the whole Council for the duration of any vote on the question. If the motion is agreed to, the Member shall withdraw or continue to withdraw from the Council or the committee of the whole Council when the original question is put and voted upon. *(L.N. 107 of 1999)*

(6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from the Council, a committee of the whole Council, a committee or subcommittee for the duration of any vote on the question. If the motion is agreed to, the President, Chairman of a committee of the whole Council or chairman shall state anew his judgment on whether there is a required majority in the original question or, in the case of a division, 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. *(L.N. 107 of 1999)*

(7) *(Repealed L.N. 107 of 1999)*

#### **85. Sanctions relating to Interests**

Any Member who fails to comply with Rule 83 (Registration of Interests) or 84(1), (2) or (3) (Personal Pecuniary Interest to be Disclosed) may be admonished, reprimanded or suspended by the Council on a motion to that effect.

#### **86. Admission of Press and Public**

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

#### **87. Disorderly Conduct**

The President, Chairman of a committee of the whole Council or chairman of a committee or subcommittee may order the removal from a meeting of any member of the press or of the public who behaves, or who appears likely to behave, in a disorderly manner.

#### **88. Withdrawal of Members of the Press and of the Public**

(1) At a meeting of the Council, a committee of the whole Council, a committee or a subcommittee a Member may without notice at any time rise and move that members of the press and of the public do withdraw, specifying whether the withdrawal is to be for the remainder of that day's meeting or during the consideration of certain business. The President, Chairman or chairman shall forthwith propose the question thereon and the Council, committee of the whole Council, committee or subcommittee shall dispose of it before proceeding further with the business which was before it when the motion was moved.

(2) The President or Chairman may at any time order members of the press and of the public to withdraw and the doors of the Council Chamber to be closed.

(3) When an order has been made by the Council, committee of the whole Council, committee or subcommittee, or by the President or Chairman under subrule (1) or (2), members of the press and of the public shall forthwith withdraw from the Council Chamber or the committee room in which the committee or subcommittee is meeting, and the Clerk or clerk shall ensure that the order is complied with.

#### **89. Procedure for Obtaining Leave for Member to Attend as Witness in Civil Proceedings**

(1) For the purpose of obtaining the leave of the Council under section 6(2) of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that a Member may be required to attend as a witness in any civil proceedings on a day when the Council is meeting, the party to the proceedings requiring the Member so to attend on that day shall not later than 21 days before that day submit to the Clerk a written statement of the request and of the reasons why the attendance of the Member is required on that day.

(2) The request for leave shall be placed on the Agenda for the meeting next following the receipt thereof by the Clerk and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the party by whom the request for leave is made and also to the Member concerned.

#### **90. Procedure for Obtaining Leave to Give Evidence of Council Proceedings**

(1) For the purpose of obtaining the leave of the Council under section 7 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) in order that evidence may be given elsewhere in respect of the contents of minutes, records of evidence or any document laid before the Council or a committee or subcommittee, or in respect of any proceedings or examination held before the Council or a committee or subcommittee, the person seeking such leave shall submit to the Clerk a written statement of the request and the reasons therefor and such further information as the Clerk, on the direction of the President, may require in any particular case.

(2) The request for leave shall be placed on the Agenda for such meeting as the President may appoint and, unless on a motion which may be moved without notice at that meeting by any Member the Council determines that such leave shall be refused, the Council shall be deemed to have ordered that such leave be granted.

(3) The Clerk shall give written notice of the decision of the Council to the person by whom the request for leave is made.

(4) Where the leave of the Council referred to in subrule (1) is sought during any recess or adjournment or dissolution of the Council such leave may be given by the President or, if the President is unable to act, by the Member presiding.

#### **91. Suspension of Rules**

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

#### **92. Procedure if Rules of Procedure do not Provide**

In any matter not provided for in these Rules of Procedure, the practice and procedure to be followed in the Council shall be such as may be decided by the President who may, if he thinks fit, be guided by the practice and procedure of other legislatures.

#### **93. Interpretation**

In these Rules of Procedure, unless the context otherwise requires—

- (a) “Basic Law” means the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China;
- (b) the expression “clear days” excludes the day of the giving of a notice, the day of the relevant meeting and intervening public holidays;
- (c) “designated public officer” means a public officer designated by the Government of the Hong Kong Special Administrative Region under Article 62(6) of the Basic Law;

- (d) "Clerk to the Legislative Council" means the Secretary General of the Legislative Council Secretariat appointed under section 15(1) of the Legislative Council Commission Ordinance (Cap. 443) and includes the Deputy Secretary General and any Assistant Secretary General of the Legislative Council Secretariat ;
- (e) "committee" means a standing or select committee or any other committee of the Council, or a subcommittee of such committees; and
- (f) references to printing include references to all mechanical, electrical, electronic and photographic methods of reproducing words in visible form.

**Procedure for the  
Election of the President of the Legislative Council**

The election of the President of the Council shall be conducted at a meeting of the Council.

**Nominations**

2. Not less than 7 clear days before the day of the election, the Clerk to the Council shall invite Members to make nominations for the office of President and distribute the nomination forms as provided in Annex I.
3. A nomination form for the office of President shall be signed by a Member making the nomination and by at least three other Members seconding the nomination. The Member being nominated shall sign on the form to indicate acceptance of the nomination. The completed nomination form shall reach the Clerk's office at least 4 clear days before the day of the election.
4. The name of a Member shall not appear on more than one nomination form, whether in the capacity as a Member being nominated, or as a Member making the nomination, or as a Member seconding the nomination. In the event that a Member's name appears on more than one nomination form (whether in the capacity as a Member being nominated or as a Member making the nomination, or as a Member seconding the nomination), only the first such nomination form received by the Clerk's office shall be valid and the Clerk shall immediately return any invalid form to the Member who made the nomination.
5. Upon the close of the nomination period, the Clerk shall prepare a list of all the nominations in the order of receipt by his office and shall distribute the list to all the Members of the Council at least 2 clear days before the day of the election.

**Election**

6. The Member present who has the longest continuous service in the Council as determined in accordance with Rule 1A shall preside at the election of the President.
7. If the Member who has the longest continuous service under paragraph 6 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.

8. Upon the presiding Member assuming the chair, the election of the President shall commence. The presiding Member shall announce all the valid nominations that the Clerk's office has received.
9. If there is only one valid nomination for the office of President, the presiding Member shall announce this and declare the candidate elected.
10. If there are two or more valid nominations, the presiding Member shall order a vote by secret ballot and shall direct the Clerk to distribute to each of the Members present a ballot paper which shall be in accordance with the form in **Annex II**. The names of all the candidates shall be listed in the ballot paper according to the order of receipt of their nominations by the Clerk's office.
11. A Member present who wishes to vote shall mark a "✓" only in the box opposite the name of the candidate of his choice on the ballot paper, and place the ballot paper into the ballot box. Any ballot paper not marked, not properly marked or marked with more than a "✓" shall be discarded.
12. After all the Members present who wish to vote have cast their votes, the Clerk shall count the ballot papers in front of all the Members present and report the result to the presiding Member who shall check the result for confirmation.
13. The presiding Member shall declare elected as the President the candidate who receives the highest number of votes among all the candidates.
14. If two or more candidates receive the same highest number of votes, the presiding Member shall order a second round of voting at the same meeting in respect of these candidates, to be conducted in the same manner as provided in paragraphs 10 to 13 above.
15. If no one candidate obtains more votes than any other candidate in the second round of voting, the presiding Member shall announce that lots will be drawn by him to decide which of the candidates should be the President.
16. The presiding Member shall then draw lots and, in accordance with the result of the drawing of the lots, forthwith declare that candidate elected as the President.
17. The presiding Member shall then step down to make way for the President, who may address the Council and shall then proceed with the business of the meeting or adjourn the Council or suspend the meeting, as the case may be.

*(L.N. 107 of 1999)*

To : Clerk to the Legislative Council

**Election of the President of the Legislative Council**

**Nomination Form**

1. In accordance with the election procedure prescribed under the Schedule to the Rules of Procedure, I nominate the Honourable \_\_\_\_\_ for the office of President of the Legislative Council commencing \_\_\_\_\_ (date).

	<u>Name</u>	<u>Signature</u>
Member making the nomination	_____	_____
Members seconding the nomination (at least three)	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____

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

2. I accept the nomination.

	<u>Name</u>	<u>Signature</u>
Member being nominated	_____	_____

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



**Election of the President of the Legislative Council**

**Ballot Paper**

Date of election: \_\_\_\_\_

**VOTE FOR ONE CANDIDATE ONLY**

MARK "✓" IN BOX OPPOSITE  
NAME OF CANDIDATE OF YOUR CHOICE

Name of candidate



1		
2		
3		
4		
5		

Note: If there are more or less than 5 candidates the final form of the Ballot Paper will be amended accordingly.